

## CHAPTER 175

# ZONING CODE — GENERAL PROVISIONS

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**175.01 INTERPRETATION OF STANDARDS.** In their interpretation and application, the provisions of Chapters 175 through 179 (herein referred to as the Zoning Code) shall be held to be minimum requirements. Where the Zoning Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Code shall control. In addition, the International Building Code, International Residential Code, International Existing Building Code, the International Fire Code, the National Electrical Code, the International Mechanical Code, and the International Plumbing Code shall apply.

### *Ordinance No. 08-210)*

**175.02 DEFINITIONS.** The purpose of this section is to define certain words and terms used within and throughout the Zoning Code. All definitions are constant, unless otherwise specified.

1. **“Abut”** means to physically touch or border upon, or to share a common property line (i.e., adjoining and / or contiguous). See also “adjoining lot or land.”
2. **“Accessory building”** – See “building, accessory.”
3. **“Accessory structure”** means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use that is permitted in each particular zoning district. (Listed as “accessory uses.”) See also “building, accessory.”
4. **“Adjacent land”** – See adjoining lot or land.”
5. **“Adjoining lot or land”** means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See also “abut.”
6. **“Adult Entertainment Business:”**
  - A. **“Adult Bookstore”** means an establishment having as a significant portion of its stock in trade, books, films, magazines and other

periodicals, which are distinguished or characterized by an emphasis on matter depicting or describing “sex act(s)” or specified anatomical areas”.

- B. **“Adult Motel”** means a motel wherein material presented, which is distinguished or characterized by an emphasis on matter depicting or describing “sex act(s)” or specified anatomical areas.”
  - C. **“Adult Motion Picture Arcade”** means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or few persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing “sex act(s)” or “specified anatomical areas.”
  - D. **“Adult Motion Picture Theater”** means an enclosed building used to presenting materials distinguished or characterized by an emphasis on matter depicting or describing “sex act(s)” or specified “anatomical areas.”
  - E. **“Sexual Encounter Center”** means any business, agency, or persons who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in “sex act(s)” or exposing, “specified anatomical areas.”
  - F. **“Sex Act(s)”** means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or a substitute thereof in contact with the genitalia or anus.
  - G. **“Specified Anatomical Areas”** include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
7. **“Alley”** means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

8. **“Alter”** or **“Alteration”** means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
9. **“Amusement and recreation services”** means establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls; studios; theatrical producers; bands; orchestras; and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreational clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors and animal shows.
10. **“Amusement park”** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.
11. **“Annexation”** means the incorporation of a land area into an existing community with a resulting change in the boundaries of that community.
12. **“Apartment unit”** means one or more rooms with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a building containing more than two dwelling units. See also “dwelling unit.”
13. **“Attached dwelling”** – See “dwelling, attached.”
14. **“Basement”** means a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6 1/2 feet. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet. See also “cellar.”
15. **“Bi-attached houses”** – See “dwelling, semi-detached.”
16. **“Boarding house”** means a dwelling or part thereof, in which lodging is provided by the owner or operator to more than three persons. See also “family home” and “group quarters.” COMMENT: A boarding home is a dwelling while a motel or hotel is a licensed commercial establishment.

17. **“Board of Adjustment”** means an officially constituted body whose principal duties are to grant variances from the strict application of the Zoning Code and to grant special exceptions and conditional uses as provided by law.
18. **“Building”** means any structure have a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. See also “structure.”
19. **“Building, accessory”** means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Among other things, the following are considered to be accessory building(s): shed, gazebo, garage, shelter, and greenhouse. See also “accessory structure.”
20. **“Building height”** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:
  - A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
  - B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 above the lowest grade.
  - C. The height of a stepped or terraced building is the maximum height of any segment of the building.
21. **“Bulk stations”** means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
22. **“Bulk storage”** means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.
23. **“Carport”** means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides. See also “garage.”

24. **“Cellar”** means a space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with floor-to-ceiling height of less than 6 1/2 feet. A cellar is not included in computing the number of stories for the purpose of height measurement. See also “basement.”
25. **“Child”** means a person under eighteen years of age.
26. **“Child care center”** means a facility providing child daycare for seven or more children except when the facility is registered as a group daycare home.
27. **“Child daycare”** means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two hours or more and less than twenty-four hours per day per child on a regular basis in a place other than the child’s home, but does not have:
  - A. An instructional program administered by a public or nonpublic school system approved by the Department of Public Instruction or the State Board of Regents;
  - B. A church-related instructional program of not more than one day per week;
  - C. Short-term classes held between school terms.
28. **“Child daycare facility”** means a child care center, group daycare home or registered family daycare home. See also “family daycare home” and “group daycare home.”
29. **“Cluster”** means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. See Figure A.
30. **“Cluster subdivision”** means a form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. See Figure A. See also “planned unit development.”
31. **“Common open space”** – See “open space, common.”

32. **“Conditional use”** means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Code and authorized by the Board of Adjustment.
33. **“Conditional use permit”** means a permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances. See also “special use permit.”
34. **“Condominium”** means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
35. **“Conversion”** means a change in the use of land or a structure.
36. **“Deck”** means any flat-floored, roofless structure, at or above the finished grade, adjoining or directly adjacent to a building. See also “terrace.” Decks in the front yard may extend from the building a length no greater than 40% of the distance between the front lot line and the closest building façade to the front lot line, up to a maximum of twelve (12) feet. Decks in the side and rear yard shall maintain a five (5) foot setback from the side and rear lot lines.

*(Ordinance No. 06-205)*

37. **“Developmental disability”** or **“developmentally disabled”** means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
  - A. Attributable to mental retardation, cerebral palsy, epilepsy or autism;
  - B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or required treatment and services similar to those required for the persons;
  - C. Attributable to dyslexia resulting from a disability described in either subparagraph A or B;
  - D. Attributable to a mental or nervous disorder.
38. **“Dish antenna”** means any parabolic, spiracle, or other shaped structure use for, or intended to be used for, reception of satellite transmissions.

39. **“District”** means a geographic area within the City within which certain zoning or development regulations apply. See also “zone.”
40. **“Duplex”** – See “dwelling, two-family.”
41. **“Dwelling”** means a structure or portion thereof which is used exclusively for human habitation.
42. **“Dwelling, attached”** means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.
43. **“Dwelling, detached”** means a dwelling which is not attached to any other dwelling by any means. See Figure B. See also “dwelling, single-family detached.”
44. **“Dwelling, multi-family”** means a dwelling containing more than two dwelling units.
45. **“Dwelling, semi-detached”** means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. See Figure C. COMMENT: The semi-detached dwelling is part of a two-family structure with the dwelling units side by side as opposed to one on top of the other. The semi-detached dwelling also could be the end unit of a townhouse row or a duplex.
46. **“Dwelling, single-family”** means a building containing one dwelling unit.
47. **“Dwelling, single-family detached”** means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See also “dwelling, detached.”
48. **“Dwelling, townhouse”** means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more walls. See Figure D.
49. **“Dwelling, triplex”** means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.
50. **“Dwelling, two-family (duplex)”** means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell or hall exterior to both dwelling units. See Figure E.

51. **“Dwelling unit”** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See also “apartment unit.”
52. **“Easement”** means a grant of one or more of the property rights by the owner to and/or for the use of the public, a corporation or another person or entity.
53. **“Family”** means one or more individuals occupying a dwelling unit and living as a single household unit.
54. **“Family daycare home”** means a facility which provides child daycare to less than seven children. See also “child daycare facility” and “group daycare home.”
55. **“Family home”** means a community-based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, habitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and not meaning an individual foster family home licensed. See also “boarding house” and “group quarters.”
56. **“Fences”** means artificially constructed barriers of any material or combination of materials erected to enclose or screen areas of land.
57. **“Finished grade”** – See “grade, finished.”
58. **“Fish farm”** means an area devoted to the cultivation of fish and other seafood for commercial sale.
59. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
60. **“Frontage”** means that side of a lot abutting on a street; the front lot line.
61. **“Garage”** means a deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles. See also “carport.”
62. **“Garage, private residential”** means a structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public.

63. **“Garage, public”** means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.
64. **“Garage, repair”** means any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
65. **“Gazebo”** means an accessory building or structure having a roof supported by columns with or without opaque and/or translucent materials constructed between said columns and intended for use as a shelter or housing of recreational activities associated with residential uses.

*(Ordinance No. 08-211)*

66. **“General public”** means any and all individuals, without any prior qualifications.
67. **“Grade”** means the degree of rise or descent of a sloping surface. See Figure F.
68. **“Grade, finished”** means the final elevation of the ground surface after development.
69. **“Grade, natural”** means the elevation of the ground surface in its natural state, before man-made alterations.
70. **“Grading”** means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.
71. **“Greenbelt”** means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
72. **“Greenhouse”** means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

*(Ordinance No. 08-211)*

73. **“Group daycare home”** means a facility providing child daycare for more than six but less than twelve children, with no more than six children at one time being less than six years of age. See also “child daycare home” and family daycare home.”

74. **“Group living quarters”** – See “group quarters.”
75. **“Group quarters”** means a dwelling that houses unrelated individuals. “Group quarters” includes fraternities, sororities, army barracks, dormitories and the like. See also “boarding house” and “family home.”
76. **“Home occupation”** means any activity carried out for gain by a resident, conducted in the resident’s dwelling unit.
77. **“Hospital”** means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring chronic or convalescent care.
78. **“Hotel”** means a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities. See also “motel.”
79. **“Industrial park”** means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
80. **“Inn”** means a commercial facility for the housing and/or feeding of transients. See also “lodging house” and “motel.”
81. **“Intermediate care facility”** means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse. See also “residential care facility.”
82. **“Junk”** means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

83. **“Junk yard”** means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery of two or more unregistered, inoperable motor vehicles or other type of junk.
84. **“Living space”** means that part of the building which is enclosed and supported upon the main foundation system of the structure excluding garages and cellars.
85. **“Lodging house”** means a facility in which rental sleeping accommodations are provided and meals also may be supplied as part of the fee. See also “inn” and “group quarters.”
86. **“Lot”** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.
87. **“Lot area”** means the total area within the lot lines of a lot, excluding any streets rights-of-way.
88. **“Lot, corner”** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. See Figure G.
89. **“Lot coverage”** means that portion of the lot that is covered by buildings and structures.
90. **“Lot depth”** means the distance measured from the front lot line to the rear lot line. See Figure G.
91. **“Lot, double frontage”** – See “lot, through.”
92. **“Lot, flag”** means a lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way. See Figure G.
93. **“Lot frontage”** means the length of the front lot line measured at the street right-of-way.
94. **“Lot, interior”** means a lot other than a corner lot. See Figure G.
95. **“Lot line”** means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. See Figure G.

96. **“Lot, reverse frontage”** means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.
97. **“Lot, through”** means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. See Figure G.
98. **“Lot width”** means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See Figure G.
99. **“Manufactured home”** means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheel or axels. See also “modular home.”
100. **“Mobile home”** means any vehicle without power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
101. **“Mobile home park”** means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.
102. **“Modular home”** means a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. See also “mobile home.”
103. **“Motel”** means an establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. See also “hotel” and “lodging house.”
104. **“Noise”** means any undesired audible sound.

105. **“Noise pollution”** means continuous or episodic excessive noise in the human environment. Noise pollution is defined in terms of a maximum decibel level by frequency range.
106. **“Nonconforming use”** means a use or activity that does not conform to the present requirements of the zoning district.
107. **“Nursing home”** means any institution or facility, or part thereof, defined as such for licensing purposes under State law or pursuant to the rules and regulations for nursing homes established by the State Department of Public Health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the Federal or State government or an agency or political subdivision thereof.
108. **“Open space”** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
109. **“Open space, common”** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
110. **“Open space, green”** means an open space area not occupied by any structures or impervious surfaces.
111. **“Ordinance”** means a municipally adopted law or regulation.
112. **“Parapet”** means the extension of the main walls of a building above the roof level.
113. **“Parking area”** means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.
114. **“Parking space”** means a space for the parking of a motor vehicle within a public or private parking area.
115. **“Patio”** – See “terrace.”
116. **“Permitted use”** means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

117. **“Planned unit development” or “PUD”** means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. See also “cluster development.”
118. **“Porch”** means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. COMMENT. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.
119. **“Preschool”** means a child daycare facility which provides to children ages three through five for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills and to extend their interest and understanding of the world about them.
120. **“Principal building”** means a building in which is conducted the principal use of the lot on which it is located.
121. **“Principal use”** means the primary or predominant use of any lot.
122. **“Recreation facility”** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
123. **“Relative”** means a person who by marriage, blood or adoption is a parent, grandparent, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin or guardian.
124. **“Residence”** means a home, abode or place where an individual is actually living at a specific point in time.
125. **“Residential”** means regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only.
126. **“Residential care facility”** means any institution, place, or building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof, within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or

- properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis. See also “intermediate care facility.”
127. **“Resort”** means a facility for transient guests where the primary attraction is general recreational features or activities.
  128. **“Right-of-way”** means (a) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, gas or oil pipeline, water line, sanitary storm sewer and other similar uses; or (b) generally, the right of one to pass over the property of another.
  129. **“Right-of-way lines”** means the lines that form the boundaries of a right-of-way. See Figure H.
  130. **“Row houses”** – See “dwelling, townhouse.”
  131. **“Screening”** to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms, and/or a living screen of deciduous or coniferous type vegetation.
  132. **“Semi-attached houses”** – See “dwelling, single-family detached.”
  133. **“Setback”** means the distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps. See Figure H. COMMENT: Where the setback is narrow, as in an urban area, even steps may be required to be behind the setback.
  134. **“Solar access”** means a property owner’s right to have the sunlight shine on his land.
  135. **“Solar energy system”** means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
  136. **“Solar skyspace”** means the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

137. **“Special use permit”** means a permit issued by the proper governmental authority which must be acquired before a special exception use can be constructed. See also “conditional use permit.”
138. **“Story”** means that portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it then the space between the floor and the ceiling next above it and including those basements used for the principal use.
139. **“Story half”** means a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.
140. **“Street”** means any vehicular way which (a) is an existing State, County or municipal roadway, or (b) is shown upon a plat approved pursuant to law, or (c) is approved by other official action, or (d) is shown on a plat duly filed and recorded in the office of the County Recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats and includes the land between the street lines, whether improved or unimproved.
141. **“Street line”** – See “right-of-way lines.”
142. **“Structural alterations”** means any change in either the supporting members of a building such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
143. **“Structure”** means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. See also “building.” COMMENT. By this definition, all buildings are structures, however, not all structures are buildings.
144. **“Swimming pool”** (above and below ground) means a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above, surface pool having a depth of more than thirty inches designed, used and maintained for swimming and bathing.
145. **“Terrace”** means a level, landscaped and/or surfaced area directly adjacent to a building at or within three (3) feet of the finished grade and not covered by a permanent roof. See also “deck.”

146. **“Tourist home”** means an establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. See also “lodging house.”
147. **“Townhouse”** – See “dwelling, townhouse.”
148. **“TV dish”** – See “dish antenna.”
149. **“Wall”** means (a) the vertical exterior surface of a building; or (b) vertical interior surfaces which divide a building space into rooms.
150. **“Wind (Generator) Energy Conversion System (WECS)”** means any device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills.
151. **“Yard”** means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code. See Figure I.
152. **“Yard depth”** means the shortest distance between a lot line and a yard line.
153. **“Yard, front”** means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.
154. **“Yard line”** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard. See Figure I.
155. **“Yard, rear”** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.
156. **“Yard required”** means the open space between a lot line and the buildable area within which no structure shall be located except as provided in the Zoning Code.
157. **“Yard, side”** means a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such

side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.

158. **“Zero lot line”** means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line. See Figure I.
159. **“Zone”** means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. See also “district.”
160. **“Zoning”** means the dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.
161. **“Zoning district”** – See “zone.”
161. **“Zoning map”** means the map or maps, which are a part of the Zoning Code, and delineate the boundaries of zone districts.

### **175.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.**

For the purpose of the Zoning Code, the following sixteen classes of districts are hereby established within the City as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Code:

- U-1 Conservancy District
- A-1 Agricultural District
- R-1 Single-family Residential District
- R-2 One-family and Two-family Residential District
- R-3 Multi-family Residential District
- R-4 Mobile Home Park Residential District
- R-5 Planned Unit Development
- C-1 Residential-Commercial District
- C-2 General Commercial District
- C-3 Planned Commercial District

- C-4 Central Business District
- C-5 Office Park
- C-6 Commercial / Recreational District
- M-1 Limited Industrial District
- M-2 General Industrial District
- M-3 Heavy Industrial District

The Official Zoning Map shall bear the signature of the Mayor, attested by the Clerk, under the certification that it is the Official Zoning Map. If, in accordance with the provisions of the Zoning Code and Chapter 414, of the Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map promptly after the amendment has been approved by the Council. The Council may, from time to time, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

**175.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.**

In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining location of said boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

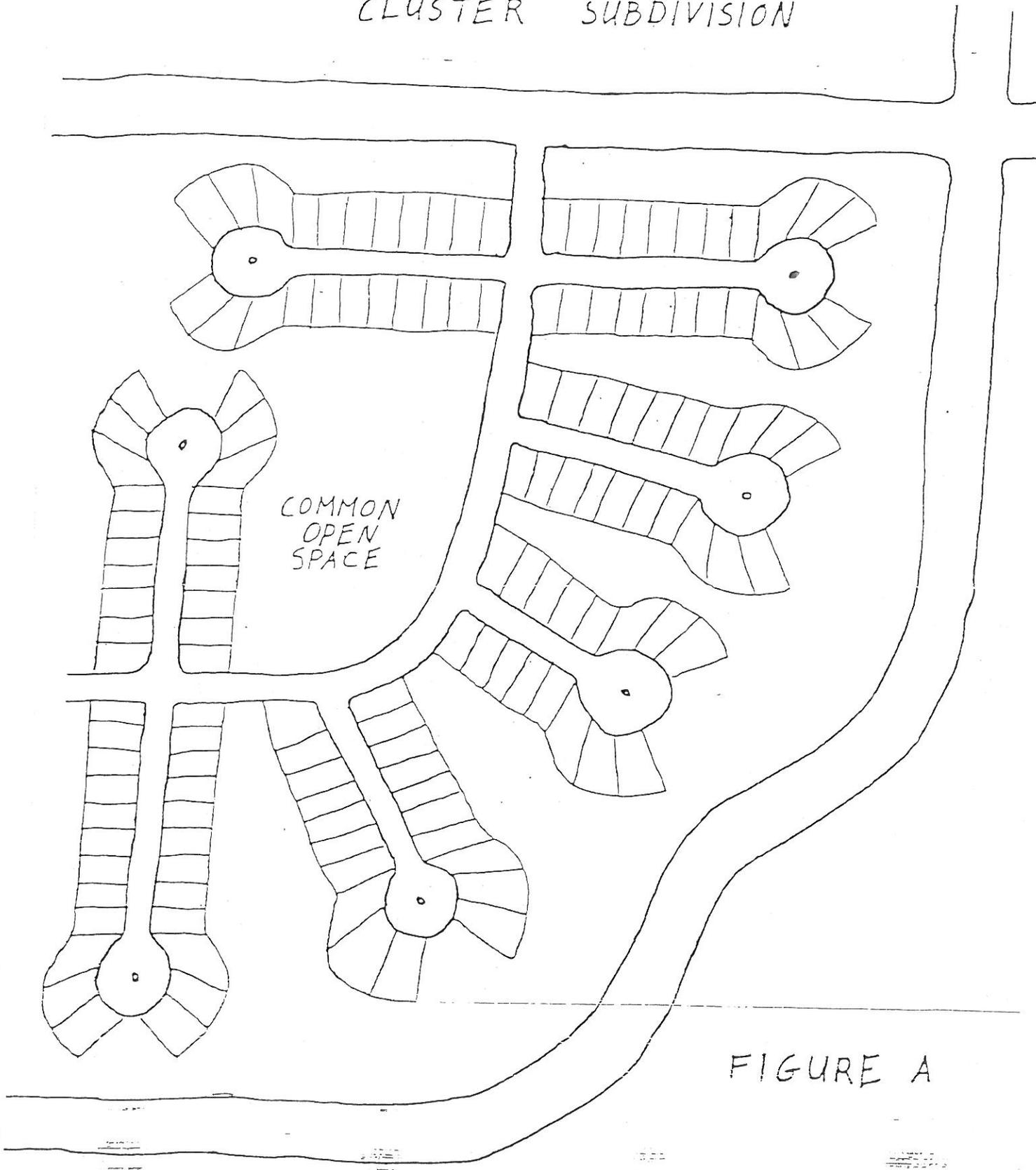
5. Boundaries indicated as following shore lines, shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

**175.05 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, throughout each district, but the regulations in one district may differ from those in other districts. In addition:

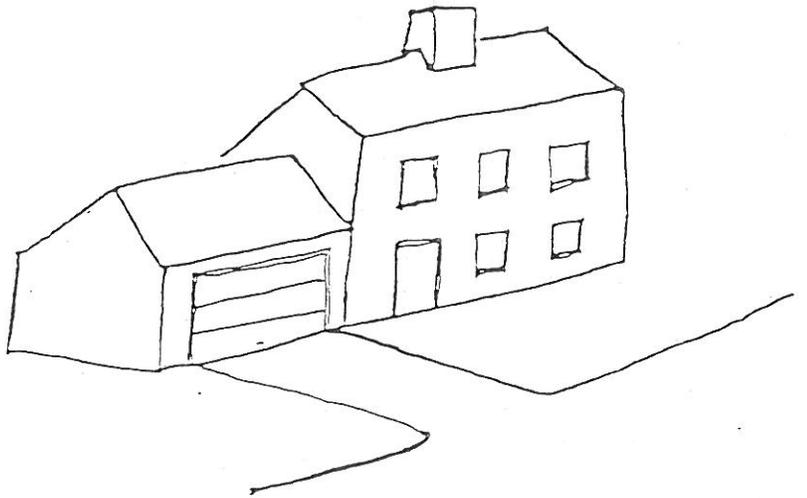
1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this Zoning Code, or cause the same to be done without first obtaining a separate permit for each building or structure from the administrative official.
2. No building or other structure shall hereafter be erected or altered:
  - A. To exceed the height;
  - B. To accommodate or house a greater number of families;
  - C. To occupy a greater percentage of lot area; or
  - D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Zoning Code.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of the ordinance codified herein, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by said Zoning Code.

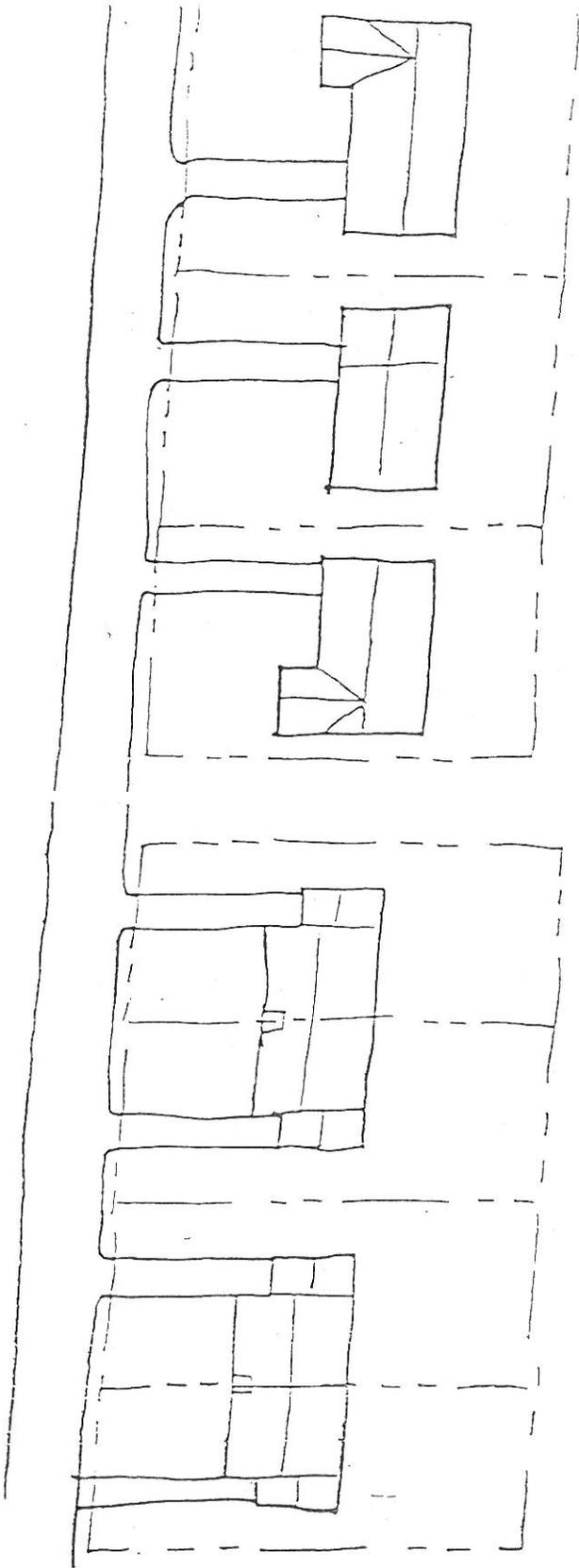
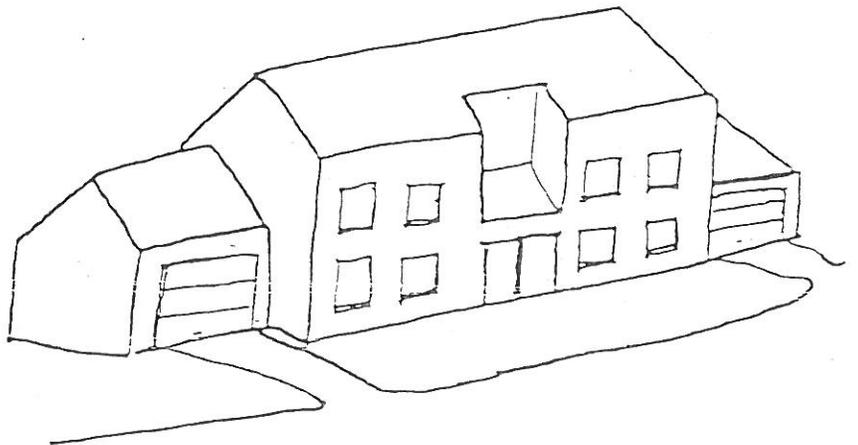
CLUSTER SUBDIVISION



DWELLING, DETACHED  
FIGURE B

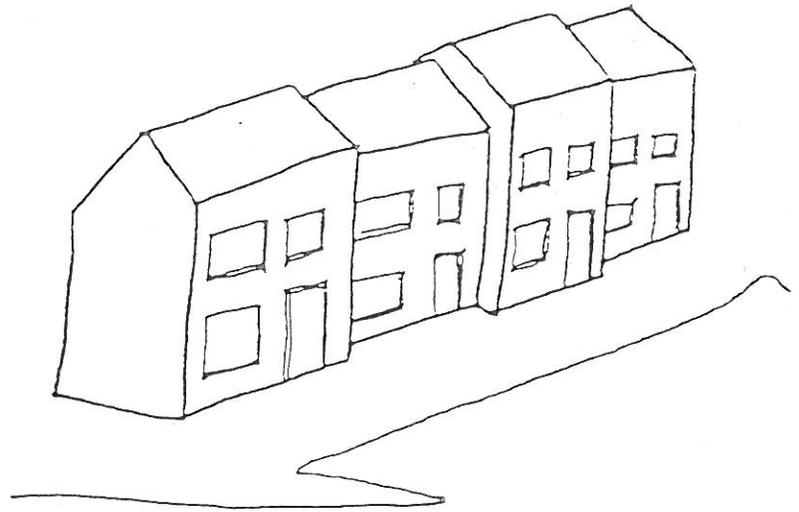
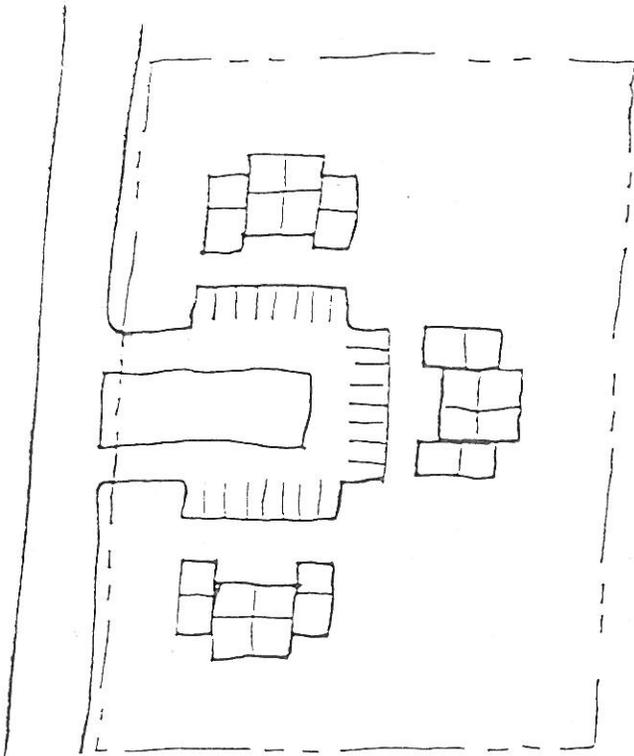


DWELLING, SEMIDETACHED  
FIGURE C



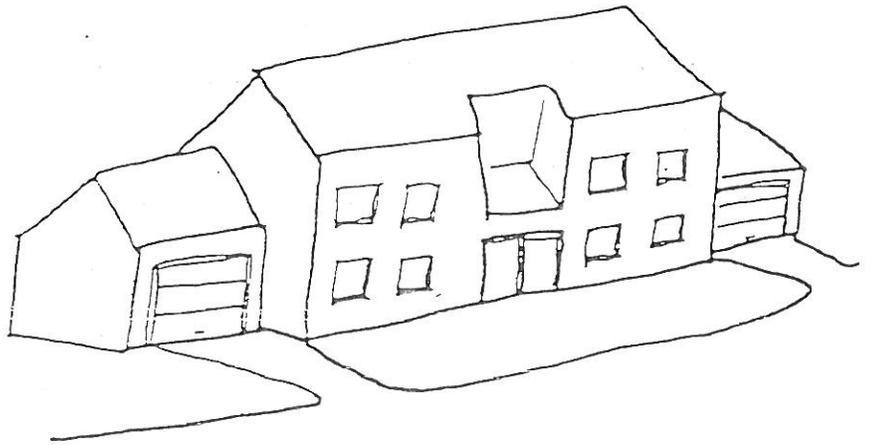
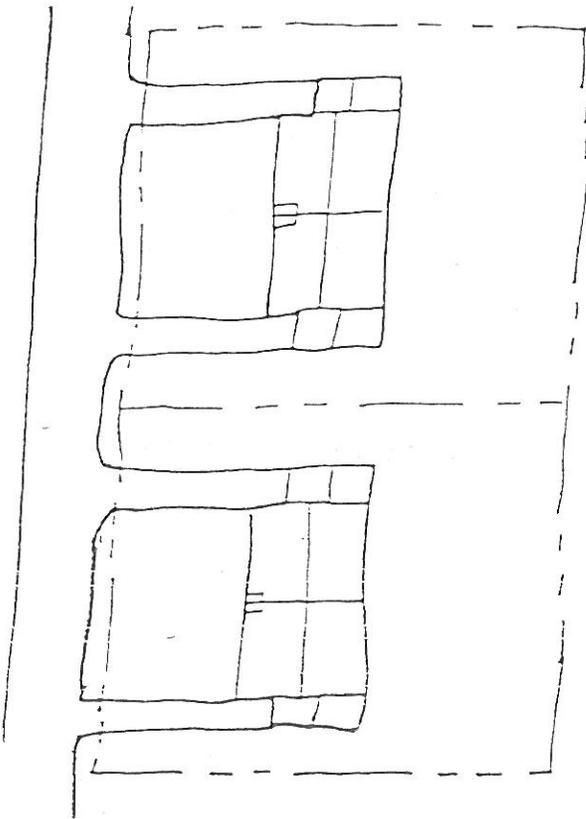
DWELLING, TOWNHOUSE

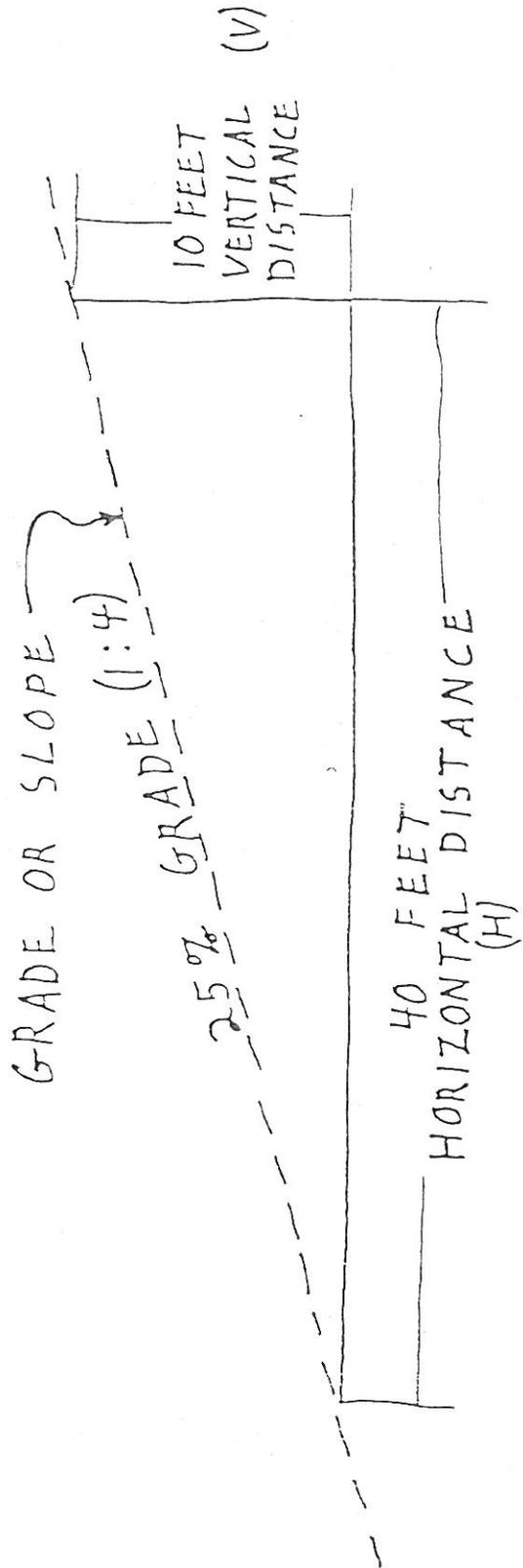
FIGURE D



DWELLING, TWO FAMILY

FIGURE E





$$\text{GRADE OR SLOPE CALCULATION} = \frac{V}{H}$$

FIGURE F

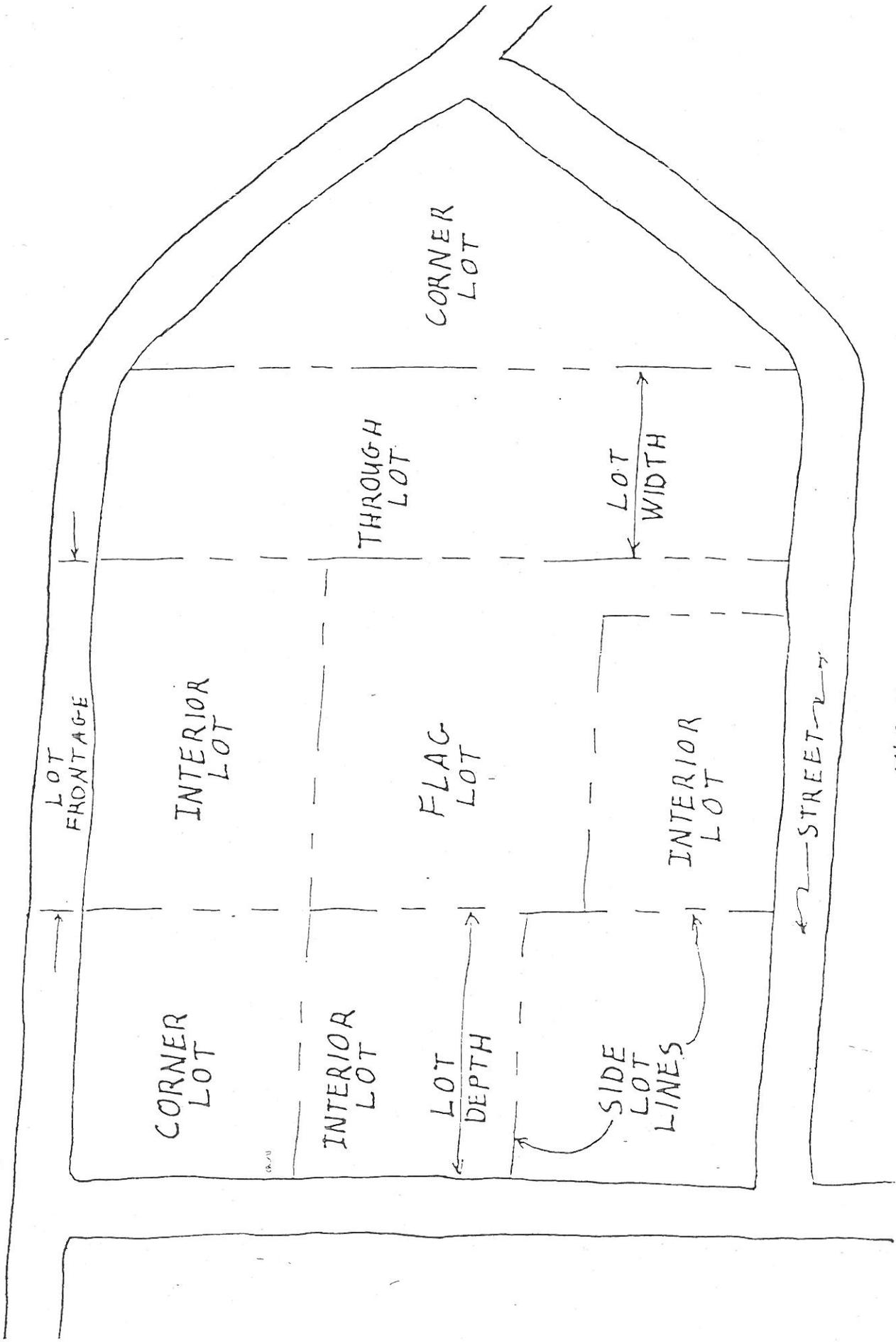


FIGURE 6

- LOT LINES
- BLOCK BOUNDARY

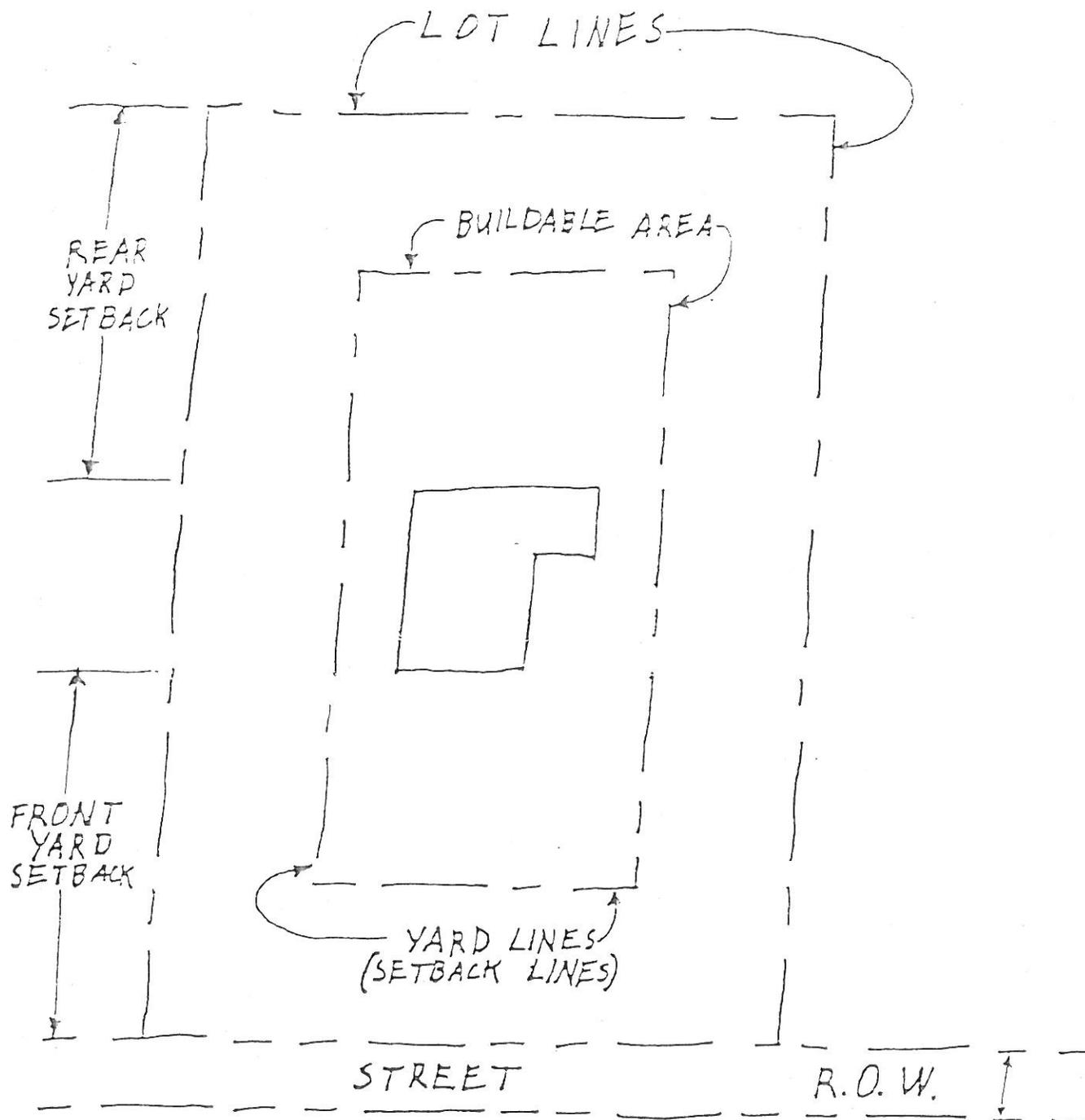


FIGURE H

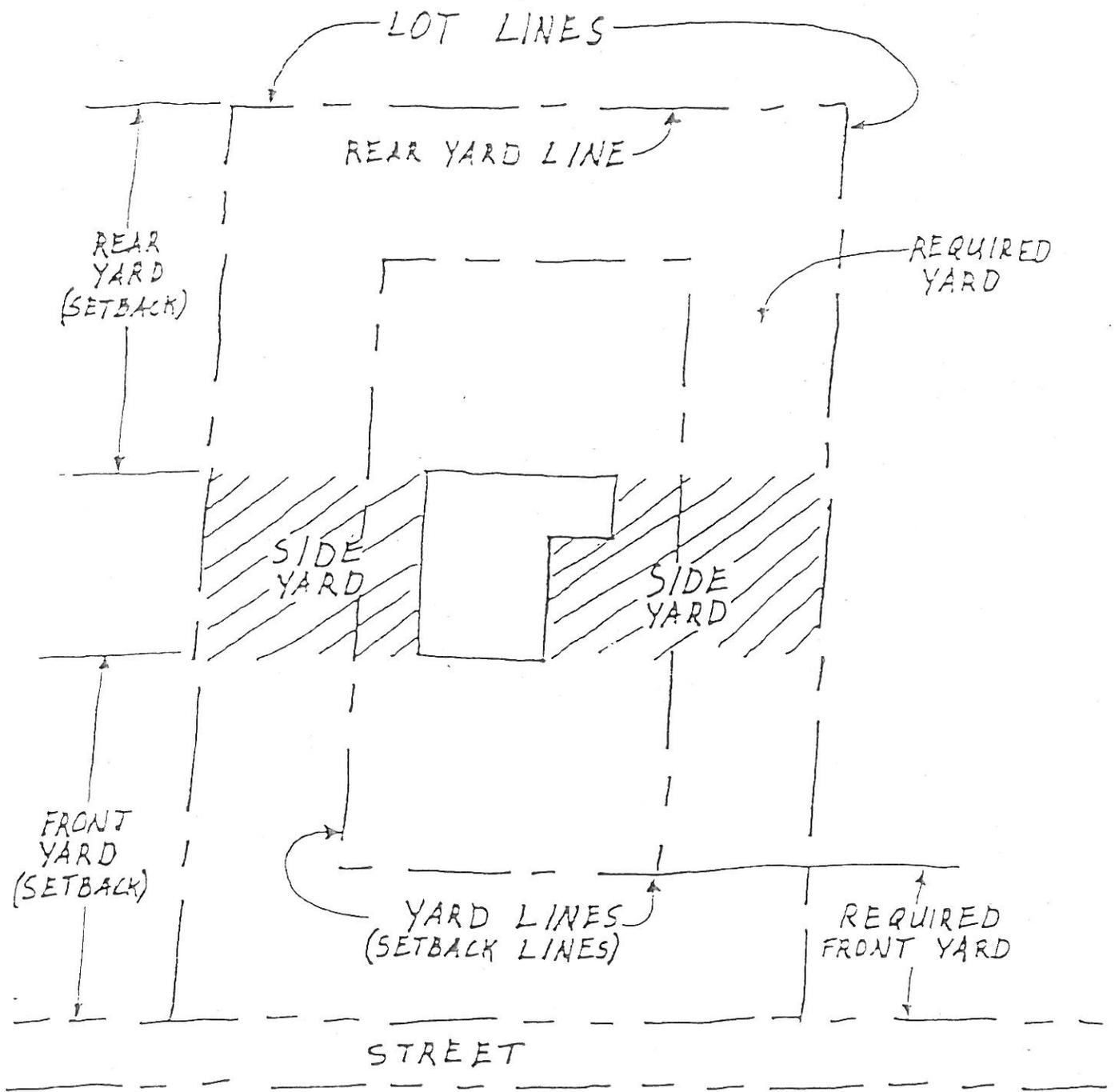


FIGURE I

ZERO LOT LINE

LOT OR PROPERTY LINE

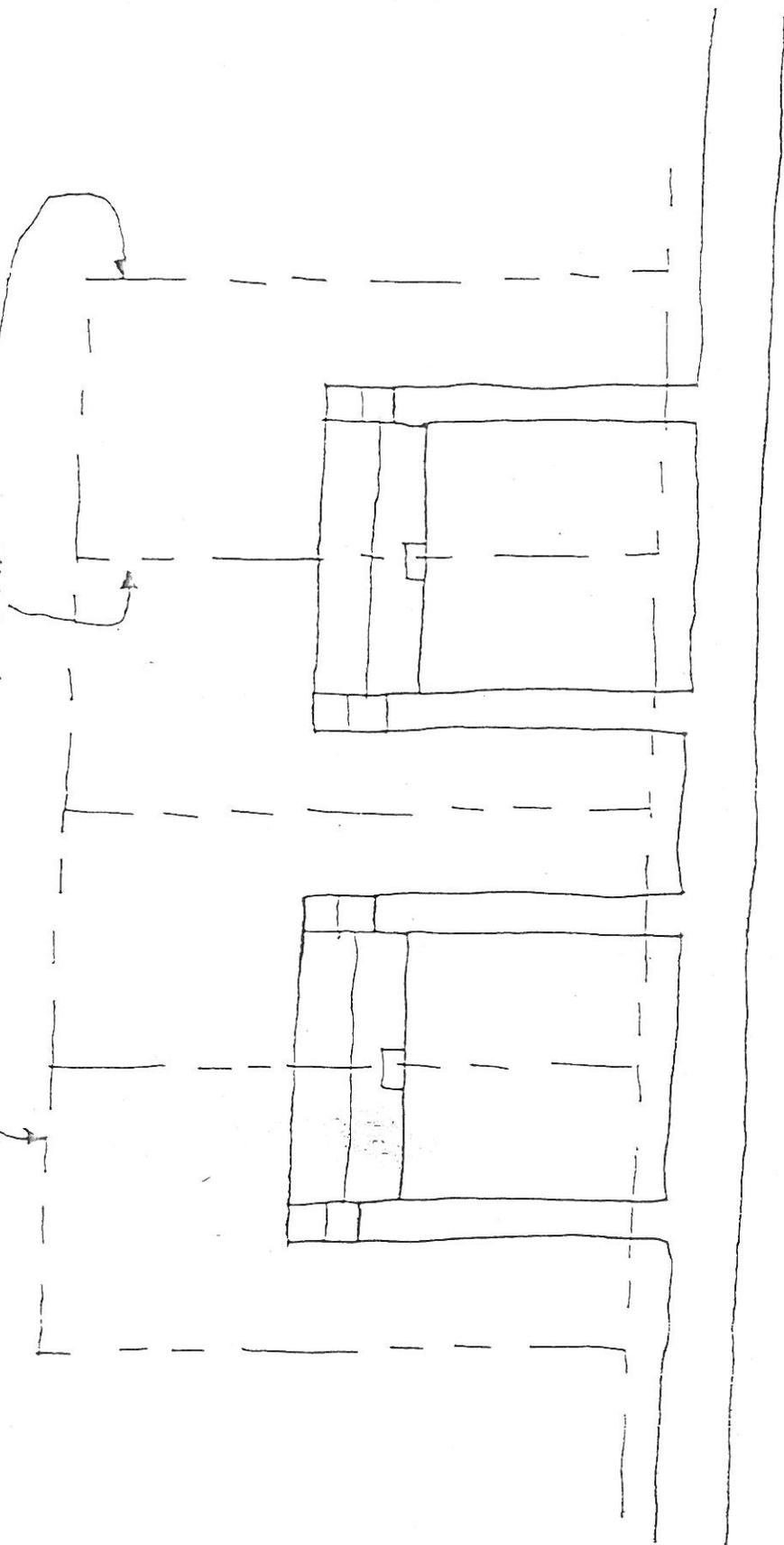


FIGURE J

## CHAPTER 176

# ZONING CODE — NONCONFORMING USES

176.01 Intent

176.02 Nonconforming Lots of Record

176.03 Nonconforming Use of Land

176.04 Nonconforming Use of Structures

176.05 Repairs and Maintenance

176.06 Special Exemptions

176.07 Registration of Nonconforming Uses

**176.01 INTENT.** Within the districts established by the Zoning Code or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the Zoning Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of the Zoning Code or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this chapter shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

**176.02 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the Zoning Code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

**176.03 NONCONFORMING USE OF LAND.** Where, at the effective date of adoption or amendment of the Zoning Code, lawful use of land exists that is made no longer permissible under the terms of the Zoning Code as enacted or amended, such use may be continued subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of the Zoning Code.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the adoption or amendment of the Zoning Code.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Zoning Code for the district in which such land is located.

**176.04 NONCONFORMING USE OF STRUCTURES.** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Code that would not be allowed in the district under the terms of the Zoning Code, the lawful use may be continued subject to the following provisions:

1. No existing structure devoted to a use not permitted by the Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any of the parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Code, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to a more restricted classification.
4. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Any structure devoted to a use made nonconforming by this Ordinance, that is destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at the time of destruction, exclusive of the foundation(s), shall not be reconstructed and used as before such happening. If the structure be less than sixty percent (60%) destroyed above the foundation(s), it may be

reconstructed and used as before provided reconstruction be started within six (6) months of such happening and be completed within one (1) year, and be built of like or similar materials.

6. Where nonconforming use status applied to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

**176.05 REPAIRS AND MAINTENANCE.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Code shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**176.06 SPECIAL EXCEPTIONS.** Any use for which a special exception is permitted as provided in Section 177.07 of this Zoning Code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

**176.07 REGISTRATION OF NONCONFORMING USES.** No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued.

## CHAPTER 177

# ZONING CODE — GENERAL REGULATIONS

177.01 Visibility at Intersections in Residential District  
177.02 Fences, Walls, and Hedges  
177.03 Street Frontage Required  
177.04 Accessory Buildings  
177.05 Corner Lots; Side Yards  
177.06 Building Lines on Approved Plats  
177.07 Exceptions, Modifications and Interpretations  
177.08 Off-street Loading Spaces Required

177.09 Off-street Parking Area Required  
177.10 Development and Maintenance of Parking Areas  
177.11 TV Dish Antennas  
177.12 Freestanding Communication Towers  
177.13 Building Supported Communication Towers  
177.14 Wind Energy Conversion Systems (WECS)  
177.15 Home Occupations

**177.01 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICT.** On a corner lot in a residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection of right-of-way lines.

**177.02 FENCES, WALLS, AND HEDGES.** Notwithstanding other provisions of the Zoning Code, fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that:

1. In a residential district, no fence, wall, or hedge in any front yard shall exceed forty-eight (48) inches in height; and no fence, wall or hedge shall exceed forty-two (42) inches in height, from the front of the principal dwelling, along the street side yard of a corner lot. Except, in the event that a fence in a front yard is an open chain link fence, said open chain link fence shall not exceed forty-eight (48) inches in height.

*(Ordinance 05-211)*

*(Ordinance 15-213)*

2. No fence or wall in any rear yard shall exceed six (6) feet in height in a residential district, or ten (10) feet in height in a commercial or industrial district unless otherwise approved by the Board of Adjustment.
3. Facing: The finished surfaces of any fence hereafter erected shall face toward adjacent properties and street frontage. Every fence hereafter erected shall be done in the following manner: posts, supporting rails and other such supporting elements when located shall be on and face the property on which the fence is located.

4. In a residential, commercial or industrial district, over an overland flowage easement, no fence, wall, or hedge shall be constructed unless the fence, wall or hedge is raised at least three (3) inches above the ground.
5. In a residential, commercial or industrial district, no fence shall be constructed within four (4) feet of an alley right-of-way.
6. Construction and Maintenance: All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' written notice to the owner of the non-conforming fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost of said removal shall be assessed against the property where said fence is located. An extension of time to bring the fence into maintenance conformance by the property owner may be granted to the property owner by the Zoning Administrator, upon the owner filing a verified statement that the delay is not a result of any act of the owner.
7. All fences shall be constructed and maintained with one or more of the following approved material(s): Chain Link, Vinyl coated chain link, Vinyl coated aluminum, wood metal, or PVC. Fences shall not be constructed utilizing one or more of the following prohibited materials, unless pre-approval is applied for at City Hall by property owner and granted by the City Council at a regularly scheduled City Council meeting: Barbed wire, razor wire, electric fence and any other material not specifically approved under this ordinance. The erection and use of Snow fences shall be prohibited within the City from the time period of April 1 through October 31 of each year.

*(Ordinance 05-212)*

*(Ordinance 15-213)*

**177.03 STREET FRONTAGE REQUIRED.** No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, and there shall be not more than one (1) single-family dwelling for such frontage. The Council may also allow, at its own discretion, the construction of a building to be used in whole or in part for residence purposes on a lot which has an exclusive unobstructed private easement of access at least twenty (20) feet wide to a street, for one (1) single-family dwelling, if the Council determines that such construction is not in conflict with the intent of the Zoning Code.

**177.04 ACCESSORY BUILDINGS.** No accessory building shall be erected in any required court or in any yard other than a rear yard. Accessory buildings shall meet the appropriate bulk regulations for the zoning district listed in Chapter 178. Only one (1) detached garage and one (1) yard shed shall be allowed in a rear yard (this is not to be construed as not allowing gazebos, greenhouses, shelters and “children’s playhouses,” as long as the total aggregate building area does not exceed 30% of the rear yard). In A-1, R-1, R-2, R-4 Zoned Districts and for One & Two family dwelling lots in an R-3 and R-5 Zoning District, accessory garages shall be no larger than 1,000 square feet and yard sheds shall not be larger than 160 square feet. Accessory buildings shall be distant at least three (3) feet from alley lines, and/or lot lines of adjoining lots. However, in no case shall any eave or overhang extend closer than twelve (12) inches to a rear or side yard line and no accessory structure(s), except those permitted pursuant to the provisions of Ordinance Section 177.02 (fences), shall be permitted to be constructed, placed, located or built in and/or on any flowage easement. Accessory buildings may be built in utility easements; however, the property owner will be responsible for any additional costs incurred by a utility company in working around, removing, relocating, altering or dealing in any way with an accessory building placed in a utility easement. Accessory buildings must be erected separately from and six (6) feet distant (into rear yard) from the principal structure except in R-4 districts where accessory building shall be no closer than four (4) feet to the principal structure providing they meet all applicable fire and building codes as adopted. Any building so connected to the principal building shall be considered a part of the principal building and must meet the space requirements thereof. This regulation shall not be interpreted to prohibit the construction of a minimum two hundred forty (240) square foot, detached garage on a rear yard. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building on the lot is being used. Accessory buildings exceeding 160 square feet in area shall be constructed of materials that are the same or similar to the principal building. Accessory buildings may be connected to the principal building by a breezeway with setbacks for the principal structure. An addition may be made to an existing principal structure which extends past the front of an existing legally established detached accessory structure, provided no connection or attachment is made between the existing detached structure and the addition, unless setbacks can be met as required for a principal structure.

*(Ordinance No. 08-209)*

*(Ordinance No. 10-204)*

**177.05 CORNER LOTS; SIDE YARDS.** For corner lots platted after the effective date of the Zoning Code, the street side yard shall be equal in width to the setback regulations of the lots to the rear having frontage on the intersecting street.

**177.06 BUILDING LINES ON APPROVED PLATS.** Whenever the plat of a land subdivision approved by the Planning and Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in the Zoning Code unless specific yard requirements in the Zoning Code require a greater setback.

**177.07 EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.**

1. Structures Permitted Above Height Limit. No permit will be issued for any structure above height limits, except as specifically approved by the Board of Adjustment.
2. Double Frontage Lots. Buildings on through lots and extending through from street to street shall provide the required front yard on both streets.
3. Rear and Side Yards Adjacent to Alleys - How Computed. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard as the case may be.
4. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches, including roof overhang.
5. Billboards. No permit will be issued for any billboards except as specifically approved by the Council.
6. Front Yard Exceptions. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Zoning Code or where some lots have been developed with a front yard greater than required by the Zoning Code, the following rule shall apply. Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:
  - A. Buildings located entirely on the rear half of a lot shall not be counted.
  - B. No residential dwelling shall be required to have a front yard greater than fifty (50) feet.

- C. If no building exists on one side of a lot within two hundred (200) feet of the lot in question, the minimum front yard shall be the same as the building on the other side.
- 7. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Code shall be zoned A-1 Agricultural until the Planning and Zoning Commission and Council shall have studied the area and adopted a final zoning plan for the area. Said final zoning plan shall be adopted within six (6) months of the date of annexation.
  - 8. Single-family, Semi-attached. Single-family, semi-attached dwellings are permitted only under the following terms and conditions:
    - A. A “single-family, semi-attached dwelling is a building designed for or occupied by one (1) family only and which is erected on a separate lot and is joined to another such residence on one (1) side only by a wall located on the lot line and has yards on the remaining sides.
    - B. Must have an “R-2” or “R-3” zoning.
    - C. The lot width requirement where approved by plat approval by the Council shall be forty (40) feet.
    - D. Each unit must have its own water service, sewer service, and secondary storm sewer service.
    - E. The joining wall must be a party wall and must be a fire wall having a one-hour rating.
    - F. The lot setback requirement shall be thirty-five (35) feet.

**177.08 OFF-STREET LOADING SPACES REQUIRED.** In a “C” or “M” District, in connection with every building or part thereof hereafter erected having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

- 1. Each loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length.
- 2. Such space may occupy all or any part of any required yard or court space.

**177.09 OFF-STREET PARKING AREA REQUIRED.** In all districts, in connection with every industrial, business, institutional, recreational, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

1. Automobile sales and service garages: one (1) space per 200 square feet of gross floor area.
2. Business and professional offices: one (1) space per 200 square feet of gross floor area.
3. Bowling alleys: five (5) spaces for each alley plus one (1) space per 300 square feet of gross floor area used for purposes other than alley space.
4. Schools:
  - A. One (1) space for each eight (8) seats in a principal auditorium.
  - B. When no auditorium is involved, one (1) space for every two (2) employees.
5. Convenience stores: one (1) space per 150 square feet of gross floor area.
6. Dance halls, assembly halls: one (1) space for each 100 square feet of floor area used for dancing or assembly.
7. Dwellings:
  - A. Single-family dwelling - two (2) parking spaces accessible to the street;
  - B. Duplex family dwelling - four (4) parking spaces accessible to the street;
  - C. Multi-family dwelling - for each one (1) bedroom unit - 1½ parking spaces; for each two (2) bedroom unit, or larger - 2 parking spaces.
8. Funeral homes, mortuaries: one (1) parking space for each five (5) seats in the principal auditorium.
9. Hotels and motels: one (1) space for each room to be rented plus additional space (in accordance with other sections of this chapter) for restaurant or other facilities.
10. Medical or dental clinic: five (5) spaces for each staff doctor or dentist.

11. Restaurants, bars, or night clubs:
  - A. No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area;
  - B. Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed - one (1) space per 100 square feet of gross floor area plus one (1) space for every four (4) outside seats plus reservoir lane capacity equal to five (5) spaces per drive-in window.
12. Hospitals: two (2) spaces per bed or one (1) space per 150 square feet of gross floor area, whichever is greater.
13. Nursing care institutions: three (3) spaces for every five (5) beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only one (1) space per unit.
14. Movie theaters: one (1) space for every four (4) seats.
15. Social, fraternal clubs, lodges and similar uses: one (1) space per 300 square feet of gross floor area.
16. Churches: one (1) space for every 80 square feet of worship area plus one (1) space for every two (2) employees with sufficient space for safe and convenient loading and unloading.
17. Banks: one (1) space per 200 square feet of area within main building plus reservoir land capacity equal to five (5) spaces per window (10 spaces if window serves two stations).
18. Wholesale: one (1) space per 400 square feet of gross floor area.
19. Retail sales and rental of goods, merchandise and equipment:
  - A. No storage or display of goods outside fully enclosed building: one (1) space per 200 square feet of gross floor area.
  - B. Low volume traffic with no storage or display of goods outside fully enclosed building: one (1) space per 400 square feet of gross floor area.
  - C. Storage and display of goods outside fully enclosed building allowed:
    - (1) High volume traffic generation: one (1) space per 200 square feet of gross floor area.

- (2) Low volume traffic generation: one (1) space per 400 square feet of gross floor area.
20. Manufacturing plants, testing laboratories, bottling plants: one (1) space for each 1.5 plant employees plus one (1) space for each managerial person plus one (1) visitor parking space for each ten (10) managerial personnel or one (1) space for each 500 square feet of gross floor area used for manufacturing, whichever is greater.
21. Warehousing: one (1) space per employee.
22. Sports arenas and auditoriums other than in schools: one (1) space for each six (6) seats.
23. Car wash: one (1) space per employee plus one (1) space for manager plus space equaling five times the vehicle capacity of the wash.
24. Dry cleaner or Laundromat: one (1) space per 200 square feet of gross floor area.
25. Nursery schools or day care centers: 1space/2employees + 1 space/5children
26. Commercial greenhouse operation: one (1) space per 200 square feet of gross floor area.

In case of any building, structure or premises the use of which is not specifically mentioned herein, requirements for a use which is so mentioned and to which said use is similar shall apply. In cases not specifically covered, the City Administrator is authorized to determine the parking requirements using a similar use as a guide.

#### **177.10 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.**

All proposed off-street parking, including commercial parking lots and automobile, trailer or other vehicular sales lots, in conjunction with any multi-family residential, commercial, industrial, public or semi-public land use, whether such use is existing or proposed, shall meet all of the required development standards set forth in this section:

1. No part of any parking space shall be closer than three (3) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least fifteen (15) feet from the "R" District boundary and shall be effectively screen planted by any one or approved combination of the following options:
  - A. A buffer yard of fifteen (15) feet in width; a six (6) foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or

- B. A buffer yard of 35 feet or more in width; four (4) foot high earth berm or opaque wood fence; and four (4) over-story trees, six (6) understory trees, six (6) coniferous trees, and fifteen (15) shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

2. Any off-street parking area, including any commercial parking lot, shall be surfaced with an asphaltic or portland cement binder pavement.
3. Any lighting used to illuminate any off-street parking area including any commercial parking lots, shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
4. Off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" District, or is directly across an alley from a "C" or "M" District, provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining "C" or "M" District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.
5. Where the Zoning Code and regulations specify parking space, that space size shall be determined in accordance with the layout criteria and the table of standard dimensions. Handicapped stalls shall be provided as required by the Code of Iowa. The spaces shall be delineated to define their boundaries exclusive of driveway and access drive areas, except for one and two family dwelling units, and shall be shown as part of the parking lot plan on the site plan drawing.
6. Where a parking area does not abut a public or private alley or easement of access, there shall be provided a permanently surfaced drive, not less than eight (8) feet in width in case of a dwelling and not less than sixteen (16) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas

required under the provisions of this chapter in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.

7. When visible from a public street or land zoned for residential use, the interior of such parking areas shall be developed as follows:
  - A. Not less than five percent (5%) shall be landscaped and continuously maintained.
  - B. Planting along the perimeter of the parking area, whether required for screening or general beautification will not be considered as part of the five percent (5%) interior landscaping.
8. Parking spaces required shall be provided with bumper guards, raised curbing or equivalent, also lines marking stalls.
9. All commercial or industrial driveways installed, altered, changed, replaced or extended after March 18, 2002, shall meet the following requirements:
  - A. Islands between successive driveway openings shall be a minimum of twelve (12) feet with six (6) feet between the driveway opening and the lot lines. All distances are to be measured at the right-of-way line.
  - B. Openings for vehicular ingress and egress shall not exceed thirty-five (35) feet at the street line and forty-five (45) feet at the curb.
  - C. Vehicular entrances and exits to drive-in theaters, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations, garages or public parking lots shall not be less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.
10. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of forty (40) feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access

easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to five percent (5%).

11. Maintenance of parking lots:
  - A. All parking areas shall be paved and maintained in a dust-free condition at all times.
  - B. If nonconforming (rock, gravel, grass, etc.), the parking lot must be kept in a dust-free condition. (Nonconforming uses of land, see Section 176.03 of this Code of Ordinances.)

**177.11 TV DISH ANTENNAS.** Any parabolic, spiracle, or other shaped structure used for, or intended to be used for, reception of satellite transmissions, shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram
  - B. Manufacturer's specifications
  - C. Wind stress information.
2. No portion of an antenna array shall extend beyond the property lines or into any front yard area, with the exception that any building mounted dish antennae, twenty-four (24) inches in diameter or less, may be located on any side of a structure.
3. A maximum dish antenna height of twenty (20) feet for freestanding dish antennae.
4. To support dish antenna exceeding twenty-four (24) inches in diameter, a three to seven square foot concrete base must be provided.
5. Dish antennas shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard antenna location.
6. Dish antennas shall not be located in any required setback area.
7. Dish antennas exceeding twenty-four (24) inches in diameter shall not be permitted on the roof unless engineering is provided for structural or wind load.
8. Every antenna must be adequately grounded per manufacturer's recommendation.

9. The dish antenna including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
10. The dish antenna shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
11. All dish antennas shall be maintained in good condition and in accordance with all requirements of this section.
12. All dish antennas shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
14. The owner of such a structure shall assume complete liability in case of personal or property damage.
15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.
16. A conditional use permit must be issued for any dish antenna exceeding six (6) feet in diameter, prior to issuance of a building permit by the City Building Inspection Department.

**177.12 FREESTANDING COMMUNICATION TOWERS.** Any freestanding communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram
  - B. Manufacturer's specifications
  - C. Wind stress information.
2. Maximum tower height to be 70 feet from tip to ground level with an additional 25 feet for mast and antenna. Antenna and mast on the tower must conform to sound engineering practices. Guy wires are to be installed per manufacturer's recommendations on applicable models, with a minimum quantity of three (3) guy wires.

3. Guy wire supports and anchors are to be located one foot inside property boundaries or utility easement, and of design to conform to current methods recommended by manufacturer's specifications or other applicable requirements.
4. The tower is to be mounted on a concrete pad twice the cross-sectional area of the largest section. A minimum of four square feet is required and three feet deep. If the tower is to be installed in concrete, a gravel or sand sub-layer is to be under the pad with the tower resting in this for drainage. Where the tower goes through the concrete, a sealing substance (e.g., tar) is to be applied. If the manufacturer's recommendations are more strenuous, they are to be followed.
5. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.
6. Tower to be the height plus five feet angular distance from base to overhead lines or permanent neighboring domicile. Exception: Towers with guy wires that are rated for collapsible distance, the collapsible distance plus five feet may be used.
7. If the tower is located near a recreation area, shelter buildings will be considered as permanent domiciles.
8. Each location is permitted one tower over 20 feet, with a limit of two additional communication towers 20 feet or less.
9. All towers shall be erected or maintained to the rear of the main building, except in those instances when the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard tower location.
10. The tower is to be grounded per manufacturer's recommendation.
11. The transmission lines must meet municipal requirements on installation.
12. If property dimensions permit taller towers, an exception can be obtained from the Board of Adjustment on the overall dimensions, if applicable clearances are still met.
13. The freestanding communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.

14. The freestanding communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
15. All freestanding communication tower shall be maintained in good condition and in accordance with all requirements of this section.
16. All freestanding communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
17. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
18. The owner of such a structure shall assume complete liability in case of personal or property damage.
19. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.13 BUILDING SUPPORTED COMMUNICATION TOWERS.** Any building supported communication tower located in any district shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram
  - B. Manufacturer's specifications
  - C. Wind stress information.
2. Towers and antenna may not be more than 30 feet above the utmost point of building contact with an additional 25 feet for multiple antenna connections.
3. The tower is to be strapped at least every five feet to said building or per manufacturer's instructions. The tripod type is to be attached via connection to the building's main structures.
4. An anti-climbing apparatus is to be installed to prevent unauthorized ascension on all communication towers except All Band Vertical Antennas.
5. The tower is to be grounded per manufacturer's recommendations.

6. There is to be an angular clearance of communication tower height from tip to top building support plus 15 feet to any neighboring domicile, overhead lines, or buildings and shelter buildings located on recreational facilities.
7. Only two radio communication support towers per residential location, with only one located per building side. They may not be located in the front yard.
8. Transmission lines must meet municipal requirements on installation.
9. The building supported communication tower including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
10. The building supported communication tower shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
11. All building supported communication tower shall be maintained in good condition and in accordance with all requirements of this section.
12. All building supported communication tower shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
13. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
14. The owner of such a structure shall assume complete liability in case of personal or property damage.
15. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.14 WIND ENERGY CONVERSION SYSTEMS (WECS).** Any “Wind (Generator) Energy Conversion System (WECS)” or device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills shall meet all of the required development standards set forth in this section:

1. Prior to issuing a building permit, the following must be on file with the City Building Inspection Department:
  - A. General placement diagram;
  - B. Manufacturer's specifications;
  - C. Certification by a registered, qualified engineer that the foundation, tower, and mechanical system comply with appropriate building codes;
  - D. Proof of personal injury and property damage insurance, insuring the applicant and the City against all claims or causes of action made against either or both applicant and City for damages to persons or property arising out of the construction, operation and maintenance of WECS.
2. A maximum height of 45 feet is allowed for WECS.
3. The minimum setback from the nearest property line to the base of the WECS shall be no less than the height of the proposed WECS from ground level to its uppermost element.
4. Wind energy conversion systems shall be erected or maintained to the rear of the main building, except in those instances where the subject property is a cul-de-sac or corner lot where the side yard is larger than the rear yard in which case a permit may be requested for a side yard WECS location.
5. WECS shall not be located in any required setback area.
6. The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
7. Climbing access to the WECS tower shall be limited by means of a fence six (6) feet in height around the tower base with a locking portal or by limiting tower climbing apparatus to no less than twelve (12) feet from the ground.
8. Cables, ropes, or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
9. Warning signs shall be posted where clearly visible to warn of electrical and other hazards associated with the WECS.
10. The WECS operation shall not cause interference to the radio and television reception on adjoining property.

11. Excessive or annoying noise will not be produced during operation of the WECS.
12. All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine was designed.
13. All WECS shall have a manually operable method to render the system inoperable in the event of structural or mechanical failure of any part of the system including the automatic overspeed control.
14. If connected to a utility system, the WECS shall meet the “tie-in” requirements of the Iowa Public Utilities Commission.
15. The wind energy conversion system including any guy wires, anchors, supporting structures, and accessory equipment shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets.
16. The wind energy conversion system shall be removed upon the termination or revocation of the permit. The permit shall terminate on the sale or transfer of ownership of the property by the applicant.
17. All wind energy conversion system shall be maintained in good condition and in accordance with all requirements of this section.
18. All wind energy conversion system shall be subject to periodic re-inspection. No additions, changes, or modifications shall be made to an antenna, unless the addition, change or modification is in conformity with the Building Code.
19. The applicant shall present documentation of the possession of any required license by any Federal, State, or local agency.
20. The owner of such a structure shall assume complete liability in case of personal or property damage.
21. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any building permit shall constitute grounds for the revocation of the permit by the City.

**177.15 HOME OCCUPATIONS.** “Home occupation” means any activity carried out for gain by a resident, conducted in the resident’s dwelling unit. A conditional use permit must be applied for and received from the Board of Adjustment for any home occupation that does not meet the requirements set forth in this section. Those requirements are as follows:

1. The home occupation complies with the lot size, bulk regulations and parking requirements of the zoning district in which the home occupation is located.
2. The only permitted home occupations are:
  - A. Homebound employment of physically, mentally or emotionally handicapped persons who are unable to work away from home by reason of their disabilities.
  - B. Office facilities for salespeople, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
  - C. Studio or laboratory of an artist, musician, craftsman, writer, tailor, seamstress, or similar person provided that the existence of the home occupation will not increase the number of average daily automobile trips generated by the residence in which the home occupation is generated.
  - D. Any day care facility, operating as home business and accepting compensation for providing child care regardless of being registered with the State of Iowa must obtain a conditional use permit.
3. Home occupations shall meet the following requirements:
  - A. No persons other than a member of the immediate family occupying such dwelling shall be employed.
  - B. The home occupation shall be conducted only within the enclosed living area of the dwelling unit provided that not more than one-fourth of the area of one floor shall be used for such purposes.
  - C. In no way shall the appearance of the structure be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noise or vibrations.
4. In addition to the requirements of the zoning district in which it is located, all home occupations shall comply with the following restrictions:
  - A. No stock in trade shall be displayed or sold on the premises.

occupation has not been specifically identified by this section of the Zoning Code, the written request will be filed by the Building Department for referral to the Board of Adjustment, for its approval, before engaging in such business.

## CHAPTER 178

### ZONING CODE — DISTRICT REGULATIONS

178.01 A-1 Agricultural	178.08 C-2 General Commercial
178.02 R-1 Single-family Residential	178.09 C-3 Planned Commercial
178.03 R-2 One- and Two-family Residential	178.10 C-4 Central Business
178.04 R-3 Multi-family Residential	178.11 C-5 Office Park
178.05 R-4 Mobile Home Park Residential	178.12 C-6 Commercial/Recreational District
178.06 R-5 Planned Unit Development	178.13 M-1 Limited Industrial
178.07 C-1 Transitional Commercial	178.14 M-2 Heavy Industrial
	178.15 U-1 Conservancy

**178.01 A-1 AGRICULTURAL.** The “A-1” Agricultural District is intended and designed to provide for certain agricultural and undeveloped areas of the City now utilized primarily for agricultural purposes and to prevent the establishment of scattered small lot subdivisions which force the extension of urban services into areas more appropriately suited for non-urban development at the present time.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “A-1” District.

- A. Agriculture and usual agricultural buildings and structures, but not including commercial livestock feed lots and poultry farms.
- B. One-family dwellings, to include manufactured homes and family homes.

- (1) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. “Manufactured home” means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

- (2) Family homes, a community based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.

- C. Churches.

- D. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same

as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers provided that all principal buildings are set back a minimum of seventy-five (75) feet from all property lines.

- E. Publicly owned parks, playgrounds, golf courses and recreation areas.
  - F. Private non-commercial recreational areas and centers including country clubs, swimming pools, golf courses and riding stables.
  - G. Cemeteries, including mausoleums.
  - H. Nurseries, greenhouses, and truck gardens.
  - I. Public water supply and sewage treatment facilities.
  - J. Electrical and liquefied product transmission and regulating facilities.
- 2. Permitted Accessory Uses.**
- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
  - B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - C. TV Dish Antennas, see section 177.11 of the Zoning Code - General Regulations.
  - D. Home Occupations, see Section 177.15 of the Zoning Code – General Regulations.
- 3. Permitted Conditional Uses.**
- A. Home Occupations which do not meet the requirements set forth in Section 177.15 of the Zoning Code – General Regulations. A conditional use permit must be applied for and received from the Board of Adjustment for any such home occupation.
  - B. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
  - C. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
  - D. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.
- 4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.
- A. Lot Area, Dwellings: 1 acre; no minimum required for other permitted uses.

- B. Minimum Floor Area: 1,150 square feet for dwelling; if building is two or more stories, first floor shall be a minimum of 800 square feet.
- C. Lot Width: 150 feet.
- D. Front Yard: 75 feet.
- E. Side Yards: Dwellings – 10 feet on each side; Other permitted uses 50 feet on each side; unless otherwise indicated herein.
- F. Rear Yard: 50 feet.
- G. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
- H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story. Accessory buildings for allowed agricultural uses – no limit.

**Summary of A-1 Bulk Regulations:**

(A) Minimum Lot Area	1 ac., (43,560 sq. ft.) Other permitted uses – none
(B) Minimum Floor Area	1,150 sq. ft. / dwelling 1st floor min. 800 sq. ft. if ≥ 2 story
(C) Lot Width	150 ft.
(D) Front Yard	75 ft.
(E) Side Yard	10 ft. 50 ft., all other permitted uses.
(F) Rear Yard	50 ft.
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	2½ stories for principal buildings 1 story for accessory buildings No limit – Ag. accessory buildings

**178.02 R-1 SINGLE-FAMILY RESIDENTIAL.** The “R-1” District is intended and designed to provide for certain low-density residential areas of the City now developed primarily with one-family detached dwellings and areas where similar residential development seems likely to occur.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-1” District.

- A. One-family dwellings.
- B. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
- C. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.
- D. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use be not operated primarily for commercial gain.
- E. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.
- F. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
- D. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
  - B. Family homes. A family home is a community based residential home that is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.
  - C. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
  - D. Communication towers of the building-supported type, see Section 177.13 of the Zoning Code – General Regulations.
  - E. Wind Energy Conversion Systems (WECS) see section 177.14 of the Zoning Code – General Regulations.
- 4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.
- A. Minimum Lot Area: 8,750 square feet, 20,000 square feet where public sewer is not available.
  - B. Minimum Floor Area: 1,150 square feet for dwelling; if building is two or more stories, first floor shall be a minimum of 800 square feet.
  - C. Lot Width: 70 feet; 75 feet for corner lots; 100 feet where public sewer is not available. Minimum lot width at right-of-way line of 40 feet.
  - D. Front Yard: 30 feet. 50 feet for permitted uses other than single family.
  - E. Side Yards: 8 feet each side for single-family dwellings; 3 feet for any other accessory building. 50 feet for permitted uses other than single family.
  - F. Rear Yard: 35 feet for dwellings, and 3 feet for accessory buildings; 50 feet for permitted uses other than single family.
  - G. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
  - H. Maximum Number of Stories: Principal building - 2½ stories; Accessory building - 1 story.
  - I. Accessory Buildings: Maximum area of accessory Garage – 1,000 sq. ft. Maximum area of Yard shed – 160 sq. ft.

**Summary of R-1 Bulk Regulations:**

(A) Minimum Lot Area	8,750 sq. ft. 20,000 sq. ft. where sanitary not available
(B) Minimum Floor Area	1,150 sq. ft. / dwelling 1 <sup>st</sup> floor min. 800 sq. ft. if 2 story
(C) Lot Width	70 ft. 75 ft. for corner lots 100 ft. if no sanitary sewer not available
(D) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than single family
(E) Side Yard	8 ft. each side 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(F) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than single family
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings
(I) Accessory Buildings	1,000 sq. ft. – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed

**5. Off Street Parking and Loading. See Sections 177.08 and 177.09.**

**178.03 R-2 ONE- AND TWO-FAMILY RESIDENTIAL.** The “R-2” District is intended and designed for certain medium density residential areas of the City now developed with one-family and two-family dwellings, and areas where similar residential development seems likely to occur.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-2” District.

A. One-family dwellings, to include manufactured homes and family homes in accordance with the following definitions:

(1) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. “Manufactured home” means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.

B. Two-family dwellings.

C. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section and the fire separation provisions of the Building Code.

D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

E. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

F. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use be not operated primarily for commercial gain.

G. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.

H. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
- D. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.
- E. No exterior advertising signs or displays shall be permitted except an indirectly lighted name plate not to exceed two (2) square feet in area, attached flat against the building. Furthermore, Signs must be in accordance with Chapter 181 of the Codes of Ordinances.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
- B. Family homes. A family home is a community based residential home that is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.
- C. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- D. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
- E. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Lot Area: Single-family dwelling – 7,500 square feet; two-family dwelling – 8,000 square feet; without public sewer - 20,000 square feet.
- B. Minimum Floor Area: ranch style - 950 square feet; two story – 1,000 square feet of livable space; split level style - 875 square feet on two (2)

adjacent levels; and split foyer style – 850 square feet on the main floor.

- C. Lot Width: Single-family dwelling - 65 feet; two-family dwelling - 70 feet; corner lot - 70 feet; without public sewer - 100 feet.
- D. Front Yard: Dwelling - 30 feet. All other principal uses - 50 feet.
- E. Side Yards: one (1) and one and one half (1 ½) stories – 10 feet side yard, 5 feet minimum on each side; two (2) and three (3) stories – (14) feet total side yard, 7 feet minimum on each side; church or school – 35 feet on each side; 3 feet for any accessory building. All other principal uses - 50 feet.

***(Ordinance 04-202)***

- F. Rear Yard: Dwelling - 35 feet. All other principal uses - 50 feet.
- G. Maximum Height: Principal building - 35 feet; Accessory building - 12 feet.
- H. Maximum Number of Stories: Principal building – 3 stories; Accessory building - 1 story.
- I. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.

**Summary of R-2 Bulk Regulations:**

(A) Minimum Lot Area	7,500 sq. ft. 8,000 sq. ft. for two family dwellings 20,000 sq. ft. where sanitary not available
(B) Minimum Floor Area	950 sq. ft., ranch style 1000 sq. ft., two story 875 sq. ft., split level style 850 sq. ft., split foyer style
(C) Lot Width	65 ft., single family 70 ft., two-family 70 ft. for corner lots 100 ft. if no sanitary sewer not available
(D) Front Yard	30 ft. for dwellings (25 ft.) 50 ft. for any permitted use other than dwellings
(E) Side Yard	10 ft. total side yard, 5 ft. minimum on each side, 1 and 1 ½ stories 14 ft. total side yard, 7 ft. minimum on each side, 2 and 3 stories 35 ft on each side, church or school 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(F) Rear Yard	35 ft. for single family 3 ft. accessory buildings 50 ft. for any permitted use other than dwellings
(G) Maximum Height	35 ft. principal buildings 12 ft. accessory buildings
(H) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings
(I) Accessory Buildings	1,000 sq. ft – Maximum Area for Accessory Garage 160 sq. ft. – Maximum Area for Yard Shed

5. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.

6. **Parkland Dedication.** The land area devoted to open space and landscaping shall be governed as set forth below:

A. Formula. The total area devoted to open space and landscaping shall not be less than the following Minimum Required Acres of Parkland Dedication as

set forth by the following formula:

- i.  $(\text{Number of units in development}) \times (2.63 \text{ persons per unit}) = \text{One and Two Family Population Area Estimate.}$
  - ii.  $(\text{One and Two Family Population Estimate}) \times (.0025 \text{ acres}) = \text{the Minimum Required Acres of Parkland Dedication.}$
  - iii. Maximum Density of Development will be applied when calculating formulas.
- B. Definitions. As used in section 178.03(5) the following terms have the following definitions:
- i. *Green Space*: an open and easily maintained area of land involving a low level of development.
  - ii. *Minor Subdivision*: a subdivision with no proposed streets and less than four lots.
  - iii. *Park*: an area of land set aside for public use and maintained for recreational purposes.
- C. Requirements and Criteria:
- i. Such open space shall be maintained as a grassed and landscaped area, either as a park or green space, and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as a part of the landscaping theme.
  - ii. All land to be dedicated must comply with the City's Comprehensive Plan.
  - iii. All land to be dedicated must be approved by the appropriate councils.
  - iv. If there is a bike/pedestrian/recreational trail, the Developer is required to dedicate land or trail easements that correspond to the existing trail.
  - v. Water areas, ponds, streams, or other types of bodies of water shall not be included in determining park or green space.
- D. Exemptions:
- i. Developments that do not include residential units.
  - ii. Developments where building permits have been issued prior to the approval and amendment of section 178.03(5).
  - iii. Developments already existing prior to the approval and amendment of section 178.03(5).

- iv. Parcels developed prior to the approval and amendment of section 178.03(5) that are being reconstructed for additional residency.
- v. Replacement of a destroyed building when the replacement is of the same size and use as the destroyed building.
- vi. Minor subdivisions.

*(Ordinance 07-216)*

**178.04 R-3 MULTI-FAMILY RESIDENTIAL.** The “R-3” District is intended and designed to provide for certain medium density residential areas of the City now developed with one-family, two-family and multiple-family dwellings, and areas where similar residential development seems likely to occur.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “R-3” District.
  - A. One-family dwellings, to include manufactured homes and family homes in accordance with the following definitions:
    - i. Family homes, a community based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel.
  - B. Two-family dwellings.
  - C. Multiple-family dwellings, including row housing, cooperative apartment houses and condominium units.
  - D. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section and the fire separation provisions of the Building Code.
  - E. Boarding and rooming houses.
  - F. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
  - G. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.
  - H. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
  - I. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.

- J. Zero lot line dwellings, including semi-detached duplex and townhomes.
- K. Nursing, convalescent and retirement homes.
- L. Child care centers and nursery schools.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
- D. Private plant nurseries and greenhouses not exceeding two hundred forty (240) square feet of floor area and not involving retail or wholesale sales.
- E. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code – General Regulations.
- F. Accessory uses in the “R-3” District are exempt from the size limitations contained in Section 177.04.
- G. Signs in accordance with Chapter 181 of this Code of Ordinances.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code – General Regulations.
- B. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- C. Communication towers (building-supported type), see Section 177.13 of the Zoning Code – General Regulations.
- D. Wind Energy Conversion Systems (WECS) see section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Minimum Lot Area: 9,000 square feet.
- B. Maximum Density: 20 dwelling units per acre.

- C. Minimum Floor Area: Single-family – 950 square feet; two-family – 900 square feet per unit; if building is 2 or more stories, minimum first floor area is 800 square feet for single-family and 550 square feet for two-family; multiple-family – no living space requirements.
- D. Lot Width: Single-family – 65 feet; two-family – 70 feet; multi-family – 85 feet; corner lot – 85 feet.
- E. Front Yard: Single-family and two-family – 30 feet; all other uses – 50 feet.
- F. Side Yards: Single-family and two-family – 7 feet on each side; multiple-family – 11 feet on each side; other principal permitted uses – 50 feet.
- G. Rear Yard: Single-family and two-family – 35 feet; other principal permitted uses – 50 feet.
- H. Maximum Height: Principal building – 45 feet; Accessory building – 14 feet.
- I. Maximum Number of Stories: Principal building – 3 stories; Accessory building – 1 story.
- J. Additional requirements for multi-family dwellings:
  - 1) Site Plan submittal per Chapter 180.
  - 2) 20% open space as a minimum.
  - 3) Landscaping per Chapter 180.
  - 4) Public Improvements per City specifications.
  - 5) Public streets and utilities required for Townhomes.
  - 6) Private drives, parking and utilities allowed for Condominiums.
  - 7) 30 foot buffer where adjacent to single family or two-family residential.
  - 8) Multi-family dwellings only permitted on platted lots of record.

**Summary of R-3 Bulk Regulations:**

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	20 units per acre
(C) Minimum Floor Area	950 sq. ft., single family 800 sq. ft., first floor of single family 750 sq. ft. for two-family 550 sq. ft., first floor of two-family none – multi-family
(D) Lot Width	65 ft., single family 70 ft., two-family 85 ft., multi. Family 5 ft. for corner lots 100 ft. if no sanitary sewer not available
(E) Front Yard	30 ft. for dwellings 50 ft. for any permitted use other than dwellings
(F) Side Yard	7 ft. each side, single family, two-family 11ft. each side, multi. Family 3 ft. accessory buildings 50 ft. for all other permitted uses
(G) Rear Yard	35 ft. for single/two family 3 ft. accessory buildings 50 ft. for any permitted use other than single/two family
(H) Maximum Height	35 ft. principal buildings 14 ft. accessory buildings
(I) Maximum Stories	3 stories for principal buildings 1 story for accessory buildings

5. **Off Street Parking and Loading.** See Sections 177.08 and 177.09.
6. **Zero Lot Line Requirements.** Townhomes, Condominiums, and semidetached duplexes, cooperatives, or any other form of attached real property transfer which utilize shared walls as part of the structure shall conform with the following requirements:
  - A. Covenants must be submitted which address all legal implications associated with shared walls.

B. Prior to construction, a registered land surveyor shall precisely stake the location of the structures. Verification shall be submitted to the building department prior to receiving a building permit.

C. Filing Requirements:

(1) Townhomes or any shared wall units where the property is transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the townhome instruments, including any Declaration of Covenants and Restrictions, Articles of Incorporation, and By-Laws.

(2) Condominiums or any shared wall units where the property is not transferred is subject to the following: Prior to filing or recording any documents relating to townhome ownership with the State or County officers, the declarant shall file with the City the condominium instruments including the Declaration of Covenants and Restrictions, By-Laws, Plats, and Condominium Disclosure Statement or Articles of Cooperation.

**7. Parkland Dedication.** The land area devoted to open space and landscaping shall be governed as set forth below:

A. Formula. The total area devoted to open space and landscaping shall not be less than the following Minimum Required Ares of Parkland Dedication as set forth by the following formula:

i.  $(\text{Number of units in development}) \times (2.0 \text{ persons per unit}) = \text{Multi-family Population Area Estimate.}$

ii.  $(\text{Multi-family Population Estimate}) \times (.0025 \text{ acres}) = \text{the Minimum Required Acres of Parkland Dedication.}$

iii. Maximum Density of Development will be applied when calculating formulas.

B. Definitions. As used in section 178.04(6) the following terms have the following definitions:

i. *Green Space*: an open and easily maintained area of land involving a low level of development.

ii. *Minor Subdivision*: a subdivision with no proposed streets and less than four lots.

iii. *Park*: an area of land set aside for public use and maintained for recreational purposes.

C. Requirements and Criteria:

- i. Such open space shall be maintained as a grassed and landscaped area, either as a park or green space, and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as a part of the landscaping theme.
- ii. All land to be dedicated must comply with the City's Comprehensive Plan.
- iii. All land to be dedicated must be approved by the appropriate councils.
- iv. If there is a bike/pedestrian/recreational trail, the Developer is required to dedicate land or trail easements that correspond to the existing trail.
- v. Water areas, ponds, streams, or other types of bodies of water shall not be included in determining park or green space.

D. Exemptions:

- i. Developments that do not include residential units.
- ii. Developments where building permits have been issued prior to the approval and amendment of section 178.04(6).
- iii. Developments already existing prior to the approval and amendment of section 178.04(6).
- iv. Parcels developed prior to the approval and amendment of section 178.04(6) that are being reconstructed for additional residency.
- v. Replacement of a destroyed building when the replacement is of the same size and use as the destroyed building.
- vi. Minor subdivisions.

*(Ordinance 07-217)*

**178.05 R-4 MANUFACTURED HOUSING COMMUNITY RESIDENTIAL.** The “R-4” District is intended to provide for certain medium density residential areas of the City, which by reason of their design and location, are suitable for manufactured housing development and which are compatible with surrounding residential areas. For this section only, the term “community” shall refer to the entire manufactured home community area and the term “lot” shall refer to an individual manufacturing home stall rented within the community.

1. **Principal Permitted Uses.** Manufactured housing communities, in accordance with regulations of the State and minimum requirements contained herein, but not including manufactured home sales and display areas. No part of any community shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of community residents, such as a community building, and for the management and maintenance of the community. This shall in no way prohibit the sale by a resident owner of a manufactured home located on a manufactured home stand and connected to the pertinent utilities. Any use permitted in the “R-2” District.
2. **Accessory Uses.**
  - A. Accessory uses may include common facility service buildings which provide laundry facilities, accessory supplies, vending machines, etc.; also community management buildings, maintenance buildings, community buildings, and other uses of a similar nature. All such buildings shall be located within the central “community” area, shall be restricted to the use of the community occupants and shall be subject to approval of the Council. Any Accessory uses permitted in the “R-2” District.
  - B. Signs in accordance with Chapter 181 of this Code of Ordinances.
3. **Plan Submittal.** A “Sketch Plan” shall accompany each petition for a change to the “R-4” zoning classification. The sketch plan shall show each manufactured home space, the water, electrical and sewer lines serving each manufactured home space, the location of garbage receptacles, water hydrants, service buildings, driveways, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features. Prior to development a Site Plan must be submitted. The Site Plan will be considered by the Commission and the Council, who may approve or disapprove the plan or require such changes thereto as deemed necessary. The Site Plan shall be accompanied by a covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their

successors in interest will maintain all interior streets, parking areas, sidewalks and plantings in compliance with City ordinances and the Site Plan as approved by the Council, which covenant shall be recorded in the office of the Polk County Recorder.

If the Council approves the site plan and request for rezoning, the applicant shall submit within two hundred-seventy (270) days or such longer period as may be approved by the Council after recommendation by the Commission, a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed: each manufactured home space, the water, electrical and sewer lines serving each manufactured home space, the location of garbage receptacles, water hydrants, service buildings, driveways, streets, walkways, recreation areas, playgrounds, required yards, existing and proposed grading, parking facilities, storm shelter, lighting, landscaping, and the location of existing trees, buildings or other significant features, development stages and timing of each.

The final development plan shall be accompanied by a covenant to run with the land favor of the City and all persons having a possessory interest in any portion of the manufactured home community, that the owner or owners of the community or their successors interest will maintain all interior infrastructures items in compliance with the Des Moines Design Standards Manual, and the final development plan as approved by the City Council, which covenant shall be recorded in the office of the Polk County Recorder.

The final development plan shall be reviewed by the Commission for compliance with the standards of this section and substantial compliance with the site plan. The Commission's recommendations and report on the final development plan shall be referred to the Council. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the site plan.

**4. Bulk Requirements.** *(Refer to Chapter 175, General Provisions: Figure-K)*

- A. Minimum Community Area: A proposed manufactured home community shall have a minimum area of fifty (50) acres.
- B. Maximum Community Density: The maximum density allowed for the gross development area shall be five (5) manufactured home units per gross acre.
- C. Community Setbacks: A manufactured home community shall have a perimeter yard setback of not less than fifty (50) feet. No part or any manufactured home lot shall be located in the perimeter setback. In addition, no part of any manufactured home lot shall be located closer

than fifty (50) feet to any public street upon which the community adjoins. Interior community streets may be located within the setback areas.

- D. Community Minimums: Each manufactured home community shall contain a minimum of fifty (50) manufactured home spaces.
- E. Minimum Lot Area: Each individual manufactured home lot shall contain not less than five thousand four hundred (5,400) square feet in area.
- F. Front Yard: Each lot shall have a front yard not less than twenty (20) feet in depth measured from the edge of the surfaced private street to the closest point to the lower face of the manufactured home.
- G. Side Yard: Side yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, side yards as so described shall not be less than seven (7) feet.
- H. Rear Yard: Rear yards shall be provided and maintained so as to provide a minimum separation at the nearest point between manufactured homes, and other buildings and structures on adjoining lots of at least twenty-five (25) feet, however, rear yards as so described shall not be less than ten (10) feet, for any structure.
- I. Open Space: A minimum of 250 square feet for each lot shall be provided for one or more open spaces, which shall be easily accessible to all community residents. The required yards and setbacks (including the perimeter setback) shall not be computed as part of the required open space area. An open space is defined as land, which is specifically, set-aside for leisure or recreational uses.
- J. Height Regulations: Maximum height of thirty-five (35) feet for principal building; thirty-five (35) feet for service buildings, community offices, maintenance buildings, community buildings, and storm shelters; twelve (12) feet for accessory buildings such as garages.
- K. Accessory Buildings: Maximum area for accessory Garage – 1,000 sq. ft. Maximum area for Yard shed – 160 sq. ft.
- L. Stories: Maximum number of stories for principal building shall be three (3) stories, one (1) story for accessory buildings.
- M. Livable Space: Minimum livable space for a Ranch dwelling shall be 950 sq. feet; Two Story dwelling shall be 1,000 sq. feet; Split Level Style dwelling shall be 875 sq. feet on two adjacent levels and Split Foyer Style dwelling shall be 850 sq. feet on the main floor.

N. For any use permitted in the “R-4” District, the requirements shall be the same of those set out for the “R-2” District.

Summary of R-4 Bulk Regulations:

(A) Minimum Community Area	50 acres
(B) Maximum Community Density	5 units per acre
(C) Community Setbacks	50 ft. yard required around perimeter of community 50 ft. setback from adjoining street(s)
(D) Community Minimum	50 units
(E) Minimum Lot Area	5,400 sq. ft.
(F) Front Yard	20 ft.
(G) Side Yard	Minimum building separation of 25 ft. 7 ft. side yard
(H) Rear Yard	Minimum building separation of 25 ft. 10 ft. rear yard
(I) Open Space	250 sq. ft per lot
(J) Height Regulations	35 ft. – Principal bldg. 35 ft. – Service bldg., Community Office, Maintenance bldg. 12 ft. – Accessory Structures
(K) Accessory Buildings	1,000 sq. ft. maximum – Garage 160 sq. ft maximum – Yard Shed
(L) Maximum Stories	3 Stories – Principal bldg. 1 Story – Accessory structures
(M) Livable Space	950 sq. ft. – Ranch dwelling 1,000 sq. ft. – Two Story dwelling 875 sq. ft. on two adjacent levels – Split Level Style dwelling 850 sq. ft. on main floor – Split Foyer Style dwelling

**5. Parking.** A minimum of two (2) off-street car spaces directly accessible to the private street for each manufactured home lot shall be provided. Garage stalls shall not count toward the minimum off-street parking requirements. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the manufactured homes but shall not exceed a distance of two hundred (200) feet from the manufactured home that it is

intended to serve. All parking areas shall be constructed with a concrete or asphalt concrete surface. Parking stalls shall be a minimum of 9½ feet in width by 20 feet in length. In addition, off-street parking and storage shall be provided for storing of community occupants' boats, boat trailers, pickup coaches, truck tractors, trucks over 3/4 ton pick-up size, and items of a similar nature, if permitted in the community, in addition to and separate from the parking required elsewhere in this chapter. Temporary manufactured home storage may be permitted prior to placement on the permanent lot but shall not exceed twenty-one (21) days and may not exceed more than four (4) homes at any one time.

6. **Streets.** The entrance road connecting the community streets with a public street shall have a minimum road pavement width of thirty-five (35) feet, measured back to back of curbs. All interior streets shall be not less than twenty-six (26) feet in width, measured back to back of curbs. Every dead end street shall be provided with a cul-de-sac with not less than a forty (40) foot turning radius. All streets shall be constructed with a curb to provide drainage. If the turning lanes or other forms of traffic control at entrances and exits to and from the manufactured home community are deemed necessary by the Council, the developer shall provide the necessary improvements, subject to the approval of their locations and design standards by and as adopted by the City. All streets shall be constructed in accordance with appropriate ordinances and specifications of and as adopted by the City.
7. **Walks.** Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities; and such sidewalks shall be at least four (4) feet wide and of asphalt or Portland cement binder pavement. Individual walks shall be provided to connect all manufactured homes to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least two (2) feet wide and of asphalt or Portland cement binder pavement or other type of walk ways. In lieu of the above requirements, the developer may provide for bike paths and/or walking paths if set in the preliminary plat approved by the Commission
8. **Lighting.** The manufactured home street system shall be furnished with lighting units so placed and equipped to provide the following minimum average maintained level of illumination:
  - A. Upon all parts of the community street system: 0.4 foot candles.
  - B. Upon potentially hazardous locations including major street intersections and community entrances: 0.4 foot candles with a Uniformity Ratio of 6 to 1.

**9. Anchoring and Skirting.**

- A. Tie-downs or anchors shall be provided on every manufactured home. Each tie-down or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.
- B. Skirting of a permanent type material and construction shall be installed within thirty (30) days to enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home community.

**10. Utilities.** Sewer and water facilities shall be provided for each manufactured home lot in accordance with the requirements of the Iowa State Department of Health. All units shall be individually metered in accordance with City Regulations. All manufactured home developments must be connected to the municipal sanitary sewer system and the municipal water system. All electrical lines, telephone lines and cable TV shall be placed underground. All gas lines shall be black steel, 120#. Each unit shall have accessible Water shut off valve as approved by the City Water Department. The developer must show that sanitary sewer facilities of sufficient capacity to accommodate the manufactured home community are accessible. Refuse collection stands consisting of a holder or rack elevated at least twelve (12) inches above ground or on a pervious slab at ground level shall be provided for all solid waste receptacles.

**11. Storm Shelters.** Manufactured homes are extremely vulnerable to tornadoes and other high wind conditions. The greatest number of casualties in tornadoes generally comes from manufactured home developments. This is primarily due to the fact that the manufactured home is usually not anchored to as firm of a foundation as a regularly constructed building and can not take the impact of the extremely high winds and the accompanying flying debris. Tie-downs do not greatly increase the stability in extremely high wind or tornado type conditions, though may be fully adequate for lesser wind and thunderstorm conditions. Another concern in manufactured home developments is the closeness of the units, which causes additional damage. When one home is destroyed by the winds, the debris is forced into the next subsequent unit and thereby weakening them in a domino type effect, increasing both the loss to property and the residents.

Every manufactured home community, approved after July 01, 2001, shall be provided with above or below-grade storm shelters that conform to the following requirements:

- A. A minimum floor area of 12 square feet shall be provided for each lot located in the manufactured home community.
- B. Shelters shall be centrally located to provide a minimum travel distance of not more than six-hundred (600) feet from any manufactured home space. It may be necessary to provide more than one shelter.
- C. Shelters shall not be located in flood prone areas.
- D. Shelters shall be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
- E. Shelters shall be designed by a licensed structural engineer or architect and built in accordance with plans sealed by said structural engineer or architect.
- F. A shelter may be utilized for other purposes, which are allowed as accessory uses in this district; with the exception that the required minimum floor area shall not be infringed, nor shall the function of the structure as a storm shelter be limited in any way.
- G. Shelters shall remain accessible at all hours.
- H. For any addition of 10 or more lots to any existing manufactured home community, a storm shelter, which complies with the general requirements of this ordinance, shall be provided to serve such additional lots. For any addition of fewer than 10 lots to an existing manufactured home community which otherwise complies with the requirements of this section, there is no requirement that an additional shelter be provided to serve such additional lots. Provided, however, that when two or more such additions occur which result in a cumulative addition of 10 or more lots, a storm shelter shall be provided to serve such additional lots.

## **12. Building Permits.**

- A. No building permit for any home, building or other structure within the manufactured home community shall be issued until the Council approves the final site plan.
- B. Only independent manufactured homes shall be used for residential purposes in the manufactured home community will be considered as a building permit applicant. An independent manufactured home is a manufactured home which (1) is designed for long-term occupancy and contains a flush toilet, a tub or shower and kitchen facilities. (2) Requires a connection to outside sanitary sewer and water systems because a waste holding tank and a water storage tank are not integral parts of a manufactured home. (3) Is over thirty-eight (38) feet in body length exclusive of a trailer hitch when factory equipped for the road.

(4) Is not built on a self-propelled motor chassis. (5) Is not identified as a recreational vehicle such as a camping trailer, travel trailer, motor home, or truck camper by the manufacturer.

C. No certificate of occupancy for a manufactured home community or approved stage thereof shall be granted until the approved stage thereof is completed and has been inspected by the Zoning Administrator, or representative thereof, and the City Engineer has certified to the Zoning Administrator that the approved stage thereof has been developed in substantial compliance with the site plan, except as hereinafter provided.

i. A temporary certificate of occupancy not to exceed one (1) year may be granted for any portion of a manufactured home community or approved stages thereof comprising not less than fifty (50) percent of the entire community or approved stages thereof if: (1) Such portion is completed and has been inspected by the Zoning Administrator, or representative thereof, as has been developed in substantial compliance with the site plan, and (2) the community developer has posted a bond approved by the City's Legal Department and City Administrator in an amount not less than the estimated cost to construct streets, utilities, and other common community facilities contained in the community or approved stages thereof, which bond will insure to the City that the bonded improvements will be completed by the developer by or before the expiration date of the temporary certificate of occupancy.

D. Any change, except minor changes as approved by the Zoning Administrator, in the final site plan proposed after the Council has approved the plan, shall be re-submitted and considered in the same manner as the original site plan.

E. The Council may condition the approval of the site plan upon the developer commencing construction of the manufactured home community within six (6) months after Council approval of the plan, unless an extension is approved by the Council for due cause shown after recommendation by the Commission.

F. The Council may make the approval of the final site plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development and any schedule of construction and improvements submitted by the developer.

**178.06 R-5 PLANNED UNIT DEVELOPMENT.** The “R-5” District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this Zoning Code. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this Zoning Code and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Planned Unit Developments shall be permitted on any five (5) acre or larger tract of land that has been zoned or rezoned for P.U.D. purposes by the City Council.

- 1. Principal Permitted Uses.** Buildings and permitted conditional uses shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities, and community activities, including churches and schools, with the following exception; On a tract of land in excess of 80 acres or more, up to five percent of the total net area may be developed for commercial uses such as those found in the C-1 classification district. The following is a description of permitted uses:
  - A. One-family dwellings, to include manufactured homes in accordance with the following definitions:
    - (1) Manufactured home, provided it is located and installed according to the same standards for a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. “Manufactured home” means a structure built according to construction standards promulgated by the United States Department of Housing and Urban Development under authority of 42 U.S.C. Sec. 5403.
  - B. Two-family dwellings.
  - C. Multiple-family dwellings, including row housing cooperative apartment houses and condominium units.
  - D. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
  - E. Museums, libraries, parks and playgrounds, community centers and similar uses operated by the City.

- F. Golf courses, country clubs, tennis courts and similar recreational uses, provided that any such use not be operated primarily for commercial gain.
- G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Bondurant-Farrar public school system, but excluding boarding schools, nursery schools and child care centers, provided that all principal buildings are set back a minimum of fifty (50) feet from all property lines.
- H. Any use that is approved and made a part of the Development Plan, subject to any conditions attached thereto, shall be permitted.

**2. Permitted Accessory Uses.**

- A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- C. Private swimming pools when enclosed by a non-climbable fence at least six (6) feet in height.
- D. TV Dish Antennas in accordance with Chapter 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation, which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
- B. Communication towers (freestanding type), see section 177.12 of the Zoning Code – General Regulations.
- C. Communication towers of the building-supported type, see Section 177.13 of the Zoning Code – General Regulations.
- D. Wind Energy Conversion Systems (WECS), see section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** Although a P.U.D. is intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this ordinance. Height, setback, bulk, and other requirements set out in the Development Plan shall constitute the basis for and become the zoning

requirement for that particular P.U.D., provided that refinements may be made through final plan approval if not defined as a substantial modification. In addition, the following minimum requirements shall be observed.

- A. The minimum lot and yard requirements of the original zoning designation of the development need not apply. The Council may require open space or screenings be located along all or a portion of the development boundaries.
- B. The height requirements of the zoning district directly adjacent to the development boundary shall apply within one hundred twenty-five (125) feet of the development boundary and land.
- C. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.
- D. "Common land" as referred to in this section refers to the land retained in private ownership for the use of all residents of the development, or to land dedicated to the general public.
- E. Any land gained within the development because of the reduction in lot sizes below minimum Zoning Code requirements shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowner's association.
- F. The requirements of this Zoning Code relating to off-street parking and loading shall apply to all R-5 Districts.
- G. The final plan shall comply with the density requirements set forth in the Development Plan, but shall in no case exceed twenty (20) units per acre.
- H. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar physical constraints, or will permit earlier development of common amenities.
- I. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space, setbacks, landscaping and screening, grading, traffic circulation, and architectural compatibility. It is the intent of this ordinance to recognize that

appropriate use of the design techniques will provide the require mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and mass, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls, and berms will channel access and control visual, sound, and light pollution; proper architectural use of color, bulk, materials, and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrian ways, streets and points of congestion and safety hazards, and help prevent introduction of noise, pollutants, and other conflicts into areas with less intensive land use. Other techniques may also be used.

- J. There shall be a minimum setback of twenty (20) feet for any garage whose opening faces the street.
- K. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding form. Any of these items not dedicated to the City or held in single ownership, will require the submittal of proposed bylaws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed:
  - (1) Membership shall be mandatory for each home buyer and any successive buyer.
  - (2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the homeowners' association and the City.
  - (3) The homeowners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

- (4) Home owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.
- (5) The association shall be able to adjust the assessment to meet changes as needed.
- (6) No change in open space use or dissolution of homeowners' association shall occur without approval by the City.

Additionally, the proposed by-laws shall include but not be limited to the following provisions:

- (1) Automatically extending membership in the association to all owners of dwelling units within the development;
  - (2) Limiting the uses of the common property to those permitted by the final development;
  - (3) Granting to each owner of a dwelling unit within the development the right to use and enjoyment of the common property;
  - (4) Giving every owner of a dwelling unit voting rights in the association; and
  - (5) If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.
- L. Private open space shall be provided adjacent and accessible to each dwelling consisting of balconies, deck, or yard. Required open space on the ground level shall generally have a minimum dimension of fifteen (15) feet and minimum area of four hundred (400) square feet, and one-half of the required area shall not exceed a slope of five (5) percent. Private open space for dwelling units located entirely above the ground floor shall generally have a minimum dimension of six (6) feet and minimum area of sixty (60) square feet.
- M. Performance bonds may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.
- N. Except where the City agrees to other arrangements, a P.U.D. shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

- O. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, verifying that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with City ordinances.
- P. Any additional agreements required by the Council at the time of Development plan approval.
- Q. A final plat shall be submitted for each phase of the final plan. The subdivider shall also submit a site plan for that part of the final plan that is multi-family or commercial, per the Site Plan Ordinance. See Chapter 171.
- R. Signs in accordance with Chapter 181 of this Code of Ordinances.

**5. Procedure.**

- A. Pre-application conferences. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the City Administrator, who shall involve representatives of other Departments as deemed appropriate. The Administrator may require submittal of a generalized sketch plan providing such information as follows:
  - (1) Location and size of the overall site, and of the individual types of development of uses proposed within the site.
  - (2) Existing topography, indicating major earth-work areas, storm water runoff and detention considerations, floodplains, and any problem areas.
  - (3) Existing tree masses and other geological and environmentally important characteristics.
  - (4) Generalized vehicular and pedestrian systems and parking areas.
  - (5) Generalized building locations.
  - (6) Approximate gross density, and number and types of dwelling units “in accordance with the Comprehensive Plan”; approximate gross floor areas of commercial land uses (where permitted).
  - (7) Generalized utility line considerations with sanitary sewer capacity limitations so noted.
  - (8) Generalized public and private ownership boundaries, including common ownership areas, if any.

(9) Generalized building locations for small P.U.D. proposals.

The City Engineer Department shall have fifteen (15) days in which to review and comment on the pre-application sketch plan.

Following the Department's review, the developer may request an informal consideration of the proposal by the Planning and Zoning Commission. Said consideration shall be non-binding on either party.

- B. Rezoning/Development Plan Application. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for re-zonings, accompanied by a Development Plan and related documents, as described in section 6 of this chapter.

The petition and Development Plan shall be referred to the Planning and Zoning Commission for study and report, and for public hearing as required by this ordinance for re-zonings. The Commission shall review the Development Plan for conformity to the standards of this section, and may approve the Plan as submitted; require the petitioner to modify, alter, adjust, or amend the Plan as deemed necessary to preserve the intent and purpose of this section to promote public health, safety, morals and general welfare; or recommend that it be denied. The action of the Planning and Zoning Commission shall be reported to the City Council, where upon the Council may approve or disapprove the petition and Development Plan as reported or may require such changes thereto as deemed necessary to effectuate the intent and purpose of this ordinance.

The City Administrator shall schedule all required public hearings as soon as possible after all required information has been submitted. The Planning and Zoning Commission shall report their findings to the City Council in a timely manner. In the event they fail to take action within sixty (60) days after the date of public hearing, the petitioner or anyone located within the notification area as defined for re-zonings may request in writing that the Commission complete their considerations. The Commission shall then take action within the next thirty (30) days and report their findings to the Council for consideration by the Council, unless the Council expressly grants the Commission additional time to complete negotiations, studies, or other items as necessary.

- C. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the Development Plan. Such site plans and plats shall contain all information and be processed

in the manner set forth in said ordinances, in addition to complying with any specific provisions of the Development Plan, and shall generally comply with the development concepts outlined in the Development Plan. No public notice or hearing shall be required for Final Plans unless required by the Development Plan or caused to be required by the Commission or Council as deemed appropriate. Provided that deviation from the Development Plan may be permitted as refinements to the design and planning if not defined by this ordinance as substantial modification requiring amendment to the Development Plan. Substantial modifications shall be submitted for approval by the Planning and Zoning Commission and City Council.

Final plans may cover all or part of the Planned Unit Development, provided that a final plan covering only a part of a P.U.D. is hereby defined as a phase irrespective of contrary provisions by the Development Plan and shall demonstrate the ability to be self-sustaining in terms of access, services, utilities, open space, economic viability, and other major consideration.

If it is the desire of the petitioner, preliminary plat and/or final site plan approval may be obtained at the time of Development Plan approval by expressly declaring such intent and filing all information required by the Subdivision and Site Planning Ordinances. Final Site Plan approval shall not be granted for an un-platted parcel unless an accurate property survey is also filed as part of the preliminary plat if a plat is required, or as a certified property survey in the event a plat is not required.

The final plan shall include proposed housing, types of housing, locations, density, building clearances, and documents, per the Bulk Requirements section of this ordinance, so that the Planning and Zoning Commission and Council can adequately review all aspects of the proposed P.U.D.

Upon approval of final plans, building permits shall be issued in the same manner as for building permits generally. In any event where platting is required, no building permits shall be issues until the final plat is approved and recorded and all other requirements complied with. Final plans shall be binding on the petitioner and any and all successors in title so long as P.U.D. zoning applies to the land, unless amended in accordance with the procedures set forth.

- D. Amendments or Modifications. Substantial modifications to the Master Plan shall be processed in the same manner as a rezoning and additionally shall comply with the application process for a P.U.D. as set forth in this ordinance. Notice and public hearing requirements, and the effect of a denial shall be the same as for rezoning, provided that the

notification area shall be those property owners proximate to the parcel covered by the amendment, as opposed to the entire P.U.D. Further provided that in the event a requested amendment for a portion of the entire P.U.D. is denied, such action shall not create any limitations under rezoning procedure on the filing of an amendment to another portion of the P.U.D. having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezonings shall be resolved in favor of the more restrictive requirements.

Substantial modifications are hereby defined to include, but are not limited to, the following: increased density; intensification of use by changing to a higher classification, with conventional single family being the lowest classification and progressing to attached single family, multiple family, public facilities/uses, approved conditional uses, commercial (where permitted); addition of uses, or elimination of conditions or restrictions on a use or uses; increased Floor Area Ratios, or other modifications considered probable to generate increased traffic, sewage, waste consumption, or other detrimental conditions; significant modifications to peripheral buffering or screening, setbacks, height, location of buildings, drives, or other improvements, which were intended for protection of proximate properties, provided that substitution of equivalent screening materials shall not be considered a substantial modification; modifications to the street pattern, such as that of major streets or continuations of existing streets which will have a demonstrable impact on traffic flow such as to effectively change the functional classification of the street; modifications to access which may lead to increased congestion, or to additional commercial or industrial traffic on a local residential street; or other changes deemed substantial by the City Administrator.

Modifications to final plans shall follow the procedures of the Site Planning or Subdivision Ordinances, as appropriate, except in the case of a substantial modification as defined above.

6. **Information Required on the Development Plan Application.** The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:
  - A. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale;
  - B. Legal description of the P.U.D., and map of the boundary of the proposed P.U.D. as well as interior boundaries of proposed development phases, and of any existing separate ownerships;

- C. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;
- D. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainage ways and 100 year flood plains, floodways, heavy woods or other significant natural areas, and existing structures;
- E. General locations of proposed lots and attached residential, multiple family, commercial (where permitted), recreational facilities; further delineating areas with different uses or building types, and gross density per acre;
- F. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;
- G. Existing and proposed general circulation systems, including streets, pedestrian-ways, major off-street parking and loading areas, and major points of access;
- H. Existing and proposed general sanitary and storm sewer systems, water mains, and drainage-ways;
- I. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
- J. Sewer usage computations in accordance with the criteria of the sewer district;
- K. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions;
- L. A narrative or graphic explanation of the planing and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space, and so forth;
- M. A statement of intent with regard to selling or leasing all or portions of the proposed development;

N. Proposed energy conservation methods, such as siting or design of structures; and

O. Proposed phasing timetable.

The City Administrator may require any additional information which may be needed to evaluate the proposed P.U.D. on the basis of special or unforeseen circumstances, or may waive any of the above requirements if it is found that such information is unnecessary to properly evaluate the proposed P.U.D.

The above information should be shown in a clear and logical manner in a legible scale. Sheet size should not exceed 36" x 48". Generally, existing conditions should be illustrated on a separate sheet for the sake of clarity, although existing topography, access, utility and sewer lines and other items that are appropriate for understanding the proposal should also appear on the proposed development plan. It is required that an architect, landscape architect, and civil engineer be employed to prepare the plans.

7. **Referral to Council.** The Final Plan and required documents shall be reviewed by the Commission for compliance with the "R-5" standards and substantial compliance with the Development Plan. The Commission's recommendations and report on the Final Plan shall be referred to the Council for final approval. The Final Plan, consisting of a final subdivision plat or site plan shall be approved by the Council before any building permit is issued.
8. **Contingent Approval.** The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause is shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.
9. **Continuing to Second and Subsequent Stages.** In no event shall the installation of any infrastructure improvements be commenced in the

second or subsequent stages of the final development plan until such time as ninety percent (90%) of all improvements have been completed and approved by the City for any prior stage.

In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City Administrator. The Administrator shall review the circumstances and prepare report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning or the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than that applied immediately prior to the rezoning to P.U.D. except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above.

It shall be the responsibility of the developer to comply with all prescribed time limits without notice from the City.

- 10. Zoning Density of R-5 Districts.** The zoning density of R-5 districts shall be determined by the Planning and Zoning Commission recommendation as approved or amended or finally passed by the Council; and the density shall be established and interpreted by the administration of the Zoning Code upon the basis of the plan for the overall development of the tract as the plan is approved and filed with the Council on final passage. In determining the density of the R-5 district, it shall be considered what the zoning is of adjoining property and the use of adjoining property and density of adjoining property; however, this policy shall not be binding on the Council in setting the final density for the R-5 zoned properties. In no case shall an average density be approved which exceeds 20 dwelling units

per acre. Each parcel of real estate that is zoned R-5 must have its density determined on the merits of each case. Any real estate zoned R-5 prior to the enactment of the ordinance codified herein shall be bound by the density that is shown in the plans as accepted and approved by the Council for the development of said real estate.

**178.07 C-1 TRANSITIONAL COMMERCIAL.** The “C-1” District is intended and designed to provide space for limited professional, retail, and service activities which serve adjacent residential areas with reasonable proximity for the satisfaction of daily consumer needs.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “C-1” District.

A. Residential uses, if attached to a permitted commercial use. Residential units not permitted on first floor of structure.

B. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession.

C. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses.

D. Funeral homes or mortuaries.

E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses.

F. Retail business or service establishments such as the following:

(1) Clothes cleaning and laundry pickup stations, or like business.

(2) Drug stores, or like business.

(3) Gift shops, or like business.

(4) Photographic studios, or like business.

(5) Post office substations, or like business.

(6) Movie Rental, or like business.

(7) Combinations of the above uses, or like business.

**2. Permitted Accessory Uses.**

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 181 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. Home occupations. A conditional use permit must be applied for and received from the Board of Adjustment for a home occupation which does not meet the requirements set forth in Section 177.15 of the Zoning Code - General Regulations.
- B. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Minimum lot area. 9,000 square feet.
- B. Maximum Density. 10 units per acre.
- C. Lot width: Commercial uses – No minimum; commercial with attached dwelling units – 85 feet; corner lots – 85 feet; No public sanitary sewer – 100 feet.
- D. Front yard. 30 feet.
- E. Side yards. 11 feet on each side for principal building; 4 feet for accessory buildings.
- F. Rear yard. 40 feet, and 3 feet for accessory buildings.
- G. Maximum Height. Principal building - 35 feet; accessory building - 14 feet.
- H. Maximum number of stories. Principal building – 2 stories; accessory building - 1 story.
- I. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features, in accordance with Chapter 180 of this Code of Ordinances.

**Summary of C-1 Bulk Regulations:**

(A) Minimum Lot Area	9,000 sq. ft.
(B) Maximum Density	10 units per acre.
(C) Lot Width	Commercial: No Minimum ( <i>Unless a corner lot</i> ) Commercial with dwelling units: 85 ft. Corner Lot: 85 ft. Without Public sanitary sewer: 100 ft.
(D) Front Yard Setback	30 ft.
(E) Side Yard Setbacks	Principal building: 11 ft. / side. Accessory building: 4 ft.
(F) Rear Yard Setback	Principal building: 40 ft. Accessory building: 3 ft.
(G) Maximum Height	Principal building: 35 ft. Accessory building: 14 ft.
(H) Maximum Stories	Principal building: 2 Stories Accessory building: 1 story
(I) Open Space	15% of lot area ( <i>See Landscape Ordinance, Chapter 180</i> )

**178.08 C-2 GENERAL COMMERCIAL.** The “C-2” District is designed to provide space for the general retail and professional office uses and efficient development of major retail shopping areas (other than shopping centers in the “C-3” District). The uses permitted are intended to accommodate both the general retail consumer and the needs and services of the automobile traveling consumer. Since such areas will be along major entrances to the City and heavily traveled arterial streets, it is essential to maintain an aesthetically pleasing appearance through proper design, site layout and landscaping, and to minimize interference with through traffic.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Any use permitted in the C-1 District.

B. Retail or service such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Automotive repair shops, undercoating, towing services, or like business.
- (6) Baby and children’s stores, or like business.
- (7) Bakeries and baker outlets - retail sales only, or like business.
- (8) Bicycle shops, sales and repairs, or like business.
- (9) Book stores, or like business.
- (10) Camera stores, or like business.
- (11) Car washes, or like business.
- (12) Clubs and lodges, or like business.
- (13) Collection office of public utility, or like business.
- (14) Confectionery stores, including ice cream or snack bars, or like business.
- (15) Consumer retail uses, personal services or business, or like business.
- (16) Convenience or quick stop stores, or like business.
- (17) Dairy stores - retail only, or like business.
- (18) Dance studios, or like business.

- (19) Delicatessens, or like business.
- (20) Dry goods stores, or like business.
- (21) Florist shops and greenhouses, or like business.
- (22) Funeral homes, or like business.
- (23) Furniture stores, or like business.
- (24) Gas stations, or like business.
- (25) Grocery stores including supermarkets, or like business.
- (26) Hardware stores, or like business.
- (27) Hobby shops, or like business.
- (28) Hotels, motels and tourist courts, or like business.
- (29) Household appliances - sales and repair, or like business.
- (30) Jewelry stores and watch repair shops, or like business.
- (31) Key shops, or like business.
- (32) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (33) Leather goods store, or like business.
- (34) Meat market for storage and retail sales only, or like business.
- (35) Medical, dental, osteopathic and clinics, or like business.
- (36) Music stores, or like business.
- (37) Music studios, or like business.
- (38) Paint and wallpaper stores, or like business.
- (39) Plumbing, heating and air conditioning shops, or like business.
- (40) Printing shops, or like business.
- (41) Professional offices, or like business.
- (42) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (43) Radio and television sales and repair shops, or like business.
- (44) Real estate, insurance and financial institutions, or like business.
- (45) Refrigeration and air conditioning service and repair, electrical, or like business.
- (46) Restaurants, cafes, taverns, or like business.

- (47) Shoe and hat repair shops, or like business.
- (48) Tailor and dressmaking shops, or like business.
- (49) Toy stores, or like business.
- (50) Variety stores, or like business.
- (51) Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.

B. Combinations of the above uses.

**2. Permitted Accessory Uses and Structures.**

- A. Uses of land and or structures clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in subsection 5, Performance Standards.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.
- E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

**3. Permitted Conditional Uses.**

- A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.
- B. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. None.
- B. Front Yard. 50 feet.

- C. Side Yard. None except where side yard is adjacent to an “R” District, in which case a buffer yard shall be provided. See subsection 5, Performance Standards, subparagraph F.
- D. Rear Yard. 25 feet.
- E. Maximum Height. 65 feet.
- F. Maximum Number of Stories – 3.
- G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
- H. Off Street Parking and Loading. See Sections 177.08 and 177.09.

**Summary of C-2 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Front Yard Setback	50 ft.
(C) Side Yard Setbacks	None Buffer if adjacent to “R”
(D) Rear Yard Setback	25 ft.
(E) Maximum Height	65 ft.
(F) Maximum Stories	3
(G) Open Space	15%

**5. Performance Standards.**

- A. Outdoor activities shall be limited to display of merchandise for retail sale and storage, provided that such storage shall be fully enclosed and screened from view from adjacent streets and residentially zoned parcels by a six-foot high masonry fence supplemented by coniferous plantings as necessary to further screen such storage; further provided, that no display or storage shall be permitted in the required front yard unless expressly allowed.
- B. Certain products such as bakery goods may be produced on the premises provided that:
  - (1) Such production shall be clearly accessory to the retail use of the premises;
  - (2) All such products shall be sold at retail on the premises on which they are produced, provided that such provision shall not be construed to prohibit operation of a catering service or limited wholesale of goods produced and clearly accessory to the retail use of the premises.

- C. No noise, vibration, hazard, glare, air pollutants such as fumes or dust odor other than that which might originate from food preparation by a bakery or restaurant, or electromagnetic disturbances shall be generated.
- D. The intent of this section is to discourage large scale wholesale operations; therefore, bulk shipments and deliveries. Goods and products sold at wholesale shall be subordinate to and clearly accessory to retail use of the premise.
- E. All refuse collection areas shall be fully enclosed by a six-foot high opaque wood fence or masonry wall.
- F. Where property zoned "C-2" is adjacent to any property zoned for residential use, a buffer shall be provided by any one or approved combination of the following options:
  - (1) A buffer yard of 15 feet in width; 1 6-foot high masonry wall to be designed with face brick, stucco or similar finished surface facing toward the residential district; or
  - (2) A buffer yard of 26 feet or more in width; and 5 over story trees, 10 under story trees, and 20 shrubs for each 100 lineal feet; or
  - (3) A buffer yard 35 feet or more in width; 4-foot high earth berm or opaque wood fence; and 4 over story trees, 6 coniferous trees, and 15 shrubs for each 100 lineal feet.

The buffer yard shall be located on the entire common perimeter of the contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where the commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

- G. For those properties in nonconformance with this chapter, refer to Chapter 176 of this Code of Ordinances.

**178.09 C-3 PLANNED COMMERCIAL.** The “C-3” District is intended to provide for the development of shopping centers. For the purposes of this section, the term “shopping center” means a planned retail and service area under single ownership, management, or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking accommodations, etc. Since shopping center developments, whether large or small, have a significant effect upon the comprehensive plan for the development of the City, extensive authority over their development is retained by the Council and the Planning Commission. Many matters relating to the shopping center’s design, its potential for success or failure and its effect upon surrounding neighborhoods must be considered by the Council and Commission in order to be reasonably assured that the area will not eventually become blighted. It is further intended that in the event of an applicant’s failure to construct a shopping center in accordance with a reasonable time schedule, the Council shall enact the necessary legislation to reclassify the area to another classification consistent with the surrounding neighborhood. Such action would also, because of the reduction in commercial zoning in a given area, provide conditions whereby it could be reasonable for the Council to classify other areas in the vicinity for shopping center use.

1. **Procedures.** The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Council a petition requesting a change to the C-3 zoning district classification. The petition shall be accompanied by a plan for the commercial use and development of the tract for the purposes of meeting the requirements of this section and by evidence of the feasibility of the project and its effects on surrounding property, including each of the following:
  - A. A site plan defining the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, existing and proposed grades, the location and type of landscaping and the location, size and number of signs, type or style of architecture, building material, color or other significant feature.
  - B. An analysis of market conditions in the area to be served, including types and amount of service needed and general economic justification.
  - C. A traffic analysis of the vicinity indicating the effect of the proposed shopping center on the adjacent streets.
  - D. A statement of financial responsibility to assure construction of the shopping center, including landscaping, in accordance with the plan and the requirements of this section.

The development plan shall be referred to the Planning and Zoning Commission for study and report. The Planning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserve the intent and purpose of this Zoning Code to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the Council, whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Zoning Code.

2. **Principal Permitted Uses.** Uses permitted in the “C-3” District shall include only the uses of structures or land listed in this section, provided however, the Council may consider any additional restrictions proposed by the owner.

A. Retail or service establishments such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Baby and children’s stores, or like business.
- (6) Bakeries and baker outlets - retail sales only, or like business.
- (7) Bicycle shops, sales and repairs, or like business.
- (8) Book stores, or like business.
- (9) Camera stores, or like business.
- (10) Car washes, or like business.
- (11) Clubs and lodges, or like business.
- (12) Collection office of public utility, or like business.
- (13) Confectionery stores, including ice cream or snack bars, or like business.
- (14) Consumer retail uses, personal services or business, or like business.
- (15) Convenience or quick stop stores, or like business.
- (16) Dairy stores - retail only, or like business.

- (17) Dance studios, or like business.
- (18) Delicatessens, or like business.
- (19) Drug Stores, or like business.
- (20) Dry goods stores, or like business.
- (21) Florist shops and greenhouses, or like business.
- (22) Furniture stores, or like business.
- (23) Gas stations, or like business.
- (24) Gift Shops, or like business.
- (25) Grocery stores including supermarkets, or like business.
- (26) Hardware stores, or like business.
- (27) Hobby shops, or like business.
- (28) Hotels, motels and tourist courts, or like business.
- (29) Household appliances - sales and repair, or like business.
- (30) Jewelry stores and watch repair shops, or like business.
- (31) Key shops, or like business.
- (32) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (33) Leather goods store, or like business.
- (34) Meat market for storage and retail sales only, or like business.
- (35) Music stores, or like business.
- (36) Music studios, or like business.
- (37) Paint and wallpaper stores, or like business.
- (38) Printing shops, or like business.
- (39) Professional offices, or like business.
- (40) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (41) Radio and television sales and repair shops, or like business.
- (42) Real estate, insurance and financial institutions, or like business.
- (43) Restaurants, night clubs, cafes, taverns, or like business.
- (44) Shoe and hat repair shops, or like business.

(45) Tailor and dressmaking shops, or like business.

(46) Toy stores, or like business.

(47) Variety stores, or like business.

B. Business and professional offices including the following: law, engineering, real estate, insurance, and similar uses, or like business..

C. Hospitals, clinics, group medical centers, or the office of a doctor, dentist, osteopath, or similar profession, or like business..

D. Photographic Studios, or like business.

E. Personal service businesses such as beauty and barber shops, shoe repair, and similar uses, or like business.

F. Post office substations, or like business.

G. Combinations of the above uses, or like business.

**3. Permitted Accessory Uses.**

A. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

B. Signs in accordance with Chapter 181 of this Code of Ordinances.

C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.

D. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

E. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

**4. Bulk Regulations.** The bulk regulations of the “C-2” District shall be considered minimum for the “C-3” District; however, it is expected that these minimums will be exceeded in all but exceptional situations. Buildings may be erected to heights no greater than ninety (90) feet, with a maximum number of six (6) stories.

**5. Landscaping.** A minimum of 15% of the area shall be returned as landscaped open space to include such items as walks, trees, shrubs, fountains or other ornamental features.

**6. Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.

**7. Off Street Parking and Loading.** See Sections 177.08 and 177.09.

**178.10 C-4 CENTRAL BUSINESS.** The “C-4” District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the central business district.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Retail or service such as the following:

- (1) Antique shops, or like business.
- (2) Apparel shops, or like business.
- (3) Art shops, or like business.
- (4) Auto and home supply stores, or like business.
- (5) Baby and children’s stores, or like business.
- (6) Bakeries and baker outlets - retail sales only, or like business.
- (7) Bicycle shops, sales and repairs, or like business.
- (8) Book stores, or like business.
- (9) Camera stores, or like business.
- (10) Car washes, or like business.
- (11) Clubs and lodges, or like business.
- (12) Collection office of public utility, or like business.
- (13) Confectionery stores, including ice cream or snack bars, or like business.
- (14) Consumer retail uses, personal services or business, or like business.
- (15) Dairy stores - retail only, or like business.
- (16) Dance studios, or like business.
- (17) Delicatessens, or like business.
- (18) Dry goods stores, or like business.
- (19) Florist shops and greenhouses, or like business.
- (20) Funeral homes, or like business.
- (21) Furniture stores, or like business.
- (22) Grocery stores including supermarkets, or like business.
- (23) Hardware stores, or like business.
- (24) Hobby shops, or like business.

- (25) Hotels, motels and tourist courts, or like business.
- (26) Household appliances - sales and repair, or like business.
- (27) Jewelry stores and watch repair shops, or like business.
- (28) Key shops, or like business.
- (29) Launderettes; coin-operated dry-cleaning establishments; and dry-cleaning or pressing establishments, or like business.
- (30) Leather goods store, or like business.
- (31) Meat market for storage and retail sales only, or like business.
- (32) Medical, dental, osteopathic and clinics, or like business.
- (33) Music stores, or like business.
- (34) Music studios, or like business.
- (35) Paint and wallpaper stores, or like business.
- (36) Plumbing, heating and air conditioning shops, or like business.
- (37) Printing shops, or like business.
- (38) Professional offices, or like business.
- (39) Public buildings and utilities, including administrative and sales office, equipment storage buildings, and enclosed storage, or like business.
- (40) Radio and television sales and repair shops, or like business.
- (41) Real estate, insurance and financial institutions, or like business.
- (42) Refrigeration and air conditioning service and repair, electrical, or like business.
- (43) Restaurants, night clubs, cafes, taverns, or like business.
- (44) Shoe and hat repair shops, or like business.
- (45) Tailor and dressmaking shops, or like business.
- (46) Toy stores, or like business.
- (47) Variety stores, or like business.
- (48) Veterinarian clinics or hospitals, including overnight boarding and lodging, or like business.

B. Combinations of the above uses.

**2. Permitted Accessory Uses.**

- A. Uses clearly subordinate and customarily incidental to the principal uses, including storage of merchandise and preparation of certain products, shall be permitted. Outside storage must be located in the rear yard and must be completely obstructed from view by means of an enclosure and landscaping, as required by the Screening Ordinance Section 179.02.
- B. Dwelling Units, provided that said units are not located on the first floor and are conforming with the bulk requirements of this section.
- C. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- D. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area utilized for such use.

**3. Permitted Conditional Uses.**

- A. Light manufacturing, assembly or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.
- B. Signs in accordance with Chapter 181 of this Code of Ordinances.
- C. Home Occupations are not an allowed conditional use.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. None.
- B. Front Yard. None.
- C. Side Yard. None except where side yard is adjacent to an “R” District, in which case the yard shall be at least 15 feet.
- D. Rear Yard. None.
- E. Maximum Height. 65 feet.
- F. Maximum Number of Stories – 4.

**Summary of C-4 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Front Yard Setback	None
(C) Side Yard Setbacks	None 15 ft. if adjacent to "R"
(D) Rear Yard Setback	None
(E) Maximum Height	65 ft.
(F) Maximum Stories	4

**178.11 C-5 OFFICE PARK.** The purpose of this district is to provide areas for the development of primarily professional and administrative offices, and some service uses. It is intended that this district be mapped primarily along arterial or collector streets in new, developing areas to reduce, limit, and contain strip retail development which has a more dynamic character, thereby enhancing proper movement of traffic, with appropriate setbacks, landscaping, and architecture to make such development reasonably compatible with nearby residential.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Office or service such as the following:

- (1) Accounting, auditing, and bookkeeping services, or like business.
- (2) Actuaries, chemists, and other miscellaneous services, or like business.
- (3) Advertising agencies and Radio, television, and Publishers' Advertising representatives, or like business.
- (4) Banking, or like business.
- (5) Blood banks, or like business.
- (6) Blueprinting and photocopying services, or like business.
- (7) Business associations, professional membership associations, and other membership organizations, or like business.
- (8) Civic, social, and fraternal associations, or like business.
- (9) Commercial photography, art, and graphics, or like business.
- (10) Computer programming and other software services, and data processing services, or like business.
- (11) Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies, or like business.
- (12) Credit agencies other than banks, or like business.
- (13) Engineering, Architectural, and Surveying Services, including Landscape Architects, or like business.
- (14) Insurance agents, brokers, and service, or like business.
- (15) Insurance, or like business.
- (16) Legal Services, or like business.

- (17) Management, Consulting, and Public Relations Services, or like business.
- (18) Medical and dental laboratories, or like business.
- (19) News syndicates, or like business.
- (20) Noncommercial educational, scientific, and research organizations, or like business.
- (21) Noncommercial museums and art galleries, or like business.
- (22) Offices of Manufacturers' sales representatives, subject to no outside display or storage of stock in trade. Indoor storage and display limited to 10% of total floor area of building, or like business.
- (23) Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists, and other health practitioners, or like business.
- (24) Personnel Supply Services, or like business.
- (25) Photographic studios, portrait, or like business.
- (26) Political and religious organizations, or like business.
- (27) Real Estate, or like business.
- (28) Security and Commodity Brokers, Dealers, Exchanges, and Services, and Holding and other investment offices, or like business.
- (29) Travel agencies and bureaus, or like business.

## **2. Permitted Accessory Uses.**

A. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:

- (1) Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.

- (2) Total area of all accessory uses shall not exceed 25% of the total floor area or gross leasable floor area of the building.
- (3) No signage or merchandise shall be displayed where visible to the general public from outside the building.

- B. Uses of land and or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.
- C. Signs in accordance with Chapter 181 of this Code of Ordinances.
- D. Temporary buildings for uses incidental to construction work, said buildings shall be removed upon the completion of construction or abandonment of the construction site.
- E. TV Dish Antennas in accordance with Section 177.11 of the Zoning Code - General Regulations.

**3. Permitted Conditional Uses.**

- A. General medical and surgical hospitals, or like business.
- B. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, or like business.
- C. Outpatient care facilities, or like business.
- D. Colleges, universities, and professional schools, junior colleges and technical institutes, or like business.
- E. Business and secretarial schools, or like business.
- F. Wind Energy Conversion Systems (WECS), see Section 177.14 of the Zoning Code – General Regulations, or like business.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Minimum Lot Area: 20,000 square feet.
- B. Minimum Lot Width: 100 feet.
- C. Front Yard Setback: 50 feet.
- D. Side Yard Setback: 15 feet, except where side yard is adjacent to an “R” District, in which case the yard shall be at least 50 feet.
- E. Rear Yard Setback: 25 feet.
- F. Maximum Height. 90 feet.
- G. Maximum Number of Stories – 6.

- H. A minimum of 20% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.

**Summary of C-5 Bulk Regulations:**

(A) Minimum Lot Area	20,000 sq. ft.
(B) Minimum Lot Width	100 ft.
(C) Front Yard Setback	50 ft.
(D) Side Yard Setbacks	15 ft. 50 ft. if adjacent to "R"
(E) Rear Yard Setback	25 ft.
(F) Maximum Height	90 ft.
(G) Maximum Stories	6
(H) Open Space	20%

**5. Performance Standards.**

- A. No stock in trade shall be stored or displayed outside nor shall any assembly or manufacturing activities be conducted on the premises.
- B. Parking or loading areas located in the front yard or yard adjacent to a street shall be screened from observation from by traffic on any and all public thoroughfares within 1,000 feet of such areas.
- C. All refuse collection areas shall be fully enclosed by a 6 foot high opaque fence or masonry wall which matches the exterior of the principle building. Recycling facilities must be incorporated into the refuse collection area.
- D. Where the lot abuts property zoned for residential uses, a 50 foot buffer shall be provided.
- E. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline.

One additional drive access may be permitted for a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided.

**178.12 C-6 Commercial Entertainment/Recreational.** The "C-6" District is intended to allow a variety of land uses comprised of services that have entertainment or recreational value serving local populations as well as regional. Lot development may vary from single use /single building to multiple use/multi building complexes. In the "C-6" District, the following regulations shall apply, except as otherwise provided herein:

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted.

A. Entertainment or recreational uses such as the following:

- (1) Amusement Parks, or like business.
- (2) Campgrounds, or like business.
- (3) Casinos, or like business.
- (4) Convention/Conference Centers, or like business.
- (5) Horse Racing Facilities, or like business.
- (6) Hotel/Motels, or like business.
- (7) Movie Theaters, or like business.
- (8) Restaurants, or like business.

**2. Permitted Accessory Uses.**

- A. Multiple family dwellings/dorms for seasonal personnel employed on site.
- B. "Outdoor Events". The city council may grant permits for Outdoor Events such as athletic competitions, concerns, circus, theatrical programs (family oriented), or other entertainment/recreational activities that may not be found obtrusive to the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. This section is for events considered ancillary to, and not integral of the principle permitted uses outlined in section 178.12. An Outdoor Event activity shall not be held within 500 feet of any residentially zoned property.
- C. Permit process. An application shall submit to he City Clerk an application requesting an Outdoor Event permit at least 45 days prior to the event date, but not more than 270 days prior. Information required for consideration will be 1) date, time, and duration of event; 2) location map showing area designated for event; 3) detailed description of activities; 4) estimated and maximum permitted attendees. The City Council shall take into consideration recommendations from the City Administrator, Building Code Official, Public Works Director, Zoning

Administrator, Police Chief, Fire Chief, or any other department supervisor in charge of municipal services, local ordinances, or any other applicable rules and regulations. The council may also take into consideration public input or other information pertinent to the requested event.

**3. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07. Setback requirements are for all buildings as well other structures anchored to the ground in a permanent or temporary fashion (excluding utilities).

- A. Minimum Lot Area. 10 acres.
- B. Minimum Lot Width. 300 feet.
- C. Front Yard. 150 feet if property fronts on or is adjacent to an arterial street or "R" District; 50 feet if property is located on a local service street (Prairie Meadows Drive is considered a local service street per this ordinance.)
- D. Side Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the side yard is adjacent to an "R" District the setback shall be 100 feet.
- E. Rear Yard. 50 feet for principle buildings, 10 feet for accessory buildings. If the rear yard is adjacent to an "R" District the setback shall be 100 feet.
- F. Maximum Height. No limit.
- G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
- H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations immediately adjacent to an "R" District.

**4. Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.

**5. Off Street Parking and Loading.** Parking areas shall be located on the premises to adequately and conveniently serve the intended facilities. See Sections 177.08 and 177.09.

**178.13 M-1 LIMITED INDUSTRIAL.** The “M-1” District is intended and designed to provide for increased flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby residential districts. It allows selected industries of a non-nuisance character to locate in areas within reasonable proximity of residential uses. The M-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, and structures not more than two stories in height.

1. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “M-1” District, provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by Sections 177.08 and 177.09. All open areas not used for off-street parking or loading shall be planted with grass, shrubs and trees, properly maintained, and kept free from refuse and debris.
  - A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacturing of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products, or like business.
  - B. Automotive and farm implement display, sales, service and repair, or like business.
  - C. Boat dealers, or like business.
  - D. Body repair shops including painting, or like business.
  - E. Commercial trade schools, or like business.
  - F. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries, or like business.
  - G. Laboratories, research, experimental and testing, or like business.
  - H. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
    - (1) Bakery goods, candy and food products, or like business.
    - (2) Cameras and other photographic equipment, or like business.
    - (3) Electric and neon signs, outdoor advertising signs, or like business.
    - (4) Medical, dental and drafting instruments, or like business.

- (5) Musical instruments, toys, novelties, and rubber and metal hand stamps, or like business.
- (6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas, or like business.
- (7) Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, cardboard, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, rods, strips or wire, paper, plastics, precious and semi-precious metals or stones, rubber (natural and synthetic), shells, textiles, tobacco, wax, wood, and yarns, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building other than for loading and unloading operations and further providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke, or like business.
- (8) Small precision instruments, such as barometers, clocks, watches and compasses, or like business.
- (9) Manufacture or assembly of computers and computer-related hardware, or like business.
- I. Beverage bottling, distribution and warehousing facilities, or like business.
- J. Contractor's offices and storage buildings (not including outside storage yards); including general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations, or like business.
- K. Dry cleaning and laundry facilities, or like business.
- L. Ice production, storage, sales and distribution facilities. Cold storage facilities. Creamery, and ice cream manufacturing, or like business.
- M. Lumberyards and building materials sales yards, provided that outside storage not be located in the front yard and that it is opaquely screened from view, or like business.
- N. Machine shops, or like business.
- O. Mail order and distribution centers, or like business.
- P. Motor vehicle dealers – new and used, or like business.

- Q. Motorcycle dealers and snowmobiles, or like business.
- R. Office buildings, or like business.
- S. Office Warehouses, or like business.
- T. Printing, lithographing or film processing plants, or like business.
- U. Public utility facilities, or like business.
- V. Publicly owned storage, warehouse and maintenance facilities, or like business.
- W. Radio and television broadcasting stations and studios, or like business.
- X. Recreational and utility trailer dealers, or like business.
- Y. Sawmill and planing mill, including manufacture of wood products not involving chemical treatment, or like business.
- Z. Tire vulcanizing, retreading recapping, service and sales, or like business.
- AA. Truck rental establishments, or like business.
- BB. Truck terminals, delivery services, moving and storage facilities and truck maintenance facilities, or like business.
- CC. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only, or like business.

**2. Permitted Accessory Uses.**

- A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.
- B. Employee cafeteria or other food concession in conjunction with permitted use.
- C. Signs in accordance with Chapter 181 of this Code of Ordinances.
- D. TV Dish Antennas and Communication towers in accordance with Section 177.11 of this Code of Ordinances.

**3. Required Conditions.**

No use shall be permitted to be established or maintained which by reason of its nature or manner of operations is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinder, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

**4. Permitted Conditional Uses.**

- A. Outside storage yards, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.
- B. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.
- C. Home Occupations are not an allowed conditional use.

**5. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Front Yard. 50 feet from all streets or public Ingress/Egress easements.
- B. Side Yard. Twenty (20) feet; provided that where adjacent to an “R” or “C-1” District a side yard of twenty-five (25) feet shall be required.
- C. Rear Yard. 50 feet.
- D. Maximum Height. 45 feet.
- E. Maximum Number of Stories. 3.
- F. Lot Area. 10,000 sq. ft.
- G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
- H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial “M” District is immediately adjacent to a Residential “R” District.

**Summary of M-1 Bulk Regulations:**

(A) Front Yard Setback	50 ft.
(B) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, “R”, or “C-1” district
(C) Rear Yard Setback	50ft.
(D) Maximum Height	45 ft.
(E) Maximum Stories	3
(F) Lot Area	10,000 sq. ft.
(G) Open Space	15%
(H) Screening	Sufficient height and density

**178.14 M-2 MEDIUM INDUSTRIAL.** In the M-2 District is intended and designed to primarily accommodate wholesale and warehouse activities and industrial operations whose external effects are restricted to the area of the district and are not detrimental to adjoining or surrounding districts by reason of any gas, fumes, vibrations, dust, cinders, smoke, noise, or unsightly appearance. It is not intended that any new residential development be permitted in the M-1 District.

**1. Principal Permitted Uses.**

- A. Uses permitted in M-1 Districts.
- B. The following commercial use:
  - (1) Automobile, mobile home, trailer, farm implement, motorcycle, truck sales and/or repair, or like business.
  - (2) Gas stations, or like business.
  - (3) Restaurants, or like business.
  - (4) Commercial baseball fields and golf driving ranges, or like business.
- C. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust, or like business.
- D. Bakeries, or like business.
- E. Welding or other metal working shops, or like business.
- F. Contractor's equipment storage yard or plant, or rental equipment commonly used by contractors, storage and sale of livestock feed, provided dust is effectively controlled, and storage yard for vehicles of a delivery or draying service, or like business.
- G. Carting, express, hauling or storage yards, or like business.
- H. Creamery, bottling works, ice cream manufacturing, ice manufacturing, and cold storage plant, or like business.
- I. Enameling, lacquering or japanning, or like business.
- J. Foundry casting lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors, or like business.
- K. Grain elevators, mixing, and grinding, or like business.
- L. Machine shop, or like business.
- M. Manufacture or assembly of electrical appliances, instruments and devices, or like business.

- N. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilation equipment, or like business.
- O. Lumber yards and building materials, or like business.
- P. Sheet metal shops, or like business.
- Q. The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils, or like business.
- R. The manufacture, compounding, assembly or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood, or like business.
- S. Truck terminal or yard, including repair, or like business.
- T. Automobile body and fender repair shops, including welding and machine tool works, but not including automobile wrecking or used parts yards, or outside storage or automobile component parts, or like business.
- U. Warehousing and collection of household hazardous waste, or like business.

**2. Permitted Accessory Uses.**

- A. Accessory uses customarily incidental to a permitted principal or conditional use, or like business.

**3. Required Conditions.**

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.
- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where separated by an adjoining railroad right-of-way. No setback is required where adjacent to an active railroad right-of-way.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.

- C. Front Yard. 30 feet from the existing or proposed right-of-way line.
- D. Side Yard. Twenty (20) feet; provided that where adjacent to an “R” or “C-1” District a side yard of twenty-five (25) feet shall be required.
- E. Rear Yard. 40 feet, except that where a railroad right-of-way is immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
- F. Maximum Height. 50 feet.
- G. Maximum Number of Stories. 3 Stories.

**Summary of M-2 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Minimum Lot Width	None
(C) Front Yard Setback	30 ft. from the existing or proposed right-of-way line.
(D) Side Yard Setbacks	20 ft. 25 ft. if adjacent to street, “R”, or “C-1” district
(E) Rear Yard Setback	40ft., except that where a railroad right-of-way is immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
(F) Maximum Height	50 ft.
(G) Number of Stories	3

- 5. **Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.
- 6. **Off Street Parking and Loading.** See Sections 177.08 177.09.

**178.15 M-3 HEAVY INDUSTRIAL.** In the M-3 District, the following regulations shall apply, except as otherwise provided herein:

**1. Principal Permitted Uses.**

- A. Uses permitted in M-2 Districts.
- B. Any other use not otherwise prohibited by law, provided, however, that the following uses shall be permitted subject to approval by the Council after public hearing and after report and recommendation by the Zoning Commission. The Council shall consider all of the following provisions in its determination upon the particular use at the location requested:
  - (1) That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
  - (2) That such use shall not impair an adequate supply of light and air to surrounding property;
  - (3) That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
  - (4) That such use shall not diminish or impair established property values in adjoining or surrounding property; and
  - (5) That such use shall be in accord with the intent, purpose, and spirit of this Zoning Code and the Comprehensive Plan of the City. No permit will be issued in M-3 District other than the requirements listed in “M-2” except as specifically approved by the Council.

**2. Permitted Conditional Uses.**

- A. Salvage yards and junkyards, or like business.
- B. Outside storage yards, or like business, accessory or principal in use, and provided that they are fenced and screened in their entirety such that no materials stored are visible from the street or another property.
- C. Public Detention and correctional institutions including penal institutions, residential correction facilities, medical detention facilities or other similar facilities provided they are located at least 500 feet from any residential use.
- D. Home Occupations are not an allowed conditional use, or like business.

**3. Required Conditions.**

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odor, dust, smoke, gas, noise or similar nuisance shall be employed.
- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any “R” District boundary, except where separated by an adjoining railroad right-of-way. No setback is required where adjacent to an active railroad right-of-way.

**4. Bulk Regulations.** The following minimum requirements shall be observed subject to the modifications contained in Section 177.07.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.
- C. Front Yard. 150 feet if property fronts on or is adjacent to a major thoroughfare (collector rating or higher) or “R” District; 50 feet if property is located on an interior street (local) within an industrial park.
- D. Side Yard. 50 feet, except where adjacent to an “R” District in which case not less than 100 feet as specified in subsection 3 of this section.
- E. Rear Yard. 40 feet, unless adjoining an active railroad, in which case no rear yard is required.
- F. Maximum Height. No limit, except Conditional Use Permit required for any structure exceeding 65 feet in height.
- G. A minimum of 15% of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
- H. Screening of a sufficient height and density to obscure structures and activities shall be erected at all locations where an Industrial “M” District is immediately adjacent to a Residential “R” District.

**Summary of M-3 Bulk Regulations:**

(A) Minimum Lot Area	None
(B) Minimum Lot Width	None
(C) Front Yard Setback	150 ft. if adjacent to major thoroughfare or "R" district 50 ft. if located in industrial park on an interior street
(D) Side Yard Setbacks	50 ft. 100 ft. if adjacent to "R" district
(E) Rear Yard Setback	40ft. None if adjacent to Railroad
(F) Maximum Height	No limit, except Conditional Use Permit over 65 ft.
(G) Open Space	15%
(H) Screening	Where adjacent to "R"

5. **Signs.** Signs in accordance with Chapter 181 of this Code of Ordinances.
6. **Off Street Parking and Loading.** See Sections 177.08 177.09.

**178.15 U-1 CONSERVANCY.** The “U-1” Conservancy District is intended and designed to encompass certain areas of the city which are subject to flood hazard. This district is created in order to protect the public health and welfare, to lessen the burdens imposed upon the community by rescue and relief efforts occasioned by the occupancy of areas subject to flooding, and to minimize the danger to life and property, which results from development undertaken without full realization of such danger. It is further the intention of this section that no reclassification of any lands zoned “U-1” be undertaken, unless and until suitable measures have been taken to insure that the flood hazard no longer exists, and that these measures have the approval of the City, State and Federal Agencies, which required by existing legislation.

**1. Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the “U-1” District.

A. Agriculture, truck gardening and nurseries, and the usual accessory buildings but not including commercial livestock feed lots or poultry farms; provided that no permanent dwelling units shall be erected thereon unless the elevation of the lowest floor is higher than the maximum expected level of a flood having a one (1) percent chance of occurring in any year.

B. Forest and forestry.

C. Publicly owned parks, playgrounds, golf courses, and recreational uses.

D. Any use erected or maintained by a public agency.

E. The uses hereinafter listed shall be permitted subject to approval by the City Council after public hearing. In its determination upon the particular uses at the location requested, the City Council shall consider all of the following provisions:

1) That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

2) That such use shall not impair an adequate supply of light and air to surrounding property.

3) That such use shall not unduly increase congestion in the streets, or public danger of fire, panic and flood.

4) That such use shall not diminish or impair established property values adjoining or surrounding property.

5) That such use shall be in accord with the intent, purpose and spirit of this section and the Comprehensive Plan of the City.

F. The uses subject to the provisions of this Chapter, Section 1.E.1-5 above are as follows:

- 1) Mining and extraction of minerals or raw materials.
- 2) Private playgrounds, golf courses, and recreational use.
- 3) Public utility structures and equipment necessary for the operation thereof.
- 4) Transmitting stations.

**2. Permitted Accessory Uses.**

- A. Accessory buildings and uses customary incident to any of the principal permitted uses.
- B. Private garage or carport.
- C. Signs in accordance with Chapter 181 of this Code of Ordinances

**3. Bulk Regulations.** The following minimum requirements shall be observed, subject to the modifications contained in Section 177.07.

- A. Building Height Limit: Residential Building – 35 feet. Non-Residential Building – 60 feet.
- B. Minimum Lot Area: Dwelling – 5 acre – no minimum for other permitted uses.
- C. Lot Width: No limitation.
- D. Front Yard: 75 feet.
- E. Side Yard: 50 feet on each side.
- F. Rear Yard: 50 feet.

**Summary of U-1 Bulk Regulations:**

(A) Building Height Limit	35 feet - Residential 60 feet – Non-Residential
(B) Minimum Lot Area	5 acres – Dwelling No Minimum for other permitted uses
(C) Lot Width	No limitation
(D) Front Yard	75 ft.
(E) Side Yard	50 ft. on each side
(F) Rear Yard	50 ft. 50 ft., all other permitted uses.

## CHAPTER 179

# ZONING CODE — ADDITIONAL PROVISIONS

179.01 Site Plans  
179.02 Screening  
179.03 Certificate of Occupancy  
179.04 Amendments

179.05 Complaints Regarding Violations  
179.06 Enforcement; Penalties  
179.07 Site Plan Fee

**179.01 SITE PLANS.** To assure that the design and location of commercial and industrial areas will be in conformance with the zoning standards of this Zoning Code and are properly related to and in harmony with the existing and future business and industrial development of the City, including generally accepted principles of commercial, industrial and civic design, a detailed site plan shall be submitted, in accordance with the “Site Plan and Specification Submittal Procedure” found in the Urban Standard Design Manual, showing the proposed use and development of all commercial and industrial sites for recommendation by the Planning and Zoning Commission to the Council for their approval. This section, along with the Urban Design Standards Manual, should be coordinated.

### **1. Procedure.**

- A. A site plan review is required whenever a person or other group wishes to develop any tract or parcel of land within all zoning districts, except for any detached single-family residence and two-family residences including any accessory structure thereto; agriculturally zoned property; new construction of non-residential accessory buildings less than 1,000 square feet in gross floor area; and additions to existing non-residential buildings when the addition is less than ten (10) percent of the existing building's gross floor area or the addition does not exceed one thousand (1000) square feet, which ever is more restrictive. Also where no new curb cuts are required and where new construction does not reduce existing parking or significantly modify existing on-site circulation as determined by the City Engineer. Said person shall cause to be prepared a site plan of such development and shall submit fourteen (14) copies of said site plan to the City Clerk. The provisions of this section shall be applicable to the redevelopment, enlargement or extension of any commercial or industrial uses and structures existing at the time of adoption of the ordinance codified herein (3-18-2002). The site plan shall contain such information and data as outlined herein.
- B. The Clerk shall refer a copy of the site plan to the City Engineer, or such other person as shall be designated from time to time by the Council, who shall review said site plan as to its compliance with the

ordinances of the City, its effect upon public utilities and the public street system, and submit findings, within thirty (30) days, to the Planning and Zoning Commission.

- C. The Clerk shall also forward a copy of the site plan to each member of the Planning and Zoning Commission. The Commission shall, after receiving the engineer's report, review the site plan for conformity with the regulations and design standards contained herein, and may confer with the developer on changes deemed advisable in such site plan.
- D. The Commission shall forward its recommendation of action to the Clerk within forty-five (45) days of the date of submission of the site plan. If the Commission does not act within 45 days, the site plan shall be deemed to be approved by the Commission unless the developer agrees to an extension of time.
- E. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.
- F. The Council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development.
- G. No building permit or certificate of occupancy for any structure within any distance within which a site plan is required shall be issued until the site plan has been approved as provided herein.
- H. Upon final action by the Commission on any site plan, a copy of said site plan with the action of the Commission noted thereon and signed by the chairman of the Commission shall be filed with the Clerk.
- I. If the administrative official finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if the administrative official finds that the construction and development of the tract is not being carried out in accordance with the development schedule filed with the site plan, the administrative official shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project or any successors in interest shall have provided the administrative official with proof satisfactory to said administrative official that the site plan will be complied with. The administrative official shall not issue a certificate of occupancy for any structure within the development while the building permit for the development has been suspended pursuant to this paragraph. Any person aggrieved by any

decision or action of the administrative official under this paragraph may appeal such action or decision to the Board of Adjustment.

- J. If the owner or developer of a tract of land for which a site plan has been approved determines that an extension of time is necessary or that a modification of the site plan would provide for a more appropriate or more practicable development of the site, the owner or developer may apply for an amendment of the site plan. The Commission may grant an extension of time or a modification of a previously approved site plan if it determines that such modification of the site plan would provide for a more appropriate development of the site.
  - K. **Pre-application Conference.** Whenever any person, partnership, corporation or any other group, public or private, proposed to develop any tract or parcel of land or modify any existing development which requires a site plan submittal, a request shall be made to the Department of Community Development for a Pre-application Conference. The conference shall include the applicant or representative, the Director of Community Development, the City Engineer, The City Building Inspector, and the Public Works Director. The purpose of the conference shall be to acquaint the City Staff with proposed development and to acquaint the applicant or representative with the procedures and with any special problems that might relate to the development. The applicant shall furnish a legal description of the property to be developed at the time of requesting the Pre-application Conference, and the conference shall be held within fifteen (15) days of such request.
2. **Design Standards.** The standards of design are intended as minimum requirements so that the general arrangement and layout of the development requiring the site plan may be adjusted to a wide variety of circumstances.
- A. All proposed developments for which site plans are required shall conform to the Comprehensive Plan of the City; the provisions of this Zoning Code, the Subdivision Regulations, if applicable; the Urban Standard Specifications for Public Improvements and Urban Design Standards for Public Improvements, and all other applicable City ordinances and statutes and regulations of the State.
  - B. The proposed development shall have such entrances and exits upon public streets as are necessary for safety and the general welfare and shall have such interior drives as are necessary for free movement of emergency vehicles; and shall have such pedestrian walkways as are necessary for safety and general welfare. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion

on adjacent or surrounding public streets or create undue hazards to traffic safety.

- C. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded areas, and other natural features, which will lend themselves to proper, harmonious and attractive development of the site. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
- D. The proposed development shall be designed with adequate water mains, provisions for sanitary sewage facilities, storm sewers (storm sewers to be designed for 5-year storm calculations) and drains and flood control, in accordance with the ordinances and regulations of the City and statutes and regulations of the State and good engineering practice to protect the public health and welfare and not overload any existing public utilities. Surface drainage shall be directed to on-site detention, where required, and to storm sewers in accordance with applicable design standards, including the requirement to extend public storm sewer if deemed necessary. All storm drainage calculations shall include capacity of downstream facilities and be sized to accommodate existing facilities.
- E. The proposed development shall be designed and the buildings and improvements located in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper and shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers, and impairment of light and air. For the purpose of this section, the term “use and enjoyment of adjoining property” means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term “use and enjoyment of adjoining property” means those uses permitted under the zoning districts in which such adjoining property is located.
- F. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.

G. The proposed development and all structures therein shall be designed in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.

H. To such end as may be necessary and proper to accomplish the Design Standards of this section, a landscaping plan prepared by a registered landscape architect, nursery person or such other knowledgeable person shall be provided, along with plans which address erosion control and other applicable requirements of this chapter and other city regulations.

I. **Architectural Standards.** As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses except one and two family dwellings, architectural plans for buildings shall be submitted for review and approval by the City Council after recommendation from the Planning and Zoning Commission. Documentation to be submitted shall include color building elevations showing the building's design on all sides and a description of structural and exterior materials to be used. Exterior materials samples shall also be submitted upon request. The following standards shall be used by the City to review architectural plans:

1. General Requirements:

a. Building Orientation: Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, non-residential overhead doors, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall be designed or oriented not to expose loading docks, or loading areas to the public or residential areas unless screening of those areas is proposed. Screening must comply with Section 175.02 (128) of the City Code, which describes screening requirements. Section 175.02 (128) states, "Screening; to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms and/or a living screen of deciduous or coniferous type vegetation."

b. Roof mounted mechanical units, satellite dishes, or other similar equipment shall be screened from public view by the extension of a parapet wall or other roof mounted equipment.

Such screening shall have similar design features as the building including material, shape, and color considerations.

- c. This Architectural Standards Ordinance applies to remodeling of existing structures when modifications, other than painting, are made to any exterior wall plane or roof. If an exterior building wall is altered as a result of a remodeling project, that entire wall plane must be brought into compliance with this ordinance. Exterior walls not changed by the remodeling may remain in their existing condition. Roofs must be brought into compliance with this ordinance if a remodeling project changes the roof structure. Roofs may be re-roofed and not brought into compliance with this ordinance so long as the re-roofing does not alter the structure of the roof.

*(Ordinance 06-204)*

**2. Multiple-Family Dwellings and Townhomes in All Districts Except C Zoning Districts:**

a. Building Materials

i. Hard Surface Requirements

1. Attached dwelling structures shall incorporate, at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
2. Multiple family structures shall incorporate, at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
3. Townhome buildings shall incorporate at a minimum, twenty percent (20%) brick, stone, or similar substantial material into the overall exterior building façade.
4. All door or window openings shall count toward these requirements if surrounded by the hard surface material. These opening shall not be designed to unreasonably reduce the amount of hard surface material that is used. The balance of net exterior wall area may be lap siding, synthetic stucco (EIFS), architecturally designed

concrete tilt-up panels, or another similar material.

- a. Exterior building materials shall not include the following: rough sawn board and batten wood, smooth-faced or gray concrete block, painted concrete block, field painted or pre-finished standard corrugated metal siding, standard single or double tee concrete systems.
  - b. The rehabilitation of existing multi-family and townhome structures shall comply with the requirements for exterior building materials above to the maximum extent practicable.
  - c. The required amount of hard surfaces materials shall be limited to only those façades that face the public view, provided that adequate screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
5. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the walls on the front of the building face must be totally covered with the materials listed in this paragraph. The front building face shall be that side or sides of the building, which face the street and are located at the front end of the building at or near the front set back. The above requirements for the non-front sides of any building may be waived in whole or in part by application for approval of an alternative design to the Planning and Zoning Commission and City Council. The alternative design may be approved by the Planning and Zoning Commission and the City Council if it is demonstrated by the property owner that:
  - a. Covering the metal or concrete building with appropriate materials for all or part of the building side is inconsistent or

unnecessary based upon the proposed use of the structure, the appearance of other buildings in the immediate vicinity, and the attractiveness of the proposed alternative design.

- b. Visibility of the side of the building to the general public will be limited by terrain, thick vegetation, or by placement of current or proposed building structures.
- ii. Roof Materials. Predominant roof materials shall be high quality, durable material such as, but not limited to: wood shake shingles, clay or concrete tiles, composition shingles, asphalt shingles and rubber roofs. Other materials will be considered on a case-by case basis.

b. Design Guidelines:

i. Building Mass and Form

1. Multi-family and Townhome building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.
2. All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50') feet or more are prohibited. At least every fifty linear feet (50'), wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least two feet (2'). The façades of single-family attached townhomes should be articulated to differentiate individual units.

ii. Architectural Detail:

The following guidelines and standards governing architectural detail are intended to provide a distinctive, quality, architectural character in new multifamily developments. In particular, architectural details help to reduce the visual scale of large multifamily and townhome buildings and development. Buildings shall be designed and constructed in a manner that is compatible with the adjoining residential uses in the neighborhood. Multiple-family buildings with single plane walls and/or boxy appearance shall not be considered acceptable. Buildings shall be designed with exterior details, texture, and creative use of angles and a multiplicity of planes within wall and roof design in order to enhance the building's physical appearance and eliminate plainness.

1. Consistency in Architectural Style

Each building in a multi-family and townhome development should have a definitive, consistent style. Mixing of various architectural styles on the same building dilutes the character of a building.

2. Articulated Wall Surfaces

Multi-family buildings and townhomes shall incorporate façade modulation in all building elevations to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets (i.e. the use of bays, insets, balconies, porches, or stoops), or by the use of color, pattern, or texture.

3. Windows

- a. All multi-family and townhome building elevations shall contain windows, except when their omission is necessary to assure privacy for adjacent property owners.

- b. Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and laundry areas.

#### 4. Garage Doors

- a. Garage doors of two-car attached garages shall not comprise more than fifty percent (50%) of the total length of a multi-family or townhome building's front façade.
- b. Garage doors of three-car attached garages shall not comprise more than sixty-five percent (65%) of the total length of a multi-family or townhome building's front façade.
- c. Every two single-bay garage doors or every double garage door shall be offset by at least two feet (2') from the plane of an adjacent garage door(s).

#### 5. Roofs

- a. All multi-family and townhome buildings shall have a pitched roof with a minimum slope ratio of 5:12.
- b. On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis.
- c. Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

#### 6. Accessory Structures

Design Compatibility Required. Detached garages and other accessory structures, including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos, shall incorporate compatible materials, scale, colors, architectural details, wall articulations, and roof slopes as the primary multi-family buildings, except that flat and shed roofs are prohibited.

#### 7. Private Outdoor Spaces

Outdoor porches, patios and screened private areas are encouraged.

3. **Non-Residential Uses in R Districts:** Any building used for a permitted non-residential use in an R District shall be constructed with architecture compatible with the residential uses within the neighborhood. Use of materials shall follow the guidelines set forth for commercial buildings in item 4 below.
4. **All Uses Within Any C District:** Buildings within any C District shall be designed, having as a primary element of the building exterior: fascia glass, brick, architecturally designed concrete tilt-up panels, textured concrete block or stone with all sides of any building consistent in design and use of materials. These materials shall make up at least thirty percent (30%) of the overall exterior building facade. The remaining surface shall be finished with split-faced block, concrete panels, stucco, or architectural aluminum panels. No wood, masonite, asphaltic wall material, non-architectural sheet metal, non-textured concrete block, or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
  - a. The required amount of hard surfaces materials shall be limited to only those façades that face the public view, provided that screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
  - b. Commercial buildings shall incorporate façade modulations in all building elevations in order to preserve building scale and

reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets or by the use of color, pattern, or texture.

- c. Buildings proposed or developed in the downtown area, as designated by the City Council and/or the comprehensive plan, shall maintain the historic nature, and incorporate architectural elements and designs which complement and preserve the character of the area.
  - d. Buildings proposed in commercial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.
5. **All Uses within the M-Districts:** The exterior material of the building's front elevation shall be comprised of fascia glass, brick, concrete panels, textured concrete block, stone panels, or other similar material. These materials shall be present on at least 50% of the buildings front and must be present on other sides as at least trim material. The predominant material in these sidewalls may be textured metal panels, architectural metal or similar material. The use of sheet metal (ribbed metal panels) as an exterior building material shall only be considered acceptable for non-public faces of buildings. No wood, vinyl, masonite, asphaltic wall material, aluminum or steel siding, non-textured concrete block, or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building. The architectural design and use of materials for the construction shall be reviewed as part of any site plan.
- a. Buildings proposed in industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.
  - b. Industrial buildings shall incorporate façade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation

of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture.

- c. M-2 District: This section shall not apply to development in an M-2 area provided that:
  - i. The gross floor area of the site is in excess of 150,000 square feet per floor; and
  - ii. The M-2 District does not fall within 600 feet of Highway 65 (see subheading 6 below).

6. **Arterial Corridor Overlay:** All lots or any portion of a lot in any Commercial (C) or Manufacturing (M) zoning district, which are within 600 feet of Highway 65, lots fronting on 2nd Street Northeast, 2nd Street Northwest, Grant Street North, Grant Street South, and any portion of Northeast 72nd Street within the City of Bondurant, shall adhere to the following standards. Multi-family residential structures and non-residential structures in Residential (R) zoning districts built in the Arterial Corridor Overlay District must comply with the standards set out in Section 1.1.2 and Section 1.1.3 of this ordinance.

- a. The required amount of hard surfaces materials may be limited to only those façades that face the public view, provided that adequate screening will block other non-public façades. In this case, the required building materials must be present as at least trim material on the non-public façades.
- b. All buildings must be designed to include brick, stone or glass on 100% of each elevation facing Hwy 65, another street, or public parking area. Split face block, EIFS and precast materials may be used as a secondary material. Residential-style vinyl or metal siding may not be used. Metal paneling may be used as a trim material and must not make up more than 10% of any elevation.
- c. All buildings should be designed to minimize single plane walls and boxy appearance through the use of pitched roofs, dormers, cupolas, multiple roof lines, and relief in long wall expanses.
- d. Loading docks, service areas or overhead doors shall not face the corridor.
- e. Access to Highway 65 shall occur via the DOT's predetermined access points (PDA's).

- f. Buildings proposed in commercial or industrial areas that are adjacent to less intense uses (e.g. residential or civic uses) should be designed with an articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable parts.
- g. Commercial and industrial buildings shall incorporate façade modulation in all building elevations visible to the public or adjacent to other less intense uses in order to preserve building scale and reduce the effect of long, large or expansive wall surfaces. Variation of these surfaces can be accomplished by physical offsets or the use of color, pattern or texture.
- h. Buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front building elevation.

**City Council / Planning and Zoning Commission Joint Site Plan Review.** In the event that the City Council desires to amend a Site Plan approved by the Planning and Zoning Commission, a joint meeting of the City Council and Planning and Zoning Commission will be scheduled. The purpose of this meeting will be to discuss any items on which the City Council and Planning and Zoning Commission are not in agreement, with the expectation that said discussion will result in agreement between the two bodies on the outstanding issues. At the conclusion of the meeting, the Planning and Zoning Commission will vote on the site plan, regardless of whether or not there are agreed upon changes to the site plan. Following the Planning and Zoning Commission vote, the City Council will vote on the site plan, regardless of whether or not there are agreed upon changes to the site plan. The vote of the City Council is final and takes priority over the vote of the Planning and Zoning Commission. The developer or developer's representative shall be present at this meeting.

3. **Site Plan Requirements.** All site plans shall be drawn at a scale not less than 1" = 50'. Fourteen (14) copies of the site plan shall be submitted to the Clerk. The purpose of the site plan is to show all information needed to enable the engineer, Commission and the Council to determine if the proposed development meets the requirements of this Zoning Code. All site plans shall be certified by an architect, engineer, or landscape architect licensed by the State of Iowa, unless this requirement is specifically waived by the administrative official.
4. **Information Required.** The site plan required shall include the following information concerning the proposed development:

- A. Name, address, and phone number of all persons having an interest in the property including the Engineer, Architect, Landscape Architect, Land Surveyor or person preparing the site plan.
  - B. Legal description of property, point of compass, scale, date and revision dates.
  - C. Applicant's name, present and proposed land use and zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
  - D. If the applicant is other than the legal owner, the applicant's interest shall be stated.
5. **Required Illustrations.** The site plan shall clearly set forth the following information concerning the proposed development:
- A. Property boundary lines indicated by a heavy line, dimensions and total area of the proposed development.
  - B. Existing and proposed contour lines of the proposed development at intervals of not more than two (2) feet. Soil erosion control practices must be shown where necessary
  - C. The availability, location, size, and capacity of existing utilities, and of proposed utilities.
  - D. Existing and proposed utility lines and easements in accordance with the Standard Specifications and Subdivision Regulations.
  - E. The proposed location, size, height, shape, use and architectural theme of all buildings or structures in the proposed development.
  - F. The total square footage of building floor area, both individually and collectively in the proposed development.
  - G. Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.
  - H. All required building setback lines.
  - I. Estimated number of employees for each proposed use where applicable and any other information which may be necessary to determine the number of off-street parking spaces and loading spaces required by the zoning ordinance.
  - J. Complete traffic circulation and parking plan showing location, number, dimensions and design of off-street parking in the proposed development, including:
    - (1) Driveways, islands and planters;

- (2) Striping and safety curbs;
  - (3) Loading facilities;
  - (4) Type and location of lighting; and
  - (5) Surface treatment.
  - (6) Grade and direction of drainage.
- K. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other man-made features to be used in the landscape of the proposed development.
- L. Facilities for the collection and disposal of garbage and trash.
- M. Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in the elevation and perspective as well as the plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated. Size, type, and location of required street tree shall be shown.
- N. Location of entrances and exits from the proposed development onto public roads, and interior drives and proposed sidewalks in the development.
- O. Proposed drainage facilities and provisions for storm water management and flood control.
- P. Location, height and area of all signs (directional signs, identification signs or temporary signs) in the proposed development.
- Q. Location of existing trees six inches or larger in diameter, landslide areas, springs and streams and other bodies of water, and any area subject to flooding by a one hundred year storm.
- R. A "Vicinity Sketch" of legible scale showing the generalized street patterns, land use and zoning within 100 feet of the site plan boundary.
- S. Three (3) copies of architectural elevations of all proposed buildings, for the purpose of understanding the structures, the location of windows, doors, overhangs, projection height, etc., and the grade relationship to floor elevation, and the number of stories or each existing building to be retained and of each proposed building.
- T. Soil tests and similar information, if deemed necessary by the city engineer, to determine the feasibility of the proposed development.
- U. Bench mark information indicating city datum shall be noted.

6. **Expiration of Approval.** All site plan approvals shall expire and terminate one hundred eighty (180) days after the date of the Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may, upon written request by the developer, extend the time for the issuance of a building permit for sixty (60) days. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

## **179.02 SCREENING.**

1. **Intent.** The intent of screening regulations is to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this chapter are necessary to safeguard the public health, safety and welfare.
2. **General Screening.** Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.
3. **Compliance with General Standard.** The following table illustrates the type of screen required between zoning classifications. Where such screening is required the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in questions. A description of the screen types (A,B, and C) are described in the following subsection. Where screening is to be approved at site plan review (\*), the screening objectives described in the Site Plan Ordinance, Section 179.01 are to be adhered. The City Council may require additional screening where deemed appropriate.

TABLE OF SCREENING REQUIREMENTS													
Benefited Zoning Classification/Use													
Zone	R-1	R-2	R-3	R4	R-5	C-1	C-2	C-3	C-4	C-5	C-6	M-1	M-2
R-1	-	-	A	A	*	B	B	*	B	*	*	C	C
R-2	-	-	A	A	*	B	B	*	B	*	*	C	C
R-3	A	A	-	-	*	A	B	*	B	*	*	C	C
R-4	A	A	-	-	*	A	B	*	B	*	*	C	C
R-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-1	B	B	A	A	*	-	A	*	A	*	*	C	C
C-2	B	B	B	B	*	A	-	*	-	*	*	C	C
C-3	*	*	*	*	*	*	*	*	*	*	*	*	*
C-4	B	B	B	B	*	A	-	*	-	*	*	C	C
C-5	*	*	*	*	*	*	*	*	*	*	*	*	*
C-6	*	*	*	*	*	*	*	*	*	*	*	*	*
M-1	C	C	C	C	*	C	C	*	C	*	*	-	B
M-2	C	C	C	C	*	C	C	*	C	*	*	B	-

\* Screening to be approved with site plan review.

- No screening required.

A,B,C Described below.

**4. Descriptions of Screens.** The following three basic types of screens are established and are used as the basis for the table of screening requirements.

A. **Broken Screen, Type A.** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetations will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

B. **Semi-opaque Screen, Type B.** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed

openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

- C. **Opaque Screen, Type C.** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.
5. **Storage areas.** The outdoor storage of materials, equipment or supplies, when permitted in any commercial or industrial district, shall be so located or screened, fenced or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage are by persons traveling on public right-of-ways or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type "C" as described in Section 17.67.040(C). (Ord. 1056 §1 (part), 1989).

### **179.03 CERTIFICATE OF OCCUPANCY.**

1. No land shall be occupied or used, and no building here-after erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the administrative official stating that the building and use comply with the provisions of this Zoning Code.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the administrative official. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Zoning Code.
3. Applications for certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of

- the administrative official and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
4. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a certificate of occupancy, and no building or premises shall be occupied until that certificate is issued.
  5. A certificate of nonconforming uses shall be required of all non-conforming uses. Application for a certificate for nonconforming uses shall be filed with the administrative official within twelve (12) months from the effective date of the ordinance codified herein, accompanied by affidavits of proof that such non-conforming use was not established in violation of previous ordinance.

#### **179.04 AMENDMENTS.**

1. The Council may, from time to time, on its own action or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, restriction, change of boundaries, or regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The notice shall be published in a paper of general circulation in the City. Such amendment, supplement, or change shall not become effective except by a favorable vote of a majority of all of the members of the Council. In case, however, of a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all of the members of the Council. The provisions of Section 414.4 of the Code of Iowa relative to public hearings and official notice apply equally to all changes or amendments.
2. Whenever any person desires that any amendment or change be made in this Zoning Code, including the text and/or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by

the owners of fifty percent (50%) of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof (intervening streets and alleys not to be included in computing such two hundred [200] feet) it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing of such petition with the Clerk.

3. Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall deposit with the Clerk the sum of \$100.00 for one acre, plus \$5.00 for each additional acre in a residential district and \$120.00 for one acre, plus \$10.00 for each additional acre in a commercial district, to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof, be refunded for failure of said amendment to be enacted into law.

*(Ordinance 09-204)*

4. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council until one (1) year shall have elapsed from the date of the filing of the first petition.

**179.05 COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. Said administrative official shall record properly such complaint, immediately investigate and take action thereon as provided by this Zoning Code.

**179.06 ENFORCEMENT; PENALTIES.**

1. Enforcement. All departments, officials and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Zoning Code.
2. Penalties for Violation. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation of the provisions of this Zoning Code may each be found guilty of a separate offense and suffer the penalties provided in this Code of Ordinances. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

**179.07 SITE PLAN FEE.** In addition to any other fees set out in this Code, the applicant shall be responsible for just and reasonable costs incurred by the City during the course of the site plan review and approval for work deemed necessary by the City to assure proper construction in accordance with applicable standards and Ordinances.

*(Ordinance 06-204)*

## CHAPTER 180

### SUBDIVISION REGULATIONS

**180.01 Purpose**

**180.02 Jurisdiction**

**180.03 Definitions**

**180.04 Procedure**

**180.05 Subdivision Design Standards**

**180.06 Preliminary Plat Requirements**

**180.07 Final Plat Requirements**

**180.08 Subdivision Plat Fees**

**180.09 Enforcement**

**180.10 Changes and Amendments**

**180.11 As-Built Plat**

**180.01 PURPOSE.** It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

**180.02 JURISDICTION.** This chapter is adopted by the City governing the subdivision of all lands within the corporate limits of the City, and pursuant to the provisions of Section 354.9 of the Code of Iowa, the City reserves the right to review each and every subdivision plat, and plat of survey, which is proposed to be developed on any and all land in the unincorporated area outside the corporate boundaries of the City, but within two miles of those corporate boundaries. These subdivision plats will be reviewed by the same standards and conditions used for review and approval of subdivisions within the City limits. In the alternative, the City reserves the right granted by Section 354.9(2) of the Code of Iowa and approval pursuant to Chapter 28E Agreements entered into and recorded between any county or city which has also adopted ordinances regulating the division of land which lies within the area of review established by the City. As required in Section 354.9(1) of the Code of Iowa, the City will record the ordinance codified in this section in the office of the County Recorder and file it in the office of the County Auditor of each county wherein land reserved in this section for review of subdivision plats by the City is located.

*(Ordinance 03-208)*

**180.03 DEFINITIONS.** For the purpose of this chapter, certain terms and words are hereby defined.

1. **“Access Street”** means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.

2. **“Block”** means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or by streets, highways, or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
3. **“Building Line”** shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building line shall not be less than required by the Zoning Code. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. **“Commission”** means the Planning and Zoning Commission.
5. **“Collector streets”** means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
6. **“Cul-de-Sac”** means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
7. **“Easement”** means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
8. **“Engineer”** means a licensed engineer authorized to practice civil engineering, as defined by the licensing act of the State.
9. **“Flag Lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
10. **“Half Street”** means a one-half width street right-of-way on the boundary of a subdivision dedicated by the sub-divider to the City; for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
11. **“Homeowner’s Association”** means the association of all the unit owners acting pursuant to the bylaws through its duly-elected Board of Managers in accordance with applicable statutes.

12. **“Lot”** means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
13. **“Major Thoroughfare”** means a street used primarily for fast, large volume traffic.
14. **“Minor Street”** means a street used primarily for access to the abutting properties.
15. **“Performance Bond”** means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this chapter.
16. **“Plat”** means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends to be in final form to record.
17. **“Private Street”** means a street, which is constructed, maintained, and owned by a private organization such as a homeowners association.
18. **“Roadway”** means that portion of the street available for vehicular traffic, and where the curbs are laid, the portion from back to back of curbs.
19. **“Subdivision”** means the division of land into three or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.
20. **“Surveyor”** means a licensed surveyor authorized to practice surveying, as defined by the licensing act of the State.

#### **180.04 PROCEDURE.**

1. Submission Phases. Subdivision planning, review and approval shall proceed through the following sequential phases:
  - a) Informal Discussion Phase, Pre-application Conference
  - b) Area General Plan Review and Approval Phase

- c) Preliminary Plat Review and Approval Phase
  - d) Final Plat Review and Approval Phase
  - e) Recording Phase
2. Duties and Responsibilities:
- The specific duties and responsibilities of the individual or groups listed below are clearly identified in these regulations.
- a) **Developer**: The Developer is responsible for initiating with the City before thoroughly preparing any subdivision drawings or Plats in order to become familiar with these regulations and the public policies and objectives applicable to the territory in which the proposed subdivision lies.
  - b) **Engineer and Surveyor**: The Engineer and Surveyor acting on behalf of the Developer are responsible for preparing the necessary subdivision drawings, surveys and Plats and the engineering drawings and specifications as required by these regulations.
  - c) **Reviewing Authority**: The reviewing authority is the Zoning Administrator / City Administrator, Planning and Zoning Commission and the City Council, who are responsible for reviewing the subdivision plan or Plat, or portions thereof, and approving those that fully meet the provisions and requirements of these regulations. The City office shall maintain record copies of all documents related to or required by this Ordinance.
3. If the proposed subdivision lies within the Corporate limits of the City, the Developer must first satisfy the zoning requirements in “Zoning Ordinance, City of Bondurant,” as adopted and as amended. If the proposed subdivision lies outside the City, but within the jurisdictional area of said City, then the Developer must first satisfy the zoning requirements in “Polk County Zoning Ordinances,” as adopted and as amended.
4. Informal Discussion Phase. The purpose of the informal discussion phase, insofar as possible, is to guide and assist the Developer in his future decisions with a view to avoiding later difficulties and delays. This is the basic policy stage, during which the Developer meets with the Zoning Administrator / City Administrator and City Engineers for the City. In the course of the discussions the Developer should make known his tentative drawings for subdividing and development, and may exhibit sketches and drawings and shall be apprised by the Zoning Administrator / City Administrator and/or City Engineer concerning specific public policies and objectives which the City may have for the area in question. Discussion at this phase shall involve the entire area of ownership and anticipated development.
5. Procedures for Review

**Submission:** A pre-application conference may be requested by all Developers prior to initial Plat applications. Developers may contact the Zoning Administrator / City Administrator to arrange a pre-application conference. Developers may submit sketches or drawings at this stage with material sufficient to identify the tract and establish the relationship of the proposed development with surrounding area.

**Processing:** Upon a request for a pre-application conference, the Zoning Administrator / City Administrator shall schedule the pre-application conference. All materials will be considered as submitted for informal discussion. Discussions will involve the proposals in compliance with these regulations, determination of the scope of the proposed subdivision, an outline of the procedures for the recording of Plats and general information exchanged.

**Review:** Review of any material submitted by the Developer during the informal discussion phase shall be made by the Zoning Administrator / City Administrator and/or City Engineer. Any sketch or drawings submitted shall be studied with regard to the best principles of land subdividing and development; to lot sizes and proportions; to existing and planned land uses; to topography and drainage; to provisions for recreation areas, public open space, schools, parks and other public facilities; to design and location of streets; and to conformity with the continuity of existing street systems, walkways and related matters.

**Inspection:** The Zoning Administrator / City Administrator and/or City Engineer may make an inspection of the site to determine its relationship to and effect upon major thoroughfares, utility systems, and adjacent land uses (existing and planned) and ascertain the existence of any unusual problems and determine:

- a) The conformity of the proposed development to existing zoning regulations, official road maps, and municipal development plans and policies.
  - b) The effect of the proposed development upon schools, public open spaces, and other nearby community facilities.
  - c) The need for preparation and review of an Area General Plan prior to consideration of the Preliminary Plat.
6. An Area General Plan may be prepared and submitted by the Developer, for approval by the Reviewing Authority, prior to the submission of the initial Preliminary Plat. The Review Authority shall determine that either of the following conditions exists to warrant a requirement and submission of an Area General Plan

- a) The parcel initially proposed for platting constitutes a portion of a larger tract of land owned, or under option to purchase by the Developer.
- b) The parcel initially proposed for platting constitutes a portion of a larger land area, the development of which will be complicated by unusual problems of drainage, street layout, utility services, land usage, or land ownership pattern.

The Area General Plan shall show property boundaries, land characteristics including wetlands, drainage patterns, flood prone areas as identified on Flood Prone Area Maps of the Federal Emergency Management Agency, wooded areas and major topographic features, existing streets, existing buildings, sewer lines, water lines and pipelines. Also to be shown in the Area General Plan are the proposed sanitary sewage collection, stormwater transportation and stormwater detention; proposed location of commercial areas, residential areas, and parks or other public areas. The Area General Plan shall be prepared to a proper scale of one (1) inch equals one hundred (100) feet (1 inch equals 100 feet) or larger, and to proper accuracy.

The Zoning Administrator / City Administrator and / or City Engineer shall review the Area General Plan for compliance with these regulations and its consistency with the City's Land Use Plan and applicable municipal development plans, or parts thereof. Upon review, the Area General Plan shall be presented to the Planning and Zoning Commission; Action from said Commission shall take the form of approval or denial within thirty (30) days following the review of the Zoning Administrator / City Administrator and / or City Engineer.

The Area General Plan may serve as the Developer's official Preliminary Plat, provided that the Area General Plan submitted as the official Preliminary Plat by the Developer, conforms to the requirements as set forth in these regulations.

A portion of the Area General Plan may serve as the Developer's official Preliminary Plat, provided that this portion is clearly designated and provided that this portion of the Area General Plan submitted as the official Preliminary Plat conforms to the regulations for Preliminary Plats.

The approval of the Area General Plan by the City shall be in effect for a period of at least one (1) year from the approval date, but the approval is subject thereafter to withdrawal by the City upon notice to the Developer after that date.

The approval of the Area General Plan shall confer upon the Developer the right to proceed with the subdivision platting process set forth in this Ordinance for the lands depicted in the Area General Plan.

7. Developer shall submit to the Zoning Administrator / City Administrator:
  - a) Twelve (12) copies of the Area General Plan and supportive materials.
  - b) A reduction of the Area General Plan showing information required as submitted on an eleven (11) inch by seventeen (17) inch sheet.
  - c) The submittal or re-submittal of an Area General Plan for a subdivision within the corporate limits of the City or within the two (2) mile extra-territorial jurisdictional area of the City shall be accompanied by an Area General Plan application fee in the amount of fifty dollars (\$50.00), payable to the City.
  - d) A completed Area General Plan Application Form.
8. If all the above requirements have been satisfied, the Zoning Administrator / City Administrator will present the Area General Plan to the Planning and Zoning Commission at their next regular meeting. The Developer or a responsible representative shall attend this meeting. The Planning and Zoning Commission shall either:
  - a) Disapprove the Area General Plan; or
  - b) Approve the Area General Plan; or
  - c) Approve the Area General Plan, subject to minor modifications.

If the Planning and Zoning Commission disapproves the Area General Plan, the reasons for denial shall be clearly set forth and communicated to the Developer.

If the Planning and Zoning Commission approves the Area General Plan, it shall be so executed at that time. The original Area General Plan and two (2) copies must be executed.

If the Planning and Zoning Commission disapproves the Area General Plan, the Developer may appeal the Commission's decision to the City Council. A request for an appeal shall be made in writing to the Mayor, and shall be accompanied by the appeal fee of Twenty-Five Dollars (\$25.00), payable to the City. The City Council shall consider the appeal within a reasonable time following submittal of the application for appeal. The City Council may uphold or overrule the decision of the Planning and Zoning Commission or may return the Area General Plan application to the Planning and Zoning Commission for further consideration. The decision of the City Council shall set forth the reasons for its determination.

9. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit

fourteen (14) copies of said preliminary plat and other information to the Clerk. The preliminary plat shall contain such information and data as is outlined in Section 180.06 thereof.

10. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. Submittals of the preliminary plat shall also be directed to all utility companies, the school district, the fire department, the Iowa Department of Transportation (if affected by subdivision) and other interested parties who would be impacted by the development. The City Engineer shall carefully examine said plat as to its compliance with this Code of Ordinances, the existing street system, and good engineering practices, and shall, within thirty (30) days, submit findings to the Commission.
11. After receiving the City Engineer's report, the Commission shall study the preliminary plat and other material for conformity thereof to those regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plan, the Commission may (at its discretion) hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven (7) days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within forty-five (45) days after the date of submission of said plat to the Commission. Upon receiving recommendations of the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of this chapter, the Council shall approve the preliminary plat.
12. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one hundred eighty (180) days after date of said preliminary plat approval.
13. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined in Section 180.05(5) of this chapter.

**180.05 SUBDIVISION DESIGN STANDARDS.** The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the sub-

divider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

1. **Streets.**

- A. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
- B. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than sixty (60) feet in width of the right-of-way, and in similar alignment, unless variations are recommended by the Commission.
- C. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- D. Street Intersections. Street intersections shall be as nearly at right angles as possible.
- E. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line radius of at least fifty-two (52) feet in the case of residential subdivisions. The closed end of a commercial or industrial street shall be provided with a turnaround having a street property line radius of at least fifty-five (55) feet. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. The property line(s) at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than one hundred fifty (150) feet; or equal straight approach lines. The pavement width for turnarounds shall be a minimum radius of forty (40) feet for residential and 45 feet for commercial or industrial. A turnaround diameter greater than the minimum, may be required by the Commission, if it is deemed necessary.
- F. Street Names. All newly platted streets shall be named in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street

that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

- G. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- H. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract of land to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- I. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream and for the purpose of installation of public utilities. The waterway easements shall be approved by the City Engineer. The total width of the easement shall be adequate to provide for these purposes, and said easement shall be a minimum of fifty (50) feet on each side of the centerline of the stream or water course.
- K. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- L. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.
- M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- (1) A parallel street supplying frontage for lots backing onto the trafficway.
- (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
- (3) An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.
- (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means shall prevent any private residential driveways from having direct access to the trafficway.

N. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

O. Railroads. If a railroad is involved, the subdivision plan should:

- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad, or form a buffer strip for park, commercial, or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.

P. Street Widths. Streets shall be classified as arterial, collector, or local according to the Comprehensive Plan. Street widths for arterials and collectors must conform to the Des Moines Metropolitan Design Standards Manual according to classification.

Q. Street Grades. Street grades shall be conforming with the requirements set forth in the Des Moines Metropolitan Design Standards Manual. The following table describes the maximum grades permitted as a percent.

MAXIMUM GRADES (percent)

<u>Terrain</u>	<u>Arterials</u>		<u>Collectors</u>		<u>Local</u>
	<u>Major</u>	<u>Minor</u>	<u>Major</u>	<u>Minor</u>	<u>Service</u>
Flat	5	5	5	6	6
Rolling	6	6	7	7	8
Hilly	6	7	8	8	9

The above maximum grades are based on terrain and the type of roadway. Where topography or circumstance demands that grades be steeper than the allowed maximum, a recommendation shall be obtained from the Jurisdictional Engineer.

- R. Private Streets. Private streets shall be permitted in the R-3 District for condominium developments, pertinent to the following requirements:
- (1) Minimum width of twenty-six (26) feet from back of curb to back of curb must be used where access is provided to more than twenty-four (24) units.
  - (2) A private street which is closed at one end shall be no longer than six hundred (600) feet and shall be provided at the closed end with a cul-de-sac or hammerhead turnaround.
2. **Blocks.**
- A. Length. No block shall be longer than one thousand three hundred and twenty (1,320) feet. The distance of 1,320 may be reduced by the City if it is considered to be excessive in its particular application.
  - B. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than fifteen (15) feet, unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
3. **Lots.**
- A. Corner Lots - Widths. Corner lots shall have a minimum width of eighty (80) feet in order to permit adequate building setbacks on both front and side streets.
  - B. Double Frontage Lots - Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back onto a major street or highway or except in the case of large commercial or industrial lots.
  - C. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
  - D. Lot Size – All lots shall conform to the lot dimensions and area minimum as set forth in the applicable Zoning section of this Ordinance. Where public sewer is not available and for the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

- E. Flat Lots – Flag lots shall not be created, except where approved by Site Plan. Existing Flag Lots shall be re-subdivided prior to issuance of a Building Permit.
- F. Street Access – Each lot shall have satisfactory access to an existing, paved public street, by means of frontage or easement.
- G. Lots in a subdivision over ten (10) lots shall not access directly onto an existing public street or road, but shall face onto and be accessed by a new street designed for that purpose, except that this subsection shall not apply to a subdivision adjoining a home built prior to March 01, 2006, which has direct access to an existing public road or street.

*(Ordinance 03-215)*

*(Ordinance 06-202)*

#### **4. Improvements.**

- A. General. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the “Iowa Statewide Urban Design and Specifications” on file in the office of the Clerk, under the supervision of the Council and to its satisfaction. Inspection shall be provided by the City, at the subdivider’s expense, as deemed necessary to assure quality workmanship on all portions of the construction to be dedicated to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.

*(Ordinance 07-206)*

- B. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the Council after receiving the report and recommendations of the City Engineer.
- C. Paving. All paving of roadways constructed for public use will be installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public Improvements” and at grades approved by the City Engineer. Pavement type may be based on characteristics of the roadway.
- D. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the Council and at grades approved by the City Engineer.

*(Ordinance 07-206)*

- E. Water and Sewers. Water mains, sanitary sewer lines and storm sewers and their appurtenances shall be constructed and installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public Improvements” and the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot. At a minimum, water mains shall be eight (8) inches in size, hydrants shall not be farther apart than 350 feet, and storm sewers shall be designed for 5-year storms.
- F. Underground Utilities. Improvements such as cable TV, telephone and electric lines, street lights, gas mains, and similar facilities in any subdivision shall be installed where necessary in any subdivision addition to the City and all utility lines except electric lines of nominal voltage in excess of 15,000 volts, shall be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with the “Urban Design Standards for Public Improvements” and the “Urban Standard Specifications for Public Improvements” and in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the City Engineer.
- G. Soil Erosion and Sedimentation Control. A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan, in accordance with the Urban Design Standards for Public Improvements, for the entire area. The subdivider shall provide assurances, satisfactory to the City Engineer, that the grading improvements have been completed in accordance with the approved grading plan. No building or structure shall be constructed that is not in general conformance with the approved grading plan or with an amended plan that has been approved by the City. The subdivider shall provide the City with a copy of the NPDES Discharge Permit Authorization from the Iowa Department of Natural Resources for coverage of the subdivision. A copy of the notification of the to the IDNR shall also be submitted as development continues into the next addition of the subdivision.

- H. Street Lighting. Street lights shall be installed by the subdivider at the subdividers expense in accordance with the Urban Design Standards for Public Improvements and after review and approval of the City.
- I. Homeowners Association. A Homeowners Association shall be created for any development with privately owned streets, utilities, open space, or other private service which is utilized by more than one homeowner. Any changes in the responsibilities of the Homeowners Association shall require approval of City Council.

5. **Approval of Final Plat and Final Acceptance of Improvements.**

A. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Attorney shall report that the subdivision owner has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in the name of contractors who have done the work. Maintenance bonds shall be in effect from passage of resolution of acceptance by the Council, then for the following number of years:

- (1) Concrete paving..... 4 years
- (2) Storm sewers and appurtenances ..... 4 years
- (3) Sanitary sewers and appurtenances ..... 4 years
- (4) Water mains and appurtenances ..... 4 years

This requirement for the construction of all improvements may be waived if the subdivider will post a performance bond or certified check, in an amount determined by the City Engineer, with the Council guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

B. Re-subdivisions. The Council may waive the requirements for the construction and installation of some or all of the foregoing

improvements in cases of re-subdivisions where only the size, shape and arrangement of lots is being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

**180.06 PRELIMINARY PLAT REQUIREMENTS.** (See example of preliminary plat in the Appendix.) The preliminary plat of a subdivision is not intended to constitute approval of the preliminary plat serve as a record plan. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, or any representative of the subdivider may call at the City offices in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. **Number of Copies and Scale.** Fourteen (14) copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. **Contents of Preliminary Plat.**
  - A. Name of subdivision
  - B. Date
  - C. Point of compass
  - D. Scale
  - E. Legal description of the property being platted
  - F. Name and address of recorded owner and of developer
  - G. Name and address of Engineer and/or Land Surveyor
  - H. Existing buildings, railroads, underground utilities, and other right-of-way
  - I. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided
  - J. Location and names of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
  - K. Building setback lines
  - L. Areas dedicated for public use, such as schools, parks and playgrounds

- M. Contour lines at intervals of not more than two (2) feet
  - N. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots
  - O. Boundaries of the proposed subdivision shall be indicated by a heavy line
  - P. Zoning classification of the area
  - Q. Proposed utility service:
    - (1) Source of water supply
    - (2) Provision for sewage disposal
    - (3) Provision for storm water drainage, including calculations of storm water runoff from the site
  - R. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings
  - S. Lot numbers
  - T. Proposed street widths
  - U. Area for water detention five (5) year release on 100 year storm frequency. (*Ordinance 02-212*)
  - V. Location, character, and dimension of all existing and proposed easements to be used for utility purposes
  - W. Name, certification and seal of registered land surveyor who prepared the plat
  - X. Provide bench mark information indicating city datum is being used
  - Y. Show all existing site features and proposed water courses
  - Z. Zoning Change Agreement. Where a zoning change is requested in conjunction with or prior to the subdivision process, the city may require the subdivider to provide a Zoning Change Agreement which relegates authority to the City to revert the property back to the original zoning classification if the schedule or requirements set forth by the City are not fully in compliance by a date mutually agreed to by the subdivider and City.
3. **Accompanying Material.** An attorney's opinion in duplicate showing that the fee title to the subdivision land is in the owner as shown on the plat and showing any encumbrances that may exist against said land. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

Where applicable, provisions for a Homeowners Association consisting of the owners of at least 50 lots within the subdivision which, pursuant to covenant satisfactory to the City, will be bound to provide for the maintenance of the proposed structures and uses.

**180.07 FINAL PLAT REQUIREMENTS.** (See example of final plat in Appendix.)

1. **Number of Copies and Scale.** When and if the preliminary plat is approved, the subdivider shall submit fourteen (14) copies of the final plat for review by the Commission. The scale of the map shall be one (1) inch equals fifty (50) feet on small subdivisions, and one (1) inch equals one hundred (100) feet on large subdivisions, unless otherwise approved by the Commission.
2. **Contents of Final Plat.**
  - A. Name of subdivision
  - B. Scale
  - C. Compass point
  - D. Curve data including delta angle, length of arc, degree of curve, tangent
  - E. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles; and a table showing mathematical closure of the subdivision boundaries, and also coordinate points of all interior lot corners with reference to one corner of the subdivision if the subdivision contains curve linear lot lines
  - F. Exact name, location, width, lot designation, and centerline of all streets within the subdivision
  - G. Easements for public utilities showing width and use intended
  - H. Building setback lines with dimensions
  - I. Official legal description of the property being subdivided.
  - J. Lot numbers and addresses
  - K. Certification of Registered Engineer and/or Land Surveyor
  - L. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners
  - M. Area for on site detention for five (5) year release on 100 year storm frequency. (*Ordinance 02-212*)
  - N. The final plat shall be an exact duplicate of that plat proposed to be filed for record in the County Recorder's office

3. **Accompanying Material.**

- A. Plans and Profiles. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of East and West streets shall be drawn so that the West end of the profile shall be at the left side of the drawing. Profiles of North and South streets shall be drawn so that the South end of the profile shall be at the left side of the drawing.
- B. Protective Covenants. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval *with the final plan*
- C. Erosion and sediment control plan
- D. Opinion of estimated costs of construction of public improvements
- E. A subsidiary drainage plat
- F. Deeds to the City. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use *shall be submitted with the final plat.*
- G. Certificates to accompany the Final Plat:
  - (1) A certificate by the owner and spouse, if any, that the subdivision is with their free consent and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgments of deeds;
  - (2) A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.11 of the Code of Iowa.
  - (3) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.
  - (4) From the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in said office.
  - (5) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

(6) Performance bond, if any

**180.08 SUBDIVISION PLAT FEES.**

1. **Preliminary Plat Fees.** Preliminary plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00 plus \$10.00 per lot; major plats (new streets proposed or four or more lots) will be \$150.00 plus \$10.00 per lot.
2. **Final Plat Fees.** Final plat fees — minor plats (no proposed streets and less than four lots) will be \$75.00; major plats (new streets proposed or four or more lots) will be \$150.00.
3. **Inspection Fee.** — \$40.00 per hour to be paid by the developer to the City.
4. **Plat of Survey Fees.** Each plat of survey submitted for approval shall be accompanied by a fee of seventy-five dollars (\$75.00)

*(Ordinance 03-212)*

5. **Other Fees.** In the event that the above cited fees are insufficient to reimburse the City of engineering charges incurred by the City in the examination and review of the preliminary and final plats, the developer shall be responsible for any additional fees incurred by the City for such engineering charges.

*(Ordinance 03-212)*

**180.09 ENFORCEMENT.**

1. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision and streets have been approved in accordance with the provisions contained herein, and accepted by the Council as a public street.

**180.10 CHANGES AND AMENDMENTS.** Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation at least fifteen (15) days prior to such hearing.

**180.11 RECORD DRAWINGS.** Before final plat acceptance, the City shall be provided, at no charge, with mylar record drawings showing as-built locations of all service and utility locations including flow and rim elevations.

**180.12 PLAT OF UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS.** With regard to subdivisions and plats of survey located in the unincorporated areas of the County within two (2) miles of the corporate limits, the provisions of this Chapter shall apply. The authority of the City to apply this Chapter to these subdivisions and plats of survey is given pursuant to Sections 354.8 and 354.9 of the Code of Iowa. All references in this Chapter to “plats” shall include both subdivision plats and plats of survey.

*(Ordinance 03-212)*

## CHAPTER 181

### SIGN CODE

181.01	Purposes	181.18	Addresses
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181.09	Multiple Tenant Building Signs	181.26	Permit Fees
181.10	Interstate Signs	181.27	Signs Not Needing a Permit
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181.12	Association Identification Signs	181.29	Maintenance
181.13	Electric Changeable Copy	181.30	Abandoned Signs
181.14	Religious Symbols	181.31	Non-Conforming Signs
181.15	Neon Lights, Murals	181.32	Plans
181.16	Home Occupations	181.33	Enforcement and Remedies
181.17	Garage Sales	181.34	Fee Schedule

**181.01 PURPOSES.** The purpose of this section is to permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety; and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the City. No sign shall be erected or maintained in the City's jurisdiction, except those specifically allowed by this section. Signs allowed by this section may be erected and maintained only as on-premises signs. All signs as permitted by the applicable zoning district regulations in all zoning districts in the City shall comply with the regulations of this section.

**181.02 JURISDICTION.** The lawful use of a sign existing at the time of the enactment of the Zoning Ordinance may be continued although such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified as "permitted nonconforming" structures. No sign permit shall be issued for any lot, tenant, or development after the effective date of and not in substantial conformity with the provisions of these regulations. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming to the provisions of these regulations.

**181.03 DEFINITIONS AND INTERPRETATIONS.** Words and phrases used in this chapter have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Code shall have the meanings set

forth in the Zoning Code. Principles for computing sign area and sign height are contained in Section 181.22. All other words and phrases shall have their common, ordinary meanings unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

1. “Animation” means rotation or any other movement or appearance thereof, or change of lighting to depict action or create a special effect or scene, whether by atmospheric movement, mechanical, or electrical means, or any combination thereof.
2. “Banner” means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one of more edges. National flags, State or municipal flags or the official flags of any institution or business are not considered banners.
3. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattel. When any portion thereof is entirely separated by walls in which there are no connecting doors or windows or any similar opening, each portion so separated shall be deemed a separate building, except for townhouses, duplexes and condominiums wherein two (2) or more dwelling units shall constitute a separate building. “Building” does not include signs or billboards.
4. “Building, accessory” means a building subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building. Among other things, the following are considered to be accessory buildings: shed, gazebo, and garage.
5. “Building frontage” means that wall or side of a building containing the main entry that is adjacent and most nearly parallel to a street.
6. “Building Official” means the City employee designated by the Community Development Director to enforce the City’s Building and Zoning Ordinances.
7. “Canopy” means a permanent covering providing shelter to persons from elements of weather.
8. “Changeable copy” means the graphical content, in letter or alphabetical form, or a sign, which can be changed or altered.

9. "Church" means any building, premises or site whose primary use is public religious worship.
10. "Copy" means words, letters, logos, figures, symbols, statutes, illustrations, patterns, decorative panels or inserts that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself. Lighting and similar features adding to the architecture element of the building are not considered as signage but shall be regulated by the site plan.
11. "Convenience store" means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores, not including the repair or sale of vehicles.
12. "Demising wall" means a wall used to provide separation between individual tenants located within a multiple tenant building.
13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
14. "Erect" means to build, construct, attach, hang, place, suspend, or affix, and includes the painting of wall signs.
15. "Flag" means any fabric, banner or bunting containing distinctive colors, lettering, patterns or symbols, used as a symbol of a government, political subdivision or other entity.
16. "Frontage" means the dimension of a front lot line as measured along the public street (see "lot lines, front").
17. "Home occupation" means any occupation or profession conducted solely by resident occupants in their place of abode, involving primarily service and not the sale of commodities upon the premises.
18. "Institutional use" means a public use, such as a church or school.
19. "Lot" means any parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

- a) A single lot of record;
- b) A portion of a lot of record;
- c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portion of lots of record;
- d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

20. "Multiple tenant building, horizontal" means a single story building designed for the collocation of two or more tenants located side by side with each tenant separated by demising walls.

21. "Multiple tenant building, vertical" means a multiple story building designed for the collocation of two or more tenants located side by side and/or on separate floors of the building.

22. "Neon, exposed" means any neon type lighting used as or in a sign, not encased in a solid colored light diffusing lens, so as to limit the visible appearance of the illuminated light source.

23. "Pennant" and/or "streamer" means a long, narrow ribbon-like flag or tapering flag used individually or attached to a rope or structure of any length in a series.

24. "Principal building" means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.

25. "Right-of-way" or "ROW" means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or public uses.

26. "Setback" means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building, or structure respectively.

27. "Sign" means every sign or advertisement as defined herein, including any announcement, declaration, demonstration, display, illustration, or insignia used to advertise, promote, or draw attention to the interests of any

person or firm when the same is placed out-of-doors in view of the general public.

28. “Sign, abandoned” means any sign face remaining in place for a period of thirty (30) days or more which no longer advertises an activity, business, product, or service available on the premises on which the sign is located.

29. “Sign area” means the area of a sign as determined by the Community Development Director in accordance with Section 175.39, subsection 7, of this chapter.

30. “Sign, association identification” means a sign identifying the name of a complex, or neighborhood development included on a landscape feature including planter beds, fountains, decorative walls or fences.

31. “Sign, awning” means any structure made of cloth, metal, or similar material supported entirely from the exterior wall of a building. Said structure may be illuminated.

32. “Sign, bag” means a temporary cover made of a cloth or canvas material, used to alter the message of an obsolete sign until such time as it is replaced with a new sign.

33. “Sign, banner” means a temporary sign composed of lightweight material either enclosed in a rigid frame or not enclosed, secured or mounted to a structure or post on two or more edges. A national, state or municipal flag, or the official flag of any institution or business is not considered a banner.

34. “Sign, billboard” means an off-premises sign, displayed out-of-doors or visible from a public way.

35. “Sign, building” means any sign attached to or erected against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel with a plane of said wall. This definition includes fascia signs.

36. “Sign, building directory” means an identification sign not intended to attract people off public streets, but intended to provide direction to the public once they are within a building. Such signs contain a listing of the businesses, or professionals occupying the building in which the sign is placed.

37. “Sign, building panel” means a building sign consisting of a frame which may be covered by a translucent material, which may be internally illuminated. The placement of individual letters at least one inch thick on a metal, stone, or Dryvit surface is not considered a panel sign.

38. “Sign, directional” means a sign, other than warning and regulatory signs, which is located on private property for the purposes of controlling all modes of traffic. Signs shall not display company names, logos, or any other form of advertisement, except where allowed elsewhere in this chapter.

39. “Sign face or surface” means the copy area, background area, and the peripheral encasement, structural elements, or trim, which forms the outer perimeter of the sign.

40. “Sign, garage sale” means a temporary sign advertising a private sale on personal property.

41. “Sign height” means the vertical distance from the average finished road grade at the sign location to the highest point of the sign.

42. “Sign, home occupation” means a two-square-foot sign containing only the name and occupation of a permitted home occupation.

43. “Sign, interstate” means a sign on a property abutting an interstate right-of-way that is oriented to the interstate.

44. “Sign, memorial” means memorial signs or tablets, names of buildings and date of erection when engraved into any masonry surface or when constructed of bronze or other incombustible materials. Memorial signs shall be limited to five (5) square feet in area.

45. “Sign, monument” means a ground sign that does not have any exposed pole or pylon, and is attached to a single columnar base for at least sixty percent (60%) of the entire width of the sign. Monument signs shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength, in addition to the aesthetic values.

46. “Sign, multiple tenant” means a sign intended to provide identification to a multiple tenant commercial development of more than 50,000 square feet of gross building area in which more than three tenants occupy individual space within a development under common ownership, management or control.

47. “Sign, nameplate” means a non-electric sign identifying only the name and occupation or the profession of the occupant of the premises on which the sign is located.

48. “Sign, nonconforming” means a sign that does not conform to the regulations provided herein.

49. “Sign, number of”: for the purpose of determining the number of signs, a sign is considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element is considered a single sign.

50. “Sign, off-site” means any sign advertising any interest of any person or firm, products, accommodations, services or activities not provided on the premises in which the sign is placed.

51. “Sign, panel” means a sign consisting of a frame which may be covered by a translucent material, which may be internally illuminated. The placement of individual letters at least one inch thick on a metal, stone, or Dryvit surface is not considered a panel sign.

52. “Sign, pole” means a sign which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, or braced by, any other structure.

53. “Sign, political” means a temporary sign not larger than thirty-two (32) square feet in surface area, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question on the ballot in an election held under the laws of the State of Iowa.

54. “Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to the following: signs designed to be transported by the means of wheels, trailers or chassis, whether or not the wheels are presently attached; signs constructed as or converted to A- or T- frames; menu and sandwich board signs; balloons or other hot-air or gas filled figures; and signs attached to or painted on vehicles parked and visible from the public right-of-way and not being used in the normal day-to-day operations of the business excluding storage.

55. “Sign, project identification” means a temporary, non-illuminated sign placed on a site during construction or remodeling, which identifies the development, contractor, builder, developer and/or financial institution for the development and may include a plat map and real estate information.
56. “Sign, real estate” means any sign, not exceeding six (6) square feet in area, pertaining to the sale, lease or rental of real estate or buildings.
57. “Sign, real estate board” means a sign not exceeding thirty-two (32) square feet in area advertising the sale, lease, or rent of real estate or buildings intended for the use by a commercial or residential developer or broker.
58. “Sign, roof” means a sign erected on or above the roof of a building.
59. “Sign, service” means a sign identifying parking and handicapped parking, restrooms, public telephone facilities, first aid stations, fallout shelters and other similar public service facilities.
60. “Sign, temporary” means any sign, not permanently attached to a building, post, or ground, such as banners, sandwich boards or similar erected for a limited duration, not to be continued after the expiration of the allowed time period.
61. “Sign, vehicle” means any sign, logo, or advertisement placed, painted, attached, or displayed on a vehicle advertising a company, store or service.
62. “Sign, window” means a sign installed inside or adhered to the interior portion of an individual glazed surface panel for purposes of viewing from a public street.
63. “Street” means any thoroughfare or public space that has been dedicated or deeded to the public for public use, primarily to provide principal means of access to abutting property.
64. “Tenant frontage” means, in the case of determining permitted sign area, the dimension between the tenant separation walls along the side of the building containing the main business entry.
65. “Vision clearance” means an open, unoccupied triangular space at the street corner or a corner lot, the space being defined as a setback line

extending across the corner between points established twenty-five (25) feet along the right-of-way lines by measurement from the corner.

66. “Zone” means any one of the classes of districts established by this chapter.

67. “Zone lot” means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the Zoning Code.

68. “Zoning Administrator” means the Zoning Administrator of the City or his or her designee.

**181.04 PROHIBITED SIGNS AND CONDITIONS.** The City has determined that the preservation and promotion of the public health, safety, and general welfare, the maintenance and enhancement of the visual environment, the improvement of pedestrian and traffic safety, and the minimization of possible adverse affects the following signs may have on nearby public and private property, are the express purpose of this section. The City has determined that the appropriate way to further these interests is to prohibit the installation, construction, placement, or erection of the following enumerated signs. This section, through the exercise of the City’s police powers, is intended to curtail the adverse effects of such signage while promoting the purpose and intent of this chapter. The following signs shall not be permitted, erected, or maintained on any property within the City:

1. Banners, pennants, spinners, streamers, except as permitted elsewhere in this chapter;
2. Billboards;
3. Neon lights or signs, not intended to add to the overall architectural theme of the site;
4. 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;
5. Signs which incorporate in any manner any flashing or moving lights unless expressly permitted by City Council;

6. 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;
7. Spotlights or strobe lights, whether stationary or moving, intended to draw attention to a location of a property and not primarily intended to accent the signage or building form, except as expressly permitted by City Council.
8. Pole signs;
9. Portable or temporary signs, except as permitted elsewhere in this section;
10. String lights or other displays used in connection with commercial premises for commercial purposes, other than holiday decorations used on a temporary basis between October 15 and January 15;
11. Any sign unlawfully installed, erected, or maintained in violation of this section;
12. Any sign displaying any obscene, indecent or immoral matter, as defined by this Code of Ordinances;
13. Roof signs;
14. Any vehicle sign not normally used in the day to day operations of a business parked in such a way to draw attention or people from a public place or street;
15. Any sign, except permitted nonconforming signs, not specifically permitted in this section.

#### **181.05 DESIGN STANDARDS**

1. No sign face shall extend horizontally beyond the supporting structure a distance greater than 12 inches.
2. Electric Signs. All electric signs shall be manufactured to meet UL specifications and be approved by the Building Official in accordance with the City of Bondurant Electrical Code. An alternate equivalent may be accepted as approved by Building Official.
  - a) Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.

b) Any electrical equipment or apparatus of a sign, which causes interference with radio or television reception, shall not be allowed.

3. Wind Pressure and Dead Load Requirements. All signs and sign structures shall be designed and constructed to withstand a wind pressure as regulated by the Building Code of the City, and shall be constructed to receive dead loads as required in the Building Code and/or other ordinances of the City. Temporary signs shall be excluded from dead load requirements as required above.

4. Clearance from Electric Lines. A clearance of not less than 8 feet horizontally and 12 feet vertically shall be maintained between any sign and any overhead electrical transmission line.

5. Number of Faces. No sign shall have more than two (2) faces. Sign faces shall be parallel, unless otherwise permitted.

6. Lighting of Signs. Signs must be lit by internal fixtures unless an alternate method is approved by the Zoning Administrator. A constant level of light must be maintained, provided that this shall not be construed to prohibit use of an automatic dimmer to reduce garish effects at night. Lighting shall not flash or move unless approved by City Council.

7. Emissions Prohibited. No sign shall emit audible sound, noticeable odor, or smoke or other visible matter.

8. Obstruction of Fire Exits, Light or Ventilation. No sign shall be permitted to obstruct or interfere in any way with free use of any door, window, fire escape, nor to obstruct or impair operation of any opening required for light or ventilation.

9. Traffic Hazards. It is illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device; no sign shall imitate an official traffic sign or include the words "STOP," "LOOK," "CAUTION," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists.

10. Vision Clearance. In addition to the setback requirements in this chapter, signs shall be located such that there is at every street intersection or entranceway a triangle of unoccupied space, being defined as the corner of

the intersection and points on the curb 25 feet from the intersection or entranceway.

**181.06 MONUMENT SIGNS** All letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed on a monument sign shall be safely and securely built to or attached to the sign structure and shall comply with all requirements of the “Design” and “Maintenance” subsections of this section. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

1. Sign Bases. All sign bases shall be designed and constructed of materials of permanency and strength (i.e. brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material. Signs 5 feet tall and shorter must have at least a 1 foot sign base. Signs between 10 feet and 5 feet must have at least a 2 foot sign base, and signs greater than 10 feet must have at least a 2.5 foot sign base. Signs are also encouraged to be entirely or partially surrounded by brick or stone.

2. Number of Signs. One sign shall be permitted on each lot of record; provided however, if the frontage of such lot measured in a straight line along such street exceeds 500 feet, then two such signs shall be permitted. A minimum distance of 250 feet shall separate the two permitted monument signs. Businesses that have frontage on more than one street will be permitted the use of a second sign provided it measures less than one third (1/3) of the total dimension of the monument sign.

3. Setback Requirement. The minimum setback required for monument signs shall be five feet. All signs shall have a side setback not less than the height of the sign.

4. Sign Area. The total area of a sign shall be the actual square footage of one sign face. Double-face signs may be permitted with the maximum square footage permitted on each side. The maximum sign area (not including sign base) of a monument sign shall not exceed 25 square feet; provided, however, the maximum sign area may be increased one square foot for each additional one foot of setback over the minimum required setback to a maximum sign area of 40 square feet. For lots abutting Highway 65, see section 8.a of this section.

5. Dimensions. The maximum height of a monument sign (including sign and base) shall be five feet; provided, however, the maximum height may be increased one foot for each additional three feet of setback over the minimum

required setback to a maximum sign height of 10 feet. See section 181.22, Sign Regulation Table, for more information. Where the street is substantially higher or lower than the proposed sign location, the City Council may provide variations on the height requirement as described in this section. "Substantially" is defined, in this case, as a change in vertical distance greater than five feet. The maximum width of a monument sign (including sign and any stone/brick border) is twelve (12) feet. For lots abutting Highway 65, see section 8.a of this section.

6. The vertical distance between the sign face and the base shall not be greater than six inches.

7. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 60% of the entire width of the sign.

8. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial zoning districts, and all industrial zoning districts, with the following exception:

a) For lots that abut Highway 65, the maximum height of the monument sign shall be 15 feet, the maximum sign area square footage shall be 100 square feet, and the minimum setback shall be 10 feet. No area or height increase is allowed with a greater setback. All other conditions specified above apply.

**181.07 MULTIPLE TENANT MONUMENT SIGNAGE.** Monument signage in planned commercial developments with at least three (3) tenants, and over 50,000 square feet of gross building square footage is intended to provide primary development identification within a planned commercial unit. Additionally, such signage may provide advertisement to tenants of the development. In lieu of any other permitted monument sign, a multiple tenant sign shall be allowed on lots or tracts under single ownership, management or control, provided the following conditions are met:

1. Sign Bases. All sign bases shall designed and constructed of materials permanency and strength (i.e. brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material. Signs 5 feet tall and shorter must have at least a 1 foot sign base. Signs between 10 feet and 5 feet must have at least a 2 foot sign base, and signs greater than 10 feet must have at least a 2.5 foot sign base. Signs are also encouraged to be entirely or partially surrounded by brick or stone.

2. Number of Signs. One sign shall be permitted per street frontage; provided however, if the frontage measured in a straight line along such street exceeds 500 feet, then two (2) such signs shall be permitted. A minimum distance of 250 feet shall separate the two permitted monument signs. In no case shall a development be permitted more than three (3) such signs. All signage shall be consistent in design, color and materials used in the construction of the signage.

3. Sign Area. The total area of a sign shall be actual square footage of one sign face. Double face signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of a monument sign shall not exceed 100 square feet.

4. Dimensions. The maximum height of a sign (including sign and base) shall be 15 feet. Where the street is substantially higher or lower than the proposed sign location, the City Council may provide variations on the height requirement as described in this section. "Substantially" is defined, in this case, as a change in vertical distance greater than five feet. The maximum width (including sign and any brick/stone border) shall be 12 feet.

5. Face. The sign face shall be no further than six inches from the sign base.

6. Setback. The minimum sign setback shall be 10 feet. All signs shall have a side setback not less than the height of the sign.

7. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 60% of the entire width of the sign.

#### **181.08 BUILDING SIGNS.**

1. Sign Area Allowed. One square foot of sign area may be erected for every lineal foot of building frontage to a maximum of 100 square feet. In the case that a building frontage exceeds 200 feet and has a setback of greater than 250 feet, two square feet of sign area may be erected per lineal foot of building frontage to a maximum sign area of 200 square feet.

2. Number of Signs. A maximum of two signs will be allowed per business with a maximum of one (1) sign per wall. Sign size will be limited by the regulations stated above.

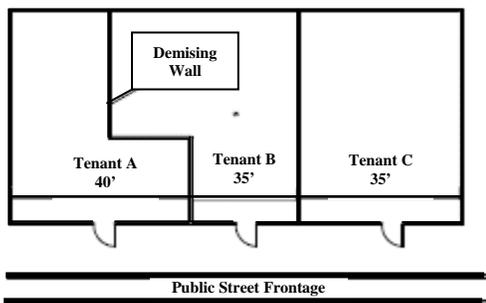
3. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed.

4. Convenience Stores. One sign on a canopy in a convenience store or gasoline pump use may be permitted in exchange for a building sign. Said sign shall be one square foot per linear foot of frontage of the canopy to a maximum sign area of 50 square feet. Said sign shall be confined to the actual dimensions of the canopy. In no case shall more than a combination of two (2) building or canopy signs be permitted within the site.

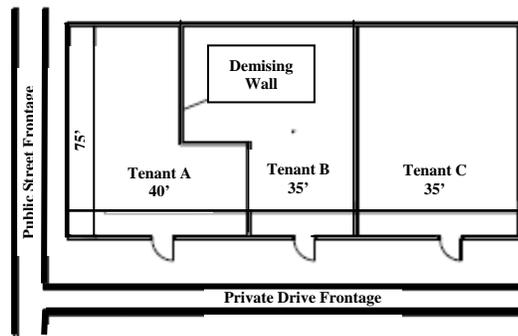
5. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial zoning districts, and all industrial zoning districts.

### 181.09. MULTIPLE TENANT BUILDING SIGNAGE.

1. Sign Area. For horizontal multiple tenant buildings, one square foot of sign area may be erected for every lineal foot of tenant frontage measured from demising wall to demising wall to a maximum of 100 square feet per business (See Figure 181-1). In the case that a tenant is not oriented towards a building frontage and desires to place a sign on the elevation that faces a building frontage, the maximum allowable signage shall be one square foot of sign area per lineal foot of building frontage for all tenant signage on the building frontage (See Figure 181- 2). In no case shall the allowable square footage of all tenant signage be greater than 100 square feet per building frontage.



**Figure 181-1:** Horizontal multiple tenant building oriented towards street frontage – Tenant B would be permitted a 25 square foot sign, regardless of overall interior square footage of the tenant space.



**Figure 181-2:** Horizontal multiple tenant building not oriented toward street frontage - Tenant A, B and C would be permitted to place a sign on the elevation that faces the public street provided that the total square footage of all three signs does not exceed 75 square feet.

In the case that a horizontal multiple tenant building frontage exceeds 200 feet and has a setback of greater than 251 feet, two square feet of sign area may be erected per lineal foot of tenant frontage.

2. For vertical multiple tenant buildings, the maximum square footage for all tenant signs shall be one square foot of sign area for every lineal foot of building frontage (See Figure 181-3). In the case that a vertical multiple tenant building frontage exceeds 200 feet and has a setback of greater than 251 feet, two square feet of sign area may be erected per lineal foot of tenant frontage.

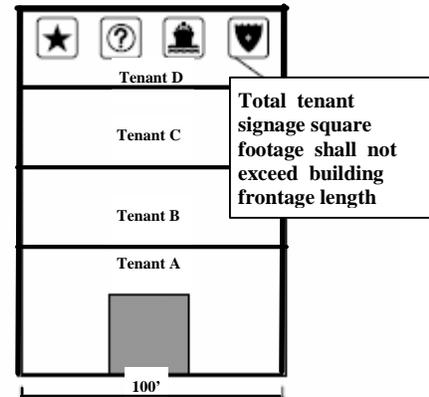


Figure 181-3:  
Vertical Multiple Tenant Signage

3. Number of Signs. One building sign shall be permitted per tenant. In the case of a tenant located on a corner of a building that faces two public streets, one building sign per street frontage may be permitted. In no case shall a tenant within a multiple tenant building display more than two building signs.

4. Letters, Symbols and Logos. Under no circumstances will a letter, symbol or logo dimension greater than six (6) feet be allowed.

5. All signage within a multi-tenant building shall be consistent in design and construction.

6. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial zoning districts, and all industrial zoning districts.

**181.10 INTERSTATE SIGNS.** In addition to monument and ground signs as permitted under this section, one Interstate monument sign shall be allowed on lots or tracts under single ownership, management or control, provided the following conditions are met:

1. Interstate signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The sign face shall be no further than six (6) inches away from the base.

2. Size of Sign. The total area of a sign shall be actual square footage of one sign face. Double face signs may be permitted with the maximum square

footage permitted on each side. The maximum sign area of an Interstate sign shall be one hundred (100) square feet.

3. The tract must have frontage abutting the Interstate ROW.
4. The maximum height of an interstate sign shall be 30 feet above the interstate road grade. The maximum width of an interstate sign shall be 15 feet.
5. An Interstate monument sign must be located within 50 feet of the Interstate or Interstate ramp ROW.
6. Minimum Interstate sign setback shall be 15 feet.
7. An Interstate monument sign must be at least 100 feet from any other such Interstate monument sign, or other monument sign.
8. All applicable permits shall be obtained from the Iowa Department of Transportation.
9. The sign must have a brick or stone base that measures at least 15% of the total height with a one (1) foot minimum. The sign can be entirely or partially surrounded by brick or stone with the minimum of one (1) foot coverage on three (3) sides. The sign portion must not exceed 70% of the total area.
10. All relevant permits must be obtained from the Iowa Department of Transportation.

#### **181.11 DIRECTIONAL SIGNS.**

1. Ground directional signs shall be restricted to eight (8) sq. ft. in sign area.
2. Building directional signs shall be restricted to four (4) sq. ft. in sign area.
3. No logos or names of businesses shall be permitted on directional signs.

**181.12 ASSOCIATION IDENTIFICATION SIGNS.** Association identification signs shall be permitted for the purpose of establishing a common neighborhood or complex identification when there exists an owner's association that provides for the maintenance of the sign or structures. Such signs shall be extensively landscaped with trees, plantings, and natural features. Such signs may incorporate fountains, fences, or similar features. Association identification sign dimensions shall be

regulated in accordance with the sign regulations table as provided herein; however, the maximum area shall be 32 square feet. The minimum setback required of association identification signs is five feet. All signs shall have a side setback not less than the height of the sign.

**181.13 ELECTRIC CHANGEABLE COPY.** Electric changeable copy shall be allowed on monument signs for events centers, convenience stores, schools, churches and other public uses. A maximum of 32 square feet or 50% of the maximum sign area, whichever is less, may be dedicated to electric changeable copy, provided the following conditions are met:

1. Electric changeable message copy may change no more than seven times in a 24-hour period and shall not include any flashing, flowing, alternating or blinking lights.
2. Electric changeable message copy shall be integral to and a part of an approved monument sign.
3. Electric changeable message copy shall be limited to one color.
4. Sign copy shall not include any use of logos or symbols and message shall be limited to advertisement of events.
5. In the case of convenience stores, electric changeable message copy shall be limited only to advertise the price of automotive fuels.

**181.14 RELIGIOUS SYMBOLS.** All religious symbols which convey a commercial use shall be permitted, subsequent to Planning and Zoning and City Council approval prior to erection.

**181.15 NEON LIGHTS, MURALS.** Neon light, murals, or similar architecture details, subsequent to Planning and Zoning and City Council approval, may be permitted as part of the theme of the site if it is determined that the architecture detail proposed is intended to create an identifiable theme and will not be detrimental with the surrounding environment.

**181.16 HOME OCCUPATIONS.** Home occupation signs and property address identification shall be permitted provided such signs shall not be larger than two (2) square feet in sign area.

**181.17 GARAGE SALES.** Garage sale signs shall be limited to six square feet in area. Such signs shall be removed within twenty-four (24) hours of the event of which it advertises. No sign shall be placed on public property.

**181.18 ADDRESSES.** Address letters on commercial and manufacturing developments shall not have a dimension greater than twelve (12) inches.

**181.19 FLAGS.** Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction, must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Notwithstanding the above, the following flags shall not be prohibited by this section:

1. Any flag of the United States, the State of Iowa or any political subdivision thereof provided the following:

a) The size of the flag is not greater than 6 feet by 10 feet.

b) The flag shall be displayed on separate flagpoles and in no event higher than 35 feet. Minimum setback from property line shall be the height of the flagpole.

2. A flag identifying a corporate, business, commercial enterprise, educational institution, or any other entity or organization that satisfies the following requirements must comply with the general provisions for flags and first obtain administrative approval.

a) The size is not greater than three feet by five feet.

b) The flag shall be flown horizontally, in conjunction with and at the same time as a flag of the United States and the State of Iowa is flown on the premises,

c) The flag shall be displayed on a separate flagpole located in close proximity to and no higher than the flagpoles of the Stars and Stripes and the State of Iowa and in no event higher than 30 feet. One commercial flag shall be allowed in connection with any lot of record. Minimum setback from property line shall be the height of the flagpole.

3. No flag of a commercial nature may be flown in a residential zone, except an apartment complex may have one flag in addition to the Stars and Stripes and the State of Iowa flag. A flag not meeting any one of the regulations established in this section shall be considered a banner sign and regulated as such.

4. Flags shall be displayed on flagpoles only. Flags displayed on light poles, utility poles, etc, except for City sponsored events, shall be prohibited.

**181.20 AUTHORITY OF ZONING ADMINISTRATOR TO CLASSIFY.**

The Zoning Administrator has the authority to classify a proposed sign as incompatible to the already existing environment.

**181.21 SIGN AREA FORMULA.**

The area of a sign is determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. The sign area shall be the sum of the area of not more than two (2) contiguous rectangles or squares that enclose the extreme points or edges of all copy, logos, and symbols of said sign. In the case of a horizontal multiple tenant building or a vertical multiple tenant building, the sign area shall not include any blank space located between two individual tenant signs.

**181.22 SIGN REGULATION TABLE.**

<b>Setback (feet)</b>	<b>Height (feet)</b>	<b>Area (square feet)</b>
5	5	25
6	5	26
7	5	27
8	6	28
9	6	29
10	6	30
11	7	31
12	7	32
13	7	33
14	8	34
15	8	35
16	8	36
17	9	37
18	9	38
19	9	39
20	10	40

**181.23 TEMPORARY SIGNS.**

Signs in this subsection shall be permitted in all districts and require a temporary sign permit. Two options are available for temporary signs: a 30 days temporary sign permit, and a one (1) year temporary sign permit. 30 day permitted signs shall be limited to two (2) events per year for any one business. In conjunction with a temporary site plan, the City Council may permit the display of temporary signs for a greater period of time. Temporary signs shall be no larger than 32 square feet in area. The minimum sign setback of temporary signs shall be five feet from property line. Under no circumstances shall any temporary sign be located on public property.

1. Real Estate/Project Identification Boards, provided such sign shall not exceed 32 square feet.

a) Such real estate board shall be limited to two boards for each plat listed in any residential district. Such real estate board shall be limited to one board for each lot listed in any commercial or industrial district.

b) Real estate boards placed in public property or on public right-of-way will be removed at the expense of the sign owner.

c) The minimum setback required of a Real Estate board is five feet.

d) Such signs shall be removed before issuance of a Certificate of Occupancy.

2. Bag signs, provided such signs shall be permitted to be displayed for a period no longer than forty-five (45) days.

**181.24 SIGNS ON PUBLIC PROPERTY.** It is unlawful for any person to paint, print, or in any way affix any picture, bill, sign, signboard, poster or advertising material on any post, utility pole, fire escape, hydrant, curb, sidewalk, tree, lamp post or other structure of any kind on, or as to overhang or protrude over any property owned by the City or any easement of the City. No sign shall be located on or allowed to extend over public property except by permission of the City Council. The Zoning Administrator is hereby authorized and empowered to remove any such sign at the expense of the parties responsible for erection of such signs.

**181.25 PERMIT.** It is unlawful for any person to erect, alter or relocate within the City any sign without first obtaining a permit from the City and paying the fee required herein unless provided elsewhere. The Zoning Administrator may require persons failing to hold such permit to pay double the permit fee. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building. Application for permits shall be made upon forms provided by the City.

**181.26 PERMIT FEES.** Every applicant before being granted a permit hereunder shall pay to the City a permit fee in an amount determined by resolution of the City Council from time to time.

**181.27 SIGNS NOT NEEDING A PERMIT.** The following signs do not require a permit:

1. Real Estate Signs, provided such sign shall not exceed six square feet.
  - a) Such real estate signs shall be limited to one sign for each parcel listed.
  - b) Real estate signs are not permitted on City property or within City ROW.
  - c) Real estate signs shall be permitted on lots for sale, lease, or rent in all zoning districts. Said signs shall be removed within 7 days following the sale, lease, or rental of said property.
  - d) The minimum setback required of a real estate sign is five feet.
2. Political Signs. Political Signs are not permitted on City property or within City ROW. Said signs must be removed within 7 days following an election.
3. Professional nameplates, not exceeding two square feet in area.
4. Home occupation signs, provided such sign shall not exceed two square feet in total sign area.
5. Signs located within the confines of a building.
6. Memorial signs.
7. Garage and yard sale signs.
8. Traffic or other municipal signs, civic or service organizations, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the City Council.
9. Project identification signs only during the time work is actually being performed on said premises. Such signs shall not be located on public property.

**181.28 INSPECTIONS.** All construction work for which a permit is required shall be subject to inspection by the Building Official. All such construction or work including footings and foundations (structural and location), electrical connections, etc. shall remain accessible and exposed for inspection until approved. Approval as

a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code of Ordinances. Inspections presuming to give authority to violate or cancel the provisions of this Code of Ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and to schedule, and be present for the required inspections. Neither the Building Official nor the City shall be liable for expense entailed in the removal of any material required to allow inspection.

**181.29 MAINTENANCE.** All signs and parts thereof, including but not limited to electrical wiring and fixtures, supports, faces, lighting, and braces shall be kept in good repair at all times, and shall be kept neatly painted or otherwise treated to prevent rust and similar unsightly deterioration and weathering. The Zoning Administrator after thirty (30) days' written notice to the sign owner may order the removal of any sign that is not maintained in accordance with the provisions of this section and the cost assessed against the property where said sign is located. However, in the case a sign structure becomes a safety hazard as defined in the *International Building Code*, the Building Official shall require owner of said sign structure to immediately abate safety hazard as provided in the *International Building Code*. The Zoning Administrator may cause to be inspected from time to time as he deems necessary, any sign regulated by this section for the purpose of ascertaining whether the same is secure, and whether it is in need of removal or repair to be in compliance with this section.

**181.30 ABANDONED SIGNS.** Any abandoned sign now or hereafter existing shall be taken down and removed by the owner, agent or person having beneficial use of the building or land upon which sign may be found within thirty (30) days after written notification from the Zoning Administrator and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any expense thereto shall be paid by the owner of the building or structure to which the sign is attached.

**181.31 NON-CONFORMING SIGNS.** Where a sign exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such sign may be enlarged or altered in a way that increases its non-conformity; however, reasonable repairs and alterations may be permitted.
2. Should such sign be destroyed or altered by any means to an extent of fifty (50) percent or more of its replacement cost at time of destruction/alteration,

it shall not be reconstructed or altered except in conformity with the provisions of this ordinance.

**181.32 PLANS.** A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this ordinance. Such plans shall show sufficient detail about the size of the sign, location on the site to a discernable scale, materials to be used, and such other data as may be required for the Zoning Administrator to determine compliance with this ordinance.

**181.33 ENFORCEMENT AND REMEDIES.** Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceeding pursuant to State law. A violation of this chapter is considered a violation of the Zoning Code of the City. The remedies of the City include the following:

1. Issuing a stop-work order for any and all work on any signs on the same zone lot;
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
3. Imposing any penalties that can be imposed directly by the City under the Zoning Code;
4. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Code; and
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable provision of the Zoning Code and Building Code for such circumstances.

The City shall have such other remedies as are and as many from time to time be provided for or allowed by State law for the violation of the Zoning Code. All remedies provided herein shall be cumulative. To the extent that State law may limit the availability of a particular remedy set forth herein for certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violation.

**181.34 FEE SCHEDULE.**

- 1. Sign Permit- Permanent Sign..... \$ 75.00
- 2. Sign Permit- Temporary Sign
  - a) 30 day ..... \$ 10.00
  - b) One year ..... \$ 50.00
  - c) 30 day or one year period, for Not for Profit  
Organizations, Schools, and/or School Organizations  
and City/County and/or City/County Organizations..... \$ 00.00

*(Chapter Amended May 17, 2006 – Ordinance 06-200)*

## CHAPTER 182

# ZONING ORDINANCE

## OPEN SPACE AND LANDSCAPING REQUIREMENTS

182.01 Purpose  
182.02 Scope  
182.03 Definition

182.04 Size Requirements  
182.05 Landscape Requirements  
182.06 Site Plan

**182.01 PURPOSE.** It is the desire of the City to encourage development which is environmentally sensitive, socially responsive and aesthetically pleasing. To further these objectives, a minimum standard for landscaping is prescribed and landscape features are implemented to minimize the adverse effects commonly incidental to commercial and industrial property improvements. The use of artificial plantings shall not meet the requirements of this chapter.

**182.02 SCOPE.** The requirements of this chapter apply to all commercial and industrial development or redevelopment within the City.

**182.03 DEFINITION.** As used in this chapter, “quick growing tree” includes, but is not limited to, Acacia, Catalpa, Silver Maple, Tree-of-Heaven, Silk Tree, Alder, Beefwood, Eucalyptus, Ficus species, or any tree determined by a nursery to be a quick growing tree.

### **182.04 SIZE REQUIREMENTS.**

1. Ground Covers and Shrubs. If ground covers or shrubs are utilized in areas required to be landscaped, planting shall be a minimum of two (2) to five (5) gallon pot size and spaced no more than four (4) feet on center depending upon species.
2. Deciduous Shade Tree. A minimum of 1¾ inch caliper measured at a point six (6) inches above the immediate ground level and normally capable of growing to a height of thirty (30) feet or more at maturity.
3. Deciduous Ornamental Tree. A minimum of 1¼ inch caliper measured at a point six (6) inches above the immediate ground level and normally growing to height of less than thirty (30) feet at maturity.
4. Evergreen or Coniferous Tree. A minimum height of five (5) feet measured above the immediate ground level.

## **182.05 LANDSCAPE REQUIREMENTS.**

1. **Minimum Open Space:** The total land area developed as open space and landscaping shall not be less than ten percent (10%) of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.
2. **Landscaping.** At least ninety percent (90%) of the required open area shall be landscaped and maintained with living ground cover. Poured asphalt, concrete or similar hard surfacing shall not be used. Landscape areas must be capable of providing a substantially full expanse of foliage within three (3) years after planting.
3. **Right-of-Way.** The unpaved portion of a dedicated public right-of-way abutting any development shall be landscaped with sod or grass seed. Nonliving ground cover, including, but not limited to rock, stone, brick, concrete, asphalt, or other similar material shall not be used as landscape material in such areas, except that the Community Planning Director may authorize the use of non-living ground cover when it is determined that a location will not allow for adequate maintenance of sod, grass seed or other living ground cover.
4. **Trees.** Valuing the benefits provided from the use of trees in reducing heat, pollution, and the loss of habitat resulting from the use of expansive areas of hard surfacing for parking and other purposes, the following standards shall be met and maintained.
  - A. **Number Required.** Trees shall be required at the rate of one tree per fifty (50) feet of frontage or one tree per six (6) parking, loading and stacking spaces provided on the site, whichever is greater. Where fractional numbers of trees result, the number of required trees shall be rounded to the nearest whole number.
  - B. **Interior Parking Lot Requirements.** When parking spaces are provided on the site, one tree shall be placed in the parking lot for every eighteen (18) parking spaces. Every interior parking lot tree shall be located in a planting island within the hard surfaced parking area. Said islands shall be a least five (5) feet wide and contain a minimum of thirty-six (36) square feet per tree. Planting islands shall utilize raised curbs or wheel stops.
  - C. **Existing Trees.** The preservation of existing trees on a site is encouraged when they are in good condition and at least 1¾

inch caliper in size. Such trees may be counted as part of the required number of trees on a site. A credit of two (2) trees toward the number trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over ten (10) inch caliper in size measured six (6) inches above the immediate ground level. However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

- D. Placement According to Type and Percentage.
- (1) Deciduous Shade Tree. Such trees may be utilized for 100 percent of the total tree requirement. Only such trees may be utilized for required interior parking lot trees.
  - (2) Deciduous Ornamental, Evergreen or Coniferous Tree. Up to twenty-five percent (25%) of the required trees may be of these types. However, they shall not be planted in a driveway or intersection safety zone.
  - (3) Quick Growing Trees. No more than fifty percent (50%) of all required trees shall be of these types.
- E. Placement. Of the total number of required trees, a minimum of one tree per fifty (50) feet of street frontage shall be planted in the required front yard setback. Trees shall be located no closer than four (4) feet to the public right-of-way and all landscape materials required by this section shall be installed in accordance with accepted industry standards.
- F. Maintenance. Property owners shall be responsible for the proper maintenance of all required landscape materials and any dead or substantially damaged landscape materials shall be replaced. The use of a sprinkler system is encouraged, and, at a minimum, water services shall be conveniently located to provide a permanent and easily accessible means of watering.

**182.06 SITE PLAN.** Landscaping required by this chapter shall be shown on the Site Plan for the property and shall include the types of landscaping to be used, the designation of the trees to be used, the total number of trees, and the number of trees by designation.