

CHAPTER 165

ZONING CODE – GENERAL PROVISIONS

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165.01 TITLE. Chapters 165 through 177 of this Code of Ordinances shall be known as the Zoning Code of the City of Windsor Heights.

165.02 JURISDICTION. The provisions of the Zoning Code shall be applicable to all property within the corporate limits of the City as authorized by Chapter 414 of the *Code of Iowa*.

165.03 PURPOSE. The purposes of the Zoning Code are to:

1. Serve the public health, safety, and general welfare of the City and its jurisdiction.
2. Classify property in a manner that reflects its suitability for specific uses.
3. Provide for sound, attractive development with the City and its jurisdiction.
4. Encourage environmentalism of adjacent land uses.
5. Protect environmentally sensitive areas.
6. Further the objectives of the Comprehensive Development Plan of the City.

165.04 CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT PLAN. The City intends that this Zoning Code and any amendments to it shall be consistent with the City's Comprehensive Development Plan. It is the City's intent to amend this Code whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

165.05 CONFLICTING PROVISIONS. The Zoning Code shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Code conflicts with any other provision of the Zoning Code, any other Ordinance of the City, or any applicable State or federal law, the more restrictive provision shall apply.

165.06 RELIEF FROM OTHER PROVISIONS. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or federal ordinance or statute.

165.07 PUBLICATION. This Code shall be published in book or pamphlet form and, together with the maps being a part hereof, shall be filed with the City Administrator.

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CHAPTER 166

ZONING CODE – DEFINITIONS

166.01 Purpose

166.02 General Construction of Language

166.03 Definition of Terms

166.01 PURPOSE. The purpose of this chapter is to promote consistency and precision in the interpretation of this Zoning Code. The meaning and construction of words as set forth shall apply throughout this Zoning Code, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

166.02 GENERAL CONSTRUCTION OF LANGUAGE. The following general rules of construction apply to the text of the Zoning Code.

1. **Headings.** Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Code.
2. **Illustration.** In the case of any real or apparent conflict between the text of this Zoning Code and any illustration explaining the text, the text shall apply.
3. **Conjunctions.** Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - A. “And” indicates that all connected items or provisions apply.
 - B. “Or” indicates that the connected items or provisions may apply singly or in any combination.
 - C. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.
4. **Referenced Agencies.** Unless otherwise indicated, all public officials, bodies, and agencies referred to in this chapter are those of the City.

166.03 DEFINITION OF TERMS. For the purposes of this Zoning Code, certain terms and words are hereby defined. Certain sections contain definitions which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

1. “Abutting” means having lot lines or district boundaries in common, including property separated by a public street or alley. This term is used interchangeably with “adjacent.”
2. “Accessory structure” means a structure which is incidental to and customarily associated with a specific principal use or building on the same site.
3. “Accessory use” means a use which is incidental to and customarily associated with a specific principal use on the same site.
4. “Addition” means any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

5. “Agent of owner” means any person showing written verification that he/she is acting for – and with the knowledge and consent of – a property owner.
6. “Alley” means a public right-of-way which is used as a secondary means of access to abutting property.
7. “Alteration” means any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. “Apartment” means a housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
9. “Attached” means having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway, façade wall extension, or archway.
10. “Base Zoning District” means a district established by this Zoning Code which prescribes basic regulations governing land use and site development standards. For any actions taken after the effective date of this Code, no more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
11. “Basement” means a level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement. Chapter 169 sets forth floodplain and floodway regulations governing building standards in flood-prone areas.
12. “Bedroom” means any space intended for sleeping purposes in the conditioned space of a dwelling unit which is 80 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; laundry room.
13. “Beginning of construction” means the initial incorporation of labor and materials within the foundation of a building or structure.
14. “Block” means an area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
15. “Blockface” means the property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including (but not limited to) railroads, streams, lakes, or the corporate limits of the City.
16. “Board of Adjustment” means a body established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Zoning Code.
17. “Buffer yard” means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
18. “Building” means a structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.

19. “Building coverage” means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
20. “Building envelope” means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
21. “Building line” means the outer boundary of a building established by the location of its exterior walls.
22. “Building Official” means the designee of the City Council, responsible for the enforcement of Chapter 155 of this Code of Ordinances.
23. “Business” means activities that include the exchange or manufacture of goods or services on a site.
24. “Business center” means a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.
25. “Certificate of Occupancy” means an official certificate issued by the Building Official, upon finding of conformance with the City’s Building Code (Chapter 155), and upon receipt of a Certificate of Zoning Compliance.
26. “Certificate of Zoning Compliance” means an official certificate issued by the Building Official, which indicates that the proposed use of building or land complies with the provisions of this Zoning Code.
27. “Change of use” means the replacement of an existing use by a new use.
28. “Cluster” means a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
29. “Collector street” means a street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.
30. “Common area” means an area held, designed, and designated for common or cooperative use within a development.
31. “Common development” means a development proposed and planned as one unified project not separated by a public street or alley.
32. “Common open space” means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
33. “Compatibility” means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
34. “Comprehensive Plan” means the duly adopted Comprehensive Development Plan of the City.
35. “Conditioned space” means an area, room, or space normally occupied and being heated and/or cooled by any equipment for human habitation.
36. “Condominium” means a real estate ownership arrangement that combines fee simple title to a specific unit and joint ownership in common elements shared with

other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.

37. “Conservation development” means a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

38. “Conservation subdivision” means, wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: (i) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and (ii) the remaining land area is used for common space.

39. “Court” means an approved private right-of-way which provides access to residential properties and meets at least three of the following conditions:

- A. Serves 12 or fewer housing units or platted lots.
- B. Does not function as a local street because of its alignment, design, or location.
- C. Is completely internal to a development.
- D. Does not exceed 600 feet in length.

40. “Courtyard” means an open, unoccupied space, bounded on two or more sides by the walls of the building.

41. “Deck” means an unroofed platform, unenclosed except by a railing, which is attached to the ground and/or another structure.

42. “Density” means the amount of development per specific unit of a site.

43. “Drive-in services” means uses which involve the sale of products or provision of services to occupants in vehicles.

44. “Detached” means fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

45. “Driveway” means a permanent surface area providing vehicular access between a street and an off-street parking or loading area. A driveway surface area shall be asphaltic, Portland cement binder pavement, paver block, concrete block, or similar surface so as to provide a durable and dustless surface. Gravel or rock is not deemed to be a dustless surface.

46. “Dwelling unit” means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

47. “Easement” means a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

48. “Enclosed” means a roofed or covered space fully surrounded by walls.

49. “Family” means one or more persons occupying a single dwelling unit, related by blood, marriage, domestic partnership, adoption, or other custodial arrangement.
50. “Federal” means pertaining to the Government of the United States of America.
51. “Floor area ratio” means the quotient of gross floor area divided by gross site area.
52. “Frontage” means the length of a property line of any one premises abutting and parallel to a public street, private way, or court.
53. “Grade” means the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
- A. For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk (or the boundary line between the property and the street right-of-way in the absence of sidewalks) perpendicular to the center of the wall facing the street.
- B. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
- C. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
54. “Gross floor area” means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.
55. “Height” means the vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.
56. “Home based business” or “home occupation” means an accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site or have any external evidence of such use.
57. “Housing unit” or “dwelling unit” means a building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.
58. “Impervious coverage” means the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.
59. “Landscaped area” means the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited

to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

60. “Perimeter landscaped area” means any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.

61. “Interior landscaped area” means any landscaped area within a site exclusive of required perimeter landscaping.

62. “Loading area” means an off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

63. “Lot” means a parcel of property with a separate and distinct number or other identifying designation which has been created, assigned, and recorded in the Office of the Polk County Recorder. Each individual lot is subject to the provisions of a particular Base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Unit Development and/or Conservation Subdivision.

A. “Corner lot” means a lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

B. “Double frontage lot” (also known as a “through lot”) means a lot, other than a corner lot, having frontage on two streets, private ways, or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this Zoning Code.

C. “Interior lot” means a lot other than a corner lot.

D. “Common development lot” means a lot which is considered a single lot for the purposes of this Zoning Code, when two or more contiguous lots are developed as part of a Planned Unit Development.

64. “Lot area” means the total horizontal area within the lot lines of a lot.

65. “Lot depth” means the mean horizontal distance measured between the front and rear lot lines.

66. “Lot line” means a property boundary line of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.

A. “Front lot line” means the lot line separating a lot and a public or private street right-of-way or easement:

(1) For an interior lot, the lot line separating the lot from the right-of-way or easement;

(2) For a corner lot, the shorter lot line abutting a public or private street or easement; in instances of equal line dimension, the front lot line shall be determined by the Building Official, or as may be noted on the final plat;

- (3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.
- B. “Rear lot line” means the lot line which is opposite and most distant from the front line.
- C. “Side lot line” means any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way, or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
67. “Lot width” means the horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.
68. “Manufactured home dwelling” means a factory-built, single-family dwelling structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 U.S. 3. Sec. 5403, *Federal Manufactured Home Construction and Safety Standards*, and which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the *National Manufactured Home Construction and Safety Standards* promulgated by the US Department of Housing and Urban Development is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in the *Code of Iowa*, Section 435.26. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
69. “Mixed use building” means a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
70. “Mixed use development” means a single development which incorporates complementary land use types into a single development.
71. “Mobile home” means a building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the *Manufactured Home Procedural and Enforcement Regulations*, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of “manufactured home dwelling.”
72. “Mobile home park” means a unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile home parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

73. “Nonconforming development” means a building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Code but which complied with applicable regulations at the time of construction. No action can be taken which would increase the nonconforming characteristics of the development.

74. “Nonconforming lot” means a lot which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the lot.

75. “Nonconforming sign” means a sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the sign.

76. “Nonconforming structure” means a structure which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the structure.

77. “Nonconforming use” means a land use which was lawful prior to the adoption, revision, or amendment of this Zoning Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Code. No action can be taken which would increase the nonconforming characteristics of the land use.

78. “Nuisance” means an unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

79. “Open space” means area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

80. “Outdoor storage” means the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

81. “Overlay District” means a district established by this Zoning Code to prescribe special regulations to be applied to a site only in combination with a Base Zoning District.

82. “Owner” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

83. “Parking facility” means an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Code. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 167.07(2)(F), 167.09(10) and Table 168-2. Vehicle storage is also governed by provisions of Chapter 174 – Off-Street Parking Regulations.

84. “Parking space” means an area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall.” Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
85. “Paved” means permanently surfaced with poured concrete, concrete pavers or masonry units, brick, or asphalt.
86. “Permitted use” means a land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Code.
87. “Planning Commission” means the Planning and Zoning Commission of the City, as authorized pursuant to Chapter 414 of the *Code of Iowa*.
88. “Planned Unit Development” means a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
89. “Porch, unenclosed” means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.
90. “Premises” means a lot, parcel, tract, or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
91. “Private garage” means a building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
92. “Property line” – see “lot line.”
93. “Recreational vehicle” means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include (but are not limited to) travel trailers; campers; motor coach homes; converted buses and trucks, snowmobiles, boats, and boat trailers.
94. “Regulation” means a specific requirement set forth by this Zoning Code which must be followed.
95. “Remote parking” means a supply of off-street parking at a location not on the site of a given development.
96. “Right-of-way” means an area dedicated for public use or contained in an easement or other conveyance or grant to the City, including (but not limited to) streets, alleys, boulevards, sidewalks, public greenways, and other public property between the lateral property lines in which a roadway lies.
97. “Screening” means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this Code.

98. “Setback” means the distance, as required by the minimum setback, which establishes the horizontal component of the building envelope.
99. “Sign” means a symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea. Sign regulations are set forth in Chapter 175 of this Zoning Code.
100. “Site” means the parcel of land to be developed or built upon. A site may encompass a single lot or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.
101. “Site plan” means a plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land and which includes any other information that may reasonably be requested by the City in order that an informed decision can be made on the associated request.
102. “Special permit use” means a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special permit uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council, upon the recommendation of the Planning Commission.
103. “Story” means the portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite exterior walls are less than four feet.
104. “Street” means a right-of-way dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa statutes.
- A. In regard to a site, the principal street shall be the street to which the majority of lots on a blockface are oriented;
 - B. The intersecting street shall be a street other than a principal street.
105. “Street, local” means a street which is used primarily for access to the abutting properties.
106. “Street, major” means a street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Plan.
107. “Structure” means any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.
108. “Townhouse” means a dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
109. “Townhouse structure” means a building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

110. “Use” means the conduct of an activity or the performance of a function or operation on a site or in a building or facility.

111. “Utilities” means installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatment, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

112. “Yard, required” means that portion of a lot which lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this Zoning Code.

A. “Front yard” means the space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

- (1) The yard along the blockface to which a greater number of structures are oriented; or
- (2) The yard along a street that has the smaller horizontal dimension.

B. “Rear yard” means the space extending the full width of a lot, lying between the rear lot line and the rear setback line.

C. “Side yard” means the space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

D. “Street side yard” means, on a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

113. “Zoned lot” means a parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

114. “Zoning district” means a designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Code.

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CHAPTER 167

ZONING CODE – USE TYPES

167.01 Purpose

167.02 Determinations

167.03 Agricultural Use Types

167.04 Residential Use Types

167.05 Civic Use Types

167.06 Office Use Types

167.07 Commercial Use Types

167.08 Parking Use Types

167.09 Industrial Use Types

167.10 Transportation Use Types

167.11 Miscellaneous Type Uses

167.01 PURPOSE. The purpose of this chapter is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. This chapter also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

167.02 DETERMINATIONS.

1. Classification of Uses. In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.
2. Records. The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

167.03 AGRICULTURAL USE TYPES. Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

1. Horticulture. The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.
2. Crop Production. The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.
3. Animal Production. The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

167.04 RESIDENTIAL USE TYPES. Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living

arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

1. Single-Family Residential. The use of a site for one dwelling unit, occupied by one family. (NOTE: Mobile home units are not a single-family use type. See following categories for such units).

A. “Detached single-family residential” means a single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.

B. “Attached single-family residential” means a single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

2. Duplex Residential. The use of a legally described lot for two dwelling units, each occupied by one family within a single building, excluding mobile home units, but including modular housing units.

3. Two-Family Residential. The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

4. Townhouse Residential. The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

5. Multiple-Family Residential. The use of a site for three or more dwelling units within one building.

6. Downtown Residential. The use of upper levels above street level of a building within the Town Center District of the City for single- or multiple-family residential uses.

7. Group Residential. The use of a site for a residence by four or more unrelated persons, not defined as a family, on a weekly or longer basis.

8. Manufactured Home Residential. The use of a site for one or more manufactured home dwellings, as defined in Chapter 166.

9. Mobile Home Park. The use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a mobile home park is leased from the owner of the facility.

10. Retirement Residence. A building or group of buildings which provide residential facilities for four or more residents of at least 50 years of age, or households headed by a householder of at least 50 years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including (but not limited to) food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences with more than 50 living units may include additional health care supervision or nursing care, provided that the number of beds for such residences shall not exceed 25% of the total number of individual living units. Typical uses include continuing care retirement centers.

167.05 CIVIC USE TYPES. Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with social importance.

1. Administration. Governmental offices providing administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, State, County, and City offices.
2. Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematoria, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. Clubs. Uses providing meeting, recreational, or social facilities for a private, nonprofit, or non-commercial association, primarily for use by members and guests.
4. College and University Facilities. An educational institution of higher learning which offers courses of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.
5. Convalescent Services. Uses providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental illness, or communicable disease. Typical uses include nursing homes.
6. Cultural Services. A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.
7. Day Care Services (Limited). This use type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
8. Day Care Services (General). This use type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six children. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.
9. Detention Facilities. A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.
10. Emergency Residential Services. A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings. Such facilities being limited to no more than three victims at any one time.
11. Family Home. A facility as defined in Section 414.22 of the *Code of Iowa*, and including, but not limited to, Elder Family Homes and Elder Group Homes.
 - A. Elder Family Home: A facility as defined in Section 231A of the *Code of Iowa*.

- B. Elder Group Home: A facility as defined in Section 231B of the *Code of Iowa*.
12. Group Care Facility. A government-licensed or approved facility which provides for resident care and short or long-term, continuous multi-day occupancy of more than 8 but no more than 30 unrelated persons, not including resident staff. Group Care Facilities include facilities which provide services in accordance with individual needs for the:
- A. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
 - B. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder or developmental disabilities.
 - C. Rehabilitation from the effects of drug or alcohol abuse.
 - D. Supervision while under a program alternative to imprisonment, including (but not limited to) pre-release, work-release, and probationary programs.
 - E. Others who require direct adult supervision.
13. Group Home. A facility licensed by the State of Iowa in which at least three but no more than eight persons (not including resident managers or house parents), who are unrelated by blood, marriage, or adoption, reside while receiving therapy, training, living assistance, or counseling for the purpose of adaptation to living with or rehabilitation from a physical or mental disability as defined by the relevant provisions of the *Code of Iowa* or by the Fair Housing Amendments Act of 1988.
14. Guidance Services. A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.
15. Health Care. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors.
16. Hospital. A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.
17. Maintenance Facilities. A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
18. Park and Recreation Services. Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.
19. Postal Facilities. Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

20. Primary Educational Facilities. A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.
21. Public Assembly. Facilities owned and operated by a public agency or a charitable nonprofit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.
22. Religious Assembly. A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to *Property Tax Code* of the State of Iowa shall constitute prima facie evidence of religious assembly use.
23. Safety Services. Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.
24. Secondary Educational Facilities. A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.
25. Utilities. Any above-ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

167.06 OFFICE USE TYPES. Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

1. General Offices. Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.
2. Financial Services. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (automatic teller machine) which is not accompanied on-site by an office of its primary financial institution is considered a general retail services use type.
3. Medical Offices. Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which do not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar practitioners licensed for practice in the State of Iowa.
4. Delayed Deposit Services Business. A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee accepts a check, draft, share draft, or other instrument for the payment of money dated subsequent to the date it was written or accepts a check,

draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

167.07 COMMERCIAL USE TYPES. Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

1. **Agricultural Sales and Service.** Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculture-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

2. **Automotive and Equipment Services.** Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

A. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

B. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

C. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

D. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

E. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

F. **Vehicle Storage:** Storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

Long-term storage of operating or non-operating vehicles beyond 21 days constitutes an industrial use type.

3. **Bed and Breakfast.** A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
4. **Business Support Services.** Establishments or places of business primarily engaged in the sale, rental, or repair of equipment, supplies, and materials or the provision of services used by office, professional, and service establishments to the firms themselves but excluding automotive, construction, and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.
5. **Business or Trade Schools.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
6. **Campground.** Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven consecutive days during any one-month period.
7. **Cocktail Lounge.** A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.
8. **Commercial Recreation.** Private businesses or other organizations, which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include driving ranges, theaters, private dance halls, or private skating facilities. Commercial recreation is divided into the following categories:
 - A. **Commercial Recreation (Limited):** Facilities which include a structure of 10,000 square feet or less and/or a site covering an area of no more than one-half acre.
 - B. **Commercial Recreation (General):** Facilities which include a structure of more than 10,000 square feet and/or a site covering an area of more than one-half acre.
9. **Communications Services.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but not including those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers and their minor ancillary ground structures are classified as miscellaneous use types.

10. Construction Sales and Services. Establishments or places of business primarily engaged in wholesale or retail sales, from the premises, of materials used in the construction of buildings or other structures, other than retail sale of paint, fixtures, and hardware. This use type excludes those uses classified under automotive and equipment services. Typical uses include building materials sales or tool and equipment rental or sales.

11. Consumer Services. Establishments which provide services primarily to individuals and households, but excluding automotive use types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

12. Convenience Storage. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

13. Food Sales. Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

A. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.

B. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores.

C. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

14. Funeral Services. Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

15. Gaming Facilities. Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City or the State.

16. General Retail Services (Small and Large Scale). Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photographic services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating

services; retail sales of pets; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

A. General retail services (small scale) include facilities with no more than 10,000 square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.

B. General retail services (large scale) include facilities of 10,000 or more square feet in a single establishment or 30,000 square feet within a multiple-tenant common development.

17. Kennels. Boarding and care services for dogs, cats, and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich-raising facilities, pet motels, or dog-training centers.

18. Laundry Services. Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

19. Liquor Sales. Establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.

20. Lodging. Lodging services involving the provision of room and/or board, but not meeting the classification criteria of bed and breakfasts. Typical uses include the following definitions:

A. “Extended stay hotel or motel” means any structure consisting of one or more buildings, with more than five specific dwelling units with provisions for living, eating, contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves and ovens, sanitation, separate bathroom and kitchen sink, and sleeping in each unit, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, for a minimum stay of more than thirty days and a maximum stay of ten months within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the Fire Marshal for extended stay temporary residence purposes. Each room shall be a minimum of 275 square feet in area, exclusive of bathroom, closet, or balcony space. Weekly services for each dwelling unit of linen change, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each extended stay dwelling unit and facilities are subject to the City’s rental inspection outlined in the Chapter 156 of this Code of Ordinances (Rental Housing Code). For the purposes of parking requirements, extended stay hotel or motels will have to meet the Multi-Family Residential parking requirements.

B. “Hotel” means one or more buildings containing 20 or more guest rooms, with such rooms being designed or intended to be used, or which are

used as temporary or overnight accommodations for guests in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 24-hour daily basis are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Access to all rooms shall be provided through one or more common entrances. Accessory uses are encouraged and permitted accessory uses include restaurants, cocktail lounges, banquet halls, ballrooms, or meeting rooms.

C. “Motel” means a building or group of buildings containing dwelling units, intended to be used or which are used as temporary or overnight accommodations for guests, in which daily services of linen change, central telephone switchboard, towel change, soap change, general cleanup, and a registration lobby staffed on a 12-hour daily basis and 24-hour daily registration and emergency phone number are provided by the management. Each room shall be a minimum of 250 square feet in area, exclusive of bathroom, closet, or balcony space. No room may be used by the same person or persons for a period exceeding 30 days per year. Each living or sleeping unit shall have an individual entrance from outside the building. Living or sleeping units may be equipped with cooking facilities. Parking close to the entrance of each living or sleeping unit should be made available.

21. Pawn Shop. The location at which or premises upon which a pawnbroker regularly conducts business. Pawnbroker is defined in Chapter 124 of this Code of Ordinances.

22. Personal Improvement Services. Establishments primarily engaged in the provision of informational, instructional, personal improvements, and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

23. Personal Services. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

24. Pet Services. Pet health services and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

25. Research Services. Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

26. Restaurant, Drive-In or Fast-Food. An establishment whose principal business is cooking and preparation of food to sell for consumption within a motor vehicle parked on the premises or within the restaurant building, or any combination thereof, and whose principal method of operation includes the following

characteristics as contrasted to a standard restaurant; designed to attract and depend upon a large volume of customers; limited, relatively low-cost menu items; quick-order service at a window or counter, from where the customer generally carries the food to another counter or table for consumption; and most food is served in or on paper, plastic or other disposable containers; and any other restaurant not defined as a standard restaurant.

27. Restaurant, General. An establishment whose principal business is cooking and preparation of food to sell for consumption within the restaurant building and whose principal method of operation is characterized by customers being seated by a restaurant employee and provided with an individual menu, and who are served by a restaurant employee at the same table or counter at which food and beverages are consumed; also including cafeteria line service offering a wide selection of main courses and other menu items, including restaurants with limited drive-thru service to customers in a motor vehicle. Delicatessens, establishments whose principal business is the sale of pizza or of ice cream, yogurt, coffee or milk products are specifically included in the definition.

28. Restricted Businesses. Any business activity which offers the opportunity to view sexual activities or view or touch anatomical areas for entertainment purposes in a manner that offends contemporary standards in the community of Windsor Heights, depicts or describes sexual conduct in a patently offensive way, and lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet these criteria. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize sexual content; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters.

29. Stables and/or Riding Academies. The buildings, pens, and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

30. Surplus Sales. Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

31. Trade Services. Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

32. Vehicle Storage. Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an industrial use type.

33. Veterinary Services. Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

167.08 PARKING USE TYPES.

1. Off-Street Parking Lots and Facilities. Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.
2. Parking Structure. The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

167.09 INDUSTRIAL USE TYPES. Industrial use types include the on-site extraction or production of goods by non-agricultural methods and the storage and distribution of products.

1. Construction Yards. Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.
2. Custom Manufacturing. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:
 - A. The use of hand tools, or
 - B. The use of domestic mechanical equipment not exceeding 2 horsepower, or
 - C. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

3. Light Industry. Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops, and publishing houses.
4. General Industry. Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, storage, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
5. Heavy Industry. Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
6. Recycling Collection. Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including (but not limited to) glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

7. Recycling Processing. Any site which is used for the processing of any post-consumer, non-durable goods including (but not limited to) glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.
8. Resource Extraction. A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.
9. Salvage Services. Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, or paper salvage yards.
10. Vehicle Storage (Long-Term). Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.
11. Warehousing. Uses including open-air storage, distribution, and handling of goods and materials, but not including storage of hazardous materials. Typical uses include monument yards or open storage.

167.10 TRANSPORTATION USE TYPES. Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

1. Aviation Facilities. Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.
2. Railroad Facility. Railroad yards, equipment servicing facilities, and terminal facilities.
3. Transportation Terminal. Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, and public transit facilities.
4. Truck Terminal. A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

167.11 MISCELLANEOUS TYPE USES.

1. Alternative Energy Production Devices. The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.
2. Broadcasting Tower. A structure for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district.
3. Amateur Radio Tower. A structure for the transmission or broadcasting of electromagnetic signals by FCC-licensed amateur radio operators.

4. Construction Batch Plant. A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.
5. Wind Energy Conservation System (WECS). Any device which converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.
6. Landfill (Non-Putrescible Solid Waste Disposal). The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials, and ceramic tile.
7. Landfill (Putrescible and Non-Putrescible Solid Waste Disposal). The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

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CHAPTER 168

ZONING CODE – ZONING DISTRICT REGULATIONS

168.01 Purpose
168.02 Establishment of Districts
168.03 Application of Districts
168.04 Hierarchy
168.05 Development Regulations
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168.07 Interpretation of District Boundaries
168.08 Vacation of Streets and Alleys
Table 168-1 Purposes of Zoning Districts
Table 168-2 Permitted Uses by Zoning District
Table 168-3 Summary of Site Development Regulations

168.01 PURPOSE. This chapter presents the Zoning District Regulations. Zoning Districts are established in this Zoning Code to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

168.02 ESTABLISHMENT OF DISTRICTS. The following base districts and overlay districts are hereby established. Table 168-1 displays the purposes of these districts.

| <u>BASE ZONING DISTRICT</u> | <u>DISTRICT NAME</u> |
|-----------------------------|--|
| R-1..... | Single-Family Residential District (Low-Density) |
| R-2..... | Single-Family Residential District (Urban-Density) |
| R-3..... | Urban Family Residential District |
| R-4..... | Multiple-Family Residential District |
| MH | Mobile Home Residential District |
| O..... | Office/Limited Commercial District |
| CC | Community Commercial District |
| GC | General Commercial District |
| UC..... | University Avenue Corridor Mixed Use District |
| TC | Town Center District |
| LI..... | Limited Industrial District |

| <u>OVERLAY DISTRICT</u> | <u>DISTRICT NAME</u> |
|-------------------------|---|
| MU | Mixed Use District |
| PUD..... | Planned Unit Development Overlay District |
| F | Floodplain/Floodway Overlay District |

168.03 APPLICATION OF DISTRICTS. A base district designation shall apply to each lot or site within the City and its planning jurisdiction. Each site must be in one base district. The Planned Unit Development and Floodplain/Floodway Overlay Districts may be applied to any lot or site or any portion thereof, in addition to any base district designation. The Mixed Use District may stand alone as a base district or act as an overlay district.

168.04 HIERARCHY. References in this Zoning Code to less intensive or more intensive districts shall be deemed to refer to those agricultural, residential, commercial, and industrial

Base Zoning Districts established in Section 168.02, and shall represent a progression from the R-1 Single-Family Residential District as the least intensive to the LI Limited Industrial District as the most intensive. The Overlay Districts shall not be included in this reference.

168.05 DEVELOPMENT REGULATIONS. For each Zoning District: Purposes are set forth in Table 168-1; uses permitted are set forth in Table 168-2; and site development regulations are presented in Table 168-3. Supplemental regulations may affect specific land uses or development regulations in each zoning district. The applicable supplemental regulations are noted in Table 168-2.

168.06 ZONING MAP.

1. Adoption of Zoning Map. Boundaries of zoning districts established by this Zoning Code shall be shown on the Zoning Map maintained by the City Clerk. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of and concurrent with this Code. The Zoning Map shall be prominently displayed in the Council Chambers and/or an area accessible to the public at City Hall.
2. Changes to the Zoning Map. The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Chapter 177. Such changes shall be reflected on the Zoning Map. The City Administrator shall keep a complete record of all changes to the Zoning Map.[†]

168.07 INTERPRETATION OF DISTRICT BOUNDARIES. The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

1. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
2. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
3. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
4. The City Council shall determine any other uncertainty regarding district boundaries not covered in this section.

168.08 VACATION OF STREETS AND ALLEYS. Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

[†] See *EDITOR'S NOTE* at the end of this chapter for ordinances amending the zoning map.

Table 168-1 – Purposes of Zoning Districts

| Symbol | Title | Purpose |
|---------------|---|---|
| R-1 | Single-Family Residential (Low-Density) | This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on relatively large lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. |
| R-2 | Single-Family Residential (Urban Density) | This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on moderately sized lots with supporting community facilities and urban services. Its regulations apply to established parts of Windsor Heights and to new areas which are developed to higher residential densities. Regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. |
| R-3 | Urban Family Residential | This district is intended to provide for medium-density residential neighborhoods, characterized by single-family dwellings on small to moderately sized lots and low-density, multiple-family development. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and newer neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. |
| R-4 | Multiple-Family Residential | This district is intended to provide locations primarily for residential multiple-family housing, with supporting and appropriate community facilities. It also permits some nonresidential uses such as offices through a special permit procedure, to permit the development of mixed-use neighborhoods. |
| MH | Mobile Home Residential | This district recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods. |
| O | Office/Limited Commercial | This district reserves appropriately located area for office and community-oriented commercial development and distinguishes these from other, more intensive commercial activities. The commercial and office uses permitted are compatible with nearby residential and civic areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residences. |
| CC | Community Commercial | This district is intended for commercial facilities which serve the needs of markets ranging from several neighborhoods to the overall region. While allowed commercial and office uses are generally compatible with nearby residential areas, traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the O District. CC Districts are appropriate at major intersections, at the junction of several neighborhoods, or at substantial commercial sub-centers. |

Table 168-1 – Purposes of Zoning Districts (continued)

| Symbol | Title | Purpose |
|--|--------------------------------------|---|
| GC | General Commercial | This district accommodates a variety of commercial uses, including auto-oriented uses, some of which have significant traffic or visual effects. These districts may include commercial uses which are oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts with adjacent residential areas, requiring provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from surrounding residences. |
| UC | University Avenue Corridor Mixed Use | This district recognizes the mixed-use character of the University Avenue Corridor, which contains a combination of residential, commercial, and office uses. This corridor will include special aesthetic and sign design standards which will help enhance its character as Windsor Heights’ main street. |
| TC | Town Center District | This district is intended to provide appropriate development regulations to encourage the emergence of the 66 th and University Avenue area as a town center for Windsor Heights. The regulations will recognize the mixed-use and civic character of the area, and will help to encourage the development of a pedestrian oriented district at the intersection. |
| LI | Limited Industrial | This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities. |
| <p>Special and Overlay Districts: These districts may be applied to a parcel in combination with a Base Zoning District. Overlay Districts are intended to help the City manage development in areas that exhibit special characteristics or features that warrant a greater differentiation of standards. Special and Overlay Districts include:</p> <ul style="list-style-type: none"> ▪ Mixed Use District ▪ Planned Unit Development District ▪ Floodplain/Floodway District <p>Specific purposes and standards for each Overlay District are detailed in Chapter 169: Special and Overlay Districts.</p> | | |

Table 168-2 – Permitted Uses by Zoning District

| Use Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI | Additional Regulations |
|----------------------------------|-----|-----|-----|-----|----|---|----|----|----|----|----|------------------------|
| Agricultural Uses: | | | | | | | | | | | | |
| Horticulture | | | | | | | C | C | | | | |
| Crop Production | | | | | | | | | | | | |
| Animal Production | | | | | | | | | | | | |
| Residential Uses: | | | | | | | | | | | | |
| Single-Family Detached | P | P | P | P | P | C | | | P | C | | |
| Single-Family Attached | C | P | P | P | P | C | | | P | C | | Sec. 171.03 |
| Duplex | | C | P | P | | C | | | P | | | |
| Two-Family | C | C | P | P | | | | | P | | | |
| Townhouse | | | P | P | | C | C | | P | | | Sec. 171.03 |
| Multiple-Family | | | | P | | C | C | | P | P | | |
| Downtown Residential | | | | | | | | | | P | | Sec. 171.03 |
| Group Residential | | | C | P | | C | | | | | | |
| Manufactured Housing Residential | P | P | P | P | P | C | | | | | | Sec. 171.03 |
| Mobile Home Park | | | | | C | | | | | | | Sec. 171.03 |
| Retirement Residential | C | C | C | P | C | C | | | C | P | | |
| Civic Uses: | | | | | | | | | | | | |
| Administration | C | C | C | C | C | P | P | P | P | P | P | |
| Cemetery | C | C | C | C | | | | | | | | |
| Clubs | C | C | C | C | C | C | P | P | P | P | | Sec. 171.04(1) |
| College/University | C | C | C | C | C | C | P | P | C | C | | |
| Construction Sales/Service | | | | | | | P | P | | | P | |
| Convalescent Service | | C | C | C | C | P | P | | C | | | |
| Cultural Services | C | C | C | P | P | P | P | P | P | P | P | |
| Day Care (Limited) | P | P | P | P | P | P | P | P | P | P | C | Sec. 171.04(2) |
| Day Care (General) | C | C | C | P | C | P | P | P | P | P | C | Sec. 171.04(2) |
| Detention Facilities | | | | | | | | C | | | C | |
| Elder Family Home | C | C | C | P | C | P | | | P | P | | Sec. 171.04(3) |
| Elder Group Home | C | C | C | P | C | P | | | P | P | | Sec. 171.04(3) |
| Emergency Residential | C | C | C | C | C | P | P | C | P | P | C | |
| Family Home | C | C | C | P | C | C | | | C | C | | |
| Group Care Facility | | C | C | P | C | P | P | P | P | P | C | Sec. 171.04(4) |
| Group Home | C | C | C | P | P | P | P | C | P | P | | Sec. 171.04(4) |
| Guidance Services | | | | C | | P | P | P | P | P | P | |
| Health Care | | | C | C | | P | P | P | P | P | P | |
| Hospitals | | | | C | | P | C | C | C | C | C | |

P = Uses Permitted by Right

C = Uses Permitted by Conditional Use permit approval according to Sec. 177.03.

Blank = Use Not Permitted

Table 168-2 – Permitted Uses by Zoning District (continued)

| Use Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI | Additional Regulations |
|-----------------------------------|-----|-----|-----|-----|----|---|----|----|----|----|----|------------------------|
| Civic Uses (continued) | | | | | | | | | | | | |
| Maintenance Facility | | | | | | | | P | | | P | |
| Parks/Recreation | P | P | P | P | P | P | P | P | P | P | P | |
| Postal Facilities | | | | | | P | P | P | P | P | P | |
| Primary Education | C | C | C | P | P | P | P | C | P | P | | |
| Public Assembly | | | | | | P | C | P | P | P | | |
| Religious Assembly | C | C | C | P | P | P | P | P | P | P | | |
| Safety Services | C | C | C | P | P | P | P | P | P | P | P | |
| Secondary Education | C | C | C | C | C | C | C | C | C | C | | |
| Utilities | C | C | C | C | C | C | P | P | P | P | P | |
| | | | | | | | | | | | | |
| Office Uses: | | | | | | | | | | | | |
| General Offices | | | | C | | P | P | | P | P | P | |
| Financial Services | | | | C | | P | P | | P | P | P | |
| Medical Offices | | | | C | | P | P | | P | P | P | |
| | | | | | | | | | | | | |
| Commercial Uses: | | | | | | | | | | | | |
| Agricultural Sales/Service | | | | | | | C | P | | | P | |
| Auto Rental/Sales | | | | | | | | C | | | P | Sec. 171.05(3) |
| Auto Services | | | | | | C | C | P | C | C | P | Sec. 171.05(1,2) |
| Body Repair | | | | | | | C | C | | | P | Sec. 171.05(1) |
| Equipment Rental/Sales | | | | | | | | P | | | P | Sec. 171.05(3) |
| Equipment Repair | | | | | | | | P | | | P | Sec. 171.05(1) |
| Bed and Breakfast | C | C | C | C | | P | P | P | P | P | | Sec. 171.05(4) |
| Business Support | | | | | | P | P | P | P | P | P | |
| Business/Trade School | | | | | | C | P | P | P | P | P | |
| Campground | | | | | | | | C | | | | Sec. 171.05(5) |
| Cocktail Lounge | | | | | | | P | P | C | C | C | |
| Commercial Recreation (Limited) | | | | | | C | P | P | P | P | P | |
| Commercial Recreation (General) | | | | | | | C | P | C | | P | |
| Communication Service | | | | | | P | P | P | P | P | P | |
| Construction Sales/Service | | | | | | | | P | | | P | |
| Consumer Service | | | | | | C | P | P | P | P | P | |
| Convenience Storage | | | | | | | C | C | | | P | Sec. 171.05(6) |
| Delayed Deposit Services Business | | | | | | | | C | | | | Sec. 171.05(7) |
| Food Sales (Convenience) | | | | | | C | C | P | C | C | | |
| Food Sales (Limited) | | | | | | C | P | P | P | P | | |

P = Uses Permitted by Right

C = Uses Permitted by Conditional Use permit approval according to Sec. 177.03.

Blank = Use Not Permitted

Table 168-2 – Permitted Uses by Zoning District (continued)

| Use Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI | Additional Regulations |
|--------------------------------|-----|-----|-----|-----|----|---|----|----|----|----|----|------------------------|
| Commercial Uses (cont.) | | | | | | | | | | | | |
| Food Sales (General) | | | | | | | P | P | C | C | | |
| Funeral Service | | | C | C | | P | P | P | P | P | | |
| Gaming Facility | | | | | | | C | P | C | C | | |
| General Retail (Small-Scale) | | | | | | C | P | P | P | P | | |
| General Retail (Large-Scale) | | | | | | | P | P | C | P | | |
| Kennels | | | | | | | | C | | | P | |
| Laundry Services | | | | | | | | P | C | | P | |
| Liquor Sales | | | | | | | P | P | C | C | C | |
| Lodging | | | | | | C | P | P | C | C | | |
| Personal Improvement | | | | C | | P | P | P | P | P | P | |
| Personal Services | | | | C | | P | P | P | P | P | P | |
| Pet Services | | | | | | | P | P | P | P | P | |
| Research Services | | | | | | C | P | P | P | P | P | |
| Restaurants (Drive-In) | | | | | | | P | P | C | | C | Sec. 171.05(8) |
| Restaurants (General) | | | | | | P | P | P | P | P | C | Sec. 171.05(8) |
| Restricted Businesses | | | | | | | | | | | | Sec 177.05(9) |
| Stables | | | | | | | | | | | | |
| Surplus Sales | | | | | | | | P | | | P | |
| Trade Services | | | | | | | P | P | C | C | P | |
| Vehicle Storage | | | | | | | | C | | | P | |
| Veterinary Services | | | | | | C | P | P | P | P | P | |
| | | | | | | | | | | | | |
| Parking Uses: | | | | | | | | | | | | |
| Off-Street Parking | | | | | | C | C | P | C | P | P | |
| Parking Structure | | | | | | C | C | C | P | P | P | |
| | | | | | | | | | | | | |
| Industrial Uses: | | | | | | | | | | | | |
| Custom Manufacturing | | | | | | | C | P | C | C | P | |
| Light Industry | | | | | | | | C | | | P | |
| General Industry | | | | | | | | | | | C | |
| Heavy Industry | | | | | | | | | | | | |
| Resource Extraction | | | | | | | | | | | | |
| Salvage Services | | | | | | | | | | | C | |
| Vehicle Storage (Long-Term) | | | | | | | | C | | | C | |
| Warehousing | | | | | | | | | | | C | |
| Construction Yards | | | | | | | | | | | C | |
| Recycling Collection | | | | | | | C | P | | | P | |
| Recycling Processing | | | | | | | | | | | C | |

P = Uses Permitted by Right

C = Uses Permitted by Conditional Use permit approval according to Sec. 177.03.

Blank = Use Not Permitted

Table 168-2 – Permitted Uses by Zoning District (continued)

| Use Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI | Additional Regulations |
|--|-----|-----|-----|-----|----|---|----|----|----|----|----|------------------------|
| Transportation Uses: | | | | | | | | | | | | |
| Aviation | | | | | | | | | | | | |
| Railroad Facilities | | | | | | | | | | | P | |
| Truck Terminal | | | | | | | | | | | C | |
| Transportation Terminal | | | | | | | P | P | C | C | P | |
| | | | | | | | | | | | | |
| Miscellaneous Uses: | | | | | | | | | | | | |
| Broadcasting Tower | | | | | | | C | C | | | C | |
| Amateur Radio Tower | P | P | P | P | P | P | P | P | P | P | P | Sec. 172.03(2) |
| Construction Batch Plant | | | | | | | | | | | P | |
| WECS | C | C | C | C | C | | C | C | | | P | |
| Landfill (Non-Putrescible) | | | | | | | | | | | | |
| Landfill (Putrescible) | | | | | | | | | | | | |
| Alternative Energy Production Devices | C | C | C | C | C | | C | C | | | P | |

Note: Provisions of Sections 171.07 through 171.10 apply to all uses.

P = Uses Permitted by Right

C = Uses Permitted by Conditional Use permit approval according to Sec. 177.03.

Blank = Use Not Permitted

Table 168-3 – Summary of Site Development Regulations

| Regulator | R-1 | R-2 | R-3 | R-4* | MH |
|--|------------------|------------------|------------------|------------------|-----------------------------|
| Minimum Lot Area (square feet) | 9,600 | 7,200 | (Note 3) | (Note 5) | See Section 171.03(6) |
| Minimum Lot Width (feet) | 80 | 50 | 60 (Note 4) | (Notes 4,6) | |
| Site Area per Housing Unit (square feet) | 9,600 | 7,200 | (Note 3) | (Note 7) | |
| Minimum Yards (feet) | | | | | |
| Front Yard | 35 | 35 | 35 | 35 | |
| Street Side Yard | 35 | 35 | 35 | 35 | |
| Interior Side Yard | 8 (Note 1) | 7 (Note 2) | 7 (Note 2) | (Note 8) | |
| Rear Yard | 35 | 35 | 35 | 35 | |
| Maximum Height (feet) | | | | | |
| Main Building | 35 | 35 | 35 | (Note 9) | |
| Accessory Building | 20* | 20* | 20* | 20* | |
| Maximum Building Coverage | 35% | 45% | 50% | 50% | |
| Maximum Impervious Coverage | 50% (Note 12) | 55% (Note 12) | 60% (Note 12) | 65% (Note 12) | |
| Floor Area Ratio | NA | NA | NA | NA | |

*Side walls cannot exceed 14 feet

| Regulator | O | CC* | GC* | UC (Note 11) | TC (Note 11) | LI* |
|--|--------------------|------------------|------------------|------------------------|------------------------|------------------|
| Minimum Lot Area (square feet) | 5,000 (Note 10) | 7,200 | 5,000 | 5,000 | None | 10,000 |
| Minimum Lot Width (feet) | 50 (Note 10) | 60 | 50 | 50 | 20 | 50 |
| Site Area per Housing Unit (square feet) | (Note 10) | (Note 7) | NA | (Note 7) | 500 | NA |
| Minimum Yards (feet) | | | | | | |
| Front Yard | 25 | 25 | 15 | 25 | 0 | 25 |
| Street Side Yard | 15 | 25 | 15 | 25 | 0 | 10 |
| Interior Side Yard | 7 | 0 | 0 | 0 | 0 | 10 |
| Rear Yard | 25 | 20 | 15 | 10 | 0 | 10 |
| Maximum Height (feet) | | | | | | |
| Main Building | 45 | 60 | 60 | 45 | 45 | 45 |
| Maximum Building Coverage | 50% | 60% | 70% | 60% | 100% | 70% |
| Maximum Impervious Coverage | 70% (Note 12) | 80% (Note 12) | 90% (Note 12) | 80% (Note 12) | 100% (Note 12) | 90% (Note 12) |
| Floor Area Ratio | 0.50 | 0.50 | 1.00 | 1.00 | 2.00 | 1.00 |

*Uses in the R-4, LC, CC, GC and LI Districts are subject to landscape and screening provisions contained in Chapter 173.

Notes to Preceding Page (Table 168-3)

Note 1: Sum of side yards shall be 15 feet in R-1. Setbacks for nonresidential uses in R-1 shall be 40 feet on each side. See Section 171.03 for supplemental regulations governing single-family attached, zero lot line, and two-family residential use types.

Note 2: Sum of side yards shall be 15 feet in R-2 and R-3. Setbacks for nonresidential uses in R-2 and R-3 shall be 35 feet on each side. See Section 171.03 for supplemental regulations governing single-family attached, zero lot line, two-family, and townhouse residential use types.

Note 3: 7,200 square feet for single-family lots; 4,200 square feet per dwelling unit for two-, three-, or four-unit residential buildings.

Note 4: See Section 171.03 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 5: 7,200 square feet for single-family lots; 8,400 square feet per dwelling unit for two-unit residential buildings; 10,000 square feet for multi-family residential development.

Note 6: 60 feet for single-family of duplex residential, 80 feet for multi-family residential.

Note 7: 7,200 square feet for single-family lots; 4,200 square feet per dwelling unit for two-unit residential buildings; 1,000 additional square feet for each additional unit over four units. Density of multi-family residential may exceed this maximum, subject to approval of a Special Use Permit by the Board of Adjustment, with the recommendation of the Planning and Zoning Commission.

Note 8: Heights up to 30 feet: 10 foot minimum. Heights between 30 and 45 feet: 15 foot minimum; 30 foot sum of side yards.

Note 9: Heights over 45 feet permitted provided that each foot in height over 45 feet adds one foot to the minimum front, rear, and side yard setbacks.

Note 10: Same as R-4 for residential uses.

Note 11: The Planning Commission may establish different regulators for sites within the UC and TC Districts, based on the recommendations of the Comprehensive Plan or on specific redevelopment plans or projects within the districts.

Note 12: Maximum impervious restrictions apply not only to zoning districts, but also to uses outside of those districts consistent with the properties in the district. For example, a single-family residence located in a commercial district may still have only a maximum impervious coverage of 50% or 55%, based on lot size. Lot sizes consistent with an R-1 designation would be restricted to a maximum of 50% and lot sizes consistent with an R-2 District would be restricted to a maximum of 55%.

[The next page is 1095]

CHAPTER 169

ZONING CODE – SPECIAL AND OVERLAY DISTRICTS

169.01 General Purpose
169.02 Mixed Use District

169.03 Planned Unit Development District
169.04 Floodplain and Floodway Overlay District

169.01 GENERAL PURPOSE. Special Districts provide for base districts that allow multiple land uses and flexible development, with the requirement that a specific plan for the area be submitted by applicants. Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City. The Overlay Districts are designed to achieve the following objectives:

1. To recognize special conditions in specific parts of the City which require specific regulation.
2. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

169.02 MIXED USE DISTRICT. The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the City which are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments. All projects developed in an MU District are subject to a Special Use Permit process.

1. Permitted Uses. Each regulation establishing an MU District establishes the use types permitted within its boundaries.
2. Site Development Regulations.
 - A. The minimum area of any MU District is three acres.
 - B. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning Commission, according to the Special Use Permit procedure set forth in Chapter 177 of this Zoning Code. This approval may be granted for a specific plan for the development of an MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
 - C. Applications for approval must contain, at a minimum, the following information:
 - (1) A detailed site map, including:
 - a. A boundary survey;
 - b. Site dimensions;
 - c. Contour lines at no greater than five foot intervals;

- d. Adjacent public rights of way, transportation routes, and pedestrian or bicycle systems;
 - e. Description of adjacent land uses;
 - f. Utility service to the site and easements through the site;
 - g. Description of other site features, including drainage, soils, or other considerations that may affect development.
- (2) A development plan, including:
- a. A site layout, including the location of proposed buildings, parking, open space, and other facilities;
 - b. Location, capacity, and conceptual design of parking facilities;
 - c. Description of the use of individual buildings;
 - d. Description of all use types to be included in the project or area, and maximum floor area devoted to each general use;
 - e. Maximum height of buildings;
 - f. Schematic location and design of open space on the site, including a landscaping plan;
 - g. Vehicular and pedestrian circulation plan, including relationship to external transportation systems;
 - h. Schematic building elevations and sections if required to describe the project;
 - i. Grading plans;
 - j. Proposed sewer and utility improvements;
 - k. Location, sizes, and types of all proposed signage.
- (3) Specific proposed development regulations for the project, including:
- a. The specific use types permitted within the proposed district;
 - b. Maximum floor area ratios;
 - c. Front, side, and rear yard setbacks;
 - d. Maximum height;
 - e. Maximum building and impervious coverage;
 - f. Design standards applicable to the project.
- (4) A traffic impact analysis, if required by the City.
3. Amendments. The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- A. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- B. The amendment is consistent with the provisions of this section.
- C. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
- D. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

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169.03 PLANNED UNIT DEVELOPMENT DISTRICT. The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects, to permit innovation in project design that incorporates open space and other amenities, and to ensure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Zoning Code. The PUD District, which is adopted by the City Council with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

1. Permitted Uses. Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with an MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.
2. Site Development Regulations. Site development regulations are developed individually for each Planned Unit Development District but must comply with minimum or maximum standards established for the base district, with the following exceptions:
 - A. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded.
 - B. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
3. Access to Public Streets. Each PUD District must abut a public street for at least 50 feet and gain access from that street.
4. Application Process.
 - A. Development Plan. The application for a Planned Unit Development District shall include a Development Plan containing the following information:
 - (1) A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
 - (2) A land use plan designating specific uses for the site and establishing site development regulations, including setbacks, height, building coverage, impervious coverage, density, and floor area ratios.
 - (3) A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
 - (4) A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
 - (5) Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.
 - (6) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of

other uses, total amount of parking, and building and impervious surface percentages.

5. Adoption of District.
 - A. The Planning and Zoning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities, and will not be detrimental to public health, safety, and welfare.
 - B. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
 - C. The Planning and Zoning Commission may recommend amendments to PUD district applications.
 - D. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
 - E. The City Council, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
 - F. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
 - G. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk.
6. Amendment Procedure. Major amendments to the Development Plan must be approved according to the same procedure set forth in subsection 5 of this section.
7. Building Permits. The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.
8. Termination of PUD District. If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

169.04 FLOODPLAIN AND FLOODWAY OVERLAY DISTRICT. The Floodway and Floodplain Overlay District is intended to promote the public health, safety, and general welfare and to minimize those losses described in subsection 1 of this section by applying the provisions of this Code to: (i) restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities; (ii) require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction; (iii) protect individuals from buying lands which are unsuitable for intended purposes because of flood hazard; (iv) assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

1. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

A. “Actuarial rates” (or “risk premium rates”) means those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

B. “Appeal” means a request for a review of the Building Official’s interpretation of any provision of this section or a request for a variance.

C. “Area of shallow flooding” means a designated AO or AH zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

D. “Area of special flood hazard” means the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

E. “Base flood elevation” means the elevation indicated in the official flood plain study as the elevation of the 100-year flood.

F. “Base flood protection elevation” means an elevation one foot higher than the water surface elevation of the base flood.

G. “Channel” means a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.

H. “Development” means any manmade change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

I. “Existing construction” means (for the purposes of determining rates) structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective

before that date. “Existing construction” may also be referred to as “existing structures.”

J. “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

K. “Flood Insurance Rate Map” (FIRM) means an official map of the City, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City.

L. “Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

M. “Flood plain management” means the operation of an overall program of corrective and preventative measures for reducing flood damage, including (but not limited to) emergency preparedness plan, flood control works, and floodplain management regulations.

N. “Flood protection system” means those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard.” Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

O. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

P. “Floodplain” (FP) means that area of the floodplain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year.)

Q. “Floodway” (FW) means the channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.

R. “Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the heights calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

S. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

T. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than

a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.

U. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

V. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

W. "New construction" means structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.

X. "100-year flood" means the base flood having a one percent chance of annual occurrence.

Y. "Overlay district" means a district which acts in conjunction with the underlying zoning district or districts.

Z. "Start of construction," for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L97-348), includes substantial improvement, and means the date the building permit was issued, providing the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of street and/or walkways, nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms, nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

AA. "Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

BB. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the improvement or repair is started; or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term

does not, however, include either: (i) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

CC. “Variance” means a grant of relief to a person from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

2. Flood Losses Resulting from Periodic Inundation. Flood hazard areas of the City are subject to inundation which results in loss of life or property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

A. General Causes of These Flood Losses. These flood losses are caused by: (i) the cumulative effect of obstruction in floodways causing increases in flood heights and velocities, and (ii) the occupancy of flood areas by uses vulnerable to floods or hazardous to other which are inadequately elevated or otherwise protected from flood damages.

B. Methods Used to Analyze Flood Hazards. This Zoning Code uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

(1) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated and the depth of inundation. The base flood selected for this Zoning Code is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Code. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year, as delineated in the Flood Insurance Study dated October 16, 1992, and the Federal Emergency Management Administration’s Flood Insurance Rate Maps and Flood Boundary and Floodway Map dated October 16, 1992, or any subsequent effective Flood Insurance Studies, Rate Maps, and Flood Boundary and Floodway Maps issued after the effective date of this Code and adopted by the City.

(2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.

(3) Computation of the floodway required to convey this flood without increasing flood heights more than one foot at any point.

(4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.

- (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.
3. Land to Which Code Applies. This section applies to all lands within the jurisdiction of the City identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A zone and/or within the Overlay Districts FP and FW established in this Zoning Code. In all areas covered by this Zoning Code, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community as contained in this Zoning Code.
4. Enforcement Officer. The Zoning Administrator of the City is hereby designated as the City Council's duly designated Enforcement Officer under this Zoning Code. Unless otherwise provided by the City Council, the Floodplain Management Agency shall assist the City on interpretation of floodplain/floodway rules and regulations. The Enforcement Officer shall obtain comments from the Agency as part of his/her review of all proposed activity in this Overlay District.
5. Rules for Interpretation of District Boundaries. The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case to the Board and to submit his or her own technical evidence if said person so desires.
6. Compliance. No development located within known flood hazard areas of the City shall be located, extended, converted, or structurally altered without full compliance with the terms of this Zoning Code or other applicable regulations.
7. Abrogation and Greater Restrictions. It is not intended by this Zoning Code to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Code imposes greater restrictions, the provision of this Code shall prevail. All other ordinances inconsistent with this Code are hereby repealed to the extent of the inconsistency only.
8. Interpretation. In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State statute.
9. Warning and Disclaimer of Liability. The degree of flood protection required by this Zoning Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Code does not imply that

areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Code shall not create liability on the part of the City or any officer or employee thereof for any flood damages that may result from reliance on this Code or any administrative decision lawfully made thereunder.

10. Application for Appeal. Where a request for a permit to develop is denied by the Zoning Administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request by appropriate resolution adopted within 10 days after the date of such application to the Board of Adjustment.

11. Permit Required. No person shall initiate any development or substantial improvement or cause the same to be done in any floodplain or floodway area without first obtaining a separate permit.

12. Administration. The Zoning Administrator is hereby appointed to administer and implement the provisions of this section. Duties of the Zoning Administrator include, but are not limited to:

A. Review of all development permits to assure that sites are reasonable, safe from flooding and that the permit requirements of this Code have been satisfied.

B. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, State or local governmental agencies from which prior approval is required.

C. Notify adjacent communities and the Iowa Natural Resources Commission Flood Plan Management Section prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.

D. Notify the Floodplain Management Agency of any proposed construction and development activity in floodplain areas, and/or upon land situated within the Floodplain/Floodway Overlay Zoning District.

E. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

F. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

G. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed.

H. When flood proofing is utilized for a particular structure, the Zoning Administrator shall be presented certification from a registered professional engineer or architect.

13. Application for Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit.
 - B. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - C. Indicate the use or occupancy for which the proposed work is intended.
 - D. Be accompanied by plans for the proposed construction.
 - E. Be signed by the permittee or an authorized agent who may be required to submit evidence to indicate such authority.
 - F. Give such other information as reasonably may be required by the Building Official.
14. Establishment of Zoning Districts. The mapped floodplain areas within the jurisdiction of this Zoning Code are hereby divided into the two following districts: A Floodway Overlay District (FW) and a Floodplain Overlay District (FP) as identified in the official Flood Plain Study. Within these districts, all uses not meeting the standards of this Code and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.
15. Standards for Floodway Overlay District and Floodplain Overlay District.
- A. No permit for development shall be granted for new construction, substantial improvement, or other improvements, including the placement of manufactured homes within the identified flood plain, unless the conditions of this section are satisfied.
 - B. All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Code. If Flood Insurance Study Data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction. Further, in cases of proposed development within unnumbered “A” zones, the developer’s engineer shall be required to conduct the necessary studies to determine the 100-year flood elevation and its extent in relation to such development.
 - C. New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes, and other development shall require:
 - (1) Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effect of buoyancy.
 - (2) New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems located so as to avoid impairment or contamination.

- (3) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (4) All utility and sanitary facilities elevated or flood proofed one foot above the regulatory flood elevation. Such flood proofing is permitted only for nonresidential properties.
 - (5) Until a floodway has been designated, no development including landfill may be permitted within the identified floodplain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross-section of the reach in which the development or landfill is located as shown in the official floodplain study incorporated by reference herein.
 - (6) The storage of equipment and materials that are buoyant, flammable, explosive, or which could be injurious to human, animal, or plant life is prohibited.
 - (7) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 - (8) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are required to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage.
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or 50 lots, whichever is less, include within such proposals the regulatory flood elevation.
16. Floodplain Overlay District Regulations. Any use permitted in the underlying base district shall be permitted in the Floodplain Overlay District. No use shall be permitted in the district unless the standards of this subsection are met.
- A. Any new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
 - B. Any new construction or substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated one foot

above the base flood elevation, or, together with attendant utility and sanitary facilities, shall be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydro-dynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator. Such flood proofing is permitted only for nonresidential properties.

C. All new construction and substantial improvements that are fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces or exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by the registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

E. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- (1) Over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
- (2) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
- (3) All components of the anchoring system shall be capable of carrying a force of 4,800 lbs.
- (4) Any additions to manufactured homes shall be similarly anchored.

All manufactured homes to be placed within Zones AL-30, AH and AE on the community's FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of the Building Code.

F. Located within the areas of special flood hazard are areas designated as AO Zones. These areas have special flood hazards associated with base

flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply with AO Zones:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM.
 - (2) All new construction and substantial improvements of nonresidential structures shall:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the depth number specified in feet on the community's FIRM; or
 - b. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. Such certification shall be provided to the Zoning Administrator.
 - c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
17. Floodway Overlay Districts. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other code, ordinance, or regulation and provided that they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of subsections 14 and 15 of this section.
- A. Agricultural uses such as general farming, pasture, nurseries, forestry.
 - B. Accessory residential uses such as lawns, gardens, parking, and play areas.
 - C. Nonresidential areas such as loading areas, parking, and airport landing strips.
 - D. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including manufactured homes is prohibited with the identified floodway (FW) area.
 - E. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through federal, State or local sources in meeting the standards of this section.
18. Request for Variances From District Requirements.
- A. The Board of Adjustment, as established by the City, shall hear and decide appeals and requests for variances from the requirements of this Zoning Code.

B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Zoning Code.

C. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in the *Code of Iowa*.

D. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this Zoning Code, and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger of life and property due to flooding or erosion damage.
- (3) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity to the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area.
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effect of wave action, if applicable, expected at the site.
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Conditions for Variance.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2) through (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

19. Nonconforming Uses.

A. Continuation of Nonconforming Uses. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Zoning Code but which is not in conformity with the provisions of this Code may be continued subject to the following conditions:

(1) No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

(2) If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this Zoning Code. The utility provider shall notify the Building Inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of six months.

(3) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue a nonconforming uses.

B. Replacement of Residential Uses. If any residential nonconforming use of structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

C. Replacement of Nonresidential Uses. If any nonresidential nonconforming use of structure is destroyed by any means, including flood, it should not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Zoning Code. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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CHAPTER 170

ZONING CODE – DEVELOPMENT AND DESIGN STANDARDS

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PART 1

170.01 DEVELOPMENT AND DESIGN STANDARDS. This section provides for the administration and enforcement of site plans and for establishing standards for site and building design and shall be known, referred to, and cited as the “Design and Development Standards Ordinance” of the City of Windsor Heights, Iowa.

170.02 PURPOSE AND SCOPE. The purpose of this Ordinance is to provide guidance and standards for development within the City in order to guide development in a manner which is conducive to protecting the health, safety, and general welfare of residents and property owners within the City. All development and redevelopment of land or property within the City shall minimize adverse effects upon adjacent properties by maintaining or improving upon the aesthetic quality of a surrounding area, and by providing adequate pedestrian and traffic safety, emergency access, water supply, sewage disposal, management of stormwater, erosion and sediment control. Site plan review and approval by City Council shall be required of all principle structures other than individual single family and two family residential dwellings in any zoning district.

170.03 JURISDICTION. No permit shall be issued for any lot or development requiring the approval of a site plan after the effective date, unless in compliance with the provisions of the regulations herein. No development, except where specified herein, may be created, substantially improved, converted, enlarged or otherwise altered without conforming to the provisions of this section, all applicable provisions of the Code of Iowa, as amended, and all applicable provisions of the Windsor Heights City Code, as amended.

170.04 VALIDITY OF APPROVAL. A site plan shall become effective upon certification of approval by the City Council. The City Council approval of any site plan required by this article shall remain valid for one (1) year. A one (1) year extension may be granted with approval of City Council. If development has not been established or construction commenced within one (1) year or two (2) years in case of a received extension, then the site plan shall be deemed null and void. For the purpose of this article “actual construction” shall mean that the permanent placement of construction materials and utility work has started and is proceeding without undue delay with an approved building permit. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual

construction. At the time of site plan approval, the City Council may grant an exemption on the time construction shall begin after their approval is given for a utility service structure.

170.05 AMENDMENT. Any site plan may be amended in accordance with the standards and procedures established herein, including payment of fees, provided that the Administrative Official may waive such procedures for those minor changes hereinafter listed. Such minor changes shall not be made unless the prior written approval for such changes is obtained from the Administrative Official. No fees shall be required for such minor changes. Minor changes include: Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s), relocation of building entrances or exits, shortening of building canopies, changing to a more restrictive commercial or industrial use, provided the number of off-street parking spaces meets the requirement of the Windsor Heights Zoning Ordinance. This does not apply to residential uses. Changing angle of parking or aisle provided there is no reduction in the amount of off-street parking as originally approved. Substituting plant species provided a landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effect.

170.06 EXISTING DEVELOPMENT. Any improvement or maintenance to any structure or site feature shall not cause the site or building to become non-compliant with the regulations set forth in this Ordinance. If the site or building is already non-compliant, the change to the building or site proposed by the owner shall not cause them to become more non-compliant. In such instances, improvements shall be completed in a manner which makes the building, site, or related items more substantially compliant with the current provisions of this Ordinance than was previous to the improvements. Any improvement proposed to modify the size of a building, lot, parking area, etc. shall be submitted for review by the City. If the proposed improvement(s) modify the size of a building or lot by less than 30%, it shall be submitted for review by City staff and approved or disapproved by an Administrative Official. The Administrative Official shall have the authority to require such a project be reviewed by the Planning and Zoning Commission and City Council if they feel such review is warranted. If the proposed change is in excess of 30% in size, it shall be submitted for full review and approval or disapproval by the Planning and Zoning Commission and City Council.

170.07 NON-CONFORMING USES. Any site or building use permitted under a previous zoning district's regulation shall conform to the regulations of this Ordinance under the current site and building design provisions determined to be most applicable to the non-conforming use by the Administrative Official.

170.08 SEVERABILITY. If any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

170.09 DEVELOPMENT REVIEW PROCESS. The Administrative Official is responsible for the established site plan and development review process. The Administrative Official will serve as the Administrator of the Ordinance and the liaison between the applicant and reviewing bodies to ensure compliance with the Ordinance are met.

1. Reviewing bodies.
 - A. Development Committee. The purpose of the Development Committee is to act in an advisory capacity to the City Council on matters of development and redevelopment. The Committee reviews and makes recommendations on information received regarding the economic vitality of

the city. The committee recommends policies to help support the Council's long-range vision and the comprehensive planning goals. The City uses this review to help support their technical review and formulate a response to the applicant.

B. Planning and Zoning Commission. The Planning and Zoning Commission is a seven (7) member body of citizens appointed by the City Council, whose main task is to conduct thorough reviews of development proposals to ensure that the development proposals are consistent with the community's established land use patterns and development standards. The Commission bases its reviews on the goals and policies of the City, as outlined in the Comprehensive Plan and Zoning Ordinance. Upon completion of its review, the Commission makes a recommendation for approval, conditional approval, or denial of the development proposal to the City Council, who has final decision-making authority. The Commission may also defer a site plan for more information before a recommendation is made.

2. A site plan shall be required for the following:
 - A. New construction;
 - B. Major reconstruction (more than 30% of the exterior structure is affected);
 - C. Major renovation (more than 30% of the exterior structure is affected);
 - D. Change of use in accord with the Zoning Ordinance and either #1 or #2 above;
 - E. Conditional uses as detailed in this Zoning Code;
 - F. Increases to parking by 10% or greater;
3. The applicant is required to attend a scheduled predevelopment meeting with City staff to review a conceptual site plan prior to submittal of a full site plan. Following the predevelopment meeting, the applicant shall submit a complete site plan in accordance with the requirements of the site plan checklist and any other information determined to be necessary for the review at the Planning and Zoning Commission meeting.
4. As part of the review process, an applicant shall provide colored architectural elevation drawings for each elevation of the building or buildings proposed for new construction, addition, alteration, or the like.
 - A. The elevation drawings should be provided in 11" by 17" format unless otherwise approved by the Administrative Official.
 - B. Each elevation drawing should include massing dimensions and callouts of the proposed materials indicated on the elevation.
 - C. In the event that accessory structures are proposed as a part of the site plan review process, the Administrative Official shall have the ability to request elevation drawings or colored details of said accessory structures to ensure compliance with the provisions of this ordinance.
5. The applicant shall provide City staff with information determined to be applicable to the project by the Administrative Official. The proposal shall then be

brought before the Planning and Zoning Commission in order to receive a recommendation before being presented to the City Council. Action of the Planning and Zoning Commission and City Council shall be approval, approval subject to conditions, denial, or table for further review. Action of the Council shall be approval, denial, or table for further review. A site plan may be presented for consideration by the City Council in the event of a recommendation of denial by the Planning and Zoning Commission. In the event of denial of a site plan by the City Council, the applicant would be required to resubmit and begin the review process anew to have another proposal considered by the Planning and Zoning Commission and City Council. Resubmittal of a site plan shall be subject to all applicable costs associated with review of the documentation unless exception is made by City staff. Development review shall exist as a measurement determined by the City to meet the objectives outlined by the Windsor Heights Comprehensive Plan.

170.10 SITE PLAN REQUIREMENTS. The following information shall be clearly provided on the site plan. Site Plans shall be submitted in 24” by 36” format with three (3) copies of the plans submitted, unless otherwise approved by the Administrative Official. A site plan will not be submitted to the Planning and Zoning Commission for action until they are deemed complete as signed off by the Fire Inspector, Department of Public Safety, City Engineer, and other Administrative Officials. It is permissible and encouraged to introduce large and potentially controversial projects without a site plan to the Development Committee before a Planning and Zoning Commission meeting.

1. Narrative Information to be provided:
 - A. Name and address of property owner; including telephone and email.
 - B. Name and address of applicant; provide if different than property owner.
 - C. Name and address of plan preparer; including telephone and email.
 - D. Certification of Architect and Civil Engineer licensed in the State of Iowa. Include Seal, Date, and Signature on all applicable drawings prior to City Council approval of the Site Plan. Other certification may be requested when appropriate by the Administrative Official.
 - E. Certification of a Registered Land Surveyor licensed in the State of Iowa. Include Seal, Date, and Signature on applicable drawings prior to City Council Approval.
 - F. Current Zoning of Property. List the property’s existing zoning consistent with the City of Windsor Heights’ Official Zoning Map. Also include any overlay districts the property may be within and the land use identified in the current City of Windsor Heights Comprehensive Plan where the property is located.
 - G. Legal Description of Site. Include the plat name and lot number for all new Site Plans. Building permits shall only be permitted on a platted lot of record.
 - H. Total Area of Site. The total area of the site should be indicated in acres and square feet.

- I. Open Space.
 - (1) Indicate the total area of the proposed site in square feet, the area of open space within the site, and its percentage of the total site. The calculation should include all open space pervious areas and permitted pedestrian plazas.
 - (2) The total area of the site reserved for parking facilities, the open space within the defined parking area, and its percentages of the total parking area should be calculated and indicated in square feet.
 - J. Pervious and Impervious Surface. Indicate the total area of the proposed site in square feet, the area of pervious surface and the area of impervious surface including all structures.
 - K. Proposed Use of Site. Indicate all proposed uses for the site and building(s) as known at the time of application.
 - L. Parking Stalls. The total amount of parking stalls required based upon the proposed building use(s) of the site should be indicated. If more than one building use is proposed for the site, each individual parking stall requirement should be indicated separate of the total.
 - M. Loading Areas. If applicable to the proposed building uses of the site, the number of required and provided loading stalls should be indicated.
 - N. Setback Requirements. All setback requirements of the applicable zoning district within which the proposed site is located should be provided.
 - O. 100-year Flood Elevation. The 100-year flood elevation should be indicated based upon the most recent FEMA Flood Insurance Study.
2. Plan Information.
- A. General and Survey Information.
 - (1) North Arrow. Include on Site Plan and all other applicable sketches, drawings, and details.
 - (2) Scale of Drawing. A minimum scale of 1"= 80' shall be required.
 - (3) Vicinity Sketch. A minimum scale of 1"= 800' shall be used to indicate the properties within 300 feet of the proposed site location. The boundary of the proposed site location should be clearly defined in relation to other properties shown within the vicinity sketch.
 - (4) Site Boundary. All property lines shall be delineated with a heavy line.
 - (5) Bearing and Distances or Curve Data along boundary. Information shall be indicated as platted. Any measured information different than platted should be identified.
 - (6) Names of all Adjoining Property Owners. All property lines adjacent to the proposed site, or across street right-of-way, shall be indicated with the owner and/or subdivision name(s) in addition to any adjoining lot numbers as appropriate.

(7) Existing Features. All existing physical features shall be indicated on the site plan including but not limited to plant materials, drainage ways, structures, fences, and any encroachments. Projects involving numerous existing features may be requested to submit a demolition, removal, or relocation plan as determined to be most beneficial.

(8) Soil Tests and Similar Information. Soil tests and similar information may be required to determine the feasibility of the proposed development in relation to the design standards set forth herein.

(9) Topography. The existing and proposed topography shall be indicated with a maximum of two (2) foot intervals. Spot elevations may also be required at the request of the Administrative Official.

(10) Limits of Phased Construction. If the site is to be developed in more than one phase, the limits of each proposed construction/development phase shall be indicated including all facets of the phasing proposed.

(11) Additional Information. Drawings or other materials necessary to describe a proposed project may be requested by the Planning and Zoning Commission or Administrative Official. The applicant may include additional information or materials such as sketches, videos, models, or photos, if they help explain the proposal.

B. Building Footprint.

(1) Footprint. An accurate representation of the proposed building(s) footprint including exterior structures incorporated into the building mass and proposed internal demising walls known at the time of application.

(2) Size. Include the total square footage of each proposed floor, the number of floors, and the amount of finished area on each floor including any proposed basement area. For all multi-family and townhome proposals the total number of units proposed for each building footprint should be indicated.

(3) Entryways. The location of all proposed entries, service doors and overhead doors.

(4) Mechanical Units. Indicate the proposed location and type of all proposed ground mechanical units including air conditioning units, telephone pedestals, transformers, coolers, or other similar units.

(5) Trash Enclosures. Indicate the proposed location of all trash enclosures for the site and provide a detail of the structure for review.

C. Pedestrian Circulation.

(1) Paths. All proposed sidewalks, trails, and pathways should be indicated as appropriate on the site plan including the width, thickness, and type of pavement. All sidewalks, trails, and pathways shall be constructed to Windsor Heights Standard Specifications as

applicable to the project. Wherever possible, bike racks should be provided.

(2) Connectivity. Pedestrian corridors should be indicated from any public street to all proposed principle buildings.

(3) Stoops. All proposed emergency exits where a sidewalk is not indicated shall provide a stoop of an approved dimension determined to be adequate in providing a safe exit from the building.

D. Streets and Access.

(1) Access. All existing and proposed access drives to the site from a public street shall be indicated on the site plan and shall include appropriate spacing as determined by the City's Engineer.

(2) Public Improvements. All public improvements required of the developer shall be indicated on the site plan. The amount of improvements required shall be determined by the Windsor Heights Comprehensive Plan, streetscape plan, a traffic impact analysis, or any other approved documentation identifying the amount and type of improvements necessary to accommodate increased activity to the site or to facilitate future development as it relates to the development of said site.

(3) Private Streets. The use of private streets shall be allowed if the proposed private streets meet the following criteria:

a. Proposed private streets are built to Windsor Heights Standard Specifications for public streets.

b. They are maintained by the property owners requiring the private street(s) through a Homeowners Association or through an approved development agreement between the developer(s) and the City.

c. The width and thickness of the private street(s) is appropriate as determined by the City Engineer or a traffic impact study in accordance with the city specifications.

d. Sidewalks should be installed on both sides of the private street(s) unless additional landscaping or open space is incorporated into the site in an amount approved by the City Council in relief of one sidewalk per street.

e. A public ingress/egress easement is provided over the private street(s) location.

(4) Shared Access.

a. Any project where the development of townhomes provides access to garages from a public street shall provide a shared access drive between two or more units in order to minimize the amount of obstruction to the flow of traffic along said public street.

b. Any development of commercial property where shared access is anticipated shall provide an easement and

conceptual building footprint(s) for all proposed lots which are proposed to share the access drive(s).

E. Parking and Loading Areas.

(1) All proposed parking and loading areas incorporated in the site plan shall meet the requirements in the Zoning Ordinance and all other applicable State and Federal regulations.

(2) A complete traffic circulation and parking plan, showing the location and dimensions of all existing and proposed parking stalls, loading areas, entrance and exit drives, sidewalks, dividers, planters, and other similar permanent improvements in addition to indicating traffic movements within access drives in order to better identify any potential traffic impediments based upon the proposed parking configuration and access drives.

(3) Individual parking stalls should be indicated as appropriate and differentiated from parking aisles. Stalls intended to accommodate handicapped accessibility should be indicated appropriately.

(4) Proposed loading areas should indicate traffic movements where applicable to determine maneuverability within the site.

(5) Individual loading docks should be indicated on the site plan.

F. Lighting.

(1) A lighting plan should be provided with all site plans indicating the location, type, height, power rating, and any shielding methods required of all existing and/or proposed lighting fixtures. Lighting shall follow all applicable City ordinances including Dark-Sky standards.

(2) A manufacturer's cut-sheet shall be provided for each type of lighting fixture incorporated into the site layout including its material(s) and color. Information required from the cut-sheet shall include the description of lamps, supports, reflectors, and any other components of a particular lighting fixture. The site plan shall indicate all proposed lighting as depicted by the manufacturer.

(3) A photometric plan shall also be required identifying the horizontal illumination of the site and the vertical light trespass along the perimeter of the site. The photometric plan shall show a point by point foot-candle reading for the entire site at a minimum spacing of 10 feet between each point, including 2 feet past the property line. The vertical photometric plan shall only be required along the property line with a maximum spacing of 10 feet.

G. Lighting Standards.

(1) Definitions. Unless the context clearly indicates otherwise, the words and phrases used in this Ordinance shall have the following meaning:

- a. Exterior lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors.
- b. Exterior lighting fixture. The complete exterior lighting unit, including: the artificial source of light, the parts required to distribute the light, elements for light output control such as the reflector (mirror), or refractor (lens), the housing that protects and holds the lamp in place, the connection to the power supply, and the component that anchors the lighting unit to the ground or onto a structure.
- c. Floodlight. A lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- d. Foot-candle. The illuminance measured one (1) foot from a one (1) candle source.
- e. Full cut-off. A shielded light fixture that emits no light above a horizontal plane touching the lowest point of the fixture.
- f. Glare. The light in a direction near one's line of sight that either causes discomfort to the eye or impairs visibility.
- g. Horizontal and vertical foot-candles. The illuminance, measured by a light meter, striking a vertical or horizontal plane.
- h. Illuminance. The intensity of light in a specified direction measured at a specified point.
- i. Light. A form of radiant energy acting on the retina of the eye to make sight possible.
- j. Light trespass. Unwanted light falling on public or private property from an external location.
- k. Recreational Facility. Football fields, soccer fields, baseball fields, tennis courts, swimming pools, or any other special event or show area.

H. Lighting Design.

(1) Required Lamps – Generally, all lamps shall be halogen, metal halide, LED, or others with similar qualities to reduce glare and provide for improved color correct vision. Full cut- off high pressure sodium lamps, not exceeding a maximum lumen rating of 16,000 lumens, may be used in outdoor storage areas where the need for good color rendering capabilities for safety and security is not necessary. Such areas shall not be accessible to the general public or adjacent to any 'R' zoned property.

(2) Required Exterior Lighting Fixtures – Generally, all exterior lighting fixtures shall be full cut-offs. No portion of the lamp, lens, or diffuser shall be visible from the side or top of any shield, or otherwise protrude from the bottom of the shield. No exterior lighting

fixture shall emit light at or above a horizontal plane that runs through the lowest point of the shield.

(3) Commercial and Industrial Architectural and Decorative Lighting.

a. Limited building-mounted lighting may be used to highlight specific architectural features or primary customer or building entrances. Floodlights are only permitted provided all light emitted is contained by the building or by an eave or protruding structure.

b. Lighting fixtures shall be located, aimed, and shielded to minimize the glare that is emitted on objects other than a building's façade or landscape walls.

c. Building-mounted neon lighting may only be used when the lighting is recessed, or contained inside a cap or architectural reveal.

d. An exterior lighting fixture that emits less than 1800 lumens shall not be required to be a full cut-off fixture, provided that the lamp itself creates no glare or has an opaque covering.

(4) Site and Parking Lot Lighting.

a. The mounting height for lighting fixtures shall not exceed twenty five feet (25') from grade to the top of the lighting fixture.

b. The maximum average maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The maximum lighting level for a parking lot lighting fixture shall be ten (10) foot-candles.

c. The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet (5') above grade. If the adjacent property is the same owner, the light trespass limits may be waived by Council.

(5) Canopy Lighting. The maximum maintained foot-candles under a canopy shall be thirty-five (35) foot-candles. Areas outside the canopy shall be regulated by the guidelines and standards outlined above. Permissible fixtures for canopy lighting include:

a. Recessed fixtures that incorporate a lens cover that is either recessed or flush with the bottom surface of the canopy.

b. Indirect lighting where light is emitted upward and then reflected down from the underside of the canopy. Such fixtures shall be shielded to ensure that no light is emitted at or above a horizontal plane that runs through the lowest point of the canopy.

(6) Street Lighting. All private street light fixtures shall measure no more than thirty feet (30') from grade to the top of the lighting fixture, and shall be cobra-style, unless the Commission and Council permit the installation of an alternative fixture. The Commission and Council may approve an alternative lighting fixture only after a determination has been made that the alternative fixture has been designed to avoid glare and trespass. The use of lighting fixtures that direct light upward into the air is strictly prohibited. Public lighting along University Avenue shall conform to the specifications of lighting already in place. All other lighting on public streets shall conform to any adopted Streetscape Plans.

(7) Pedestrian Walkway Lighting. All pedestrian walkways shall be lit by pedestrian-level, bollard-type lighting (4 ft. height max.), ground mounted lighting, pole lighting (12 ft. height max.), or other low, glare-controlled fixtures that are mounted on building or landscape walls. University Avenue lighting should be followed as above.

(8) Recreational Facilities. The lighting fixtures at all public or private outdoor recreational facilities shall be designed to minimize the amount of light that is directed upward into the air, glare, and light trespass. The illumination of any public or private outdoor recreational facility after 11:00 p.m. is prohibited, except in order to conclude a specific activity, previously scheduled, which is in progress under such illumination prior to 11:00 p.m.

(9) Exemptions. This Ordinance shall not apply to the following exterior lighting sources:

- a. Airport lighting required by law.
- b. Temporary emergency lighting.
- c. Temporary lighting, other than security lighting, at construction projects.
- d. Governmental facilities where a compelling need for safety and security has been demonstrated.
- e. Lighting for flag poles, church steeples or other similar non-commercial items provided they do not cause distraction within public rights-of-way.

I. Signage.

(1) The location and type of all existing and proposed signage shall be indicated on the site plan.

(2) All signage shall meet the requirements identified within the Zoning Ordinance.

J. Landscaping.

(1) A landscaping plan shall be provided including the size and type of all proposed trees and plantings and any existing trees larger than six (6) inches in diameter proposed to be removed.

- (2) All landscaping necessary for fulfillment of all City Ordinances shall be indicated on the site plan and will conform to Section 170.20 of this Ordinance.

PART 2

170.11 INTENT. The following Ordinance is put forth in an effort to aid future development, redevelopment and alterations of Windsor Heights by identifying desirable aesthetic qualities. This Ordinance provides assistance in articulating the vision of Windsor Heights as established in the Comprehensive Plan and other plans as adopted by the City Council. This Ordinance will replace existing design standards as outlined in the Zoning Code and will become a comprehensive guide derived from all past completed plans and studies. This Ordinance will act as an overlay and shall operate in conjunction with any underlying zoning district; all other applicable regulations will remain in effect. If provisions of this Ordinance conflict with the underlying zoning, this Ordinance shall prevail. The overall objective is to have an atmosphere that is safe, convenient, vibrant, and attractive through the integration of uses and eclectic architecture, and to creatively handle stormwater drainage issues in an environmentally sound manner. Where a question of interpretation arises between a proposed project in relation to the Ordinance, the Administrative Official shall provide for the determined interpretation. The intent of the Design Standards is:

1. **Public Space.** To preserve, enhance, or create a variety of forms of publicly accessible open space, such as parks, plazas, tree-lined streets, and community gathering area.
2. **Compact Mixed Use.** To create a compact concentration of land uses within each development through multiple uses in a single building or in the same general area.
3. **Street Aesthetics.** To encourage an attractive and aesthetically pleasing environment, which will draw customers and residents and will help enhance and maintain the City's safe and superior quality of life.
4. **Attract new business and enhance property values that are viable to the citizens of Windsor Heights for the present and future.**
5. **Healthy Living.** To promote healthy living through trail enhancement and pedestrian connectivity.
6. **"Green" Friendly.** To reduce the amount of impervious parking in general and the amount of visible impervious parking specifically by utilizing shared parking, pedestrian pathways, permeable paving alternatives and creative, attractive landscaping.
7. **Design.** To achieve a unique aesthetic design through high quality architecture and construction with attention to placement, relationship and orientation of structures to provide a greater compatibility with surrounding land uses and create a feeling of permanence.

170.12 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Administrative Official" means the Windsor Heights Administrative Official or appropriate designee.
2. "Big box retail" means a structure exceeding 50,000 square feet.

3. “Buffer” means a combination of horizontal space (land) and vertical elements (plants, berm, fences, and walls), used to physically separate or visually screen incompatible adjacent land uses.
4. “Community use” means administrative and legislative government offices, schools, postal facilities (such as libraries and museums), meeting halls, clubhouses, amphitheaters, band shells, and pavilions.
5. “Development Committee” means a committee made up of two Council Members, the Mayor, Planning and Zoning Commission liaison, Administrative Officials, two citizens and a business owner.
6. “Dormer” means a projecting framed structure set vertically on the rafters of a pitched roof, with its own roof (pitched or flat), sides, and a window set vertically in the front.
7. “Drive-Thru” means an establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are designated drive-thru stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners.
8. “Façade” means the exterior face of a building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.
9. “Landscape amenities” means living or non-living materials used to augment the beauty of usability of a landscaped area. Amenities may include (but are not limited to) additional vegetation, flower gardens, tables, sculptures, monuments, benches, gardens, banners, enhanced pavement, pedestrian plaza areas, fountains, and planters.
10. “Landscape islands” means a raised unpaved area located within or protruding into a parking lot or the center, unpaved area of a cul-de-sac or traffic circle. The area of a landscape island is measured from the back of the inside curb to the back of inside curb.
11. “Landscape pod” means a small individual unpaved area within a parking lot incorporated to provide locations for vegetation, thus increasing the aesthetic quality of the parking lot.
12. “Large retail strip establishments” means a structure (or structures when combined) which exceeds 50,000 square feet and is a largely nonresidential development, which is shallow in depth and lies along a length of roadway. Buildings organized in a linear pattern or in isolated “islands” characterize a large retail establishment.
13. “Live-work unit” means a unit which offers both a studio work environment and a living environment. The work environment shall be primarily involved in the artistic crafts, offices, or service uses with minimum impacts on surrounding neighborhood, such as self-employed consultants, researchers, or artists.
14. “Main entrance” means that entrance of the building which is most architecturally prominent and contains operable doors.
15. “Mixed use” means a single building containing two or more types of land use; or a single development of more than one building and use, where the different

types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

16. “Open space” means any area within a single site or lot that is not covered by a building, structure, parking lot, or driveway. Sidewalks and patios may be counted as open space. Open space is an area which serves the need for leisure, recreation, or pedestrian interaction. Spaces may include (but are not limited to) plaza areas, open lawn areas, trails, recreation facilities, gardens, and pedestrian walkways.

17. “Opacity degree” means an imaginary vertical plane extending from the established grade to a required height, which will be visually obscured to deferring levels of opaqueness through the position of obstructions between the viewing point and the viewed object.

18. “Parapet” means a low, solid, protective screening or decorative wall, often used around a balcony, or along the edge of a roof to screen roof equipment.

19. “Pedestrian style or scale” or “human scale” means the establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.

20. “Place making” means distinct features, such as parks, plazas, or civic areas which connect residents with a community and promote positive user interaction.

21. “Planned Unit Development” means a planned combination of diverse land uses, such as housing, recreation and shopping, in one contained development or subdivision.

22. “Plaza” means a public square or an open space.

23. “Smart Growth” means an approach to growth that focuses on developing urban (metropolitan) communities that are more hospitable, productive, and fiscally and environmentally responsible than most communities developed in the last century. The principles of smart growth are based on compact and multiuse development, infill and redevelopment, expansion of infrastructure, enhanced livability, expanded mobility, and conservation of open space. While some parties focus on one aspect of development over another, smart growth seeks to identify a common ground where developers, environmentalists, public officials, citizens, and others can call find ways to accommodate growth.

24. “Snout house” means a house designed with the garage closest to the street, which presents the garage as the dominant façade.

25. “Streetscape” means a combination of vegetation, amenities such as bike racks, and special visual features along either side of vehicular travel lanes for the purpose of aesthetics or shade.

26. “Streetscape furniture” means amenities, such as benches, lighting, and trash receptacles, which help to carry out the development’s chosen theme.

27. “Structural Offsets” means an architectural feature designed to break up monotonous building materials and provides enhanced aesthetics.

28. “Travel way” means a pedestrian or automotive path.

29. “Vehicle use area” means the area of a development subject to vehicle traffic, including access ways, loading and service areas, areas used for parking or storage of

vehicles, boats, or portable construction equipment and all land which vehicles cross over as a function of the primary use.

170.13 COMMERCIAL SITE DESIGN REQUIREMENTS – GENERAL PROVISIONS.

1. Buildings and building facades are encouraged to be placed and designed to provide a strong street orientation to create a pleasing pedestrian environment.
2. Uses and buildings with greater intensity and height to produce a concentration of jobs, shops, meeting facilities, residential units, entertainment, and restaurants within close proximity to each other is strongly encouraged.
3. The design shall create small, shared, aesthetically landscaped, and screened parking lots, which are designed to function not only in the interest of accommodating automobiles, but also in the interest of the pedestrian.
4. The design shall allow for the creative design of plazas, green spaces, and focal elements for retail, office, or mixed use developments.
5. Building façades shall be varied and articulated to provide visual interest. Buildings shall be proportioned and defined by clear façade elements such as a base, middle, and top.
6. Building volume and mass are partially defined by façade treatment. Facades shall be designed to be proportional to the overall building and reflect the architectural style. Building volumes shall be reduced through wall offsets or projections.
7. The site design requirements encourage the design of mixed-use structures to provide an environment that offers office, retail, and residential opportunities. Mixed-use buildings or developments shall be designed to limit the impacts of traffic, noise, and safety to the surrounding neighborhood.
8. A compact concentration of land uses is encouraged within each development through multiple uses in a single building, or in the same general area.
9. Landscaped, outdoor uses that serve the pedestrian are preferred.
10. Developments shall provide buffering for street frontage through enhanced vegetation, berming, or landscape features that are sufficient to attractively enhance the project, as set forth in subsection 170.17 of this section.
11. Buildings are preferred to be located as close to the street as is allowed in the zoning ordinance, with the preference off-street parking behind or on the side of the building.
12. Buildings shall be arranged to create view corridors between pedestrian destinations within and adjacent to the site including building entrances or open spaces.
13. Buildings are encouraged to be placed to occupy the street edge to the greatest degree possible. Buildings with two street frontages are encouraged to be placed or enlarged to occupy both street edges.
14. Courtyards are encouraged with multiple entrances/uses serving courtyards.
15. Each development shall provide outdoor lighting fixtures as prescribed in adopted Streetscape Plans, integrated street pavers or patterns, and landscaping that reinforces the neighborhood theme and identity.

16. Loading areas, overhead doors, or service areas shall not face the corridor.
17. Developments that abut existing developments shall be designed to respect the surrounding developments in order to provide for a transition from the typical development patterns to the new development.
18. Upper stories shall be differentiated from the lower floor by wall offsets, step backs, balconies or other features.
19. Corners of street intersections shall be distinguished by special landscape or architectural treatments such as:
 - A. Flower displays,
 - B. Accent rocks,
 - C. Decorative lighting,
 - D. Outdoor art,
 - E. Vertical architectural elements,
 - F. Special paving.

170.14 COMMERCIAL ARCHITECTURAL REQUIREMENTS - BUILDINGS.

1. Buildings are required to have architectural interest by achieving the following:
 - A. Using heavier building materials at the bottom of the building;
 - B. Demonstrate architectural compatibility through consistent and complementary building style, mass scale, materials, and colors to the neighborhood.
 - C. Building articulations shall be used to create interest and reduce building scale. This can be achieved through varying heights and setbacks within the same building, offsetting wall planes and adding architectural interest with roof overhangs, awnings, trellises, windows, moldings and other elements.
 - D. Colors for exterior building finishes shall be earth tones, brick tones, creams, pastels of earth tones, or dark/muted green, blues, and reds.
 - E. Bright white, black, or primary colors shall be used only as accents, occupying a maximum of ten (10) percent of the building. No more than two (2) accent colors shall be used on a building.
 - F. The selected material and color palette shall be used on all exposed sides of a building, not just the street facing or entry façade.
 - G. Preferred primary exterior materials:
 - (1) Aluminum composite materials
 - (2) Brick
 - (3) Cast Stone
 - (4) Cultured Stone
 - (5) Precast Concrete Panels

- H. Secondary Exterior Materials shall include but not limited to:
- (1) Architectural Metals
 - (2) Copper Flashing
 - (3) EIFS (exterior insulation finishing system)
 - (4) Fiber Cement Siding
 - (5) Structural Composite Sandwich Paneling
 - (6) Tile
 - (7) Those materials listed as Primary Materials
- I. Secondary Materials shall be used to further define and accent the architectural characteristics of a proposed structure.
- J. The City Council may consider an alternative material(s) not specifically listed above if the overall design is determined to provide a unique use of the material(s) which meets the intent of this section in creating appearance of permanency and sustained interest throughout the entirety of the building.
- K. Using roof details such as cornices, caps, or parapets at the top of the building; inclined roofs are preferred.
- L. Alternating roof styles, heights, and elements; including pitch or hip roofs;
- (1) Roof design shall be an integral part of the overall building design. It shall be of a height and proportion so as not to appear as an afterthought or appendage.
 - (2) Rooftop outdoor living spaces shall be integrated into the building structure. Step backs, parapets and other features shall be used to provide privacy and screening of utilitarian areas and equipment.
 - (3) Building rooflines make a profile against the sky and the design of this profile helps define community character. Roofline design shall be consistent with existing block or neighborhood patterns where appropriate.
 - (4) Roof material shall be appropriate to the buildings architecture. Materials with highly reflective surfaces are not allowed.
- M. Both horizontal and vertical division shall be incorporated into the building façade.
- N. Monotonous, uninterrupted expanses of wall are prohibited. Recesses, projections, columns, openings, ornamentation, materials and colors shall be used to add texture and detail. Blank walls shall not normally exceed twenty (20) feet of lineal frontage along University Avenue or Hickman Road and twenty-five (25) feet along all other streets.
2. Fenestration (door and window openings) shall be sized to the scale of the building and detailed appropriately. Use of repeating window patterns and details are encouraged to unify the design.

3. Entries and windows shall contribute to the volume, mass proportion and texture of the building. They shall be designed as an integral part of the overall building design and shall reflect the building's architectural style.
4. Materials shall change with the change in building plans; however, all materials shall keep within the chosen theme.
5. New and renovated developments shall exhibit high quality design and construction that will enhance the community.
6. Reflective glass or mirrored glass is prohibited. Clear glass shall be used on storefronts, windows, and doors to promote the linkage of the interior and exterior buildings.
7. Trim and structural elements such as posts or columns shall be sized to the scale of the building and detailed appropriately to the theme. When used, masonry materials shall have the appearance of three-dimensional elements.
8. Colorful landscaping is encouraged to frame doorways or accent windows. Landscaping may be planting beds, sidewalks planters, containers and/or window boxes. Planters, containers and window boxes are encouraged to complement the architectural style and color of the building it is framing.
9. Corporate franchise design where the building functions as a trademark shall be permissible only if it incorporates architectural elements, which are compatible with the overall theme and uniqueness of the development and surrounding development.
10. Outbuildings on commercial lots are also required to use attractive architectural elements as outlined above.
11. In the case of gas stations, canopy supports shall be clad in brick, masonry, wood or other similar material that is compatible with the architecture of the building. Cladding of the supports shall be proportioned to the height and scale of the canopy. All downspouts shall be integrated into the canopy structure. Canopy fascia shall be finished to match the building material and color.
12. All townhome, row, and multi-family dwellings proposed within the same development shall have a unified architectural theme. Sites where four (4) or more buildings are proposed shall provide slight differentiation in design amongst buildings of the same size or number of units to provide for a higher level of architectural design for the site as a whole.
13. Window bays, articulation of roof lines through the use of dormers or gables, variation in building offsets, the division of continuous material(s), the use of architectural accents such as chimneys, balconies, pediments, columns, cornice lines, or moldings shall be used in townhomes or row dwelling facilities and multi-family facades.
14. Any garage door proposed within a townhome, row dwelling, or multi-family structure shall be integrated into the façade so as not to become a prominent element of the dwelling.
15. Stairways and stairwells shall be integrated into and complement the overall architectural form and style. Flimsy, open metal, prefabricated stairs are not allowed. Uncovered stairs shall be screened from view with wing walls or landscaping.

170.15 COMMERCIAL PARKING STANDARDS.

1. Parking areas shall consist of separated parking fields that are aesthetically pleasing, landscaped to screen the public views and located so as not to be the dominant feature along any street or intersection, with appropriate landscaping and landscaping pods and units as set out in subsection 170.17 of this section.
2. Parking structures and lots shall be designed to contribute to an attractive appearance of the streetscape, including appropriate lighting, and not deter from the pedestrian access.
3. Parking should be as unobtrusive as possible. As a whole, the massing and details of the building shall dominate the streetscape; not parking.
4. Structured parking shall provide pedestrian access to both the street level and multistory residential or retail.
5. Shared parking between mixed uses is encouraged.
6. Seasonal overflow parking shall be located in the rear of the lot or in an off-site private/public co-use of spaces and should be considered with parking spaces within a one block distance counting towards the minimum parking space requirements of the development.
7. Consideration will be given for the reduction of parking requirements if the applicant can provide data that indicates potential parking demand that is less than the current code. The applicant may use shared parking to reduce the number of required stalls.
8. Parking shall be located to utilize natural landscape and topography.
9. The design of all parking lots shall permit the travel of the Fire Department's vehicle access requirements.
10. Pedestrian travel ways shall be separated from vehicular traffic with landscaping, bollards made of materials complimenting the architectural style of the project, special paving, or any other feature, which identifies the pedestrian space.
11. Developers shall give special consideration to parking lots using permeable paving alternatives such as those paving systems designed to infiltrate and capture storm water. Such alternatives may be required as part of the site plan approval.

170.16 COMMERCIAL PARKING LOT DESIGN AND LANDSCAPING STANDARDS. Locating parking in the back of the development is strongly preferred; however it doesn't work for every development. The intent of this subsection is to encourage extensive landscaping in parking lot areas which tend to have the greatest negative impact on developments and that will provide breaks in what could be viewed as a sea of asphalt parking. All parking areas shall be designed to create small, shared, aesthetically landscaped, and screened parking lots that are designed to function not only in the interest of accommodating automobiles, but also in the interest of the pedestrian. The following standards are in addition to the landscaping requirements in Chapter 173 of the zoning ordinance.

1. Landscape islands shall be spaced no greater than 12 parking stalls apart within a single row of parking. Islands shall be 10 feet in width by 38 feet in length for dual row parking rows and 10 feet in width by 19 feet in length for single rows.

2. No parking space, within a single row of parking, shall be greater than twelve stalls from a landscape island.
3. Landscape islands shall be located at the terminus end of parking rows.
4. A variety of plants, shrubs, and trees shall be installed in each landscape pod and island. In addition, a variety of perennials may be required as the time of site plan review. In all events, the landscape pods and islands shall be sodded or mulched. If mulched, mulch shall be replenished annually; volcano mulching around trees is not permissible. Pea gravel and lava rocks will not be allowed.
5. The developer and/or successors shall maintain landscaped medians. Some landscaping must provide winter interest and be evergreen in nature.
6. Areas where parking lots or drive lanes are visible from the public street shall provide a significant level of screening through the use of any of the following:
 - A. Earthen berms;
 - B. Three feet or higher in conjunction with vegetation;
 - C. Landscaped walls;
 - D. Walls constructed for the retainment of soil which are greater than 4 feet in height shall be designed by an individual knowledgeable and certified in structural engineering;
 - E. Walls may be brick, individual decorative modular wall stone, or natural stacked wall or field stone. Walls composed of landscape timbers or other wood products are not desired due to the deterioration potential of the material. Wood walls may be used, with approval by the Administrative Official or Planning and Zoning Commission and City Council, in areas where views of the wall are minimal.
 - F. Vegetation shall be planted along all types of walls to soften the visual impact, visually break up long expanses of the wall and to visually anchor it to the site. Vegetation screening shall be of evergreen materials.
 - G. Perimeter masonry screen walls are encouraged with landscaping. Where possible, landscaping shall be provided within a minimum 4' wide planting bed and include trees, shrubs, and/or groundcovers. Landscaping shall coordinate with the streetscape landscaping. Landscaping shall be kept in a neat and orderly manner.

170.17 COMMERCIAL CONNECTIVITY AND PEDESTRIAN ELEMENTS.

1. Sites shall be designed with delineated sidewalks, walkways, and paths to provide continuous circulation throughout the site connecting principal structures, dwelling units, parking areas, parking garages, and other prominent features. Pedestrian connection(s) shall be made between the internal circulation system and the adjacent public sidewalk or trail systems. The site shall be organized so that the buildings frame and reinforce pedestrian circulation between lots.
2. Sites shall be designed to limit the number of pedestrian and motorist conflict points.
3. Sidewalks in designated areas shall be of a sufficient width to accommodate outdoor seating areas for cafes, pedestrian street furniture, walkways, and street trees.

Sidewalks shall be a minimum of six (6) feet unless specifically exempted by the Administrative Official or other Administrative Official.

4. Developments shall provide breaks between buildings at mid-block and shall have pedestrian amenities such as walkways, benches, etc.
5. Any pedestrian paths which cross internal drives shall be constructed to visually contrast to provide a highly visible crosswalk.
6. Enhanced pedestrian elements at the sidewalk level including decorative lighting, seating or low sitting walls, planters, enhanced paving techniques, etc., shall be incorporated into the theme.
7. To promote a higher level of pedestrian awareness, the use of alternate paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is required. Mere cuts in the concrete will not be sufficient to meet the requirements of this section.
8. Common walls between residential and nonresidential uses shall be constructed to minimize the transmission of noise and vibration.
9. On-site bicycle parking shall be provided and in a location that is easily accessible, but non-intrusive to sidewalk areas or building entries.
10. Parking and refuse containers shall be placed in a convenient location for the residential units of mixed-use buildings and shall be enclosed with wooden or masonry structure.

170.18 BIG BOX/LARGE RETAIL STRIP ESTABLISHMENTS. It is the intent of this Ordinance to create a unique environment through mixed uses and interesting design. Each large retail establishment is required to provide pedestrian scale through the incorporation of several of the following suggested elements:

1. Arcades;
2. Arches or recessed archways;
3. Architectural details, such as tile work and moldings, which are integrated into the building structure and design;
4. Awnings, canopies, or porticos;
5. Changes in massing;
6. Changes in material;
7. Clearly defined, highly visible, multiple customer entrances;
8. Display windows;
9. Dormers;
10. Peaked roof forms;
11. Planters, outdoor patios or wing walls that incorporate landscape areas and/or places for sitting;
12. Raised corniced parapets over the doors;
13. Separate shops (or the appearance of separate shops) with separate entrances placed in front of the larger building;

14. Varying plate heights.
15. Buildings constructed shall be designed to sustain interest throughout the entirety of the building's exterior and reduce the appearance of a box or cube.
16. Individual buildings within a planned retail center, office park, or similar environment shall be designed with a compatible architectural style or theme.
17. In order to ensure the longevity and future usability of retail buildings in excess of 50,000 square feet (e.g. big box retailer, anchor of a large retail strip establishments, etc.) additional articulation and structural offsets shall be provided to ensure future reuse of the structure by smaller user groups. This shall be accomplished by visually separating the building into masses conducive to such reuse.

170.19 OPEN SPACE; LANDSCAPING – GENERAL PROVISIONS. The open space provisions exist to provide minimum open space requirements with a desire to increase densities within the development. Properties that have provided or otherwise dedicated land towards the creation of green space meet this requirement. Refer to the open space plan in the Comprehensive Plan to determine where open spaces may be required.

1. Developments shall adhere to the requirements of Section 170.20 of this Ordinance. However, the following standards shall be followed when providing open space. All developments shall provide open space, or spaces, which allow for the interaction among pedestrians and with the surrounding environment according to the Comprehensive Plan
2. Open spaces shall be designed to encourage the interaction and presence of people throughout the day and evening.
3. Outdoor spaces shall provide as many seating opportunities as possible through the placement of moveable chairs, sidewalks cafes, and planter walls.
4. Outdoor space shall be privately owned and maintained by the developer or property owner's association. However, if the determination has been made by the City Council that a particular open space serves not only the patrons of the development but the greater community as a whole, the City may provide assistance to aid in the development of the public space.
5. The integration of storm drainage and detention shall be designed to enhance the public space, which could include the creation of ponds, rain gardens, permeable paving alternatives, etc
6. Open space shall be designed to create an outdoor room, by limiting the interaction with moving vehicles and partially surrounding the spaces by buildings, landscaping elements, and architectural features.
7. All utility boxes shall be screened with evergreen trees or shrubs proportional to the heights of the utility box with enough clearance to allow service on the boxes if necessary.
8. Irrigation sufficient to sustain plant life enabling it to flourish is required.

170.20 LANDSCAPING MATERIALS. The following materials are permitted, encouraged, or prohibited, based on categories. See Iowa Urban Tree Council website for ash tree replacement list.

Partial Listing of Large Shade Trees for Planting on Public and Private Property

1. *Nyssa sylvatica* (Blackgum)
2. *Cladrastis kentuckea* (Yellowwood)
3. *Liriodendron tulipifera* (Tuliptree)
4. *Taxodium distichum* (Bald Cypress)
5. *Betula nigra* (River Birch)
6. *Celtis occidentalis* (Hackberry)
7. *Gleditsia triacanthos* i. (Honeylocust cv.)
8. *Gymnocladus dioicus* (Kentucky Coffeetree) – Male only
9. *Ginkgo biloba* (Ginkgo, Maidenhair Tree) – Male only
10. *Quercus* sp. (Oaks)
11. *Tilia* sp. (Lindens)

Evergreens for Planting on Public and Private Property

1. *Densiflorus* Yews
2. *Juniperus virginiana* (Eastern Red Cedar)
3. *Picea glauca densata* (Blackhills Spruce)
4. *Picea pungens glauca* (Colorado Blue Spruce)
5. *Pinus banksiana* (Jack Pine)
6. *Pinus ponderosa* (Ponderosa Pine)
7. *Pinus mugho mughus* (Swiss Mountain Pine)
8. Eastern White Pine
9. *Abies concolor* White Fir
10. *Pinus strobes* White Pine
11. *Thuja occidentalis* (Arborvitae)
12. Fat Albert (Colorado Blue Spruce)

Tree Planting Prohibited on Street Right-of-Way and Not Recommended for Private Property

1. *Acer negundo* (Box Elder)
2. *Acer saccharinum* (Silver Maple)
3. *Betula papyrifera* (White Birch – ROW only)
4. *Gleditsia tricanthos* (Thorny Honeylocust)
5. *Robinia pseudocacia* (Black Locust)
6. *Quercus palustris* (Pin Oak – ROW only)
7. All Evergreens (ROW only)
8. Trees bearing fruits and nuts over one foot diameter (ROW only)

Dense Deciduous Shrub List for ScreeningLarge:

1. *Acer ginnala* ‘Bailey Compact’ (Bailey Compact Amur Maple, 8’ x 8’)
2. *Cotoneaster lucida* (Hedge Cotoneaster, 8-10’ x 4-5’)
3. *Physocarpus opulifolius* ‘Diablo’ (Ninebark, 8-10’ x 8-10’)
4. *Prunus tomentosa* (Nanking Cherry, 8-10’)
5. *Syringa x prestoniae* (Donald Wyman, James MacFarlane, Agnes Smith, 8’ x 8’)
6. *Viburnum dentatum* (Arrowwood Viburnum, 8’ x 8’)
7. *Viburnum opulus* (European Cranberry Viburnum, 8-12’ x 10-12’)
8. *Viburnum trilobum* (American Cranberrybush Viburnum, 10’ x 8’)

9. Arborvitae – any species not prone to splitting

Medium:

1. Rhus aromatica (Fragrant Sumac, 6' x 5')
2. Ribes alpinum (Alpine Current, 5' x 8')
3. Spirea vanhouttei (Bridal Wreath Spirea, 6' x 6')
4. Syringa meyeri palibin (Dwarf Korean Lilac, 6' x 10')
5. Viburnum trilobum Compact cv. (Compact American Cranberry Viburnum, 6' x 6')

Small:

1. Physocarpus opulifolius nanus (Dwarf Ninebark, 3' x 3')
2. Potentilla fruticosa cv. (Potentilla varieties, usually 3' x 3')
3. Rhus aromatica Gro-Low (Gro-Low Sumac, 2 x 4-5')
4. Ribes alpinum Green Mound (Green Mound Alpine Current, 3-4' x 2-3')
5. Salix purpurea nana (Dwarf Blue Leaf Arctic Willow, 4 x 4)
6. Spirea bumalda cv. (Spirea varieties, 2' x 2' – 4' x 4' – varies with cultivar)
7. Spirea japonica cv. (Japanese Spirea varieties, 2' x 2' – 4' x 4' – varies with cultivar)
8. Viburnum opulus nanum (Dwarf Cranberry Viburnum, 3' x 3')
9. Boxwood Koreanus
10. Densifolius Yews
11. Hearty shrub roses

Evergreen Shrubs

1. Chinese Junipers Juniperus chinensis
2. Blue holly – ilex meserveae
3. Sea Green Juniper Juniperus chinensis 'Sea Green'
4. Japanese Garden Juniper Juniperus chinensis procumbens
5. Dwarf Creeping Juniper Juniperus horizontalis
6. Spreading Japanese Yew Taxus cuspidate
7. Hicks upright Yew Taxus media 'Hicks'
8. Taunton Yew Taxus media 'Taunton'
9. Densifolius Yews
10. Green Velvet Boxwood
11. Green Mountain Boxwood
12. Rhododendron "PJM"

Small Trees for Under High Wires (with upright branching to avoid pedestrians on sidewalks)

1. Acer platanoides 'Crimson Sentry' (Crimson Sentry Maple, 25' x 15')
2. Amelanchier x grandiflora 'Robin Hill' (Robin Hill Serviceberry)
3. Maackia amurensis (Amur Maackia, 25' x 20')
4. Malus Adirondack (Adirondack Flowering Crabapple, white, 20' x 10')
5. Malus Centurion (Centurion Flowering Crab, rose-red, 20' x 12')
6. Malus Red Barron (Red Barron Flowering Crab, rose, 18' x 8')
7. Malus Sentinel (Sentinel Flowering Crab, white, 20' x 12')
8. Prunus nigra 'Princess Kay' (15' x 8-10')
9. Syringa reticulata 'Ivory Silk' (Ivory Silk Japanese Tree Lilac, 20' x 15')

Small Trees for Under High Wires (where sidewalk clearance is not an issue)

1. Acer ginnala (Amur Maple, 20' x 20')
2. Acer tatarica (Tatarian Maple, 25' x 15')
3. Amelanchier canadensis (Shadblow Serviceberry, tree form, 25' x 15')
4. Amelanchier g. Autumn Brilliance (Autumn Brilliance Serviceberry, 20' x 25')
5. Carpinus caroliniana (American Hornbeam, 25' x 20')
6. Cercis canadensis (Eastern Redbud, 25' x 20')
7. Cornus alternifolia (Pagoda Dogwood, 20' x 15')
8. Crataegus intricata (Thicket Hawthorn, 20' x 15')
9. Crataegus phaenopyrum (Washington Hawthorn, 20' x 20')
10. Crataegus v. Winter King (Winter King Hawthorn, 20' x 20')
11. Hamamelis virginiana (Common Witch-hazel, 12-15' x 12')
12. Ostrya virginiana (American Hophornbeam, 35' x 25')
13. Prunus maackia (25' x 25')
14. Pyrus c. Chanticleer (Chanticleer Flowering Pear, 35' x 15')

Permitted Disease Resistant Flowering Crabapples (not a comprehensive list)

1. Adams (red to pink flowers, red persistent fruit, 15' x 20')
2. Baccata Jackii (white flowers, red fruit, 20' x 20')
3. Beverly (white flowers, red fruit, 20' x 20')
4. Candied Apple (pink flowers, red persistent fruit, 15' x 15')
5. Calloway (20' x 20')
6. Cardinal (16' x 20')
7. David (white flowers, red persistent fruit, 12' x 12')
8. Donald Wyman (white flowers, red persistent fruit, 20' x 24')
9. Golden Raindrops (white flowers, yellow persistent fruit, 20' x 15')
10. Jewelberry (white flowers, red fruit, 8' x 12')
11. Liset (dark red flowers, maroon fruit, 15' x 15')
12. Louisa (pink flowers, yellow fruit, 15' x 15')
13. Ormiston Roy (white flowers, amber persistent fruit, 20' x 25')
14. Pink Princess (pink flowers, deep red fruit, 8' x 12')
15. Prairiefire (rose-red flowers, dark red persistent fruit, 20' x 20')
16. Professor Sprenger (white flowers, orange-red persistent fruit, 20' x 20')
17. Robinson (deep pink flowers, red fruit, 25' x 20')
18. Sargent (white flowers, red persistent fruit, 8' x 12')
19. Strawberry Parfait (18' x 22')
20. Sugar Tyme (white flowers, red fruit, 18' x 15')
21. Zumi Calocarpa (white flowers, red fruit, 15' x 15')

Plants with Good to Moderate Salt ToleranceDeciduous Shrubs:

1. Caragana arborescens (Siberian Pea Shrub, 20' x 10')
2. Hypericum prolificum (St. John's Wort, 4' x 4')
3. Lilacs (Miss Kiss)
4. Myrica pennsylvanica (Northern Bayberry, 9' x 6')
5. Philadelphus spp. & cvs. (Mockorange, size varies with species)

6. *Potentilla* spp. & cvs. (Cinquefoil, 3' x 3')
7. *Rhus glabra* (Smooth Sumac, 10' x 5')
8. *Rhus typhina* (Staghorn Sumac, 24' x 12')
9. *Shepherdia argentea* (Silver Buffalo Berry, 20' x 15')
10. *Spirea vanhouttei* (Bridalwreath Spirea, 6'x 6')
11. *Symphoricarpos albus* (Snowberry, 3' x 3')
12. *Syringa vulgaris* (Common Lilac, 12'x10')
13. *Viburnum dentatum* (Arrowwood Viburnum, 6' x 6')

Deciduous Trees:

1. *Acer ginnala* (Amur Maple)
2. *Acer platanoides* (Norway Maple)
3. *Aesculus hippocastanum* (Common Horsechestnut)
4. *Amelanchier Canadensis* (Shadblow Serviceberry)
5. *Catalpa speciosa* (Northern Catalpa)
6. *Celtis occidentalis* (Hackberry)
7. *Crataegus crus-galli* (Cockspur Hawthorn)
8. *Elaeagnus angustifolia* (Russian Olive)
9. *Ginkgo biloba* - Male only
10. *Gleditsia tricanthos* (Honeylocust)
11. *Gymnocladus dioicus* (Kentucky Coffeetree) – Male only
12. *Populus alba* (White Poplar)
13. *Populus deltoides* (Cottonwood)
14. *Populus tremuloides* (Quaking Aspen)
15. *Prunus serotina* (Black Cherry)
16. *Prunus virginiana* (Choke Cherry)
17. *Quercus alba* (White Oak)
18. *Quercus macrocarpa* (Burr Oak)
19. *Quercus rubra* (Red Oak)
20. *Tamarix ramosissima* (Five Stamen Tamarisk)

Groundcovers:

1. Bugleweed *Ajuga reptans*
2. Goutweed *Aegopodium podagraria*
3. Creeping Cotoneaster *Cotoneaster adpressa*
4. Bearberry Cotoneaster *Cotoneaster dammeri*
5. Rockspray Cotoneaster *Cotoneaster horizontalis*
6. Hesse Cotoneaster *Cotoneaster horizontalis* 'Hessei'
7. Wintercreeper *Euonymus fortunei* cultivars
8. English Ivy *Hedera helix*
9. Plantain Lily Cultivars *Hosta* cultivars
10. Japanese Garden Juniper *Juniperus chinensis procumbens*
11. Sargent Juniper *Juniperus chinensis sargentii*
12. Japanese pachysandra *Pachysandra terminalis*
13. Gro-low sumac *Rhus aromatica* 'Gro-low'
14. Periwinkle *Vinca minor*

Low Maintenance Perennial

Full Sun (Includes sun from 12:00 - 5:00 p.m.)

Non-Native

1. *Artemisia camphorata* (Southernwood)
2. *Aster Alma Pötschke*
3. *Aster Purple Dome*
4. *Baptisia australis* (False Indigo)
5. *Boltonia a. Snowbank* (White Boltonia)
6. *Chelone lyonii* (Turtlehead)
7. *Coreopsis Zagreb* (Tickseed)
8. *Echinacea purpurea* (Coneflower)
9. *Euphorbia polychroma* (Cushion Spurge)
10. *Geranium c. Biokova*
11. *Geranium sanguineum* Max Frei
12. *Heliopsis* (False Sunflower)
13. *Hemerocallis* (Daylily)
14. *Iris sibirica* (Siberian Iris)
15. *Liatris* (Blazing Star)
16. *Lamiaceae Origanum*
17. *Herrenhausen* (Ornamental Oregano)
18. *Paeoniaceae Peony*
19. *Perovskia* (Russian Sage)
20. *Rudbeckia Goldsturm* (Black-Eyed Susan)
21. *Ruta graveolens* (Rue)
22. *Salvia May Night/East Friesland/Blue Hills etc.* (Meadow Sage)
23. *Sedum kamtschaticum* (Stonecrop)
24. *Sedum spectabile* Autumn Joy/Brilliant/Matrona etc.
25. *Stachys Helene von Stein* (Lamb's Ears)
26. *Tanacetum* (Fern Leaf Tansy)
27. *Waldsteinia ternata* (Barren Strawberry)
28. *Yucca filamentosa*

Native

1. Bee Balm
2. Bottle Gentian
3. Butterfly Milkweed
4. Canada Anemone
5. Culvers Root
6. False Sunflower
7. Leadplant
8. Gray-headed Coneflower
9. Monkey Flower Plant
10. Nodding Onion
11. Ohio Spiderwort
12. Pale Purple Coneflower
13. Penstemon or Foxglove Beardtongue
14. Prairie Blazing Star
15. Prairie Phlox
16. Prairie Smoke
17. Purple Coneflower
18. Purple Prairie Clover
19. Queen of the Prairie

20. Rough Blazing Star
21. Silky Aster
22. Smooth Blue Aster
23. Stiff Goldenrod
24. Susan, Brown and Black-Eyed
25. White Prairie Clover
26. Wild Bergamot
27. Wild Geranium

Full Sun Grasses

Non-Native

1. Calamagrostis Karl Foerster (Feather Reed Grass)
2. Deschampsia caespitosa (Tufted Hair Grass)

Native

1. Schizachyrium scoparium (Little Bluestem)
2. Sporobolus heterolepis (Prairie Dropseed)
3. Sorghastrum nutans (Indiangrass)
4. Boutelousa (Side Oats Gramma)
5. Panicum (Switch grass)

Partial Shade (morning sun, afternoon shade)

Non-Native

1. Alchemilla (Lady's Mantle)
2. Aruncus (Goatsbeard)
3. Astilbe varieties
4. Carex s. Variegata (Variegated Sedge)
5. Chelone lyonii (Turtlehead)
6. Deschampsia caespitosa (Tufted Hair Grass)
7. Fern varieties
8. Heuchera varieties
9. Hosta varieties
10. Iris sibirica (Siberian Iris)
11. Lamiastrum g. Herman's Pride
12. Lamium m. Chequers
13. Ligularia The Rocket
14. Thalictrum aquilegifolium (Meadow Rue)
15. Waldsteinia ternata (Barren Strawberry)

Native

1. Dodecatheon amethystinum (Amethyst Shooting Star)
2. Aquilegia canadensis (Columbine)
3. Boltonia asteroides (False Aster)
4. Penstemon digitalis (Penstemon or Floxglove Beardsstongue)
5. Lobelia siphilitica (Great Blue Lobelia)
6. Symphyotrichum cordifolium (Heart-leaved Aster)
7. Polemonium reptans (Jacob's Ladder)
8. Lobelia spicata (Pale Spiked Lobelia)
9. Geranium maculatum (Wild Geranium)

Shade (filtered light or direct sun only in early morning or late evening)**Non-Native**

1. Alchemilla (Lady's Mantle)
2. Aruncus (Goatsbeard)
3. Asarum canadense (Wild Ginger)
4. Carex s. Variegata (Variegated Sedge)
5. Cimicifuga racemosa (Cohosh)
6. Epimedium (Barrenwort)
7. Fern varieties
8. Hosta varieties
9. Pulmonaria (Lungwort)

Native

1. Asarum canadense (Wild Ginger)
2. Adiantum pedatum (Maidenhair fern)
3. Polystichum acrostichoides (Christmas Fern)
4. Dryopteris marginalis (Marginal Wood Fern)
5. Athyrium filix-femina (Lady Fern)
6. Dryopteris marginalis (Marginal Wood Fern)
7. Sanguinaria Canadensis (Bloodroot)
8. Hepatica nobilis var. acuta (Hepatica)
9. Trillium cernuum (Nodding Trillium)
10. Thalictrum thalictroides (Rue Anemone)
11. Mertensia virginica (Virginia Bluebells)

Prohibited Landscaping material

1. Berberis thunbergii (Japanese Barberry 6' x 6')
2. Berberis thunbergii cv. ('Crimson Pygmy' 2'x 2', 'Globe' 2'x 2', 'minor' 3' x 3', etc.)

170.21 RESIDENTIAL STANDARDS – GENERAL.

1. Garage doors shall NOT be the predominate features of a home. Garage doors facing the public street shall be set back so as to minimize the dominance of their appearance and provide adequate space between the street or sidewalk and the garage to accommodate additional parking. Garages or accessory structures shall incorporate architecture details with the use of windows, doors, and other façade detailing.
2. Single-family homes in a neighborhood shall have a varying front setback. For example, homes may have a range of front setbacks.
3. Porches are strongly encouraged to be a part of the front façade of single- and multi-family homes to provide an outdoor space and promote “eyes on the street.”
4. Dwelling units are encouraged on the second or higher story of structures when possible.
5. A publicly accessible outdoor space such as a private park, plaza, pavilion, or courtyard shall be included within each residential development to provide a focal point for such activities as outdoor gathering, neighborhood events, picnicking, sitting, and passive and active recreation.

6. Multi-density homes and high-density apartment complexes shall have a street orientation through the use of small setbacks, balconies, or porches.
7. High- and medium-density residential buildings are strongly encouraged to be multi-story.
8. Eighty percent of multi-family units within a development shall provide a balcony of at least five feet deep, which may extend into the setback, yet may be no closer than five feet to the property line.

170.22 RESIDENTIAL STANDARDS – BUILDINGS.

1. Fenestration (door and window openings) shall be sized to the scale of the building and detailed appropriately to the pedestrian theme. Use of repeating window patterns and details are encouraged to unify design.
2. Entrances into buildings shall be easily identified through the use of build design and detailing. Projected or recessed entryways, higher rooflines, awnings, or changes in building material are examples that can create this effect.
3. Buildings shall provide a unifying theme while maintaining each building's individual character.
4. Materials shall change with the change in building planes; however, all material shall keep within the chosen theme.
5. All sides of all buildings open to public view shall be treated with the same level of architectural style. Parking shall be located to utilize natural landscape and topography.

(Ch. 170 – Ord. 15-03 – May 16 Supp.)

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CHAPTER 171

ZONING CODE – SUPPLEMENTAL USE REGULATIONS

171.01 Purpose
171.02 Agricultural Uses
171.03 Residential Uses
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171.07 Maximum Permitted Sound Levels Adjacent
to Residential Zoning Districts
Table 171.07-1 Maximum Permitted Sound Levels at
Residential Boundaries
171.08 Accessory Uses
171.09 Outdoor Storage
171.10 Temporary Uses

171.01 PURPOSE. The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Chapter 168 of this Code of Ordinances.

171.02 AGRICULTURAL USES. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or federal ordinance or statute.

171.03 RESIDENTIAL USES.

1. Zero Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
 - A. The side yard opposite to the zero yard must equal at least twice the normal required side yard.
 - B. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development or not otherwise designated for zero lot line use.
 - C. An easement for maintenance of the zero lot line façade is filed with the Polk County Register of Deeds and the City Clerk at the time of application for a building permit.
2. Single-Family Attached. When permitted, the minimum side yard opposite the common wall shall be equal to twice the normal required side yard.
3. Townhouse Residential. Where permitted, townhouse residential is subject to the following regulations:
 - A. The site area per unit must be 3,000 square feet in all districts where permitted.
 - B. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
 - C. Coverage percentages are computed for the site of the entire townhouse common development.

4. Two-Family Residential.
 - A. The second dwelling unit shall be located to the rear of the site and shall be separated from the front dwelling unit by a minimum of 25 feet.
 - B. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from a public street adjacent to the lot.
5. Downtown and Group Residential in TC District. Downtown and Group Residential uses are permitted in the TC District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.
6. Mobile Home Parks in the MH District. Mobile home parks are permitted in the MH District as conditional uses, subject to approval by the Board of Adjustment. Following the effective date of this Zoning Code, no mobile home shall be located outside of a mobile home park. A mobile home park is subject to approval of a special use permit and compliance with the following regulations:
 - A. Certification. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required of all mobile home parks.
 - B. Minimum and Maximum Area. A mobile home park shall be considered to be one zoned lot. The minimum contiguous area of a mobile home park shall be 100,000 square feet.
 - C. Density Requirements.
 - (1) The maximum gross density of a mobile home park shall be 10 units per acre.
 - (2) The minimum size of an individual mobile home space shall be 3,500 square feet for singlewide mobile home units and 5,000 square feet for doublewide mobile home units.
 - (3) Each mobile home space shall have a width of at least 40 feet wide and a length of at least 75 feet.
 - D. Site Development Standards.
 - (1) Setbacks. Each mobile home park shall have a minimum perimeter setback of 35 feet from adjacent nonresidential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - (2) Setback Landscaping. All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Chapter 173 of this Zoning Code. Screening shall be provided in conformance with Chapter 173 for any common property line with another nonresidential use.
 - (3) Impervious Coverage. Impervious coverage for a mobile home park shall not exceed 50 percent of the total site area.
 - (4) Open Space. Each mobile home park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts

of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(5) Separation Between Mobile Home Units. The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.

(6) Separation and Setbacks for Accessory Buildings. An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

E. Street Access and Circulation Requirements.

(1) Access to Public Street. Each mobile home park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(2) Vehicular Circulation. The mobile home park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets or shall have a cul-de-sac with a minimum diameter of 90 feet. No such cul-de-sacs may exceed 300 feet in length.

(3) Separation between Units and Circulation Areas. The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

(4) Sidewalks. Each mobile home park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(5) Street and Sidewalk Standards. All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

(6) Parking Requirements. Each mobile home park must provide at least two off-street parking stalls for each mobile home space.

F. Tornado Shelters. Underground or other approved tornado shelters shall be provided in the mobile home park. Such shelter or shelters shall be built according to the recommendations of the Civil Defense authority and be large enough to meet the specific needs of the park and its residents.

G. Utilities.

(1) All mobile home parks shall provide individual units and common facilities with an adequate, piped supply of hot and cold water for both drinking and domestic purposes; and standard

electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(2) Complete sanitary and sewer service shall be provided within each mobile home park in accordance with this Code of Ordinances.

(3) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each mobile home park in accordance with this Code of Ordinances.

(4) All electric, telephone, gas, and other utility lines shall be installed underground.

H. Financial Responsibility. Each application for a mobile home park shall include a demonstration by the developer of financial capability to complete the project, and a construction schedule.

I. Completion Schedule. Construction must begin on any approved mobile home park within one year of the date of approval by the Planning and Zoning Commission. Such construction shall be completed within two years of approval, unless otherwise extended by the Planning Commission.

171.04 CIVIC USES.

1. Clubs. Clubs located adjacent to residential uses shall maintain a buffer yard of not less than 15 feet along the common boundary with such residential use.

2. Day Care. Day care facilities are permitted as a conditional use in the LI Limited Industrial Zoning District only if incidental to a permitted primary use.

3. Elder Family and Elder Group Homes. New elder family and elder group homes shall not be located within a one-mile radius of another family home, elderly family home, or elder group home.

4. Group Care Facilities and Group Homes.

A. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.

B. Group homes are permitted in the TC District only on levels above street level, except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a conditional use by the Board of Adjustment.

C. No group care facility or group home shall be established within 300 feet of a previously existing and currently operating group care facility, family home, or group home.

171.05 COMMERCIAL USES.

1. Auto Service, Repair, Equipment Repair, and Body Repair.

A. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public

rights-of-way. Screening is subject to provisions of Chapter 173 of this Zoning Code.

B. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.

C. All entrances and exits serving gasoline service stations, convenience stores offering gasoline sales, or automobile repair shops shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 50 feet away from any intersection.

D. All gasoline pumps shall be set back at least 15 feet from any right-of-way line.

2. Auto Washing Facilities.

A. Each conveyor operated auto washing facility shall provide 100 feet of stacking capacity per washing lane on the approach side of the washing structure and stacking space for two vehicles on the exit side.

B. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

3. Automobile and Equipment Rental and Sales.

A. All outdoor display areas for rental and sales facilities shall be hard-surfaced.

B. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

4. Bed and Breakfasts. Bed and Breakfasts permitted in the TC District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

5. Campgrounds.

A. Minimum Size. Each campground established after the effective date of this Zoning Code shall have a minimum size of one acre.

B. Setbacks. All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.

C. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances, or alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

6. Convenience Storage. When permitted in the GC and LI Districts, convenience storage facilities shall be subject to the following additional requirements:

A. The minimum size of a convenience storage facility shall be two acres.

- B. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - C. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
 - D. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 - E. No storage buildings may open into required front yards.
 - F. Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Chapter 173.
7. Delayed Deposit Services Business.
- A. Locations. No person, whether as principal or agent, clerk, or employee, either for such person or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any delayed deposit businesses in the following locations:
 - (1) In any residential area in the City, including upon any sidewalk abutting upon such residential area.
 - (2) Within 1,000 feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially oriented.
 - (3) Within 1,000 feet of any parcel of real property upon which is located any of the following facilities:
 - a. An elementary school, junior high school, or senior high school.
 - b. A church that conducts religious programs.
 - c. Park or recreational facilities operated and approved by the City, County, the Polk County Conservation Board, the State of Iowa, or a not-for-profit institution.
 - d. Federal, State, County, City, or special district governmental offices.
 - e. Supermarket or convenience market primarily engaged in the sale of food.
 - f. Restaurant, fast-food, or food establishment catering to family trade.
 - (4) Within 1,000 feet of any other pawn shop or delayed deposit service business, as defined in Section 167.06(4) and 124.01.
 - B. Measurement of Distance. The distance between any two pawn shops and/or delayed deposit services businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any pawn shop and delayed deposit services business and any religious institution, school, or public park, government office, supermarket, restaurant, or any property designated for residential use or used for residential purposes shall be measured in a straight

line without regard to intervening structures, from the closest property line of the pawn shop or delayed deposit services business to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant, or the property designated for residential use or used for residential purposes.

C. Restrictions. Visibility into the store shall be maintained by utilizing clear, transparent glass on all windows and doors, and by keeping all windows free of obstructions for at least three (3) feet into the store. Product may be displayed for sale in the window, provided that the display, including signage, does not occupy more than 30 percent of the window area. Interior and exterior bars, grills, mesh, or similar obstructions, whether permanently or temporarily affixed, shall not cover any exterior door or window.

8. Restaurants. Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a conditional use permit, as set forth in Section 177.03 of this Zoning Code.

9. Restricted Businesses. Restricted businesses are not permitted within the zoning jurisdiction of the City.

171.06 PERFORMANCE STANDARDS FOR INDUSTRIAL USES. The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.

2. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of Polk County and the City of Windsor Heights.

3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts. No operation in the LI District shall generate sound levels in excess of those specified in Table 171.07-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.

4. Sewage and Wastes. No operation shall discharge into a sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

5. Air Contaminants. No material may be discharged into the air from any source in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of people or to the public in general; or to endanger the health, comfort, or safety of any considerable number of people or to the public in general; or to damage other businesses, vegetation, or property.

6. Odor. The emission of odors determined by the Planning and Zoning Commission to be obnoxious to most people shall be prohibited. Such odors shall be measured at the property line of the operation.

7. Gases. No release of noxious or poisonous gases shall be permitted except as provided in this section. Measurements of sulfur dioxide, hydrogen sulfide, or carbon

monoxide shall not exceed 5 parts per million taken at the property line of the operation.

8. Vibration. All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation which exceeds a displacement of 0.003 inch.

9. Glare and Heat. All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.

10. Storage of Chemical Products. If allowed by special use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed 150,000 gallons when stored on one lot less than one acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 gallons shall be located at least 50 feet from any structure intended for human habitation and at least 200 feet from any Residential, Office, or Commercial zoning district.

171.07 MAXIMUM PERMITTED SOUND LEVELS ADJACENT TO RESIDENTIAL ZONING DISTRICTS. Table 171.07-1 displays the maximum permitted sound levels that may be generated by uses in the CC, GC, UC, TC, or LI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 171.07-1 – Maximum Permitted Sound Levels At Residential Boundaries

| Originating Zoning District | Time | Maximum One Hour LEQ* (dBa) |
|--|------------------------|-----------------------------|
| CC, GC, UC, TC | 7:00 a.m. – 10:00 p.m. | 60 |
| | 10:00 p.m. – 7:00 a.m. | 50 |
| LI | 7:00 a.m. – 10:00 p.m. | 65 |
| | 10:00 p.m. – 7:00 a.m. | 55 |
| * LEQ is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears. | | |

171.08 ACCESSORY USES.

1. Home-Based Businesses; Home Occupations. Each home-based business shall register with the City, on a form established by the Zoning Administrator. Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

A. External Effects.

(1) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.

(2) No noise, odors, bright lights, electronic interference, storage, or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right-of-way.

(3) The home occupation shall be carried on entirely within the principal residential structure and/or within a detached accessory building approved by the Board of Adjustment in accordance with these zoning regulations. All “external effects” criteria in subparagraphs (1), (2), (4), (5), and (6) of this paragraph A are applicable for the detached accessory building. Signage is not allowed upon the detached accessory building.

(4) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.

(5) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.

(6) No home occupation shall discharge into any sewer, drainage way, or the ground any material which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.

B. Employees. The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that nonresident employee.

C. Extent of Use. For all residential zoning districts, a maximum of 30% of the floor area of the dwelling may be devoted or used for a home based business/home occupation, inclusive of any attached garage or detached accessory buildings used for the home occupation.

D. Signage. Signage designating the home occupation shall be consistent with regulations for zoning districts set forth in Chapter 175 of this Zoning Code.

- E. Traffic Generation.
 - (1) Home-based businesses may generate no more than 10 vehicle trips per day.
 - (2) Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
 - F. Prohibited Home-Based Businesses or Home Occupations.
 - (1) Beauty and Barber Shops. Barber and beauty shops are allowed only as a conditional use as home occupations in the AG, R-2, R-3, and R-4 zoning districts.
 - (2) Welding, vehicle body repair, and rebuilding or dismantling of vehicles are not permitted as home-based businesses.
2. Permitted Accessory Uses – Residential Uses. Residential uses may include the following accessory uses, activities, and structures on the same lot.
- A. Private garages and parking for the residential use.
 - B. Recreational activities and uses by residents.
 - C. Home occupations, subject to subsection 1 of this section.
 - D. Residential convenience services or common facilities for multi-family uses or mobile home parks.
 - E. Garage sales, provided that the frequency of such sales at any one location shall not exceed four sales, each with a maximum duration of two days, in a calendar year.
 - F. Caretaker’s residences.
 - G. Vehicle sales, provided that the frequency of such vehicle sales does not exceed more than one vehicle at any given time and no more than two vehicles per calendar year, with a maximum duration of 30 days per vehicle.
3. Permitted Accessory Uses – Civic Use Types. Guidance services and health care use types are permitted in the GI General Industrial zoning districts only as accessory uses to a primary industrial use, subject to approval by the Board of Adjustment.
4. Permitted Accessory Uses – Other Use Types. Other use types may include the following accessory uses, activities, and structures on the same lot:
- A. Parking for the principal use.
 - B. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
 - C. Services operated for the sole benefit of employees of the principal use.
5. Permitted Accessory Uses – Agricultural Use Types,
- A. Garden centers and roadside stands, subject to the regulations set forth in subsection 1 of this section.

B. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

171.09 OUTDOOR STORAGE. Outdoor storage is prohibited in all zoning districts except the LI Limited Industrial zoning district, except as provided in this section.

1. Agricultural Use Types. Outdoor storage is permitted only where incidental to agricultural uses.
2. Civic Use Types. Outdoor storage is permitted only where incidental to maintenance facilities.
3. Commercial Use Types.
 - A. Outdoor storage is permitted where incidental to agricultural sales and service; auto rentals and sales, construction sales, equipment sales and service, stables and kennels, and surplus sales.
 - B. Outdoor storage is permitted where incidental to auto services, equipment repair, and body repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 173.05. This provision shall apply to any auto services, equipment repair, or body repair use established after the effective date of this Zoning Code.
4. Industrial and Miscellaneous Use Types.
 - A. Light Industry within the GC General Commercial zoning district may not include outdoor storage.
 - B. Outdoor storage is permitted where it is incidental to Light Industry in the LI District. Any such outdoor storage is subject to screening requirements set forth in Chapter 173.
 - C. Outdoor storage is permitted where incidental to landfills.

171.10 TEMPORARY USES. These regulations are intended to prescribe the conditions under which limited duration agricultural, commercial, and civic activities (e.g., Christmas tree sales, pumpkin sales, landscape material sales, grand openings, and special events, etc.) may be conducted. The intent is to allow the display and marketing of merchandise on a seasonal basis in an attractive manner to serve the desires of the general public, but prevent the creation of any nuisance or annoyance to the occupants of adjacent buildings, premises or property, and the general public. It is also the intent to establish minimum standards for the operation of temporary uses in a manner that will provide for the health, safety, and welfare of the patrons, employees, the general public, etc. that may utilize or be affected by the establishment of the temporary use.

1. Uses Permitted with a Temporary Use Permit.
 - A. The following uses are eligible for a temporary use permit, provided they meet the following criteria:
 - (1) Retail sales of Christmas trees.
 - (2) Retail sales of pumpkins.
 - (3) Parking lot sales, sidewalk sales (private sidewalks only), clearance sales, or other temporary uses which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.

(For purposes of this section, the term “sidewalks” does not apply to outside areas adjacent to sidewalks that were specifically built for outside sales.)

- (4) Grand openings and special events.
- (5) Group assembly activities not sponsored by the City (e.g., carnivals, fairs, rodeos, sport events, concerts, shows).
- (6) Real estate sales offices and model homes.
- (7) Stands for the sale of agricultural products.
- (8) Retail sales of landscape nursery material, such as materials listed in subparagraph 4(H)(3) of this section.
- (9) Temporary food and beverage uses.
- (10) Other temporary uses which, in the opinion of the Zoning Administrator, are similar to the uses listed in this section.

B. Garage sales are exempt from these provisions, provided they do not occur any more frequently than one 3-day event per 180-day period. Garage sales occurring more frequently shall be considered a commercial retail sales business in a residential zone which is prohibited.

C. A temporary use may be defined as short term or long term. A short-term use is a use with a maximum duration of four consecutive days or less. A long-term use is a use with a duration of more than four consecutive days.

2. Prior Determination for Temporary Use Permit Approval. The Zoning Administrator shall only approve an application for a temporary use permit if all of the following findings can be made:

A. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust, or other nuisance.

B. The additional parking required by the temporary use will be provided on site, if applicable, or adequate street parking is available in the immediate area.

C. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or city at large.

D. The proposed temporary use is consistent with the comprehensive plan, this Code of Ordinances, and all City and State regulations.

E. Unless specifically exempted by the Zoning Administrator, the temporary use must involve sales compatible with merchandise sold within the main business structure.

3. General Regulations. Each temporary use shall:

A. Be described in a permit issued by the Zoning Administrator prior to commencement of the sale. This permit shall be in addition to all other licenses, permits, or approvals otherwise required by any governmental entity.

B. Parking Spaces.

- (1) The number of additional parking spaces required, if any, and the location of such additional parking spaces, for the temporary activity shall be determined by the Zoning Administrator. The number of permanent parking spaces allowed to be used under the short-term temporary use permit shall be reviewed and determined by the Zoning Administrator.
- (2) The maximum number of permanent parking spaces allowed to be used for the operation of a long-term temporary use shall not exceed twenty percent (20%) of the parking on a site plan that was approved by the City to be counted toward the allowable size of the long-term temporary use or twenty percent (20%) of the site area, whichever is more restrictive.
- C. All unimproved parking areas and main walk areas shall be kept damp or shall be covered with a material to prevent rising of dust.
- D. All sites shall be completely cleaned of debris and temporary structures including (but not limited to) trash receptacles, signs, stands, poles, electric wiring, or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the sale or special event.
- E. A bond or cash deposit in the amount of five hundred dollars (\$500.00) shall be deposited with the City to assure adequate cleanup of activities that occur on vacant or undeveloped lots, and/or involving the construction or placement of temporary structures. The bond for long-term temporary food and beverage uses shall be in the amount of seven hundred fifty dollars (\$750.00). Activities located in fully developed shopping centers will be exempt from bonding, with the exception of uses that involve construction or placement of a temporary structure, and any long-term temporary food and beverage facilities shall be required to post a bond or cash deposit.
- F. Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants of the activity during its operational hours, as approved by the Zoning Administrator in concurrence with the City Engineer and County Health Department, unless stipulated otherwise in this chapter. If the restroom facilities are located within an adjacent building, the written authorization of the owner of the adjacent building shall be required specifically stating that the restroom facilities will be made available to the employees, attendants and participants at all times during the hours of operation of the temporary use activity.
- G. No area of public right-of-way may be used without obtaining approval from the Zoning Administrator, Chief of Police, Fire Chief, and Public Works Director, and permission to encroach from the City Administrator.
- H. Proof of ownership or a signed letter, either from the property owner or an authorized representative for the property on which the activity is to take place, shall be presented at the time the temporary permit is requested.
- I. All temporary structures including (but not limited to) greenhouses, trailers, mobile homes, etc., shall conform to the zoning setback requirements

unless stated otherwise in this chapter. Temporary structures are also subject to permit requirements as set forth in Chapter 152 of this Code of Ordinances.

J. Multiple concurrent temporary uses on the same property are prohibited.

4. Specific Requirements.

A. Retail Sales of Christmas Trees.

- (1) Permitted Zone Locations: all commercial districts.
- (2) Maximum Duration: forty calendar days prior to December 25.

B. Retail Sales of Pumpkins.

- (1) Permitted Zone Locations: all commercial districts.
- (2) Maximum Duration: October 1 through November 1.

C. Lot and Sidewalk Commercial Activities.

- (1) Permitted Zone Locations: all commercial districts.
- (2) Maximum Duration: four consecutive days, not to exceed four events in a 12-month period.
- (3) Setbacks: All merchandise, trucks, trailers, etc., shall be set back a minimum of 35 feet from all property lines.
- (4) Area of Operation: The area of the operation shall not exceed 800 square feet and no dimension shall exceed 40 linear feet.
- (5) Transient Merchants: Transient merchants shall be subject to the licensing requirements of Chapter 122 of this Code of Ordinances. Said license shall be secured prior to issuance of a temporary use permit.

D. Grand Openings and Special Events.

- (1) Permitted Zone Locations: all zoning districts.
- (2) Maximum Duration: four consecutive days, not to exceed four events in a 12-month period.
- (3) Other: All such events shall be conducted by a business located on the property.

E. Group Assembly Activities.

- (1) Permitted Zone Locations: any zoning district.
- (2) Maximum Duration: 14 consecutive days, not to exceed four events in a 12-month period.
- (3) Exception: Upon approval of the Zoning Administrator, the number of events in the Town Center district may exceed four in a 12-month period.
- (4) Hours of Operation: Residential zones, 7:00 a.m. to 10:00 p.m. except on Fridays and Saturdays to 12:00 midnight with approval of the Chief of Police; all other zones as determined by the Zoning Administrator.

- F. Real Estate Sales Offices and Model Homes.
- (1) Permitted Zone Locations: all residential zones.
 - (2) Maximum Duration: 24 months.
 - (3) On-Site Sales Office: On-site temporary real estate sales office or temporary model home complex may be established only within the boundaries of a residential subdivision, as an accessory facility, for the limited purpose of conducting sales of lots within the same division.
 - (4) Off-Site Sales Office: Off-site sales or offers to sell off-site lots or dwelling units, from any temporary office or trailer complex established pursuant to this section shall not be permitted unless a special use permit is approved by the City.
 - (5) Definition of Off-Site Sales Office: “Off-site lots” means those lots outside the boundaries of a residential subdivision which subdivision contains an approved real estate sales office or model home complex, and which lots are not adjacent to or contiguous with that subdivision.
 - (6) Requirements: Any temporary real estate sales office or model home established or maintained pursuant to this section shall meet the following requirements:
 - a. Receipt by the City of an agreement and a cash deposit or surety bond in a form approved by the Zoning Administrator in an amount sufficient to guarantee to the City the removal of the sales office or model home complex, or the restoration of the premises in conformity with the approved development plan and with the applicable provisions of this Code of Ordinances within 60 days after the last residence or lot within the subdivision has been sold and escrow closed. If after 60 days, no action has been taken to restore the site or premises, the City may take action to restore the site by utilizing the bond or monies deposited or other methods at its disposal.
 - b. Screening of parking areas by walls, fencing, landscaping, or other methods shall be provided as approved by the Zoning Administrator.
 - (7) Conditions: A temporary real estate office or temporary model home complex may be constructed in advance of the filing of a final plat map, subject to the following requirements:
 - a. The street plans for the entire plat shall be filed with the Public Works Department.
 - b. The Public Works Director shall have approved the engineering plans.
 - c. Prior to the operation of such office or complex, all applicable requirements of the Iowa and City subdivision laws and real estate sales laws shall be fulfilled.

- (8) Maximum Duration: The temporary real estate sales office and temporary model home complex may be maintained until all of the on-site lots in the subdivision have been sold and escrow closed.
- G. Agricultural Produce Stands.
- (1) Permitted Zone Locations: any zoning district.
- (2) Termination: Stands and displays shall be removed when not used for a period of 30 consecutive days.
- H. Retail Sales of Landscape Nursery Materials.
- (1) Permitted Zone Locations: all commercial districts.
- (2) Maximum Duration: spring sales: April 1 – July 15; fall sales: September 1 – October 31.
- (3) Restrictions of Merchandise and Products: This use is limited to the display of green goods, i.e., living plants, and associated garden products. Associated garden products may include:
- a. Bagged bulk materials such as topsoil, mulch, compost, peat, fertilizer, etc.
 - b. Garden pavers, stone and prefabricated stepping stones.
 - c. Bird baths or similar lawn ornaments as a minor portion of the products displayed.
 - d. Other products determined to be consistent with the intent of this subsection, with the approval of the Zoning Administrator.
- (4) Safety Standards: In order to promote the safety of the patrons of these facilities, the following shall be required:
- a. Bulk material shall be neatly stacked no higher than 48 inches above the pavement.
 - b. All sales areas shall be separated from vehicular uses by the placement of a fence or barrier acceptable to the Zoning Administrator to prevent pedestrian and vehicular conflicts. If a barrier is of an open nature where patrons can reach through and obtain access to the merchandise, a four-foot walkway shall be located adjacent to the barrier to prevent patrons from standing outside the barrier in traffic ways to shop.
 - c. The door openings for any greenhouses, shade structures or similar enclosure shall have a minimum ten-foot setback from drive aisles where an opening in the barrier is provided aligned with the door of the structure.
 - d. Where openings in the barriers occur for pedestrian access, sight visibility shall be maintained so that vehicles can clearly see pedestrians approaching the opening from a distance of no less than 50 feet.

- e. Temporary drive aisles shall be maintained at a minimum 24-foot width for two-way traffic and shall be delineated by the placement of traffic barriers, fencing, or some other physical marker that clearly informs drivers of the end of the parking area and the start of the drive aisle. A clear line of sight shall be maintained at the entrance and exit of the temporary drive aisles.
 - f. Vehicle loading areas shall be located in an area that minimizes pedestrian and vehicle conflict and provides for the safe loading of merchandise and vehicle access to and from the traffic lanes to the loading area, preferably without backing movements.
- (5) Application for Temporary Garden Center Permit: Application for a temporary garden center permit shall be made on the prescribed forms provided by the City. The application shall be accompanied by the prescribed number of copies of a project plan and such other detailed elevations, plans and other information as may be required to adequately evaluate the proposed use. A plan of the layout of the proposed use shall be submitted to the City with the application on a base plan prepared in accordance with the site plan requirements of the City. The proposed layout of the garden center area may be drawn onto a copy of a previously approved site plan for the temporary use permit submittal. The layout plan shall identify the following:
- a. The area on the site proposed to be utilized as part of the temporary garden center and associated sales areas.
 - b. The areas dedicated to the display of green goods, i.e., flowers, trees, shrubs, etc., and the area of the site dedicated to bulk material storage.
 - c. Proposed modifications to the traffic patterns and methods proposed to notify patrons and identify the temporary traffic pattern changes, i.e., signage, traffic cones, fencing and barriers, etc.
 - d. Proposed vehicle loading zone.
 - e. Proposed temporary barriers or corral with an architectural elevation, photo or sketch of the barriers' proposed construction.
 - f. Location of electrical connection and water connection, if applicable.
- (6) Waste Disposal: The applicant shall provide, as determined by the Zoning Administrator, adequate facilities for disposal of trash, waste, pallets, dead plants, broken bags and empty plant transport and display racks.
- (7) Restroom Facilities: Permanent restroom facilities shall be provided in an adjacent building at all times during the temporary use activity. No portable restroom facilities shall be allowed.

(8) Indemnification and Proof of Insurance: The owner or operator of any long term temporary use shall provide evidence of comprehensive general liability coverage and contractual liability insurance by an insurance company licensed to do business in the State of Iowa in the limits of at least \$1,000,000.00 for each personal injury accident and/or death; \$1,000,000.00 for each aggregate personal injury and/or death; and \$1,000,000.00 for each property damage accident. The evidence shall name the City as a coinsured and shall state that it cannot be canceled or materially altered without giving the City at least 30 days' written notice by registered mail, return receipt requested. The owner or operator of a temporary garden center or the property owner shall execute an agreement, acceptable to the City, which indemnifies and holds harmless the City from any and all liability, damages, claims, costs, expenses, interest, and reasonable attorney fees relating to the garden center and associated facilities on the property.

(9) Electrical Service: Any electrical service shall be provided as follows: (i) overhead power connection with a minimum clearance above grade of 14 feet; (ii) installation of an underground conduit; or (iii) other method acceptable to the City. The use of an overhead connection shall only be allowed in those areas where overhead electrical service currently exists in the area. Use of extension cords, cables, or wires, whether lying on the ground or otherwise connected to a power source, is expressly prohibited for long-term garden center uses. An electrical permit shall be obtained prior to any electrical installation or connection.

(10) Removal: At the expiration of the temporary use permit, any structures, barricades, shelving, pallets, leftover merchandise, or other facilities associated with the temporary use shall be removed from the site in accordance with provisions stated in subsection 3 ("General Regulations") of this section.

I. Temporary Food and Beverage Facilities. Short-term temporary food and beverage facilities shall comply with the regulations stated elsewhere in this section for lot and sidewalk commercial activities or grand openings and special events. Long-term temporary food and beverage facilities shall comply with the following standards:

- (1) Permitted Zone Locations: all nonresidential zoning districts.
- (2) Maximum Duration: May 1 through September 30 of a calendar year, inclusive.
- (3) Maximum Square Footage of Structure: 160 square feet.
- (4) Health Standards and Licensing: The applicant must obtain licensing, liquor permits, certificates of inspection, or any other documentation necessary to comply with all applicable requirements of the State, County or City regarding health standards and for seasonal liquor license, whenever applicable.

- (5) Waste Disposal: The applicant shall provide, as determined by the Zoning Administrator, adequate facilities for disposal of trash, waste, and grease.
- (6) Water Service: The structure used for the dispensing of food and beverage shall provide self-contained hot and cold running water with appropriate holding facilities for wastewater.
- (7) Wastewater Disposal: Any wastewater shall be collected and disposed in a manner acceptable to the City and shall be explained in the application for a permit.
- (8) Restroom Facilities: Permanent restroom facilities shall be provided in an adjacent building at all times during the temporary use activity. No portable restroom facilities shall be allowed.
- (9) Indemnification and Proof of Insurance: The owner or operator of any long-term temporary food and beverage facility shall provide evidence of comprehensive general liability coverage and contractual liability insurance by an insurance company licensed to do business in the State in the limits of at least \$1,000,000.00 for each personal injury accident and/or death, \$1,000,000.00 for each aggregate personal injury and/or death, and \$1,000,000.00 for each property damage accident. The evidence shall name the City as a coinsured and shall state that it cannot be canceled or materially altered without giving the City at least 30 days' written notice by registered mail, return receipt requested. The owner or operator of the long-term temporary food and beverage facility or the property owner shall execute an agreement, acceptable to the City, which indemnifies and holds harmless the City from any and all liability, damages, claims, costs, expenses, interest, and reasonable attorney fees relating to the long-term temporary food and beverage facilities on said person's property.
- (10) Electrical Service: Electrical service shall be provided as follows: (i) overhead power connection with a minimum clearance above grade of 14 feet; (ii) installation of an underground conduit; or (iii) other method acceptable to the City. The use of an overhead connection shall only be allowed in those areas where overhead electrical service exists. Use of an extension cord, cable or wire, whether lying on the ground or otherwise connected to a power source, is expressly prohibited for long-term temporary food and beverage uses. An electrical permit shall be obtained prior to any electrical installation or connection.
- (11) Screening of Wheels and Axle: If a structure brought onto a site for dispensing food and beverages is a trailer, an apron or shroud which is acceptable to the Zoning Administrator shall be placed around the base of the structure to screen the wheels and axle.
- (12) Signage: No detached or freestanding signage shall be permitted. The maximum amount of allowed wall signage shall be based upon one foot of sign for each foot of length on the longest side of the structure. All other provisions of the sign code shall apply.

(13) Removal: At the expiration of the annual temporary use permit, any structures, barricades, seating facilities, or other facilities associated with the temporary use shall be removed from the site in accordance with provisions stated in subsection 3 of this section. No temporary food and beverage facilities shall be allowed to be stored on a site that is not zoned appropriately for storage and warehousing, screened in accordance with City Code requirements, and/or having received prior Council approval through an entitlement process for storage and warehousing.

5. Conditions of Approval. The Zoning Administrator may impose such conditions on a temporary use permit as is necessary to meet the purposes of this section and protect the public health, safety, and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:

- A. Yard setback and open space requirements.
- B. Parking.
- C. Fences, walls, or other screening.
- D. Signs.
- E. Vehicular and pedestrian ingress and egress.
- F. Property maintenance during the course of the activity.
- G. Control of illumination, noise, odor, vibration or other nuisances.
- H. Hours of operation.

6. Application and Permit Processing. A temporary use permit shall be required for all temporary uses listed in this chapter. A temporary use permit must be issued prior to the commencement of any temporary use. The Zoning Administrator may, from time to time, specify the form of the temporary use permit application. Applications for said temporary use permit shall be secured from the Zoning Administrator, in the manner prescribed by this chapter, who shall cause the application to be directed to all concerned City departments and divisions. Affected departments or divisions shall comment on the application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.

7. Use of Tents and Canopies. Tents and canopies may be used for promotional and recreational functions, provided they comply with provisions in this Code of Ordinances, specifically provisions detailed in Chapter 152 (Temporary Structures).

8. Fees. For uses other than long-term temporary food and beverage uses, the application fee for a temporary use permit shall be in the amount as established from time to time by resolution of the Council. The application fee for a long-term temporary food and beverage permit shall be in the amount as established from time to time by resolution of the Council, payable each year of operation.

9. Violations and Penalties. The operation of a temporary use is a privilege allowed by this section. Failure to maintain a temporary use in compliance with the conditions of approval and the regulations of this section shall constitute a nuisance and may be punished as set forth in Chapter 50 of this Code of Ordinances. A written notice of a violation of the temporary use permit shall be sent to the operator of the temporary use and the property owner, if different than the operator, and the operator

shall have a maximum of five (5) days, as determined by the Zoning Administrator, to bring the site into compliance. If the operator fails to correct the violation in the prescribed time, the City may revoke the temporary use permit and issue a cease and desist order for the temporary use. There shall also be a one-year moratorium from that date on the issuance of any other temporary use permits on the property and a one-year probationary period for the second year following the violation. During the probationary period, if the operator of a temporary use fails to maintain the premises and the use in conformance with the conditions of approval and this Code, after the notification procedures noted above, the City may revoke the temporary use permit and no other temporary use permits shall be issued on the property for a period of two (2) years.

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CHAPTER 172
ZONING CODE –
SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

172.01 Purpose

172.02 Setback Adjustments

172.03 Height Exceptions

172.04 Exceptions for Creative Subdivisions

172.05 Fence Regulations

172.06 Appeals

172.01 PURPOSE. The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Zoning Code and provide for specific areas of exception.

172.02 SETBACK ADJUSTMENTS.

1. Lots Adjoining Alleys. In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard.

2. Exceptions to Openness of Required Yards. Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

A. Architectural projections, including roofs which cover porches, enclosed porches, windowsills, belt courses, cornices, eaves, flues, and chimneys, and ornamental features may project three feet into a required yard.

B. Terraces, patios, and attached features must be set back at least five feet from an adjacent side lot line, ten feet from the rear lot line, or 20 feet from any street property.

C. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 4.5 feet into a required rear or interior side yard, provided that they do not obstruct the light and ventilation of adjacent buildings.

D. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.

E. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than 15 percent of the area of the required front yard, and has a vertical clearance of at least 8 feet, 6 inches.

F. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

(1) Side Yards. An accessory building may be located a minimum of three feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.

- (2) Front Yards. No accessory building may be located between the front building line of the principal building and the front property line.
- (3) Rear Yard. The minimum rear yard setback for accessory buildings shall be 5 feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 168.3. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
- (4) Street Yards. No accessory building shall be located within a required front yard or street side yard.
- (5) Maximum Size. With the exception of detached garages, no accessory building shall exceed 144 square feet, or 1.5% of the total lot area, whichever is larger, within a residential district. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed 30% of the building coverage of the back lot. All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.
- (6) Height. The maximum height for accessory buildings shall be 20 feet. The exterior side wall height shall not exceed 14 feet. The height shall be measured from grade, and shall include the foundation or retaining walls.
- (7) Separation from Other Buildings. No accessory building shall be placed within ten feet of any other building on its own property or any adjacent properties unless it meets applicable separation requirements of the City's Fire Code.
- (8) Attached Accessory Buildings. Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- (9) Effect on Adjacent Properties. If an adjacent lot is built upon, the accessory building must be entirely to the rear of the front building line of any principal building on such adjacent lot. No accessory building shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
- (10) Hazards. Any accessory use which creates a potential fire hazard shall be located a minimum of ten feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.
- (11) No accessory building shall be built upon any lot until construction of the principal building has begun.

- G. Lampposts with a maximum height of 10 feet and flag poles up to a maximum height of 25 feet may be located within required yards, provided they are set back at least 5 feet from property lines.
3. Setback Adjustments.
- A. Setbacks on Built-Up Blockfaces. These provisions apply if 40 percent or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.
- (1) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
 - (2) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
 - (3) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the blockface.
 - (4) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.
- B. Corner Lots. Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.
4. Rear Yard Exceptions – Residential Uses. When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than 60 percent of the rear yard required by the zoning district.
5. Double Frontage Lots. Residentially zoned double frontage lots on a major street, and with no access to that street, may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.
6. Satellite Antennas.
- A. Antennas with a surface area over 6.3 square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use.
- B. Such antennas shall be located no less than 15 feet from the property line of an adjacent property within a residential zoning district.
7. Vision Clearance Zones. No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines 40 feet from their point of intersection. No landscaping shall be planted in such area which will materially obstruct the view of drivers approaching the street intersection.

172.03 HEIGHT EXCEPTIONS. These provisions allow exceptions to the height limit of any zoning district in certain situations.

1. Vertical Projections. Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances. Such structures shall not extend into the approach zones, clear zones, or other restricted air space required for the protection of any public airport.
2. Amateur Radio Towers and FCC Pronouncements.
 - A. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
 - B. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Council may grant a special use permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Council shall consider the federal guidelines contained in PRB-1 (*Amateur Radio Preemption*, 101 FCC 2d (1985), codified at C.F.R. Section 97.15(e).
 - C. Such radio towers shall not be located within any front yard of the primary use.
3. Broadcast Towers. Broadcast towers, when operated by a federally licensed commercial or nonprofit organization, may be built to any height in accordance with existing and future ordinances, subject to approval of a conditional use permit. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.
4. Civic Buildings. Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.
5. Wind Energy Conservation Systems (WECS).
 - A. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a special permit approval if the Planning Commission finds that the reduction is consistent with public health, safety, and welfare.
 - B. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a special permit approval if the Planning Commission finds that the reduction does not impede the operation of either WECS.

- C. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
 - D. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than 12 feet above ground.
 - E. The WECS is exempt from the height restrictions of the base district.
6. Conditional Permit Uses. The Board of Adjustment may grant an exception from the height limit for a zoning district for a conditional use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the conditional use permit.
 7. Federal Aviation Administration Rules. No structure may be built in any zoning district which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City.

172.04 EXCEPTIONS FOR CREATIVE SUBDIVISIONS. In the instance that this Zoning Code provides for creative subdivisions, the City may authorize such subdivisions to allow for greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, to provide for more efficient use of land, to protect topographic and to encourage the preservation of common area and open space. These special regulations and design exceptions apply only to creative subdivisions.

1. Site Area Per Unit. Unless otherwise provided, the site area per unit for a creative subdivision as a whole shall be that of the zoning district in which such subdivision is located. For the purpose of computing site area per unit, the area of public streets and private ways within the subdivision must be excluded. Residential use types may be combined within the creative subdivision provided that the subdivision as a whole complies with the required maximum density of the zoning district.
2. Perimeter Yards. Structures must maintain normal street yard setbacks from any public streets that form the perimeter of the development. Structures must maintain a 20-foot minimum side yard setback from any property line that forms the boundary of the development.
3. Area and Yards for Individual Lots.
 - A. Individual lots within a creative subdivision are exempt from minimum lot area or yard setback requirements set forth elsewhere in this Zoning Code, unless provided for by the regulations for a specific zoning district. A creative subdivision must be planned and developed as a common development. A minimum separation of 20 feet shall be established for all residential structures not attached to one another, unless the City Council grants a specific exception for developments proposing unique circumstances, only in as much as said development can be demonstrated to avoid detriment to the City's efforts to protect public health, safety, welfare, community character, property values and aesthetics.
 - B. Any private garage oriented to or facing a public street or private way internal to the creative subdivision must be set back a minimum of 25 feet from that public street or private way.

4. Coverage and Landscaping Requirements. Individual lots in a creative subdivision are exempt from maximum building and impervious coverage limitations and street yard landscaping requirements established for the zoning district. However, the subdivision as a whole, including streets, walks, and access ways, must comply with the building and impervious coverage regulations for its zoning district.

172.05 FENCE REGULATIONS.

1. Permit Required. It shall be unlawful for any person to construct, alter, replace or relocate any fence or landscape wall within the City without first obtaining the appropriate permit(s) as required by the City Code of Ordinances and Zoning Code. A written application for the permit shall be filed with the Director of Planning. The application shall include the street address or legal description of the property, the name of the owner, the name and address of the person performing the work, and the proposed plan of construction or repair. The plan of construction or repair must include the depth, width, and type of material used along with where it will lie compared to structures and lot lines. The Director of Planning shall issue the permit if the proposed plan meets all the requirements of this chapter and the fence regulations including any specifications contained herein, if the fee is paid, and if the construction or repair as planned will not create any substantial hazard. A permit shall expire six (6) months after the date of issuance, if the fence is not constructed at that time.

2. The applicant for a fence permit shall pay a permit fee to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. All permit fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such permit fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective permit fees shall be kept on file in the office of the City Administrator and shall be open to inspection during regular business hours.

3. Location Restriction. Unless otherwise provided by this Zoning Code or other sections of this Code of Ordinances, no fence shall be built on any lot or tract outside of the property owner's surveyed lot lines. If a fence is erected along the property lines the owner installing the fence must ensure there is a permanent means for maintaining both sides of the fence subject to state and local ordinances. No landscape retaining wall shall be installed within two feet of the lot line of another property that is in excess of 24" without first conducting a consultation meeting with the City's storm water coordinator and the adjoining property owner.

4. Responsibility. The property owner erecting the fence/wall is responsible for the following provisions:

- A. Ensuring the fence is located on their property in accordance with the provisions of this section.
- B. Maintaining the fence on both sides.
- C. Ensuring that the fence be maintained in a state of good repair and kept safe for pedestrians or other traffic.

5. Required Openings. Unless otherwise provided by this Zoning Code or other sections of this Code of Ordinances, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

6. Sight Obstruction. No fence permitted or required by this Zoning Code or other sections of this Code of Ordinances shall be built within a triangle formed by the adjacent curb lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.
7. Facing. The finished surfaces or decorative side of any fence shall face toward adjacent properties and street frontage.
8. Effect on Adjacent Properties. No fence shall damage adjacent property by obstructing views, inhibiting solar access, or hindering ventilation.
9. Residential Fences. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions:
 - A. Height. The maximum height of a fence within a front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be six feet and is measured from the property grade.
 - B. Exception for Street Side Yards. On corner lots, a fence built parallel to the street side yard line but set back in conformance with the street yard setback may have a maximum height of six feet.
 - C. Exception to Openness Requirement. Fences built on residential property outside of required front or street side yards may exceed 50 percent closed construction.
 - D. Exception for Front Yards of Double Frontage Lots. A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street or expressway, as defined in the Comprehensive Development Plan of the City, and if such frontage does not provide primary access to the property.
 - E. Prohibited construction methods. No woven, twisted, welded or interlaced wire fence shall be erected on residential properties. No chain link or wired fence of any kind shall be constructed or maintained with the cut or selvage end of the fencing material exposed and leaving an opening more than two inches above the ground or extending upward beyond the cross bar.
 - F. Materials. Fences shall be constructed of wood, PVC/ resin, stone, wrought iron, masonry or chain link materials only. Wood fences shall utilize standard building lumber only.
 - G. Location restrictions. Fences may not be constructed on lots unless a primary building is in place, with the exception of a temporary fence for safety as approved by the City or Zoning Administrator.
 - H. Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.
 - I. Fences may not be constructed within two feet of a public sidewalk.

10. Nonresidential fences.
 - A. The maximum height of a fence for any permitted use in a nonresidential district shall be eight feet.
 - B. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City.
 - C. Barbed wire or electrified fences above grade shall not be used in the construction of any fence within the corporate limits of the City.
11. Covenants. The City does not enforce covenants on file with the Recorder. Property owners shall be aware of all restrictive covenants for their platted subdivision.
12. Easements: No fence may be allowed to be constructed, built or located over a public easement, unless otherwise noted in this ordinance or approved by the zoning administrator.
13. Overland flowage easements.
 - A. Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not restrict the water flow, cause siltation buildup, etc.
 - B. Permitted fence material includes chain link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
 - C. Solid fencing shall be elevated a minimum of six inches (6") through the swale part of the easement to allow water flowage.
14. Nonconforming fences. Any fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications, relocations or improvements of more than fifty percent (50%) of said fence shall require a permit and the owner to bring the fence into compliance with this Section.
15. Miscellaneous. Fences which enclose public or institutional parks, playgrounds, or schoolyards in residential areas shall be of open type not exceeding 6' in height except as required for recreational purposes such as baseball backstop when a limited section(s) of open fence up to 10' in height is allowed, where necessary to provide for such backstop or similar purposes.

(Ord. 15-06 – Nov. 15 Supp.)

172.06 APPEALS. Denial, revocations, or cancellations of a building permit based on the provisions of this chapter may be appealed to the Board of Adjustment, as set forth in Chapter 177.

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CHAPTER 173
ZONING CODE –
LANDSCAPING AND SCREENING STANDARDS

| | |
|---|--------------------------------------|
| 173.01 Purpose | Table 173-1 Required Landscape Depth |
| 173.02 Applicability | 173.06 Buffer Yard Provisions |
| 173.03 Landscaping Plan Review Procedure | Table 173-2 Buffer Yard Requirements |
| 173.04 Landscaping Requirements | 173.07 Screening Standards |
| 173.05 Landscaping Materials and Installation Standards | 173.08 General Provisions |

173.01 PURPOSE. The Landscaping and Screening Regulations provide additional guidance on the development of sites within the City by addressing landscaping and screening requirements. They are designed to improve the appearance of the community, buffer potentially incompatible land uses from one another, and conserve the value of properties within the City.

173.02 APPLICABILITY. The provisions of this chapter apply to all new development on each lot or site upon application for a building permit, except for the following:

1. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
2. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
3. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, these provisions apply only to that portion where the new development occurs.

173.03 LANDSCAPING PLAN REVIEW PROCEDURE.

1. Landscaping Plan Review Required. Landscaping plan review is required for all developments requesting actions regarding re-zonings, building and grading permits, and minor and major subdivisions. The review will be performed by the Zoning Administrator. Landscaping plan review is initiated at the time of application for a plat or permit. Compliance with these landscape requirements must be complete prior to issuance of a certificate of Zoning Compliance or Certificate of Occupancy for the structure. No building or grading permit shall be issued by the Zoning Administrator, except in conformity with the provisions of this Zoning Code, unless said official receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Zoning Code.
2. Submittal for Landscaping Plan Approval. Submittal shall include the following information:
 - A. Common and scientific names for all proposed plant material.
 - B. Quantity, height/caliper/gallon size (as applicable) of all proposed plant material.
 - C. Location of all proposed plant materials.

- D. Number of ground cover plants per square foot to be planted, and/or pounds of seed per 1,000 square feet and species/characteristics of grass in all areas to be seeded.
- E. Location, size, and species of all existing plant material to remain. This includes a diagram and/or tree survey noting the location, size, and species of existing trees and shrubs.
- F. Location of retaining walls, fences, utility easements, existing and proposed structures and parking areas.
- G. Plant installation details.
- H. Drainage areas.
- I. North arrow and scale of drawing.

173.04 LANDSCAPING REQUIREMENTS. Landscaping shall be required adjacent to each street property line and within street yards as set forth in Table 173-1.

173.05 LANDSCAPING MATERIALS AND INSTALLATION STANDARDS.

1. **Restricted List of Plant Material.** No plant material contained on the Restricted List of Plant Material shall be used to fulfill landscape requirements. This list is provided through the office of the Zoning Administrator. These plants are restricted from use because of problems with disease, maintenance, or suitability.
2. **Use of Inorganic Landscaping Materials.** No artificial trees, shrubs, plants, or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than 5 feet in width.
3. **Official List of Plant Materials.** All plant material installed in landscaped areas or buffer yards shall be consistent with the Official List of Plant Materials provided through the office of the Zoning Administrator. All plant materials shall conform in size, species, and spacing with this section of the Zoning Code.

Table 173-1 – Required Landscape Depth

| Zoning District | Depth of Landscaping Adjacent to Street Property Line | Percentage of First 80 Feet of Street Yard that Must Be Landscaped | Percentage of Street Yard Beyond First 80 Feet that Must Be Landscaped |
|-----------------|---|--|--|
| R-1 | 20 feet | 65% of whole street yard | NA |
| R-2 | 20 feet | 55% of whole street yard | NA |
| R-3 | 20 feet | 50% of whole street yard | NA |
| R-4 | 15 feet | 45% of whole street yard | NA |
| MH | 35 feet | 65% of whole street yard | NA |
| LC | 15 feet | 20% | 5% |
| CC | 10 feet | 10% | 5% |
| GC | 10 feet | 10% | 5% |
| UC | 15 feet | 20% | 5% |
| TC | No requirement | 10% | No requirement |
| GC | 10 feet | 10% | 5% |
| LI | 10 feet | 15% | 5% |

4. Supplements to the Official List of Plant Materials. The list of Official List of Plant Materials has been compiled using the latest research data available. Plants other than those listed may be used to fulfill minimum landscaping requirements as approved by the Zoning Administrator. To be considered for approval, a proposed plant material must be submitted for review with the following information:
- A. Common name and scientific name of plant material;
 - B. Habitat, geographic climate range and whether plant is native to this region;
 - C. Growing characteristics, including evergreen or deciduous, height and spread at maturity;
 - D. Suitability for different landscape uses and applications;
 - E. Susceptibility to disease and tolerance of environment: heat, drought, pollution stress;
 - F. Fruit bearing characteristics which may be hazardous in pedestrian and parking areas.
5. Encouragement of Native Landscaping Materials. The use of suitable native plant materials is encouraged to fulfill landscaping requirements. Native plants, or those plants which occur naturally in this region, have shown greater adaptability to the seasonal and climate changes which occur in this region.
6. Installation Standards for Required Landscaping.
- A. Basic plant materials standards shall include the following:
 - (1) Evergreen trees: minimum height of 6 feet;
 - (2) Shrubs: minimum two-gallon size container, or the equivalent height and/or spread;
 - (3) Groundcover shrubs: minimum spacing upon installation of 18 inches on center;
 - (4) Deciduous shade trees: minimum caliper (diameter) of 2 inches as measured 6 inches above the ground;
 - (5) Ornamental deciduous trees: minimum caliper (diameter) of 2 inches as measured 6 inches above the ground.
 - B. All other specifications shall conform with the *American Standards for Nursery Stock*, published by the American Association of Nurserymen for that type of tree or shrub at the time of installation.
 - C. All plant material shall be installed free of disease and in a manner that ensures the availability of sufficient soil and water to sustain healthy growth.
7. Minimum Spacing of Plant Materials.
- A. Tree spacing along streets: minimum of one tree for every 50 feet of perimeter length.
 - B. Spacing of trees: spacing consistent with generally accepted species spread dimension at maturity defined by *American Standards for Nursery Stock*, or a minimum of one tree for every 50 feet, whichever is less.

- C. Groundcover shrubs: minimum spacing upon installation of 18 inches on center.
 - D. Groundcover turf: immediate and complete coverage of area within the season.
 - E. Groundcover, creeping: spacing adequate to provide complete coverage in three years.
8. Supplemental Installation Requirements for Shrubs.
- A. Shrubs shall be installed in a manner that promotes ease of maintenance and quality appearance.
 - B. All shrubs shall be installed in designed beds or naturalized settings containing a minimum of 3 inches of organic or inorganic mulch, contained by some form of edging, with an underlayment of landscape fabric.
 - C. Shrub installations beyond mere shrub beds, such as may contain groundcovers, native perennials or seasonal annuals, may be approved without these features at the discretion of the Zoning Administrator, upon demonstration of quality design and a maintenance contract/commitment.

173.06 BUFFER YARD PROVISIONS. These provisions apply when use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 173-2. Buffer yards are not required of single-family, two-family, duplex, or townhouse use types in the more intensive zoning district.

- 1. The buffer yard dimensions set forth in Table 173-2 apply to zoning districts which share a common lot line or are adjacent but separated by an intervening alley.
- 2. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 173-2.
- 3. Each required buffer yard must be entirely landscaped and free of paved areas, accessways, storage, or other disturbances.

Table 173-2 – Buffer Yard Requirements

| | | Less Intensive Adjacent District | | | |
|-------------------------|--------|----------------------------------|------|-----|-----|
| | | R-1* | R-2* | R-3 | R-4 |
| More Intensive District | R-4 | 20 | 20 | 15 | --- |
| | TC, UC | 20 | 20 | 15 | 10 |
| | CC, GC | 30 | 30 | 20 | 20 |
| | LI | 40 | 40 | 40 | 30 |

*Applies to residential uses only.

173.07 SCREENING STANDARDS.

1. Application. Screening is required between adjacent zoning districts indicated in Table 173-2 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.
 - A. The rear elevation of buildings.
 - B. Outdoor storage areas or storage tanks, unless otherwise screened.
 - C. Loading docks, refuse collection points, and other service areas.
 - D. Major machinery or areas housing a manufacturing process.
 - E. Major on-site traffic circulation areas or truck and/or trailer parking.
 - F. Sources of glare, noise, or other environmental effects.
2. Opaque Barrier. A six-foot opaque barrier shall be provided which visually screens the conditions listed in subsection 1 from less intensive uses as follows:
 - A. A solid wood and/or masonry fence or wall at least six feet in height.
 - B. A landscaped screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting. (Note: All planting materials shall conform to the minimum caliper/size requirements set in Section 173.05.)
 - C. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
 - D. Any combination of these methods that achieves a cumulative height of six feet.
3. Location of Screening Wall. A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.
4. Effect on Drainage. Screening shall not adversely affect surface water drainage.

173.08 GENERAL PROVISIONS.

1. Obstruction of View. Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.
2. Earth Berm Locations. All earth berm locations shall be reviewed by the Public Works Director to determine how the berms shall relate to drainage and public utilities.
3. Exceptions. A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive

district which would otherwise require compliance with buffer yard or screening provisions.

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CHAPTER 174

ZONING CODE – OFF-STREET PARKING

| | |
|---|---|
| 174.01 Purpose | 174.06 Off-Street Parking Design Standards |
| 174.02 General Applications | 174.07 Off-Street Loading |
| 174.03 Schedule of Off-Street Parking Requirements | Table 174-3 Off-Street Loading Requirements for Single Use Structures |
| 174.04 Parking Facility Location | 174.08 Parking for Personal and Recreational Vehicles |
| Table 174-1 Minimum Off-Street Parking Requirements | 174.09 Storage and Parking of Unlicensed or Other Vehicles |
| 174.05 Parking for People with Disabilities | |
| Table 174-2 Accessible Parking Requirements | |

174.01 PURPOSE. The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

174.02 GENERAL APPLICATIONS.

1. Applicability. Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, or for enlargements of existing structures.
2. Exemptions. Any use within the TC Town Center District is exempt from the off-street parking requirements provided by Section 174.03. Any off-street parking facility constructed in the TC District after the effective date of this Zoning Code must comply with the design standards set forth in this chapter.

174.03 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS. Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 174-1.

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the Building Code in effect for the City at the time the use is established.
4. For sites with more than one use, the parking requirement shall be the sum of spaces required for each use, except as provided below.
5. The Board of Adjustment may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by the same parking facility. The Board shall consider at least the following criteria in determining approval of such an adjustment:
 - A. The characteristics and time of operation of each use, and differences in projected peak parking demand.

- B. Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
- C. Functional design of the development and its parking facilities.
- D. Evidence of a written agreement that provides for the joint use of parking facilities.

174.04 PARKING FACILITY LOCATION.

1. Residential Parking.
 - A. Off-street parking for residential uses shall be located on the same lot or site as the use.
 - B. Off-street parking areas for multi-family residential uses shall be at least six feet from any residential building, and shall not be located within a required front yard or street side yard.
2. Nonresidential Parking. Off-street parking for nonresidential uses shall be located on the same lot or site as the use, or within 300 feet of that use if the parking site is within a zoning district that permits the off-street parking use type. Control of ownership or use rights to the remote off-street parking must be demonstrated as a condition of permission.

Table 174-1 – Minimum Off-Street Parking Requirements

| Agricultural Use Types | Required Spaces |
|-------------------------------|---|
| Horticulture | 1 space per 1,000 square feet of sales area |
| Crop Production | No requirement |
| Residential Use Types | |
| Single-Family Residential | 2 spaces per dwelling unit plus 1 space for each boarder, if any |
| Duplex Residential | 2 spaces per dwelling unit plus 1 space for each boarder, if any |
| Two-Family Residential | 2 spaces per dwelling unit plus 1 space for each boarder, if any |
| Multi-Family Residential | 1.5 spaces per efficiency or 1-BR unit; 2 spaces per other units |
| Group Residential | 1 space for each two residents |
| Mobile Home Residential | 2 spaces per dwelling unit |
| Retirement Residential | 1 space per each independent living unit and 1 space per each two assisted living units plus 1 space for each employee on largest shift |
| Civic Use Types | |
| Administration | 1 space for 500 square feet |
| Cemetery | No requirement |
| Clubs | 1 space per 4-person capacity |
| Convalescent Services | 1 space for 10 beds plus 1 space per each employee on largest shift |
| Cultural Services | 1 space per 500 square feet of public area |
| Day Care Services | 1 space per 5-person capacity plus 1 space per employee on largest shift |
| Group Care Facility | 1 space per 4-person capacity plus 1 space per employee on largest shift |
| Group Home | 1 space per 4-person capacity plus 1 space per employee on largest shift |
| Guidance Services | 1 space per 300 square feet |
| Health Care | 1 space per 300 square feet plus 1 space per employee on largest shift |
| Hospitals | 1 space per 4 beds plus 1 space per employee on largest shift |
| Maintenance Facilities | See Schedule A |

Table 174-1
Minimum Off-Street Parking Requirements
 (continued)

| Commercial Use Types | Required Spaces |
|---|---|
| Agricultural Sales/Service | See Schedule A |
| Auto Rental and Sales | See Schedule A |
| Auto Service * | 4 times service capacity |
| Body Repair * | 5 spaces per repair stall |
| Business Support | 1 space per 500 square feet |
| Campground | 1 space per camping unit |
| Cocktail Lounge | 1 space per 150 square feet |
| Commercial Recreation | 1 space per 4-person capacity |
| Communication Services | 1 space per 500 square feet |
| Construction Sales | See Schedule A |
| Consumer Services | 1 space per 200 square feet |
| Convenience Storage | 1 space per 20 storage units ** |
| Equipment Sales/Service | See Schedule A |
| Food Sales (all types) | 1 space per 200 square feet |
| Gaming Facilities | 1 space per 100 square feet |
| General Retail Services | 1 space per 200 square feet |
| Liquor Sales | 1 space per 200 square feet |
| Lodging | 1 space per unit plus 1 space for each employee on duty |
| Personal Improvement | 1 space per 200 square feet |
| Personal Services | 1 space per 500 square feet |
| Pet Services | 1 space per 500 square feet |
| Restaurants (Drive-In) | 1 space per 50 square feet of customer service area |
| Restaurants (General) | 1 space per 3-person capacity in dining area plus 1 space per each 150 square feet in cocktail lounge |
| Stables/Kennels | 1 space per employee plus 1 stall per 5,000 square feet of site area |
| Surplus Sales | See Schedule A |
| Trade Services | 1 space per 300 square feet |
| Veterinary Services | 1 space per 500 square feet |
| Office Use Types | |
| General Offices | 1 space per 250 square feet |
| Medical Offices | 3 spaces per staff doctor or dentist |
| Miscellaneous Use Types | |
| Broadcasting Tower | No requirement |
| Non-Putrescible Landfill | No requirement |
| All Landfills | No requirement |
| Industrial Use Types | |
| Agricultural Industries | See Schedule A |
| Light Industry | See Schedule A |
| General Industry | See Schedule A |
| Heavy Industry | See Schedule A |
| Railroad Facilities | See Schedule A |
| Resource Extraction | 1 space per employee on largest shift |
| Salvage Services | See Schedule A |
| Warehousing | See Schedule A |
| Construction Yards | See Schedule A |
| * Auto Service and body repair subject to other restrictions applicable under this Zoning Code. See Chapter 168 – Use Types – “Vehicle Storage” and Section 171.09, “Outdoor Storage.” | |
| ** This standard may be reduced by up to 20% at the discretion of the Zoning Administrator, if site plan review demonstrates that circulation and loading patterns accommodate adequate space for | |

queuing and temporary parking by users during the peak hours of operation.

Table 174-1 – Minimum Off-Street Parking Requirements
(continued)

| SCHEDULE A | |
|--|-------------------------------|
| This schedule sets forth minimum off-street parking requirements for uses with elements that have different functions and operating characteristics. | |
| Function of Element | Required Spaces |
| Office or Administration | 1 space per 300 square feet |
| Indoor Sales, Display or Service Area | 1 space per 500 square feet |
| Outdoor Sales, Display or Service Area | 1 space per 2,000 square feet |
| Equipment Servicing or Manufacturing | 1 space per 1,000 square feet |
| Indoor or Outdoor Storage or Warehousing | 1 space per 5,000 square feet |

174.05 PARKING FOR PEOPLE WITH DISABILITIES. Each off-street parking facility shall provide the number of parking spaces set forth in Table 174-2 designed and designated for use by people with disabilities. Parking spaces shall be van-accessible. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

Table 174-2 – Accessible Parking Requirements

| Number of Stalls | Number of Required Accessible Spaces |
|--|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of total |
| 1,001 and over | 20, plus 1 for each 100 stalls over 1,000 |
| One in every eight accessible spaces (but not less than one) shall be served by an access aisle with a minimum width of 96 inches and shall be designated as “Van Accessible.” | |

174.06 OFF-STREET PARKING DESIGN STANDARDS.

1. Dimensions.
 - A. Standard parking stalls shall be 9 feet wide and 18 feet long.
 - B. Required drive aisle widths shall be as follows:
 - (1) For diagonal parking (15 to 75 degrees), 20 feet for one-way aisles and 24 feet for two-way aisles.
 - (2) For perpendicular parking (75 to 90 degrees), 24 feet for all aisles.
 - C. Parking facilities may provide up to 40% of their total stalls as designated compact stalls. Compact parking stalls shall be a minimum of 8.5 feet wide and 16 feet long.
 - D. Spaces designated for persons with disabilities shall have a minimum width of 12 feet. Each space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the standards of the Americans with Disabilities Act.
2. Pavement and Drainage.
 - A. Off-street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material. Acceptable hard surface materials shall include concrete, asphalt, or brick or concrete pavers.
 - B. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.
 - C. Residential driveways which are not hard-surfaced at the effective date of this Zoning Code shall be required to come into compliance within two (2) years after adoption of this Code of Ordinances, or prior to the transfer of the title of the property, whichever comes first, unless they are rental properties or used as a home-based business.
3. Landscape and Screening Requirements. Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:
 - A. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
 - B. Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
 - C. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential

property may satisfy this requirement, subject to the determination of the Planning Director.

D. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility.

E. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Chapter 173 of this Zoning Code.

4. Entrances and Exits.

A. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points. Such driveways shall be designed to direct nonresidential traffic away from residential areas.

B. Parking facilities other than driveways for single-family, duplex, two-family, or mobile home residential uses must permit vehicles to enter streets in a forward position.

5. Safety Features.

A. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility, and shall not create blind, hidden, or hazardous areas.

B. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.

6. Lighting. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.

7. Maintenance. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, carts, and litter; maintaining parking surfaces in sound condition; maintaining aisle lines and the painted surfaces of signs; and providing proper care of landscaped areas.

8. Adjustment. For uses subject to conditional use permit approval, the Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this chapter.

174.07 OFF-STREET LOADING.

1. Loading Requirement. Any use which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

2. Schedule of Loading Spaces. Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 174-3.

Table 174-3 – Off-Street Loading Requirements for Single Use Structures

| Gross Floor Area of Use (square feet) | Number of Required Loading Spaces |
|---------------------------------------|-----------------------------------|
| 5,000 or less | None |
| 5,001 – 25,000 | 1 |
| 25,001 – 75,000 | 2 |
| Larger than 75,000 | 3 |

3. Design Standards.
 - A. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
 - B. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
 - C. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this chapter.

174.08 PARKING FOR PERSONAL AND RECREATIONAL VEHICLES.

1. Applicability. This section permits the parking of personal vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pickup trucks, camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers under 20 feet in length; and boats. Trucks, tractor cab units, trailers, recreational vehicles, and vehicles over 2.5 tons gross empty weight shall be defined as heavy commercial vehicles.
2. Location of Parking
 - A. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
 - B. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.
 - C. Parking of personal vehicles may occur in the rear yard setback (outside of an enclosed structure and not on the front yard paved driveway) if the Zoning Administrator determines that such parking conforms to the provisions of this Zoning Code, meets the following conditions:
 - (1) The parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
 - (2) The paved parking does not exceed the maximum impervious coverage limit for the lot.
 - D. Heavy commercial vehicles, including tractor cab units weighing more than 2.5 tons gross empty weight, and recreational vehicles shall not be parked on any lot within the RI, R2, R3, R4 and MH residential zoning districts, except as provided below.
3. Special Provisions for Recreational Vehicles and Boats. Parking and storage of recreational vehicles and boats within residential districts is subject to the following

additional conditions. These conditions are in addition to those requirements for the parking of Personal Vehicles.

- A. Recreational vehicles and boats must be maintained in a clean, well-kept state.
- B. Recreational vehicles and boats equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
- C. Recreational vehicles may be used as temporary housing by non-paying guests for a maximum of three consecutive days or 14 days total during any calendar year. Cooking in the recreational vehicle is prohibited at all times.
- D. Recreational vehicles and boats may not be permanently connected to utility lines.
- E. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
- F. If at all physically feasible on a lot, recreational vehicles and boats shall be parked outside of required front yard and street side yard setbacks if the Zoning Administrator determines that such parking conforms to the provisions of this Zoning Code and if such parking meets the following conditions:
 - (1) For all boats equal to or exceeding 16 feet in length, the parking space is provided on a paved surface connected by a paved surface to a dedicated public right-of-way and/or alley.
 - (2) For all boats less than 16 feet in length, the parking space provided is a separate or stand-alone paved surface with its width equal to or exceeding the width of the boat and with its length equal to or exceeding the length of the boat.
 - (3) For all other recreational vehicles, the parking space is provided on a paved surface.
 - (4) The paved parking does not exceed the maximum impervious coverage limit for the lot.
- G. No more than two recreational vehicles and/or boats may be parked on a single property at any one time. Any recreational vehicle or boat parked on a property must be owned in whole or in part by the resident of the property.

174.09 STORAGE AND PARKING OF UNLICENSED OR OTHER VEHICLES.

1. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the

zoning jurisdiction of the City; provided, conformance with the following shall not constitute a violation of this section:

A. The storage of any unlicensed and/or unregistered motor vehicle in a fully enclosed garage.

B. The storage of not more than one personal vehicle in good operable condition and shielded from view of the general public by a manufactured and fitted vehicle cover and located on a paved driveway pursuant to a permit to store obtained from the City. The permit shall be issued without cost to the applicant and shall:

- (1) Be issued for a period of not to exceed six months and shall be renewable upon application for like periods as long as such storage is in all respects in compliance with this section;
- (2) Identify the vehicle by make, year of manufacture, model and manufacturer's identification number;
- (3) State the reason the vehicle does not bear a current registration and license;
- (4) Require owner to prove continued operability of the vehicle within 72 hours upon request of the Police Department;
- (5) Contain the property owner's and vehicle owner's consent for the City and its agents to enter upon the premises and vehicle for purposes of identification and inspection of the vehicle.

C. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City, except in enclosed buildings or garages or where otherwise permitted by this Zoning Code.

D. Parking, storage or keeping, other than in a fully enclosed garage of any non-operable motor vehicle is prohibited on any residential zoned lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City; provided, however, automobiles that are non-operable by reasons of repair work being done thereon may be parked on the residential lot of the owner of said automobile within the City's zoning jurisdiction under the following conditions:

- (1) The automobile is owned by the occupier of the premises and registered to him/her at that address.
- (2) The period of said repair work does not exceed ten days in duration.
- (3) Repair work is at all times conducted on a paved driveway.
- (4) No more than one automobile in need of repair is situated on the premises at the same time.

2. Before the City removes a vehicle suspected of being in violation of this section, by reason of it being inoperable, the City shall give the owner of the premises upon which the offending vehicle is situated a 72-hour warning notice. Notice shall be given by tagging the motor vehicle and by regular mail, postage pre-paid to the

occupier of the premises on which the motor vehicle is situated. Any motor vehicle not removed from the premises within such 72-hour period shall be presumed to be inoperable and shall be subject to proceedings set forth in Chapter 50 of this Code of Ordinances. The owner may demonstrate operability of the vehicle by making special arrangements with the Police Department to demonstrate operability of the vehicle within said 72-hour period. If operability of the vehicle is satisfactorily demonstrated, the automobile need not be removed.

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CHAPTER 175

ZONING CODE – SIGN REGULATIONS

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175.01 PURPOSE. The Sign Regulations provide standards for communicating information in the environment of the City and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the City’s attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

175.02 DEFINITION OF TERMS. The following definitions shall be used for terms contained in this chapter that are not otherwise defined in this Code of Ordinances.

1. “Abandoned sign” means a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. “Attached sign” means a sign which is structurally connected to a building or depends upon that building for support.
3. “Auxiliary design elements” means terms which describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. “Awning” and “awning sign” mean a temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. “Banner” means material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
6. “Building marker” means an historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
7. “Business center identification sign” means a sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.
8. “Canopy” means a projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
9. “Canopy sign” means a sign which is attached or made an integral part of a canopy.

10. “Clearance” means the distance from the bottom of a sign face elevated above grade and the grade below.
11. “Detached sign” means a sign which is self-supporting and structurally independent from any building.
12. “Directional sign” means a sign which serves only to designate the location or direction of any area or place.
13. “Double-faced sign” means a sign consisting of no more than two parallel faces supported by a single structure.
14. “Frontage” means the length of a property line of any one premises abutting and parallel to a public street, private way, or court.
15. “Ground sign” means a detached on-premises sign built on a freestanding frame, mast, or poles with a clearance no greater than 3 feet.
16. “Illumination” means lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
17. “Marquee” means a permanent roofed structure attached to and supported by a building and extending over public right-of-way.
18. “Maximum permitted sign area” means the maximum permitted combined area of all signs allowed on a specific property.
19. “Monument sign” means an on-premises freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
20. “Moving sign” means a sign which conveys its message through rotating, changing, or animated elements.
21. “Nonconforming sign” means a sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
22. “Pole sign” means an on-premises sign built on a freestanding frame, mast, or poles with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
23. “Portable sign” means any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.
24. “Premises identification sign” means a sign which pertains to the use of a premises and which contains information about the owner or operator of that use, the type of business being conducted or the principal brand name of a commodity sold on the premises, and other information relative to the conduct of the use.
25. “Premises” means a tract of one or more lots or sites which are contiguous and under common ownership or control.
26. “Projecting sign” means a sign other than a wall sign that is attached to and projects from a building face.
27. “Promotional sign” means a sign that is located within a business parking lot and affixed to a light pole or cart caddy to advertise a special price or event.

28. “Residential sign” means a small detached or attached sign located on a residential premises, conveying a message communicated by the owner of the property.
29. “Roof sign” means any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- A. “Integral roof sign” means a roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
- B. “Above-peak roof sign” means a roof sign positioned above the peak of a roof or above a parapet or cornice.
30. “Sign” means a symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
31. “Sign type” means a functional description of the use of an individual sign, and includes owner identification, advertising, directional, electronic message, and temporary.
32. “Street façade” means any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.
33. “Temporary sign” means a sign, flag, banner, pennant, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
34. “Wall sign” means a sign attached to and parallel with the side of a building.
35. “Window sign” means a sign painted on or installed inside a window for the purpose of viewing from outside the premises.
36. “Zone lot” means a parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

175.03 GENERAL SIGN AND STREET GRAPHICS REGULATIONS.

1. Compliance. Each sign or part of a sign erected within the zoning jurisdiction of the City must comply with the provisions of this chapter and of other relevant provisions of this Code of Ordinances.
2. Resolution of Conflicting Regulations. This chapter is not meant to repeal or interfere with enforcement of other sections of this Code of Ordinances. In cases of conflicts between Code sections, or State or federal Regulations, the more restrictive regulations shall apply.
3. Prohibited Signs. The following signs are prohibited in all zoning districts.
 - A. Signs painted on or attached to rocks, trees, or other natural objects which are not designed as integral parts of the sign.
 - B. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.

- C. Signs on public property or public right-of-way, unless specifically authorized by the appropriate public agency.
 - D. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
 - E. Abandoned signs, which must be removed within six months of date of abandonment.
 - F. Portable signs, including signs painted, mounted, or printed on parked vehicles and trailers.
 - G. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
 - H. Signs advertising activities that are illegal under federal, State, or local laws and regulations.
 - I. Rolling LCD signs which incorporate in any manner any rolling, flashing, pulsating, rotating, beacons, or moving lights.
 - J. Neon lights or signs, not intended to add to the overall architectural theme of the site.
 - K. Hazardous signs, any sign or sign structure which is structurally unsafe, is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact.
 - L. Signs which include visible moving parts, changeable copy or description by electrical or non-electrical means, or by action of wind currents; except as permitted in this section.
 - M. Pole signs.
 - N. Any sign unlawfully installed, erected, or maintained in violation of this section.
 - O. Any sign displaying any obscene matter, as that term is defined by the Iowa Code, or which signage displays or depicts any body part that is otherwise prohibited from exposure in any public place pursuant to Windsor Heights Code §40.01.07 (Public Exposure).
 - P. Roof signs.
 - Q. Any sign, except permitted nonconforming signs, not specifically permitted in this section.
4. Exempt Signs. The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.
- A. Bulletin boards for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.
 - B. Real estate signs under 6 square feet in area. Off-site signs directing people to real property for sale may be used only during the period of an open house of public display of such property.
 - C. Official signs authorized by a government or governmental subdivision which give traffic, directional, or warning information.

- D. Seasonal decorations for display on private or public property.
 - E. On-premises construction signs.
 - F. One temporary sign per occupant for grand openings or special events, provided that such sign remains in place for a maximum of seven days and that the occupant has obtained a valid permit from the Zoning Administrator.
 - G. Works of graphic art painted or applied to building walls which contain no advertising or business identification messages.
 - H. Residential signs under 2 square feet in size.
 - I. Neighborhood or subdivision identification signs under 50 square feet.
 - J. Street numbers.
 - K. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
5. Temporary and Civic Signs.
- A. Temporary or portable signs for grand openings, sales, and special events are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
 - (1) Such signs are subject to the permit procedures set forth in this section.
 - (2) The size of such signs does not exceed the limitations set forth in Table 175-3.
 - (3) No more than one such sign is permitted for any single occupant.
 - (4) Temporary or portable signs may be present at any single premises for a maximum of 90 days per year.
 - B. Temporary signs for nonprofit civic campaigns or events, or other noncommercial events are permitted in any zoning district and are exempt from other provisions of this chapter, subject to the following requirements:
 - (1) Such signs are installed no earlier than 30 days before the date of the event or election and removed no later than 7 days after the date of the event or election.
 - (2) The maximum size of such signs is 10 square feet when located in any Residential and O Office/Limited Commercial zoning district, and 100 square feet in any other zoning district.
6. Buffer Yards. No sign other than on-premises directional signs shall be placed within any buffer yard required by Chapter 173, Landscaping and Screening Regulations, except buffer yards adjacent to intervening major streets.
7. Vision-Clearance Area. No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 25 feet from the point at which the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway, meet.

8. Removal of Signs. If a sign owner's business, profession, commodity, service, or other activity or use formerly occupying the site is discontinued, the sign must be removed within fifteen (15) days of closure. If the owner does not remove the sign, the City will remove it at the owners expense.

175.04 BASIC DESIGN ELEMENTS FOR ON-PREMISES SIGNS.

1. Professional Design and Construction. All signs must be designed and constructed by an individual or company pre-approved by the City and familiar with the City's sign ordinance. The proposed individual or company shall be designated on the applicant's sign permit and approved by the City in advance of sign construction.

2. Wall Signs and Graphics. Wall signs and graphics are subject to the following general regulations.

A. A wall sign shall not extend more than 12 inches from the wall to which it is attached.

B. A wall sign must be parallel to the wall to which it is attached.

C. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.

D. A wall sign may not extend beyond its building's roofline.

E. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 12 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches.

F. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.

G. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

3. Projecting Signs and Graphics. Projecting signs and graphics are subject to the following general regulations.

A. The maximum projection of any projecting sign shall be three feet.

B. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.

C. Each projecting sign must maintain at least the following vertical clearances:

(1) 8 feet, 6 inches over sidewalks, except that a canopy may reduce its vertical clearance to 7 feet, 6 inches;

(2) 10 feet outside of parking areas or driveways, but within 3 feet of such areas, or within 50 feet of the right-of-way lines formed by a street intersection;

(3) 14 feet over parking lots;

(4) 18 feet over alleys or driveways.

D. No projecting sign extending three feet from a property line may be located within 22 feet of any other projecting sign extending three feet from a property line.

E. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.

4. Pole Signs. Pole signs are not permitted as new installations within the City. All pole signs that were in place on August 5, 1997, and remaining in place on December 21, 1998, shall be considered as legal nonconforming signs. The cover of such an existing sign may be changed from time to time, provided that no other changes or alterations are made to the sign's physical structure. Other than as provided in this section, a pole sign may not be modified or replaced.

5. Roof Signs. Roof signs are subject to the following regulations:

A. Where permitted, integral roof signs may be used interchangeably with wall signs.

B. An integral roof sign must be mounted parallel to the wall of the building that it faces.

175.05 OTHER DESIGN ELEMENTS.

1. Illumination. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

2. Marquees and Marquee Signs. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

3. Banners.

A. A banner sign projecting from a building may not exceed the wall height of the building.

B. Maximum projection for any banner is three feet with a minimum clearance of 8.5 feet.

C. Maximum size of a banner is the lesser of twice the permitted size of a projecting sign or 120 square feet.

4. Clocks. For the purposes of this chapter, clocks are not considered a moving sign.

175.06 USE OF COMPATIBLE MATERIALS. All signs, excluding temporary signs, shall be constructed of materials that are similar to those used on the principal building. Such signage shall be dominated with materials of permanency and strength and shall be compatible with other structures and signs in the development.

175.07 METHOD OF MEASUREMENT FOR REGULATORS.

1. Maximum Permitted Sign Area. Maximum permitted sign area for a premises is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages.

2. Sign Area.
 - A. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
 - B. The area of double-faced signs is calculated on the largest face only.
 - C. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
 - D. In the case of individual letters mounted to a wall, only the total area of the letters themselves is included within the sign area.
3. Height. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
4. Setback. The setback of a sign is measured from the property line to the supporting frame, mast, pole, or base of the sign.

175.08 GENERAL PERMIT PROCEDURES. Any installation, modification, or expansion of any sign which is not exempt from the provisions of this chapter shall be subject to the following permit procedure prior to installation.

1. Maintenance of Valid Sign Permit. The owner of a property containing signs requiring a permit under this Zoning Code shall at all times maintain in force a sign permit for such property. Sign permits may be issued for individual zoned lots, tenants, or sign owners. A sign permit may be revoked if the sign is not maintained in good condition.
2. Sign Permit Applications. All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.
3. Application Fees. Each application for a sign permit shall be accompanied by any applicable fees, which shall be established by the Council from time to time by resolution.
4. Action. Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:
 - A. Issue the sign permit, if the sign conforms to the provisions of this chapter.
 - B. Reject the sign permit if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter.
5. Permit Expiration. If a permanent sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse. Permits on non-permanent signs lapse in accordance with the timeline identified on the permit. Temporary sign permits are for a period of 30 days with a maximum of two renewals. The number of renewals may be extended by the Zoning Administrator for additional renewals, as deemed appropriate. Promotional sign permits are for a period of one year.

6. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

175.09 NONCONFORMING SIGNS.

1. Any permanent sign that was in place and lawfully established on December 21, 1998, shall be considered as a legal nonconforming sign to the extent that such a sign does not comply with the provisions of this chapter. The cover of such sign may be changed from time to time, provided that the sign area shall not be enlarged or reduced beyond the sign area in existence on December 21, 1998.

2. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, or is altered by more than 50% of its replacement cost, shall be either removed or altered so as to comply with this chapter.

3. For business centers pre-existing on the effective date of this Zoning Code which do not conform to the total permitted sign area provisions of this chapter, individual signs may be replaced, modified, or substituted prior to December 31, 2004. Each new sign shall conform to the applicable regulations of this Zoning Code for individual signs and shall be installed so as to reduce the total amount of the nonconformance on the site.

Table 175-1 – Permitted Signs by Type and Zoning Districts

| Sign Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI |
|-------------------------|------|------|------|------|----|----|----|----|----|----|----|
| Detached Signs | | | | | | | | | | | |
| Residential | P | P | P | P | P | P | P | N | P | N | N |
| Business Identification | P(C) | P(C) | P(C) | P | P | P | P | P | P | P | P |
| Directional | P(C) | P(C) | P(C) | P(C) | P | P | P | P | P | P | P |
| Ground | P | P | P | P | P | P | P | P | P | P | P |
| Pole | N | N | N | N | N | N | N | N | N | N | N |
| Attached Signs | | | | | | | | | | | |
| Awning | N | N | P | P | P | P | P | P | P | P | P |
| Banner | N | N | N | N | N | N | P | P | P | P | P |
| Building Marker | P | P | P | P | P | P | P | P | P | P | P |
| Business Identification | P(C) | P(C) | P | P | P | P | P | P | P | P | P |
| Canopy | N | N | N | N | N | P | P | P | P | P | P |
| Directional | P(C) | P(C) | P | P | P | P | P | P | P | P | P |
| Marquee | N | N | N | N | N | P | P | P | P | P | P |
| Projecting | N | N | N | N | N | N | P | P | N | P | P |
| Promotional | N | N | N | N | N | P* | N | N | P* | N | P* |
| Roof, Integral | N | N | N | N | N | N | P | P | N | P | P |
| Roof, Above Peak | N | N | N | N | N | N | P | P | N | P | P |
| Wall | P | P | P | P | P | P | P | P | P | P | P |
| Window | N | N | N | N | N | P | P | P | P | P | P |
| Miscellaneous | | | | | | | | | | | |
| Flag | P | P | P | P | P | P | P | P | P | P | P |
| Portable | N | N | N | N | N | N | N | N | N | N | N |

* One promotional sign per 3,500 square feet of lot size is permitted, with a maximum of 15 signs

P = Permitted for All Uses; P(C) = Permitted for Civic Uses Only; N = Not Permitted

Table 175-2 – Auxiliary Design Elements by Zoning District

| Sign Types | R-1 | R-2 | R-3 | R-4 | MH | O | CC | GC | UC | TC | LI |
|------------------------|------|------|------|------|------|---|----|----|----|----|----|
| Illumination | | | | | | | | | | | |
| Indirect | P(C) | P(C) | P(C) | P(C) | P(C) | P | P | P | P | P | P |
| Direct | N | N | N | N | N | N | N | N | N | N | N |
| Internal | P(C) | P(C) | P(C) | P | P(C) | P | P | P | P | P | P |
| Neon | N | N | N | N | N | N | P | P | P | P | P |
| Flashing | N | N | N | N | N | N | N | N | N | N | N |
| Flame | N | N | N | N | N | N | N | N | N | N | N |
| Bare Bulb | N | N | N | N | N | N | N | N | N | N | N |
| Other | | | | | | | | | | | |
| Electronic Information | N | N | N | N | N | N | P | P | P | N | P |
| Moving | N | N | N | N | N | N | N | N | N | N | N |
| Rotating | N | N | N | N | N | N | N | N | N | N | N |
| Rolling LCD | N | N | N | N | N | N | N | N | N | N | N |

P = Permitted for All Uses; P(C) = Permitted for Civic Uses Only; N = Not Permitted

Table 175-3 - Permitted Signs by Maximum Permitted Area and District

The Maximum Permitted Area for all signs on a premises, excluding directional signs, building marker signs, and flags, shall not exceed the lesser of the following:

| Zoning District: | R-1 R-2 MH | R-3 R-4 | O | CC | GC | UC | TC | LI |
|--|------------------|------------|--------------|---------------|---------------|----------------------|-----|-----|
| Maximum Total Square Feet | Note 1 | Note 2 | 75 Note 3 | 150 Note 4 | 150 Note 4 | 150 Notes 3, 4 | 100 | 200 |
| <p>Note 1: 32 square feet for civic uses; 2 square feet for residential uses, including home occupations.</p> <p>Note 2: 48 square feet for project identification signs for multi-family or mobile home developments and for nonresidential uses when permitted; 2 square feet for residential uses, including home occupations.</p> <p>Note 3: Maximum limits apply to nonresidential premises only. On-premises with a primary residential use, 75 square feet for project identification signs for multi-family developments; 2 square feet for residential uses, including home occupations.</p> <p>Note 4: One additional business center identification sign with a maximum area of 150 square feet is permitted subject to the regulations set forth by Table 175-4.</p> | | | | | | | | |

Table 175-4 – Permitted Signs by Numbers, Dimensions and Locations

Each individual sign shall comply with the regulations for maximum quantity, maximum size, minimum setbacks, and height limits shown in this table:

| Zoning District: | R-1 R-2 R-3 MH | R-4 | O | CC Note 1 Note 3 | GC Note 1 Note 3 | UC Note 2 Note 3 | TC Note 2 Note 3 | LI |
|---|-------------------------|-----|-----|------------------------|------------------------|------------------------|------------------------|--------------|
| Detached Signs | | | | | | | | |
| Number Permitted Per Premises | 1 | 1 | 1 | NA | NA | 1 | 1 | NA |
| Per Feet of Frontage | NA | NA | NA | 1 per 300 | 1 per 200 | NA | NA | 1 per 200 |
| Maximum Size* (square feet) | 32* | 48* | 75* | 90 | 90 | 90 | 90 | 90 |
| Maximum Height (feet) of Structure Above Ground | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Front Yard Setback (feet) | 5 | 10 | 10 | 10 | 5 | 10 | 10 | 0 |
| Side Yard Setback (feet) | 10 | 10 | 10 | 5 | 5 | 10 | 10 | 0 |
| Attached Signs | | | | | | | | |
| Maximum Size* (square feet) | 32* | 48* | 75 | 150 | 150 | 150 | 100 | 200 |
| Percentage of Street Façade | NA | NA | 20% | 20% | 20% | 20% | 20% | 25% |
| * For those uses only permitted a sufficient maximum sign area in Table 175-3 | | | | | | | | |
| <p>Note 1: In addition to its total permitted sign area, each premises used for a business center may have one detached center identification sign, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The maximum area for a center identification sign shall be 150 square feet. 2. No center identification sign shall be within 300 feet of any other center identification sign or within 150 feet of any other detached sign on the same or adjacent premises. 3. The sign shall display no more than the name and location of the business center. 4. Each sign shall be subject to all other regulations for detached signs or graphics set forth in this chapter. <p>Note 2: All monument signs must conform with these provisions by December 31, 2009, or will be subject to penalties for zoning code violation.</p> <p>Note 3: The sign at 6601 University Avenue is a permanent, lawful, nonconforming sign as a result of a redevelopment agreement.</p> | | | | | | | | |

(Ch. 175 – Ord. 16-09 – Oct. 16 Supp.)

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CHAPTER 176

ZONING CODE – NONCONFORMING DEVELOPMENT

176.01 Purpose

176.02 Regulations Additive

176.03 Nonconforming Lots

176.04 Nonconforming Structures

176.05 Nonconforming Uses

176.01 PURPOSE. This chapter contains the Nonconforming Development Regulations. The purposes of these regulations are:

1. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
2. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
3. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
4. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
5. To limit the continuation and provide for the gradual replacement of nonconforming uses.

176.02 REGULATIONS ADDITIVE. Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

176.03 NONCONFORMING LOTS.

1. **Pre-Existing Lots of Record.** Nonconforming lots of record existing at the time of the adoption of this Zoning Code shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by this Zoning Code.
2. **Reductions Due to Public Acquisition.** If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

176.04 NONCONFORMING STRUCTURES. These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Zoning Code.

1. **Continuation.** A lawful nonconforming structure existing on the effective date of this Zoning Code may be continued, repaired, maintained, or altered, subject to the provisions of this section.
2. **Additions or Enlargements to Nonconforming Structures.**

- A. A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
- (1) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
 - (2) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
 - (3) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of 25 feet or 50 percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
- B. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
- C. Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
3. **Moving of Nonconforming Structures.** A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
4. **Repair of Nonconforming Structures.** A lawful nonconforming building damaged by fire, explosion, storm, or other calamity, except flood damages, may be repaired and reconstructed, provided there is no increase in the degree of nonconformity. Repair and reconstruction within the designated floodplain shall be in conformance with Floodplain development regulations. Any repairs must be completed in compliance with all applicable building codes and regulations.
5. **Conversion of a Conforming Building.** A conforming building shall not be changed in any way that will result in a nonconforming development.
6. **Applicability of Landscaping and Screening Regulations.** A pre-existing structure, building, or development shall be exempt from Chapter 173, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Zoning Code shall be subject to Chapter 173.

176.05 NONCONFORMING USES.

1. **Continuation of Nonconforming Uses.** Any nonconforming use lawfully existing on the effective date of this Zoning Code may continue, subject to the limitations of this section.
2. **Enlargement of Nonconforming Uses.** A building or structure housing a lawful nonconforming use may not be added to or enlarged.

3. Abandonment of Nonconforming Use. If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of six months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
4. Change of Use. A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.
5. Allowance for Repairs. Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.
6. Damage or Destruction of Structures. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.
7. Nonconforming Uses and Conditional Use and Special Use Permits. A lawful pre-existing use which would require a conditional use or special use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of permits, set forth in Chapter 176.

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CHAPTER 177

ZONING CODE – ADMINISTRATION AND PROCEDURES

| | |
|--|---|
| 177.01 Purpose | 177.07 Schedule of Fees, Charges and Expenses |
| 177.02 Site Plan Review Procedure | 177.08 Board of Adjustment Established |
| 177.03 Conditional Use and Special Use Permit Procedures | 177.09 Procedure for Appeals |
| Table 177-1 Criteria for Site Plan Review and Conditional Use and Special Use Permits | 177.10 Powers and Duties of the Board of Adjustment |
| 177.04 Amendment Procedure | 177.11 Appeals from the Board of Adjustment |
| 177.05 Extension of the Extra-Territorial Jurisdiction | 177.12 Complaints Regarding Violations |
| 177.06 Building Permits and Certificates of Zoning Compliance | 177.13 Penalties for Violation |

177.01 PURPOSE. The Administration and Procedures provisions establish the methods for implementation of this Zoning Code. These provisions include procedures for reviewing specific uses within certain zoning districts, amending the Zoning Code, and granting variances.

177.02 SITE PLAN REVIEW PROCEDURE.

1. Purpose. The Site Plan Review Procedure provides for special review in addition to plan review required by other sections of this Code of Ordinances of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.
2. Administration. The Zoning Administrator shall review, evaluate, and act on all site plans submitted pursuant to this procedure. The Planning and Zoning Commission shall review site plans and shall transmit its recommendation to the City Council for approval.
3. Uses Requiring Site Plan Review. The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a conditional use or special use permit procedure for specific zoning districts.
 - A. Multiple-family developments with 4 or more dwelling units;
 - B. Education facilities;
 - C. Health care facilities;
 - D. Automotive washing;
 - E. Automotive sales;
 - F. Any use including drive-in services;
 - G. Any commercial, industrial, or office building.
4. Application Requirements. An application for a site plan review may be filed by the owner of a property or the owner's authorized agent with the Zoning

Administrator. Site plan application forms are available in the offices of Zoning Administrator. The application shall include the following information:

- A. Name and address of the applicant.
 - B. Owner, address, and legal description of the property.
 - C. A description of the nature and operating characteristics of the proposed use.
 - D. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
 - (1) The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - (2) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
 - (3) The location, size, and use of proposed and existing structures on the site.
 - (4) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, signage, and lighting.
 - (5) Location of any major site feature, including drainage and contours at no greater than five-foot intervals and a detailed grading plan.
 - (6) A colored rendering of what the proposed site will look like.
 - (7) Any other information that may be required for review by the Zoning Administrator.
5. Administrative Action. The Zoning Administrator shall review each site plan and provide a written recommendation to the Planning and Zoning Commission and City Council. The Planning and Zoning Commission shall transmit its recommendation to the City Council, which will then act on the application.
6. Review and Evaluation.
- A. The Planning and Zoning Commission and City Council shall review and approve the site plan based on the criteria established in Table 177-1 and conformance with applicable regulations in this Zoning Code and the vision of the comprehensive plan.
 - B. The Planning and Zoning Commission shall make the following findings before recommending approval of the site plan to the City Council:
 - (1) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 177-1.
 - (2) Any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable effects.

- (3) The site plan conforms to this Zoning Code and to the vision of the comprehensive plan.
7. **Modification of Site Plan.** The Zoning Administrator, Planning and Zoning Commission, and City Council may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include (but are not limited to) additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.
8. **Term and Modification of Approval.**
- A. A site plan approval shall become void one year after the date of approval, unless the applicant receives a building permit and diligently carries out development prior to the expiration of this period.
- B. The Zoning Administrator may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 177-1.
- C. The Zoning Administrator may revoke a site plan approval if said official determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.
9. **Approval to Run With Land.** An approval pursuant to this section shall run with the land until the expiration date of such approval.

177.03 CONDITIONAL USE AND SPECIAL USE PERMIT PROCEDURES.

1. **Purpose.** The Conditional Use and Special Use Permit Procedures provide for Planning Commission review and discretionary Board of Adjustment action for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.
2. **Administration.** The Planning Commission shall review and evaluate each application and transmit its recommendation to the Board of Adjustment. The Commission recommendation should include whether or not to approve or disallow the project and any suggested conditions if approval is recommended. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.
3. **Application Requirements.** An application for a permit may be filed with the Zoning Administrator by the owner of a property or the owner's authorized agent. The application shall include the following information:
- A. Name and address of the applicant.
- B. Owner, address, and legal description of the property.
- C. A description of the nature and operating characteristics of the proposed use.

- D. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.
- E. A written statement as to how the proposed project fits within the character of the neighborhood and that meets the intent of the City's comprehensive plan.
4. Review Process.
- A. The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each permit and, following such public hearing, shall recommend action to the Board of Adjustment.
- B. The Board of Adjustment, after publication and public hearing, shall act on the permit, choosing to approve or deny the project.
5. Criteria for Review. The Planning Commission and the Board of Adjustment shall review the application based on the criteria established in Table 177-1 and conformance with applicable regulations in this Zoning Code.
6. Scope of Planning and Zoning's Authority. The Planning and Zoning Commission shall review and make recommendations to the Board of Adjustment based on the criteria established in Table 177-1 and based on compatibility with the surrounding neighborhood. The Commission shall forward recommendations including whether or not to approve or deny the permit. If approval is recommended, the Commission shall include suggested conditions for the conditional or special use permit.
7. Scope of Board of Adjustment's Authority.
- A. The Board of Adjustment may, at its discretion, apply a conditional use or special use permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a conditional or special use permit. The Board of Adjustment may also choose to deny any application, based on the criteria established in Table 177-1 or determined incompatibility with the character of the surrounding neighborhood.
- B. The Board of Adjustment shall not grant a conditional use or special use permit for any home occupation/home based business which is otherwise prohibited under Section 171.08(1) of this Zoning Code.
8. Lapse and Revocation of Permit.
- A. A conditional use permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.
- B. The Board of Adjustment may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- C. A special use permit is granted by the Board of Adjustment for a period not to exceed eighteen (18) months. The permit can be revoked at any time for violation of any of the issuing criteria.

9. Previously Approved Permits. Any permit approved under regulations in effect before the effective date of this Zoning Code shall be considered a valid permit, subject to requirements imposed at the time of its approval.

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Table 177-1 – Criteria for Site Plan Review and Conditional Use and Special Use Permits

| Land Use Compatibility | Criteria | Applications To | | |
|----------------------------------|--|------------------|------------------------|--------------------|
| | | Site Plan Review | Conditional Use Permit | Special Use Permit |
| Development Density | Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features. | | X | |
| Height and Scale | | | | |
| Height and Bulk | Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations. | X | X | X |
| Setbacks | Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics. | X | X | X |
| Building Coverage | Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities. | X | X | X |
| Site Development | | | | |
| Frontage | Project frontage along a street should meet minimum frontage requirements and provide reasonable exposure for the development. | X | X | X |
| Parking and Internal Circulation | Parking should serve all structures with minimal conflicts between pedestrians and vehicles. | X | X | X |
| | All structures must be accessible to public safety vehicles. | X | X | X |
| | Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points. | X | X | X |
| Landscaping | Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved. | X | X | X |
| Building Design | Architectural design and building materials should be compatible with surrounding areas or highly visible locations | X | X | |

Table 177-1 – Criteria for Site Plan Review and Conditional Use and Special Use Permits
(continued)

| Operating Characteristics | Criteria | Applications To | | |
|---------------------------|---|------------------|------------------------|--------------------|
| | | Site Plan Review | Conditional Use Permit | Special Use Permit |
| Traffic Capacity | Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations. | X | X | X |
| External Traffic Effects | Project design should direct nonresidential traffic away from residential areas. | X | X | |
| Operating Hours | Projects with long operating hours must minimize effects on surrounding residential areas. | X | X | |
| Outside Storage | Outside storage areas must be screened from surrounding streets and less intensive land uses. | X | X | X |
| Public Facilities | | | | |
| Sanitary Waste Disposal | Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare. | X | X | X |
| | Sanitary sewer must have adequate capacity to serve development. | X | X | |
| Storm Water Management | Development should handle storm water adequately to prevent overloading of public storm water management system. | X | X | |
| | Development should not inhibit development of other properties. | X | X | |
| | Development should not increase probability of erosion, flooding, landslides, or other run-off related effects. | X | X | |
| Utilities | Project must be served by utilities. | X | X | |
| Other | | | | |
| Comprehensive Plan | Projects should be consistent with the City Comprehensive Development Plan | | X | X |
| Common Facilities | Properties are required to have tornado shelters. Underground or other approved tornado shelters shall be provided in mobile home parks. Such shelter or shelters shall be built according to the recommendations of the Civil Defense authority and be large enough to meet the specific needs of the park and its residents | | | X |
| Certification | A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection, and any other applicable requirements shall be required of all mobile home parks. | X | X | X |

177.04 AMENDMENT PROCEDURE. The amendment procedures describe the methods by which changes may be made in the text of this Zoning Code (text amendment) and/or the official boundaries of zoning districts (rezoning).

1. Initiation of Amendments.
 - A. Text amendments may be initiated by the Planning and Zoning Commission or City Council.
 - B. Rezoning may be initiated by a property owner or authorized agent, the Planning and Zoning Commission, or the City Council.
2. Rezoning Application Requirements. An application for a rezoning may be filed with the Zoning Administrator. The application shall include the following information:
 - A. Name and address of the applicant.
 - B. Owner, address, and legal description of the property.
 - C. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
 - D. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.
3. Amendment Process.
 - A. The Planning Commission, following ten days notice and publication, shall hold a public hearing on each proposed text or rezoning and shall recommend action to the City Council.
 - B. The City Council, after publication and public hearing, shall act on the proposed amendment. A majority vote of those members either elected or appointed to the City Council is required for approval. If the proposed amendment is recommended for disapproval by the Planning Commission, a majority vote plus one of the City Council shall be required for approval.
 - C. Protest. If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:
 - (1) Submission of the petition in the office of the City Clerk within 14 days after the conclusion of the public hearing on the amendment by the Planning Commission.
 - (2) Notarized signatures by at least one of the following:
 - a. The owner or owners of at least 20% of the property proposed for rezoning.
 - b. The owners of 20% of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the City and within 200 feet of the proposed rezoning.

4. Required Notice and Publication. Prior to consideration of amending, supplementing, changing, modifying, or repealing this Zoning Code by the governing body, notice of public hearings shall be provided by two of the three following methods, as determined by the City:

A. Notice By Posted Sign. A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It is unlawful for any person to remove, mutilate, destroy, or change such posted notice prior to such hearing.

B. Publication. At least ten days before the date of hearing, the City Clerk shall have published in a newspaper published at least once weekly and having a general circulation in the City a notice of the time, place, and subject matter of such hearing.

C. Notification by Mail. At least ten days prior to the date of hearing, the party initiating the rezoning request shall present the City Clerk a certified address list of those persons who own property within 200 feet of the subject site. The City Clerk shall mail notice of the time, place, and subject matter of the hearing to such property owners at least ten days prior to the date of the hearing.

177.05 EXTENSION OF THE EXTRA-TERRITORIAL JURISDICTION. Upon the automatic extension of the two-mile extra-territorial jurisdiction due to annexation, the City Council with the recommendation of the Planning Commission shall zone properties within the newly established jurisdiction concurrent with adoption of the annexation ordinance. The zoning shall consider the Comprehensive Development Plan of the City and the present use of the land.

177.06 BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE.

1. Administration and Enforcement. The Zoning Administrator shall administer and enforce this Zoning Code. The Board of Adjustment may direct other persons to assist the Zoning Administrator. If the Zoning Administrator finds that any of the provisions of this Zoning Code are being violated, said official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Code to ensure compliance with or to prevent violation of its provisions.

2. Building Permits Required. Except as provided by the Building Code, no building or other structure regulated by this Zoning Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this Zoning Code, unless

he/she receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Zoning Code.

3. Application for Building Permit. All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Zoning Code. One copy of the plans shall be returned to the applicant by the administrative official, after said official has marked such copy either as approved or disapproved and attested to same by signing such copy. One copy of the plans, similarly marked, shall be retained by the administrative official.

4. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses. No building or other structure regulated by this Zoning Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a certificate of zoning compliance for each building or structure has first been obtained from the Building Official. No building permit shall be issued by the Building Official except in conformity with the provisions of this Zoning Code, unless said official receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this Zoning Code.

5. Expiration of Building Permit.

A. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the administrative official; and written notice thereof shall be given to the persons affected.

B. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

C. The expiration date of a building permit may be established for a period longer than one year if established at the time that such permit is issued by the City. The Zoning Administrator may, at his or her discretion, extend the expiration period of the building permit.

6. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this Zoning Code, and punishable as provided herein.

177.07 SCHEDULE OF FEES, CHARGES AND EXPENSES. The City Council shall establish by resolution a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, site plan reviews, appeals, and other matters pertaining to this Zoning Code. The schedule of fees shall be posted in the office of the City Clerk, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

177.08 BOARD OF ADJUSTMENT ESTABLISHED.

1. A Board of Adjustment is hereby established according to the *Code of Iowa*.
2. Each member shall be appointed by the City Council for a five-year term and is removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this Zoning Code and the *Code of Iowa*. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson or, in the absence of the Chairperson, the acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

177.09 PROCEDURE FOR APPEALS.

1. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property.
2. The Board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; and provided by publication in a newspaper of general circulation in the City; mailed notice to property owners within 200 feet of the subject property; and by written notice to the appealing party.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of four out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.

177.10 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall have only the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator in the enforcement of this Zoning Code or any regulation relating to the location or soundness of structures.
2. Conditional Use and Special Use Permits. To hear and decide the approval of applications for conditional use and special use permits, as provided by this Zoning Code. Procedures for conditional use and special use permits are established in Section 177.03.
3. Interpretation of Zoning Map. To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
4. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this Zoning Code where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

A. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it makes the following findings:

- (1) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
- (2) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
- (3) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
- (4) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
- (5) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Code.
- (6) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.

B. Findings by Board. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

C. Conditions for Grant of Variance.

(1) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code and punishable under Section 177.13(2) of this Zoning Code.

(2) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Zoning Code in the district involved, or any use expressly or by implication prohibited by the terms of this Zoning Code in said district.

(3) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

5. Board has Powers of Zoning Administrator on Appeals; Reversing Decisions of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Zoning Code, or to effect any variation in the application of this Zoning Code.

177.11 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or any board, taxpayer, officer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, *Code of Iowa*.

177.12 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this resolution occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

177.13 PENALTIES FOR VIOLATION.

1. Violation and Penalty. Violation of the provisions of this Zoning Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by this Zoning Code and by Section 364.22 of the *Code of Iowa*.

2. Restraining Order. In case any building is built, developed, altered, or otherwise used in violation of this Zoning Code, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City to

prevent such unlawful action; to restrain, correct, or abate such violation; or to prevent any illegal act, conduct, business, or use in or about said premises.

3. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

4. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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CHAPTER 178

COMPREHENSIVE PLAN

EDITOR'S NOTE

The Comprehensive Plan for the City of Windsor Heights, adopted July 1, 2013, by Ordinance No. 13-08, and amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Comprehensive Plan.

| ORDINANCE NO. | ADOPTED | ORDINANCE NO. | ADOPTED |
|----------------------|----------------|----------------------|----------------|
| 14-07 | June 16, 2014 | | |
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