

City of Marshalltown Zoning Ordinance

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CHAPTER 156 – ZONING

ARTICLE A – GENERAL PROVISIONS

Section 156.A.001, Title

- A. **Title.** This document is known, and may be cited as, the City of Marshalltown, Iowa, Zoning Ordinance.
- B. **Short Title.** References to "this Ordinance", "this Code", or "this Chapter" are interpreted as references to this Zoning Ordinance.

Section 156.A.002, Purposes

The City Council adopts this Zoning Ordinance to protect the public health and safety, quality of life, economic development, and fiscal and functional health of the City and its present and future inhabitants in accordance with the goals of the Comprehensive Plan. The provisions of this Ordinance are specifically intended to:

- A. **Public Health and Safety.** Protect public health and safety and environmental quality by:
 - 1. *Open Space.* Ensuring the provision of adequate public and private open space for light, air, environmental protection, recreation, and fire safety;
 - 2. *Density and Intensity.* Preventing both the overcrowding of land and urban sprawl by regulating the density and intensity of development;
 - 3. *Screening and Buffering.* Establishing reasonable screening and buffering of residential, nonresidential, and mixed-use areas from incompatible uses; and
- B. **Quality of Life.** Protect the quality of life of City residents, business owners, employees, and visitors by:
 - 1. *Character.* Protecting and enhancing the character and property values of all parts of the City;
 - 2. *Environmental Assets.* Preserving and protecting existing trees and vegetation, woodlands, floodplains, stream and riparian corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development; and
 - 3. *Appearance.* Improving the City's appearance through the regulation of design, where such regulations are appropriate.
- C. **Economic Development.**
 - 1. *Commercial and Industrial Districts.* Encourage a diverse and stable economy with employment opportunities, particularly those that have meaningful multiplier effects in the local economy, by promoting the vitality and development of commercial and industrial districts;
 - 2. *Entrepreneurship.* Enable and encourage entrepreneurship and local business growth; and
 - 3. *Business Retention and Expansion.* Enable retention and sensitive expansion of local businesses.
- D. **Fiscal and Functional Health.** Protect the fiscal and functional health of the City by:
 - 1. *Compatibility.* Encouraging the most appropriate, efficient, and compatible use of land, buildings, and other structures throughout the City;
 - 2. *Efficiency.* Securing economy in government-private sector expenditures by promoting efficiency in development review;
 - 3. *Housing Stock.* Promoting a diverse housing stock in new developments and maintaining such diversity where it currently exists;
 - 4. *Promote Equitable, Affordable Housing.* Encourage location-efficient housing options to increase mobility and lower the combined cost of housing and transportation;
 - 5. *Reinvestment, Redevelopment, and Infill.* Protecting property against blight and depreciation by facilitating reinvestment, redevelopment, and infill development; and

6. *Supply of Land*. Promoting a balanced supply of residential, commercial, industrial, agricultural, and mixed land uses for conservation and development.
- E. **Encourage Contextually Sensitive Development and Redevelopment.**
1. *Redevelopment and Infill*. Promote contextually compatible redevelopment and infill development of vacant or underutilized properties;
 2. *Mixed-Use*. Enable and encourage efficient development patterns, including by-right mixed-use development; and
 3. *Historic Character*. Facilitate orderly and harmonious development with the visual and historical character of Marshalltown.
- F. **Clear Regulations and Processes.** Establish transparent regulations and review procedures for development, the duties and powers of responsible administrative bodies, and reasonable penalties and enforcement mechanisms for violations of this Ordinance.

Section 156.A.003, Authority

The City Council adopts this Zoning Ordinance pursuant to:

- A. **Constitutional Authority.** The powers granted and limitations imposed by the U.S. and the Iowa Constitutions;
- B. **Iowa Code.** The authority granted by the Iowa Code including, but not limited to:
1. [Chapter 364](#), *Powers and Duties of Cities*;
 2. [Chapter 368](#), *City Development*;
 3. [Chapter 372](#), *Organization of City Government*;
 4. [Chapter 380](#), *City Legislation*;
 5. [Chapter 414](#), *City Zoning*;
 6. [Chapter 18B](#), *Land Use - Smart Planning*; and
 7. Such additional authority as may be conferred by the Iowa Code.
- C. **City Charter and Code of Ordinances.** The [City's Charter](#) and the ordinances, resolutions, rules, and regulations set forth in the City's Code of Ordinances.

Section 156.A.004, Applicability

- A. **Generally.** No person may use, occupy, subdivide, or develop land, or use, occupy, erect or modify buildings, signs, or other structures, except in accordance with all applicable provisions of this Ordinance. The “use” or “occupancy” of a building or land relates to anything and everything that is done to, on, or in that building or land.
- B. **Specific Exceptions.** Specific exceptions to the requirements of this Ordinance may be set out in individual Sections.

Section 156.A.005, Jurisdiction

All provisions of this Zoning Ordinance apply within the corporate limits of the City of Marshalltown, as may be expanded, contracted, or modified from time to time.

Section 156.A.006, Abrogation, Conflict, and Private Restrictions

- A. **Abrogation.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- B. **Conflict.**
1. *Conflict with State or Federal Regulations.* If the provisions of this Ordinance conflict with those of the state or federal government, the more restrictive provision, as determined by the Zoning Administrator, controls, to the extent permitted by law.

2. *Conflict with Other City Regulations.* If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the provisions of this Ordinance control.
 3. *Conflicts within this Ordinance.* Where the text of this Ordinance conflicts with its tables or illustrative material, the text controls. Where a table of this Ordinance conflicts with an illustration, the table controls.
- C. **Private Restrictions.** The City does not interpret or enforce private restrictions, including, but not limited to, deed restrictions, covenants, or easements.

Section 156.A.007, Minimum Requirements

- A. **Compliance.** No structure or land shall be used and no structure shall be located, extended, converted, or structurally altered without the impacted area being brought into full compliance with the terms of this Ordinance and other applicable regulations that apply to uses and structures within the jurisdiction of this Ordinance.
- B. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

Section 156.A.008, Severability

- A. **Generally.** If a court of competent jurisdiction holds any Article, Section, Subsection, clause, provision, or portion of this Chapter as unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this Chapter to a particular structure, land, or water to be invalid or unconstitutional "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

Section 156.A.009, Effective Date and Repeal

- A. **Effective Date.** This Ordinance is effective on [insert effective date], unless otherwise expressly indicated.
- B. **Repeal.** The Zoning Ordinance existing prior to adoption of this Ordinance is deemed repealed and replaced upon the effective date of this Ordinance.

Section 156.A.010, Transitional Provisions

- A. **Generally.** It is the intent of the City Council to respect the property rights of applicants with existing or pending development approvals.
- B. **Effect on Existing Ordinances.** The City's ordinances in effect prior to the effective date of this Ordinance, unless expressly repealed or amended by this Ordinance, or by some other Council action, remain in effect. Where this Ordinance is more restrictive or where it includes additional provisions (including those that are inconsistent or in conflict with existing ordinances) the City shall enforce this Ordinance as set out in [Section 156.A.006, Abrogation, Conflict, and Private Restrictions](#).
- C. **Pending Applications.**
 1. *Generally.* Each development review application shall be evaluated only in light of the adopted ordinances and technical regulations in effect at the time that each complete application is submitted.
 2. *Inactive Applications.* Pending development review applications that are not pursued with due diligence may expire pursuant to [Section 156.J.002, Common Review Procedures](#).
- D. **Development Approvals that Precede this Zoning Ordinance.** Development approved prior to the effective date of this Ordinance may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
- E. **Duration of Approvals.** Development approvals that are valid on the effective date of this Ordinance are valid until their expiration date; or, if no expiration date is specified in the approval documents or prior regulations, pursuant to Table [156.J.002.12-1, Development Review Summary Table](#).

ARTICLE B – DISTRICT DEVELOPMENT STANDARDS

Section 156.B.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to establish zoning districts and the Official Zoning Map, set out the development standards for each district, establish development and civic and open space types, and provide explanations and by-right permitted modifications for such development standards.
- B. **Applicability.** No structure may be erected, altered, or moved and placed on a property other than as provided in this Article.

Section 156.B.002, Zoning Districts Established

This Section divides the City into the districts set forth in Table 156.B.002-1, *Zoning Districts*, below. In addition, the table shows the planned future land use category from the [Marshalltown Comprehensive Plan 2030](#) that each zoning district implements, provides the available development types as further articulated in this [Section 156.B.006, Development Types](#), and establishes purpose statements for each district and development type combination.

Table 156.B.002-1 Zoning Districts				
Planned Future Land Use Category	Zoning District	Development Type ¹	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District ²
Residential Districts				
Agricultural	AG, Agricultural	Conventional	Preservation of land suitable for eventual development until such time as the necessary facilities and services are provided to such areas.	A-1
Rural Residential	RR, Rural Residential	Conventional	Existing residential or future residential areas in areas of difficult topography that will develop at a density of 2-3 units per acre.	R-1
Low-Density Residential	RL, Low-Density Residential	Conventional	Single-family and duplex homes at a density of 4-8 units per acre. A conventional development is characterized by private open space on each lot while a cluster development has smaller lots with a required percentage of common open space. Common open space may be used for parks, trails, or natural areas, to preserve environmental resources, provide for recreational amenities, provide for use compatibility, or provide natural drainage features.	R-2, R-2A
		Cluster		
Medium-Density Residential	RM, Medium Density Residential	Conventional	Single-family and duplex homes, townhomes, or small multiple-family developments at a density of 6-18 units per acre. The infill option promotes efficient use of land, infrastructure, and other resources and allows for additional density and land uses compared to conventional.	R-3, R-4
		Infill		
Mobile Home Park		Manufactured	Manufactured homes within a manufactured home park setting.	R-6
High-Density Residential	RH, High-Density Residential	Conventional	Duplexes, townhomes, multiple-family developments, and similar high-density dwellings at a density of 12-24 units per acre. Architecture and	R-5
		Infill		

**Table 156.B.002-1
Zoning Districts**

Planned Future Land Use Category	Zoning District	Development Type ¹	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District ²
			landscaping are important to ensure appropriate and consistent character.	
Mixed-Use Districts				
Mixed-Use	MU, Mixed-Use	Mixed-Use	Mixed office, retail, and residential uses in neighborhood centers or in close proximity to residential areas.	TN, NC
Commercial				
Downtown Mixed-Use	UC, Urban Core		Mixed office, retail, medical, institutional, and residential uses in the more intense setting of the urban core, including downtown.	CBD, OP (in Downtown areas)
Nonresidential Districts				
Commercial	GC, General Commercial	Nonresidential	General commercial and businesses such as restaurants, retail, office, hotels, banks, and other mixture of uses in areas along major road corridors and further from residential areas.	GC, PC, CC, RC, OP (properties outside of Downtown)
Light Industrial	GI, General Industrial		Manufacturing, processing, storage, and distribution activities generally incompatible with residential, civic, and other public uses. Certain industrial uses that produce off-site noise, odor, dust and/or other visible and sensory impacts are permitted only after public hearings and review to assure protection of surrounding property, persons, and the general public interest.	M1, M2
Heavy Industrial				
Special Purpose				
Multiple	PUD, Planned Unit Development	Mixed-Use	The unified and coordinated development of parcels or tracts of land. Certain freedom of choice as to intended land uses shall be permitted, provided that the essential site development regulations are complied with and that the intended uses are not in conflict with the general purpose and intent of either this Ordinance or the Comprehensive Plan.	PUD
Public/Semi-Public	PI, Public and Institutional		Primarily religious, medical governmental, institutional, or education facilities.	ED, OP (Medical properties outside of Downtown)
Medical				
Cemetery	REC, Recreational		Areas of public or private ownership that will remain undeveloped as open space or developed as parks (including trails) or golf courses with varying facilities depending on the need and location.	Multiple
Parks/Open Space				Multiple
Golf Course				Multiple

**Table 156.B.002-1
Zoning Districts**

Planned Future Land Use Category	Zoning District	Development Type ¹	Purpose: The purpose of this zoning district is to provide for:	Former Zoning District ²
Overlay Districts				
Downtown Mixed-Use	UC-HD, Urban Core-Historic District	Mixed-Use	Protecting specific characteristics of the historic core of the downtown area while facilitating new construction designed to harmonize with the district's visual character.	CBD

Table Notes:

1. Refer to [Section 156.B.006, Development Types](#), for more details.
2. The former zoning districts are from the Marshalltown Zoning Ordinance of 2010 (Ord. 14871, adopted April 12, 2010) which is repealed on the effective date of this Ordinance.

Section 156.B.003, Official Zoning Map

- Generally.** The zoning districts set out in [Section 156.B.002, Zoning Districts Establishment](#), are shown on the Official Zoning Map, which is a part of this Ordinance as fully as if it were written out in detail. The Official Zoning Map is on file in the office of the Engineering Department and is available for inspection during regular business hours.
- Force and Effect.** The Official Zoning Map and all notations, references, and other information shown on it have the same force and effect as the text of this Zoning Ordinance.
- Status of the Zoning Map.** The Official Zoning Map on file controls in the event of a conflict between the map on file and any other paper or digital reproduction of the map.
- Omitted or Annexed Land.** Any area not shown as being included in a zoning district or annexed to the City of Marshalltown shall be deemed to be in the RL, Low-Density Residential zoning district unless the City Council changes the zoning district.
- Boundaries.** Where there is uncertainty as to the boundaries of the districts as shown on the District Map of the City, the Zoning Administrator shall make a determination using the following criteria:
 - Rights-of-Way or Easements.* Where boundaries appear to follow existing streets, alleys, railroad tracks, utility lines, or similar features, the Zoning Administrator shall construe the zoning boundary to follow the center line of the rights-of-way or easement. Where the location of these features on the ground differs from that shown on the Official Zoning Map, the features on the ground control are shown approximately following street and alley lines, such street and alley lines shall be interpreted to be the boundaries.
 - City Limits.* Where district boundaries are indicated as approximately following City limits, the Zoning Administrator shall consider the City limits as the district boundaries.
 - Property Lines.* Where boundaries are indicated so that they approximately follow lot lines and are not more than 15 feet distant therefrom, such lot lines shall be interpreted to be the boundaries.
 - Unsubdivided Property.* In unsubdivided property where a district boundary divides a parcel of land, the boundary shall be determined by the use of the scale appearing thereon.
 - Watercourses.* The Zoning Administrator shall construe boundaries shown as following, or approximately following, the centerline of drainageways, streams, water bodies, or other watercourses, as following the centerline. In the event of a natural change in the location of such streams or other watercourses, the Zoning Administrator shall construe the zoning district boundary as moving with the centerline.
 - Vacation or Abandonment.* Whenever any street, alley, or other public way is vacated by the action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be extended automatically to the center of such vacated area.

7. **Ownership.** When a lot held in one ownership is divided by a district boundary line, the entire lot will be construed to be within the district in which the majority of the lot is located.
- F. **Conflicts Resolved.** In case of a conflict between the district boundaries on the Official Zoning Map and the zoning of property provided by an adopted ordinance, the ordinance controls. In case of doubt or dispute, the Board of Adjustment shall determine the boundary lines upon receiving an appeal from a ruling of the Zoning Administrator.

Section 156.B.004, Residential District Development Standards

- A. **Generally.** Table 156.B.004-1, *Residential District Lot and Building Standards*, establishes the dimensional standards for the various housing/building and development types in the residential zoning districts. Except as provided in Section 156.B.008, *Measurements and Allowances*, and Section 156.B.006, *Development Types*, no lot shall be reduced in size so that its area, width, setback requirements, gross density, or other requirements of Table 156.B.004-1 are not maintained.
- B. **Setbacks Related to Driveways and Garages.** A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 156.B.004-1 for the remainder of the building. See Section 156.D.003.D for specific requirements for garage orientation and placement.
- C. **Measurements and Allowances Reference.** Refer to Section 156.B.008, *Measurements and Allowances*, for explanations of, and special provisions related to, the measurements and standards in Table 156.B.004-1.

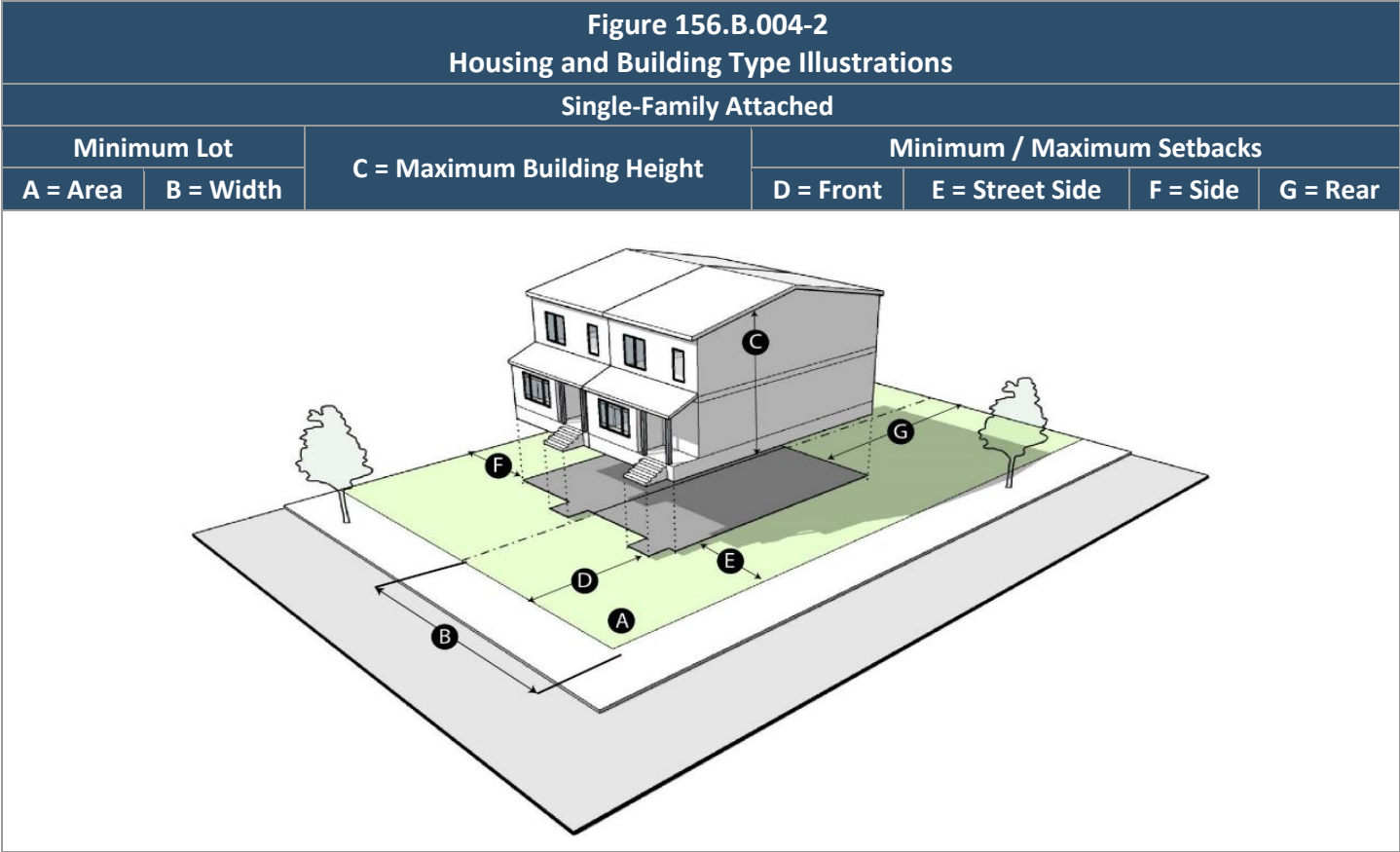
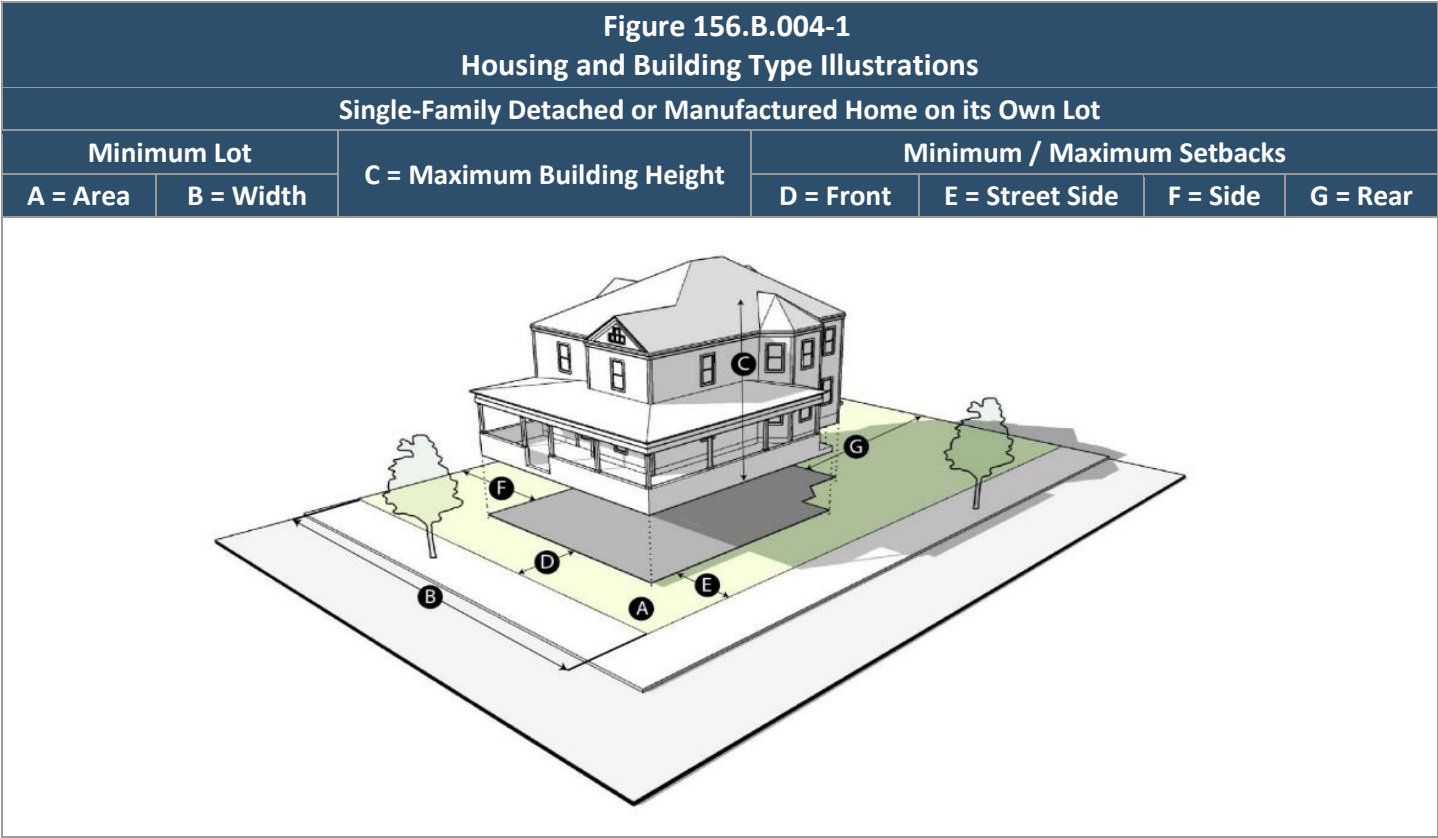
Table 156.B.004-1 Residential District Lot and Building Standards (See Figures 156.B.004-1 through -6, below)									
Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building Height	Minimum/Maximum Setbacks			
			Area	Width		Front	Side Street	Side ⁴	Rear
Graphic Legend			A	B	C	D	E	F	G
AG - Agricultural Residential Conventional Development Type									
Single-Family Detached ⁵	0.04	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
Permitted Nonresidential Uses	N/A	N/A	25 Acres	120	35 ft.	50 ft.	20 ft.	15 ft.	50 ft.
RR - Rural Residential Conventional Development Type									
Single-Family Detached	2.82	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	10 ft.	8 ft.	35 ft.
Permitted Nonresidential Uses	N/A	N/A	14,375 s.f.	85 ft.	35 ft.	35 ft.	10 ft.	8 ft.	35 ft.
RL - Low Density Residential Conventional Development Type									
Single-Family Detached	4.40	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	8 ft.	7 ft.	35 ft.
Single-Family Attached	4.90	N/A	8,000 s.f.	60 ft.	35 ft.	30 ft.	8 ft.	7 ft.	35 ft.
Duplex	5.64	N/A	7,000 s.f.	60 ft.	35 ft.	30 ft.	8 ft.	8 ft.	35 ft.
Permitted Nonresidential Uses	N/A	N/A	9,000 s.f.	75 ft.	35 ft.	30 ft.	15 ft.	10 ft.	35 ft.

Table 156.B.004-1
Residential District Lot and Building Standards
 (See Figures 156.B.004-1 through -6, below)

Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building Height	Minimum/Maximum Setbacks			
			Area	Width		Front	Side Street	Side ⁴	Rear
Graphic Legend			A	B	C	D	E	F	G
RL - Low Density Residential Cluster Development Type									
Single-Family Detached	5.58	15%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
Single-Family Attached	5.64	15%	6,000 s.f.	50 ft.	35 ft.	15 ft.	7 ft.	7 ft.	20 ft.
Duplex	5.98	20%	5,250 s.f.	50 ft.	35 ft.	20 ft.	8 ft.	8 ft.	20 ft.
Permitted Nonresidential Uses ⁷	N/A	20%	6,500 s.f.	60 ft.	35 ft.	15 ft.	7 ft.	7 ft.	25 ft.
RM - Medium Residential Density Conventional Development Type									
Single-Family Detached	7.15	N/A	5,000 s.f.	60 ft.	35 ft.	30 ft.	10 ft.	5 ft.	25 ft.
Single-Family Attached	8.56	N/A	4,500 s.f.	50 ft.	35 ft.	20 ft.	10 ft.	5 ft.	25 ft.
Duplex	10.47	N/A	4,000 s.f.	50 ft.	35 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Multiplex	11.54	N/A	3,500 s.f.	75 ft.	45 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Manufactured Home Park	Refer to Section 156.C.005.D.1, Manufactured Home Park								
Permitted Nonresidential Uses ⁷	N/A	N/A	5,000 s.f.	75 ft.	35 ft.	20 ft.	10 ft.	10 ft.	25 ft.
RM - Medium Residential Density Infill Development Type									
Single-Family Detached	11.40	N/A	2,750 s.f.	40 ft.	35 ft.	20 ft.	5 ft.	5 ft.	20 ft.
Duplex	11.91	N/A	3,000 s.f.	30 ft.	35 ft.	10 ft.	5 ft.	5 ft.	20 ft.
Townhouse	11.44	N/A	3,500 s.f.	25 ft.	45 ft.	10 ft.	5 ft.	5 ft.	25 ft.
Multiplex	13.33	N/A	3,000 s.f.	75 ft.	45 ft.	10 ft.	5 ft.	5 ft.	25 ft.
RM - Medium Residential Density Tiny House or Cottage Development Type									
Cottage Court	9.48	30%	2,000 s.f.	45 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.
Tiny House	14.5	30%	1,000 s.f.	40 ft.	20 ft.	20 ft.	8 ft.	5 ft.	20 ft.

Table 156.B.004-1
Residential District Lot and Building Standards
 (See Figures 156.B.004-1 through -6, below)

Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building Height	Minimum/Maximum Setbacks			
			Area	Width		Front	Side Street	Side ⁴	Rear
Graphic Legend			A	B	C	D	E	F	G
RH - High Density Residential Conventional Development Type									
Townhouse	18.18	N/A	2,000 s.f.	20 ft.	45 ft.	10 ft.	10 ft.	5 ft.	15 ft.
Multiplex	21.50	N/A	2,000 s.f.	45 ft.	45 ft.	10 ft.	10 ft.	10 ft.	25 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	7,500 s.f.	50 ft.	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.
RH - High Density Residential Infill Development Type									
Multiplex	21.39	N/A	1,875 s.f.	45 ft.	45 ft.	10 ft.	8 ft.	5 ft.	25 ft.
Townhouse	21.87	N/A	1,600 s.f.	18 ft.	45 ft.	5 ft.	5 ft.	5 ft.	15 ft.
Apartment	30.66	N/A	1,200 s.f.	60 ft.	45 ft. ⁶	5 ft.	5 ft.	5 ft.	10 ft.
All Permitted Nonresidential Uses ⁷	N/A	N/A	N/A	N/A	40 ft.	10 ft.	10 ft.	10 ft.	25 ft.
Notes:									
1. Refer to Section 156.C.004, Limited Use Standards , and Section 156.C.005, Special Use Standards , for additional standards that may apply to a given housing type. 2. Minimum common civic or open space is calculated based on a percentage of the overall subdivision and applies to residential and mixed-use districts. Landscape surface area ratio is calculated based on a percentage of the lot and applies to nonresidential developments. 3. Minimum lot area is calculated on a "per dwelling unit" basis. Minimum lot width is calculated for the entire lot. 4. Zero feet is the side setback for the shared party wall between single-family attached units and between townhouse units. 5. Including a manufactured or modular home on its own lot (applies to all districts). 6. The maximum height of an apartment building may be increased by Special Use Permit as set forth in Section 156.C.005, Special Use Permit Standards . 7. Refer to Table 156.C.003-1 for list of uses.									



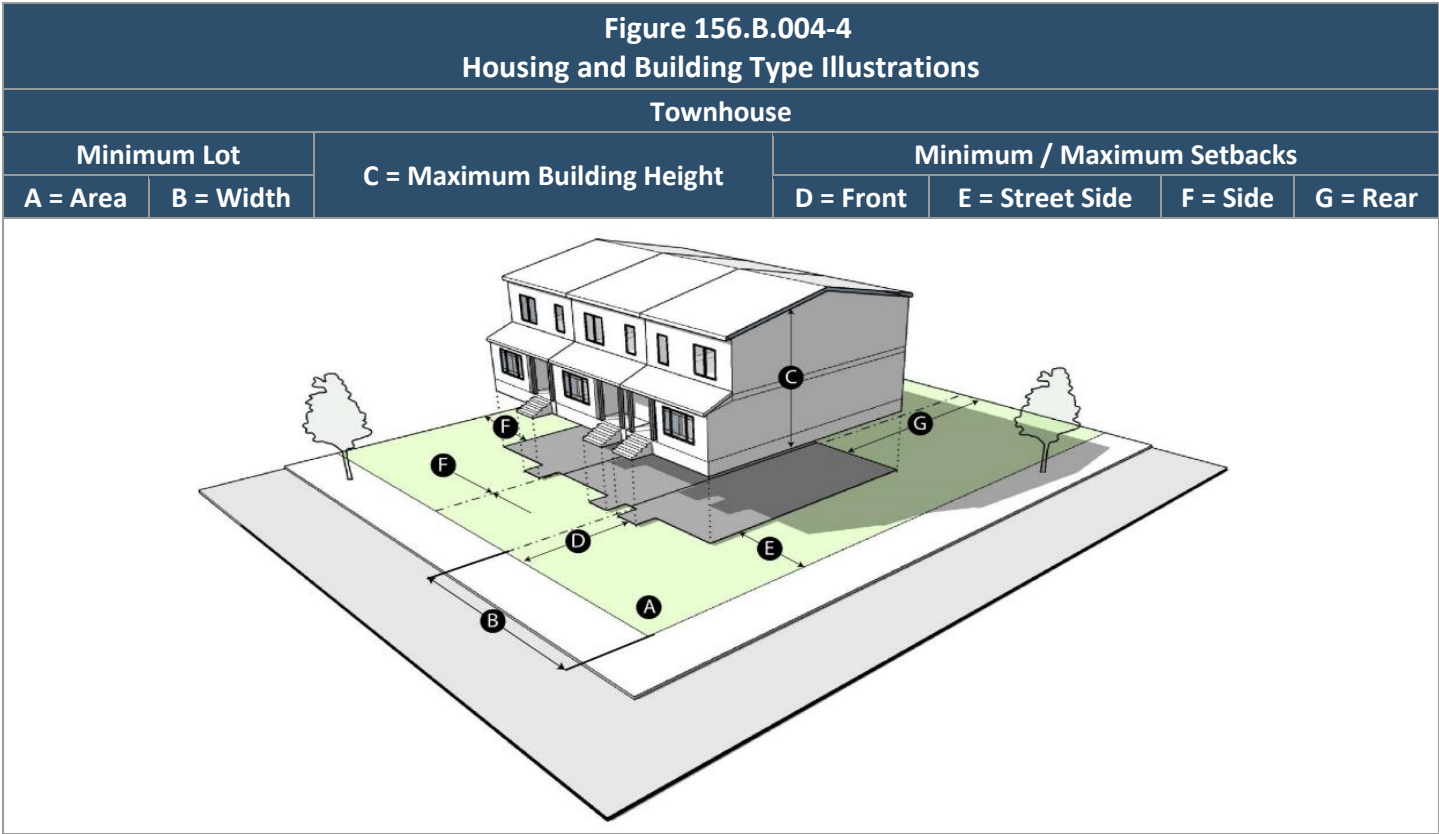
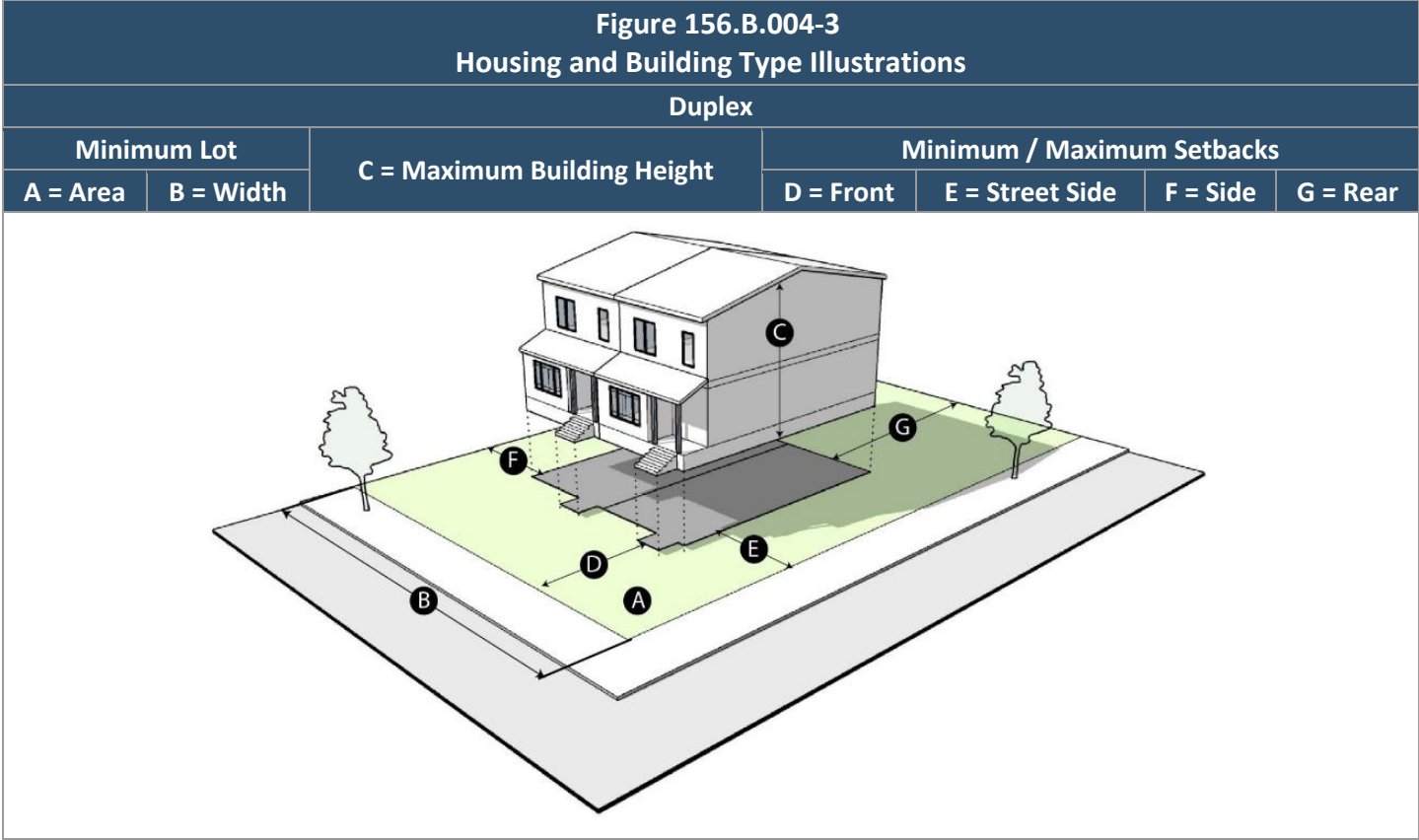


Figure 156.B.004-5
Housing and Building Type Illustrations

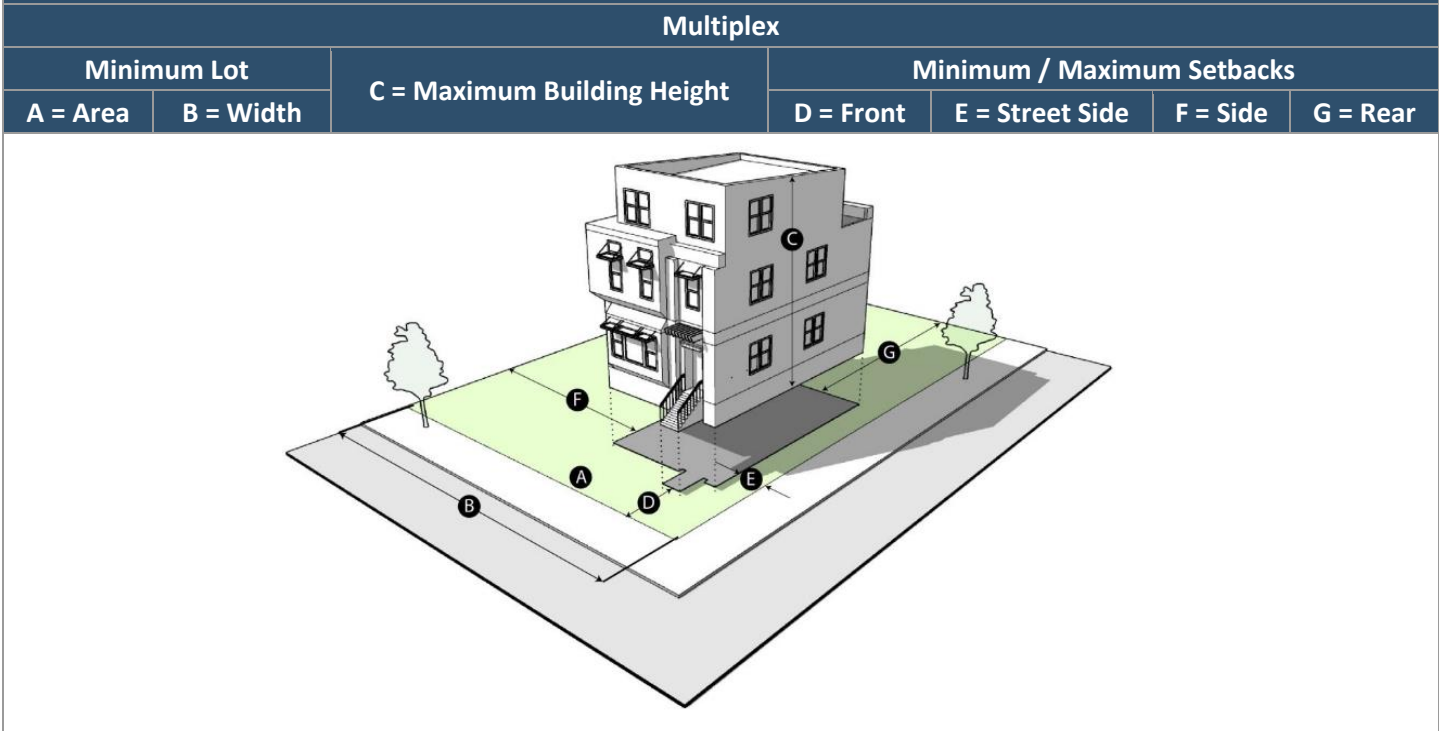


Figure 156.B.004-6
Housing and Building Type Illustrations



Section 156.B.005, Nonresidential and Mixed-Use District Development Standards

- A. **Generally.** Table 156.B.005-1, *Nonresidential and Mixed-Use District Lot and Building Standards*, establishes the dimensional standards for the various housing/building types in the nonresidential and mixed-use zoning districts. Except as provided in Section 156.B.008, *Measurements and Allowances*, and Section 156.B.006, *Development Types*, no lot shall be reduced in size so that its area, width, setback requirements, gross density, or other requirements of Table 156.B.005-1 are not maintained.
- B. **Setbacks Related to Driveways and Garages.** A minimum setback of 20 feet shall apply where a driveway provides access on a residential property from a street, other than an alley. This maintains an adequately sized parking space on the driveway between the structure and the street and helps to avoid encroachment into public sidewalks, despite lower minimum setback standards in Table 156.B.005-1 for the remainder of the building.
- C. **Measurements and Allowances Reference.** Refer to Section 156.B.008, *Measurements and Allowances*, for explanations of, and special provisions related to, the measurements and standards in Table 156.B.005-1.

Table 156.B.005-1
Nonresidential and Mixed-Use District Lot and Building Standards
(See Figures 156.B.005-1 and -2, below)

Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building		Minimum/Maximum Setbacks ⁴			
			Area	Width	Height	Frontage Build Out	Front	Side Street	Side ^{5,6}	Rear ⁶
Graphic Legend			A	B	C	D	E	F	G	H
GC - General Commercial										
Permitted Nonresidential Use	NA	15%	NA	NA	50 ft.	N/A	40 ft.	30 ft.	10ft.	10 ft.
Multiplex	21.50	N/A	1,500 s.f.	45 ft.	45 ft.	N/A	30 ft.	30 ft.	10 ft.	10 ft.
Townhouse	18.18	N/A	2,000 s.f.	20 ft.	45 ft.	N/A	30 ft.	30 ft.	5 ft.	10 ft.
Apartment	30.66	15%	1,120 s.f.	60 ft.	50 ft. ⁸	N/A	30 ft.	30 ft.	5 ft.	10 ft.
MU - Mixed-Use										
Single-Family Detached	14.30	N/A	2,500 s.f.	25 ft.	35 ft.	90%	10 ft.	10 ft.	5 ft.	15 ft.
Single-Family Attached	20.77	N/A	1,250 s.f.	25 ft.	35 ft.	90%	10 ft.	10 ft.	5 ft.	15 ft.
Townhouse	21.87	N/A	1,600 s.f.	18 ft.	45 ft.	90%	5 ft.	5 ft.	5 ft.	15 ft.
Multiplex	22.34	N/A	1,250 s.f.	40 ft.	45 ft.	90%	5 ft.	5 ft.	5 ft.	15 ft.
Apartment	30.66	15%	1,120 s.f.	60 ft.	50 ft. ⁷	90%	5 ft.	5 ft.	5 ft.	15 ft.
Mixed-Use Building	45.00	10%	N/A	N/A	75 ft. ⁷	90%	5 ft.	5 ft.	0 ft.	0 ft.
Commercial Building	N/A	15%	N/A	N/A	50 ft. ⁷	90%	5 ft.	5 ft.	0 ft.	0 ft.
Other Permitted Uses	N/A	15%	N/A	N/A	75 ft. ⁷	90 %	5 ft.	5 ft.	5 ft.	0 ft.
UC- Urban Core										

Table 156.B.005-1
Nonresidential and Mixed-Use District Lot and Building Standards
 (See Figures 156.B.005-1 and -2, below)

Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building		Minimum/Maximum Setbacks ⁴			
			Area	Width	Height	Frontage Build Out	Front	Side Street	Side ^{5,6}	Rear ⁶
Graphic Legend			A	B	C	D	E	F	G	H
Single-Family Attached	N/A/	N/A	1,250 s.f.	25 ft.	35 ft.	90%	0 ft. / 10 ft.	0 ft. / 10 ft.	0 ft.	10 ft.
Duplex	N/A	N/A	2,500 s.f.	25 ft.	35 ft.	90%	0 ft./10 ft.	0 ft. / 10 ft.	0 ft.	10 ft.
Townhouse	N/A	N/A	2,000 s.f.	20 ft.	45 ft.	100%	0 ft. / 10 ft.	0 ft. / 10 ft.	0 ft.	0 ft.
Multiplex	N/A	N/A	1,600 s.f.	40 ft.	45 ft.	100%	0 ft./10 ft.	0 ft./10 ft.	0 ft.	0 ft.
Apartment	N/A	5%	1,600 s.f.	60 ft.	50 ft. ⁷	100%	0 ft. / 10 ft.	0 ft. / 10 ft.	0 ft.	0 ft.
Mixed-Use Building	N/A	5%	N/A	N/A	75 ft. ⁷	100%	0 ft. / 10 ft.	0 ft. / 10 ft.	0 ft.	0 ft.
Commercial Building	N/A	N/A	N/A	N/A	50 ft. ⁷	100%	0 ft. / 15 ft.	0 ft. / 30 ft.	0 ft.	0 ft.
Other Permitted Uses	N/A	5%	N/A	N/A	125 ft.	100%	0 ft. / 10 ft.	0 ft. / 10 ft.	0 ft.	0 ft.
UC-HD - Urban Core Historic District Overlay										
Apartment	21.87	5%	1,600 s.f.	60 ft.	50 ft. ⁷	100%	0 ft./5 ft.	0 ft.	0 ft.	0 ft.
Mixed-Use Building	45.00	5%	N/A	N/A	75 ft. ⁷	100%	0 ft./5 ft.	0 ft.	0 ft.	0 ft.
Commercial Building	N/A	N/A	N/A	N/A	50 ft. ⁷	100%	0 ft./5 ft.	0 ft.	0 ft.	0 ft.
Other Permitted Uses	N/A	5%	N/A	N/A	125 ft.	100%	0 ft./5 ft.	0 ft.	0 ft.	0 ft.
GI - General Industrial										
Permitted Use	N/A	10%	N/A	N/A	75 ft.	N/A	30 ft.	15 ft.	10 ft.	10 ft.

Notes:

1. Refer to Sections [156.C.004](#), *Limited Use Standards*, and [156.C.005](#), *Special Use Permit Standards*, for additional standards that may apply to a given housing type.

Table 156.B.005-1
Nonresidential and Mixed-Use District Lot and Building Standards
(See Figures 156.B.005-1 and -2, below)

Housing/Building Type ¹	Maximum Gross Density (Units / Acre)	Common Civic or Open Space / Landscape Surface Area Ratio ²	Minimum Lot ³		Maximum Building		Minimum/Maximum Setbacks ⁴			
			Area	Width	Height	Frontage Build Out	Front	Side Street	Side ^{5,6}	Rear ⁶
Graphic Legend			A	B	C	D	E	F	G	H

- Minimum common civic or open space is calculated based on a percentage of the overall subdivision and applies to residential and mixed-use districts. Landscape surface area ratio is calculated based on a percentage of the lot and applies to nonresidential developments.
- Minimum lot area is calculated on a "per dwelling unit" basis. Minimum lot width is calculated for the entire lot.
- Where "##/##" is shown, the first number (including zero) is the minimum setback and the second number is the maximum. If only one number is shown, then maximum setback does not apply.
- Zero feet is the side setback for the shared party wall between townhouse units.
- For nonresidential uses, applies if adjacent to a residential use or zoning district. 0' for nonresidential uses if adjacent to any other use or zoning district.
- The maximum number of stories and/or height of an apartment, commercial, or mixed-use buildings may be increased by Special Use Permit as set forth in [Section 156.C.005, Special Use Permit Standards](#).

Figure 156.B.005-1
Housing and Building Type Illustrations

Commercial Building

Minimum Lot		Maximum Building		Minimum / Maximum Setbacks			
A = Area	B = Width	C = Height	D = Frontage Build Out	E = Front	F = Street Side	G = Side	H = Rear

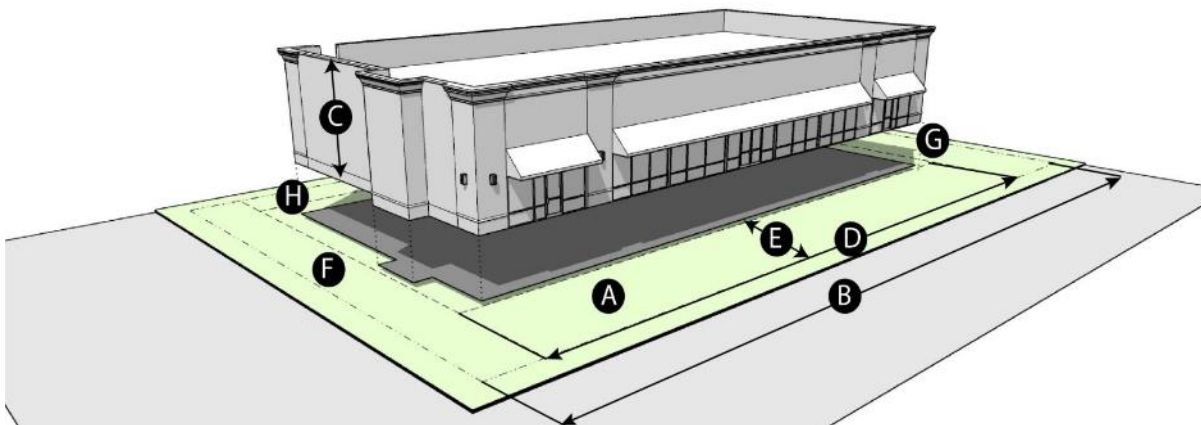
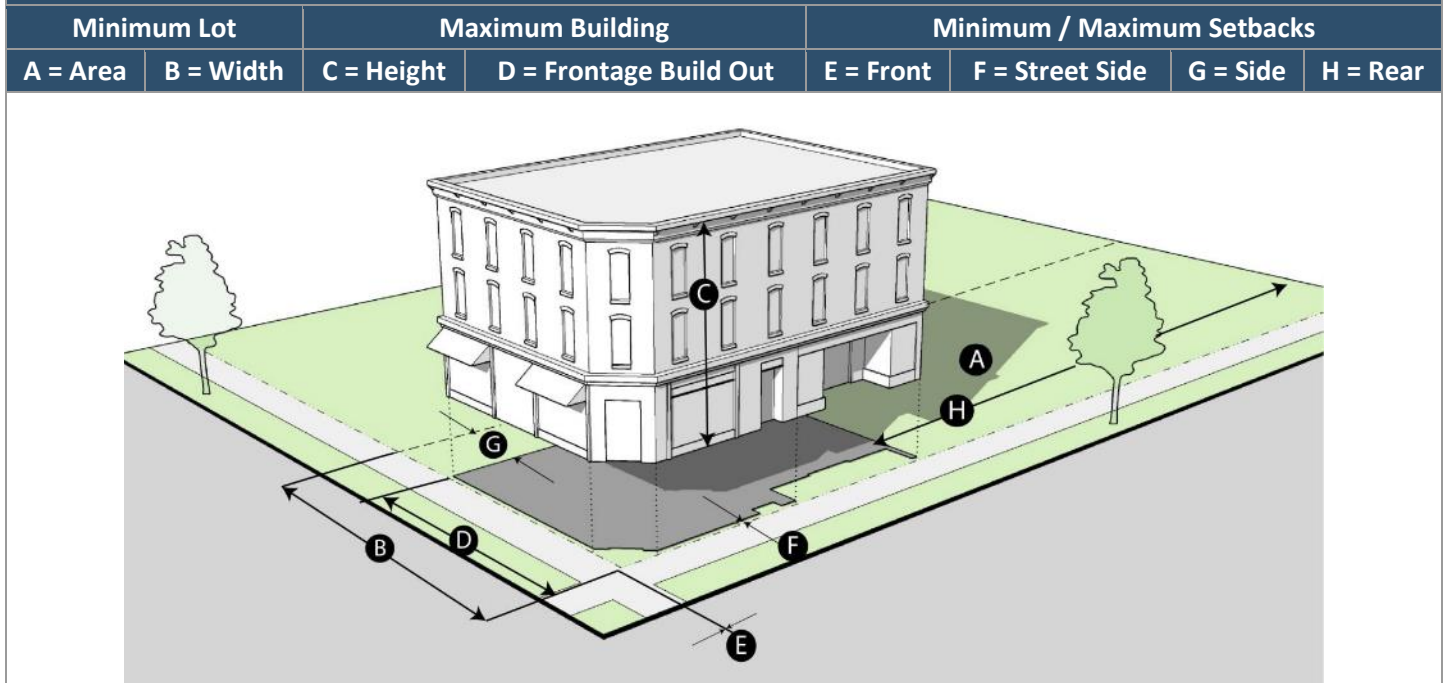


Figure 156.B.005-2
Housing and Building Type Illustrations

Mixed Use Building



Section 156.B.006, Development Types

- A. **Development Types.** New developments that are primarily residential or mixed-use are classified into conventional, cluster, and infill. Development of any development type permitted in the zoning district is at the option of the applicant. Where more than one development type is permitted in a zoning district, no development type is mandatory. Refer to Section 156.B.004, *Residential District Development Standards*, for lot density and dimension standards related to each permitted development and housing type combination.
- B. **Permitted Residential Districts.** Table 156.B.006-1, *Permitted Development Types by Residential District*, establishes the development types that are permitted in each residential zoning district.

Table 156.B.006-1
Permitted Development Types by Residential District

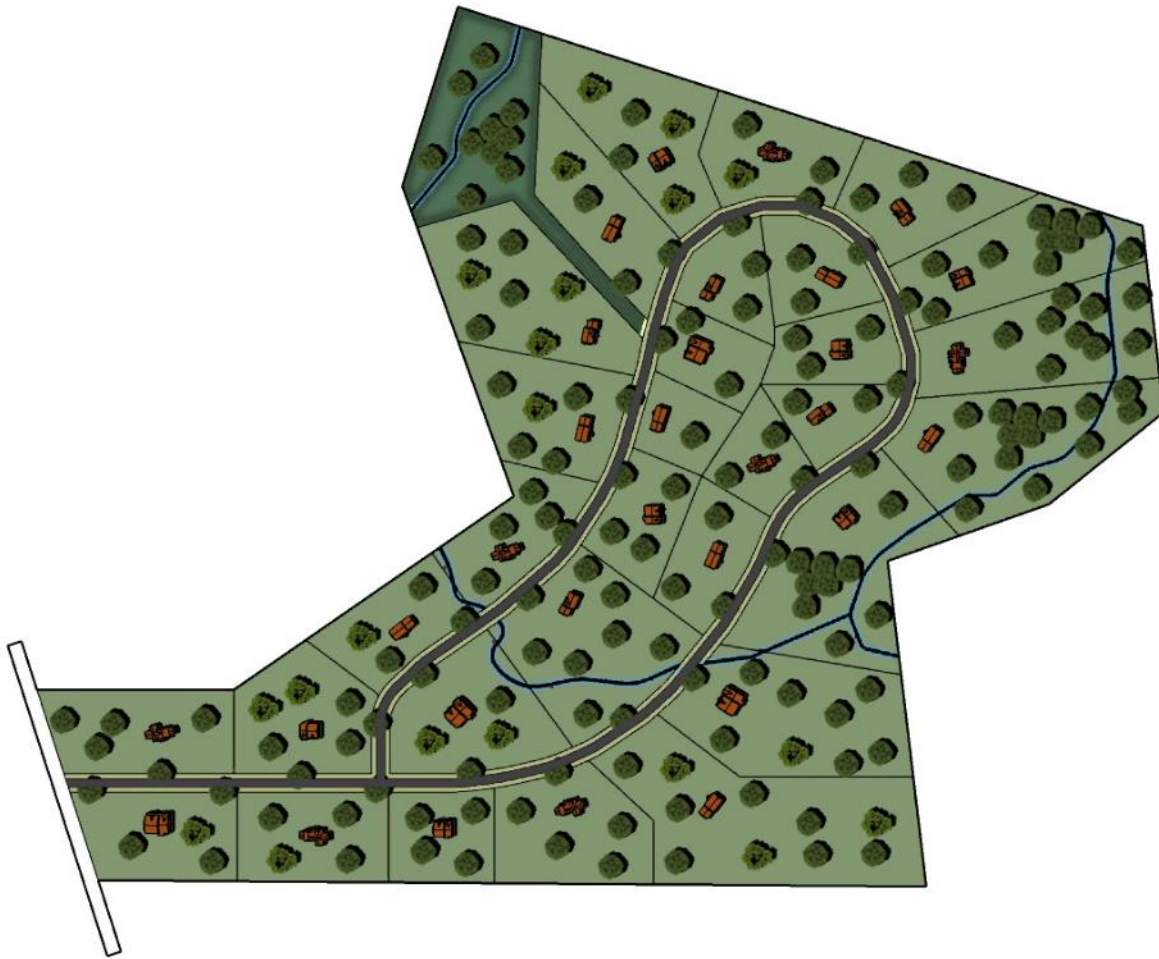
Development Types	AG	RR	RL	RM	RH
	"P" = Permitted "--" = Not Permitted				
Conventional	P	P	P	P	P
Cluster	--	--	P	--	--
Infill	--	--	--	P	P
Tiny House or Cottage Court	--	--	--	P	--

- C. **Applicability.** This Section established standards that are specific or unique to the various permitted development types.
- D. **Development Types.**
1. *Conventional.*
 - a. *Description.* The conventional development type, as depicted in Figure 156.B.006-1, is a pattern that allows primarily residential uses and that provides the majority of residential property owners with private open

space on their own property. A conventional development type consists of varying housing types depending on the zoning district and minimum lot size is a primary factor in the character built environment of the development.

- b. *Standards.* All the requirements of this Article shall apply to conventional development types unless otherwise specified.

Figure 156.B.006-1
Conventional Development Type



2. *Cluster.*

- a. *Description.* A cluster development type, as depicted in Figure 156.B.006-2, consists of smaller lots than conventional development that are clustered together in order to provide for common civic and open spaces. The common open space may be set-aside for resource features such as private parks, recreation areas, woodlands, creeks, streams, and their riparian areas, floodplains, and similar features. Cluster development may be used to preserve environmental resources by clustering lots on the buildable portions of the property.
- b. *Housing Types.* At least two permitted housing types as listed in Table 156.C.003-1, *Use Table*, shall be provided and no one lot size/configuration dwelling type may exceed a total of 70 percent of all the residential units in the development.
- c. *Minimum Site Area.* The minimum site area required for a cluster development is 5 acres.
- d. *Common Civic and Open Space Requirements.*

- i. Regardless of whether common open space is on privately or publicly owned property, the space shall be open to the public at the same hours as a comparable City park.
 - ii. A minimum of 75 percent of the required civic and open space shall consist of the natural area open space type per [Section 156.B.006, Civic and Open Space Types](#). Open space shall be integrated into the development design so as to bring access to significant open space to the maximum number of properties; provided, however, that physical access may be limited if such limitation would materially enhance natural resource management.
 - iii. Land area within the cluster development dedicated to permitted Public and Institutional, Office, and Retail, Sales, and Service use categories shall not exceed 10 percent of the total land area of the development. In addition, such uses may be counted toward 10 percent of the common open space requirement established in [Section 156.B.004, Residential District Development Standards](#). For example, a 20-acre cluster development with single-family attached and detached dwellings requires three acres (15% of the development) of civic and common open space. The development may have up to two acres of nonresidential uses and 13,068 square feet of the nonresidential development counts toward the civic and open space requirement.
- e. *Minimum Lot Area Adjacent to Other Development.* Where adjacent to existing conventional single-family development, cluster development lots on the perimeter shall be:
- i. Equal to or greater than the lot area and width of the adjacent lots;
 - ii. Separated from adjacent lots by a Type A bufferyard; or
 - iii. The dwelling units on the perimeter cluster lots shall be set back from the boundary of the cluster development a minimum of the following distances based on the number of cluster lots being developed:
 - (A) One to 10 lots: 30 feet;
 - (B) 11 to 30 lots: 40 feet; and
 - (C) 31 or more lots: 50 feet.
- f. *Distance from Residential Lots.* All required common open space types shall be located a minimum of 1,200 feet from any residential lot within the cluster development, measured along a sidewalk or trail from the nearest property line of the lot to the nearest property line of the open space.
- g. *Buffering Requirements.* A bufferyard along the perimeter of the cluster development may count toward the required common open space. However, no more than 25% of the total required open space may be within the perimeter buffer yard.
- h. *Shoulders and Drainage Swales.* Improved shoulders and drainage swales, designed in accordance with design standards approved by the City Engineer, may be utilized rather than curbs.

Figure 156.B.006-2
Cluster Development Type



3. *Infill.*

- a. *Description.* An infill development type, as depicted in Figure 156.B.006-3, consists of smaller lots and greater densities than conventional or cluster developments that make efficient use of land and infrastructure on vacant or underutilized lots in already developed areas.

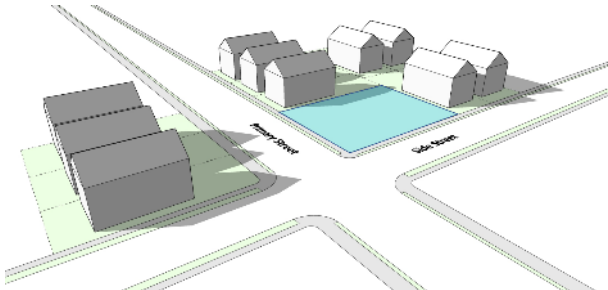
Figure 156.B.006-3
Infill Development Type

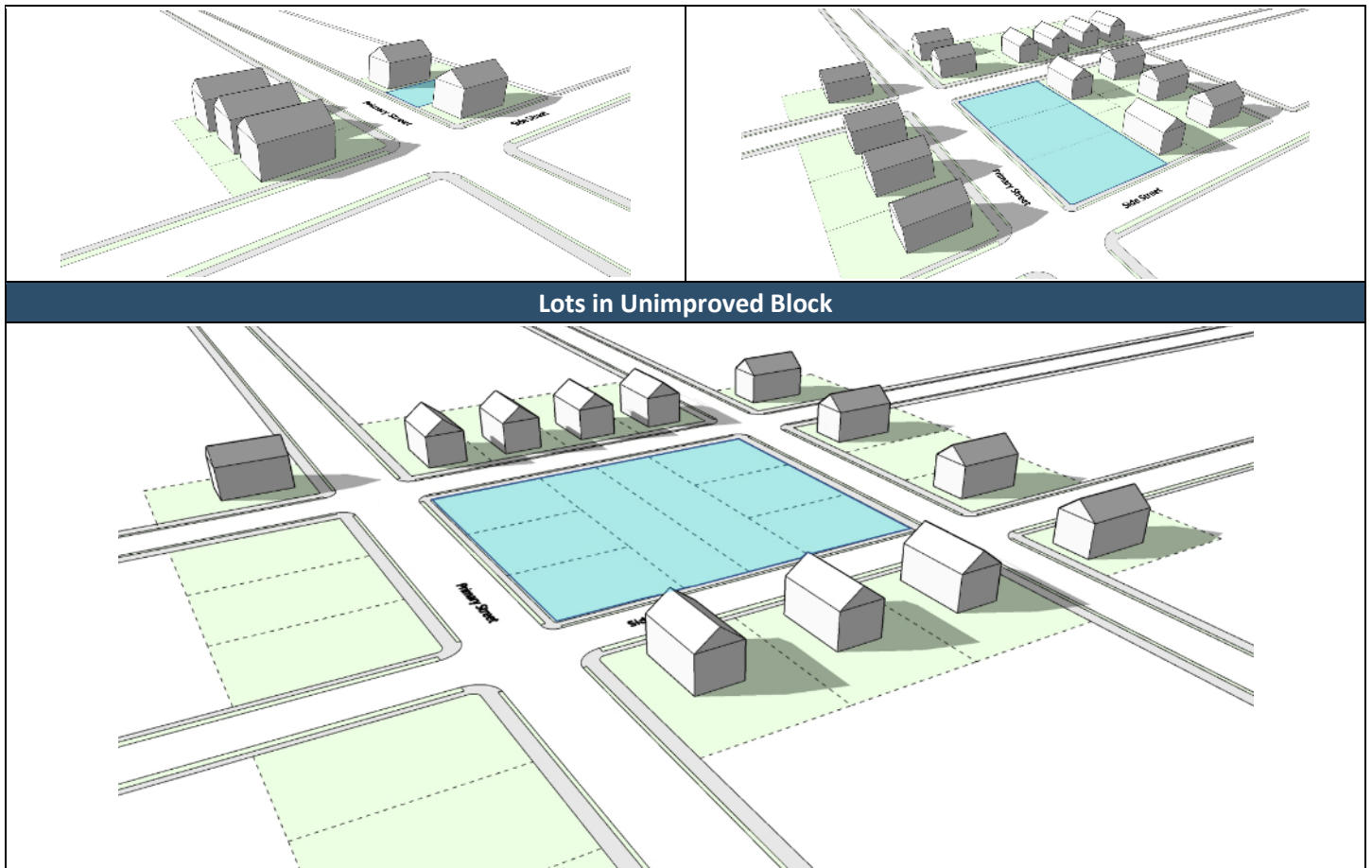


- b. *Eligibility for Infill.* An infill development type may be located on any parcel:
- Vacant or Unoccupied.* That is surrounded by existing developed properties and has been vacant or unoccupied for more than one year;
 - Utility Easements.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are utility easements that create a substantial break in development or redevelopment potential;
 - Environmental Constraints.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are encumbered by environmentally sensitive or constrained areas such as floodplains; or
 - Existing Development.* Where adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property are developed with single-family dwellings of higher density or intensity uses.
- c. *Appearance.* Infill development shall be constructed to be generally compatible in appearance with other existing structures in the context, as established in Paragraph e, *Context*, below, that comply with this Ordinance.
- d. *Alternative Standards.* In place of the standards in [Section 156.B.004, Residential District Development Standards](#), and other standards of this Ordinance, the applicant may utilize the following alternative standards.
- e. *Lot Area and Width.* The minimum lot area may be that of the smallest lot in the context of the development, as defined in Paragraph e, *Context*, below. The minimum lot width may be that of the narrowest lot in the context of the development. Refer to [Chapter 157, Land Subdivision Regulations](#), for requirements related to replatting existing lots.
- f. *Maximum Building Height.* The maximum building height may be that of the tallest building in the context, plus 15 percent of the height.
- g. *Minimum / Maximum Setbacks.*
- The minimum front or street side setback may be that of 80 percent of the average front or street side setbacks in the context of the development.
 - The maximum front and street side setback, where applicable, may be that of the average of the front and street side setbacks of the context of the development, plus 10 percent.

- iii. The minimum side and rear setbacks may be that of 80 percent of the average side or rear setbacks in the context of the development.
- h. *Buffering.* Except as required for specific uses in [Article C, Use Standards](#), where a buffer is required along a street or parking area, or between zoning districts, the buffer width and planting materials per 100 feet may be reduced by 50%.
- i. *Parking.* The development may take advantage of the parking credits and reductions in [Section 156.E.006, Parking Credits and Reductions](#).
- j. *Context.* This Subsection identifies various contexts that inform the allowances provided in Subsection d., *Alternative Standards*, above, and as depicted in Figure 156.B.006-4, *Context Illustrations*.
 - iv. *Alley Lot.* If the infill site is an alley lot (shown in blue), then the context consists of other adjacent alley lots and the surrounding lots within the block that includes the infill site (shown in green).
 - v. *Corner Lot.* If the infill site is a corner lot, then the context consists of both block faces that include the infill site and the lots directly across the street from the infill site.
 - vi. *Interior Lot.* If the infill site is an interior lot, then the context consists of the block face that includes the infill site and the lots directly across the street from the infill site.
 - vii. *Lots in Unimproved Block Face.* If the infill site is within a block face that does not include other lots improved with buildings, then the context consists of the opposing block faces (being immediately opposite the same street as the project site) and the remaining lots on the block of the infill site.
 - viii. *Lots in Unimproved Block.* If the infill site is within a block that does not include other lots improved with buildings, and the block face opposite the given project site does not include other lots improved with buildings, then the context consists of the block faces surrounding the block that includes the infill site.

**Figure 156.B.006-4
Context Illustrations**

Alley Lot	Corner Lot
	
Interior Lot	Lots in Unimproved Block Face



Lots in Unimproved Block

4. *Tiny House Neighborhood or Cottage Court.*

- a. *Description.* A tiny house neighborhood or cottage court development type, as depicted in Figure 156.B.006-5, broadens the diversity of housing options available in the community to provide accessible, adequate, and affordable housing. This development type contains single-family detached housing units typically arranged in a cluster of four to 12 dwelling units around a common open space, and may include a common building as an amenity (e.g., a common kitchen or meeting area) and accessory building. Vehicular access may be provided by a shared parking lot.
- b. *Building Requirements.*
 - i. *Tiny House.*
 - (A) *General Standards.* Tiny houses shall comply with the building requirements established in Appendix Q of the ICC International Residential Code, as updated.
 - (B) *Maximum Floor Area.* Tiny houses shall include a total maximum floor area of 400 square feet, excluding any loft space.
 - (C) *Permanent Foundations.* Tiny Houses that are part of a tiny house neighborhood shall be constructed on a permanent foundation. Tiny Houses on wheels or other non-permanent foundations are regulated as Recreational Vehicles and are prohibited from being part of a tiny house neighborhood.
 - (D) *Prefabricated Tiny Houses.* A Prefabricated tiny house is required to be skirted.
 - (E) *Tiny Houses on Wheels.* Tiny Houses on Wheels sited as a component of a tiny house neighborhood that built upon a mobile chassis where the suspension/axle components remain are considered semi-permanent and the chassis shall be attached on an approved foundation system.

- ii. *Cottage Court.*
 - (A) *Maximum Floor Area.* Cottage court units shall include a total maximum floor area of 1,200 square feet.
- c. *Minimum Site Area.* The minimum site area for the development of a tiny house neighborhood or cottage court development type shall be one-half acre. The maximum site area shall be no greater than five acres.
- d. *Common Areas.* The following shall apply to both tiny house neighborhood and cottage court development types:
 - i. Common open space shall be a minimum of 30 percent of the overall site and shall include a central green, lawn or garden area, playground, or plaza as a central focal point of all dwellings.
 - ii. Common improvements of common area shall include pedestrian walkways connecting each dwelling unit to a community-wide sidewalk network, shared parking areas or garages, and a Type A bufferyard around the perimeter of the site that preserves existing vegetation and incorporates landscape materials, earthen berm, or a wall or fence to provide a visual buffer from adjacent development. See Section [156.F.004](#), *Buffering*.
 - iii. If a common building is permitted as accessory to a tiny house neighborhood and may serve all residents. Its gross floor area shall be no greater than 10 percent of the site area. A common building may include a kitchen and meeting and/or indoor recreation facilities (but no bedrooms).
- e. *Bufferyard Requirements.* Where located adjacent to a separate property in an AG, RR, RL, or mixed use district, a Type B bufferyard in accordance with Section [156.F.004](#), *Buffering*, shall be planted around the outer perimeter of the community.
- f. *Required Vehicular Access to Tiny House Neighborhood or Cottage Court Development Types.* A tiny house neighborhood or cottage court development types require direct access from a local, minor, or collector street type.
- g. *Garages.* The following garage structure requirements shall apply to both tiny house neighborhood and cottage court development types:
 - i. If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.
 - ii. Garage doors are prohibited from facing public streets rights-of-way unless screened by a Type B bufferyard.
 - iii. A garage shall not exceed four car bays.
 - iv. Garage buildings shall be consistent in architecture, materials, and color to the principal dwellings.

Figure 156.B.006-5,
Tiny House Neighborhood or Cottage Court Development Type



Section 156.B.007 Civic and Open Space Types

- A. **Generally.** In order to ensure that a variety of functional, well-designed civic and open spaces are distributed throughout the City, cluster developments shall have a civic and open space component as required in [Section 156.B.004, Residential District Development Standards](#), and [Section 156.B.005, Nonresidential and Mixed-Use District Development Standards](#).
- B. **Function.** Open space may be integrated into the on-site stormwater management system to maximize the usable portion of a property. Low-impact development improvements may be used and count toward the open space requirements of the development. Such improvements include, but are not limited to, bioretention, enhanced detention, and infiltration basins, such as inverted vegetated islands within parking lots, rain gardens, reduced impervious areas, vegetated swales, rain barrels and cisterns, and pervious pavements.
- C. **Location.** Civic and open space shall be readily accessible to and visible from the street and connected to a public sidewalk.
- D. **Perimeter Access.** A minimum of 25 percent of the perimeter of required open space shall abut a street.
- E. **Accessibility.** The civic and open space shall be designed in accordance with the Americans with Disabilities Act requirements.
- F. **Availability.** If the open space permits general public access, the space shall include signage posting the hours available for public usage. The signage shall not count against total signage permitted as set forth in [Article G, Signs](#).
- G. **Exclusions.** The following areas shall not be counted as open space:
1. *Yards.* Private yards on individual lots;
 2. *Driveways and Landscaping.* Driveways, parking areas, and required landscape islands;
 3. *Stormwater Management.* Stormwater management areas that do not count as stormwater best management practices according to the requirements of [Statewide Urban Design and Specifications \(SUDAS\)](#) requirements and the water quality management provisions of [Iowa Stormwater Management Manual, Chapter 2](#).
 4. *Structures.* Land covered by structures not designated for active or passive recreational uses; and
 5. *Outdoor Display and Storage.* Designated outdoor display and storage areas, as permitted.
- H. **Open Space Categories.** Permitted public civic and open spaces include any open space in [Table 156.B.007-1, Public Civic and Open Space Standards](#). Permitted private open space includes such amenities as forecourts, courtyards, or other amenities acceptable to the Zoning Administrator.

Table 156.B.007-1
Public Civic and Open Space Standards

Type	Standard
Plaza 	General Character - Formal open space - Defined seating areas - Balance of hardscape and plantings - Spatially defined by building entries Location and Size - Minimum area: 900 square feet - Maximum area: 22,000 square feet - Minimum width: 30 feet - Minimum pervious cover: 25 percent - Permitted zoning districts: MU, UC, GC, PI
Pocket Park 	General Character - Formal open space - Spatially defined by buildings or streets - Open shelters, paths, lawns, and trees - Walkways and plantings at all edges - Abundant seating opportunities Location and Size - Minimum area 2,500 square feet - Maximum area: 10,000 square feet - Minimum width: 60 feet - Minimum pervious cover: 60 percent - Permitted zoning districts: MU, UC, GC
Common Green 	General Character - Small semi-urban open space responding to specific user groups and space available - Range of character can be for intense use or aesthetic enjoyment Location and Size - Minimum area 5,000 square feet - Maximum area: 2 acres - Minimum pervious cover: 75%; the remainder may consist of amenities, crushed stone, pavers, or other materials and features acceptable to the Zoning Administrator - Within a ¼ mile of all residences - Permitted zoning districts: MU, UC, GC, PI

Table 156.B.007-1
Public Civic and Open Space Standards

Type	Standard
Promenade 	General Character - Linear shaded public open space - Allow for social and commercial activity to spill into the public realm - Consist of a hardscape pathway with permeable and/or impermeable pavers and surfaces, and activated by building entries that face onto it - Landscaped, and activated with seating areas, patios, sidewalks, fountains, and similar amenities Location and Size - Minimum width: 16 feet - Maximum width: 30 feet - Minimum pedestrian passage width: 8 feet - Minimum pervious cover: 20 percent - Located to provide inter-block connections from one street to another - Permitted zoning districts: MU, UC, GC
Rooftop Garden 	General Character - Vegetated space on top of a flat or gently-sloped roof - Space is usable by the general public, residents, employees, or customers Location and Size - Roof load: A registered professional engineer shall certify that the roof can support any proposed new loads and whether any additional steps are required to keep new roof components in place when subjected to a wind speed of more than 90 mph. - Roof edge protection: To avoid loose material from falling, a perimeter opaque barrier shall be established on the perimeter of the garden with a minimum height of 42 inches. - Permitted zoning districts: MU, UC, GC
Parklet 	General Character - Sidewalk extension that provides seating, plantings, and other amenities. - Typically installed in parallel, on-street parking spaces - Extend out from the sidewalk at the level of the sidewalk to the width of the parking space(s) Location and Size - Minimum area: 180 square feet - Maximum area: 360 square feet - Minimum planted area: 25 percent - Encroachment: Temporary or permanent right of Way Permit required

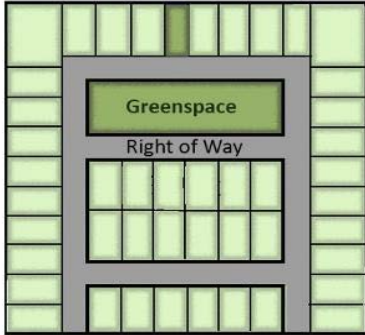
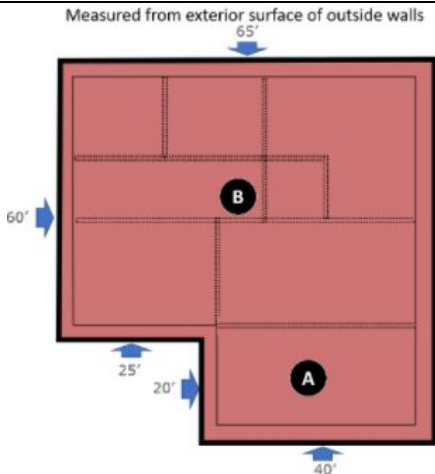
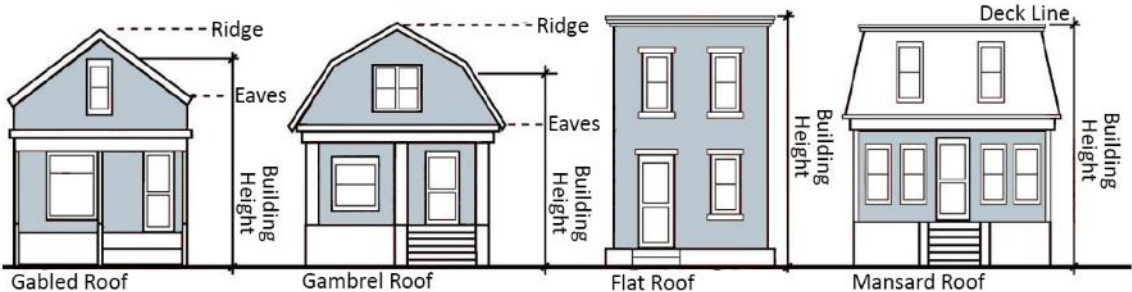
Table 156.B.007-1
Public Civic and Open Space Standards

Type	Standard
	- Protection: A perimeter barrier shall be established with a minimum height of 36 inches and a maximum height of 42 inches. - Permitted zoning districts: MU, UC
Civic Space 	General Character - Consists of permitted uses for the district in the Government Facilities, Office, and Retail Repair, Sales, and Service use categories - Serves as a focal point in the development. - In a cluster development may only consist of 10 percent of the site area and may only count toward a maximum of 10 percent of required open space Location and Size - Minimum area: Minimum lot size for the district - Maximum area: 7,500 square feet - Minimum landscaped area: 25 percent - Permitted zoning districts: RL, MU, UC, GC, PI
Natural Area 	General Character - Informal natural space and/or green infrastructure for stormwater treatment purposes - Spatially defined by natural features - Paths, meadows, and wooded areas are designed to reflect the natural and cultural heritage of the site - Potential to interconnect with other natural areas Location and Size - Minimum area: 1 acre - Minimum width: 25 feet at its narrowest point - Located in areas of sensitive environmental resources, including but not limited to woodlands, waterways and riparian buffers, steep slopes, and floodplains - Permitted zoning districts: RL (Must comprise 75% of open space in a cluster development), RM

Section 156.B.008, Measurements and Allowances

Subsection 156.B.008.a Measurements

Table 156.B.008.a-1, *Measurements*, below, provides the method of measurement for the developmental standards in this Ordinance.

Table 156.B.008.a-1 Measurements		
Measurement	Methodology	Illustration
Gross Density	The number of dwelling units divided by gross acres. With gross acres being the site area minus the area of open space.	 Gross Density 12 acres of land including 2 acres of open space and right-of-way 45 Units/10 Gross Acres = 4.5 Units per Acre
Gross Floor Area	The total area of all the floors of a building, including intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building.	 Measured from exterior surface of outside walls A: 40' x 20' = 800 sq. ft. B: 60' x 65' = 3,900 sq. ft. A + B = 4,700 sq. ft. Gross Floor Area = 4,700 sq. ft.
Height	Buildings: The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the average height between eaves and the ridge of a gable, hip or gambrel roof.	
	 Diagram illustrating height measurement for different roof types: Gabled Roof: Height measured from grade to the ridge. Gambrel Roof: Height measured from grade to the average height between the eaves and the ridge. Flat Roof: Height measured from grade to the deck line. Mansard Roof: Height measured from grade to the deck line.	

**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
	Walls or Fences: The height of a wall or fence is measured from the lowest grade level within three feet of either side of the wall or fence to the top of the wall or fence.	
Lot Area	The total horizontal area included within property lines.	
Lot Width	The horizontal distance between the side property lines, measured at the minimum front setback line.	
Lot Types	Alley Lot. A lot abutting an alley right-of-way and that does not abut any other street at any point. Corner Lot. A lot abutting two streets at their intersection. Through or Double-Frontage Lot. An interior lot that fronts on two streets that do not intersect at the boundaries of such a lot. The required front yard setback shall be provided on both street frontages. Interior Lot. A lot whose side lot lines abut alley rights-of-way or other lots instead of non-alley public or private rights-of-way.	

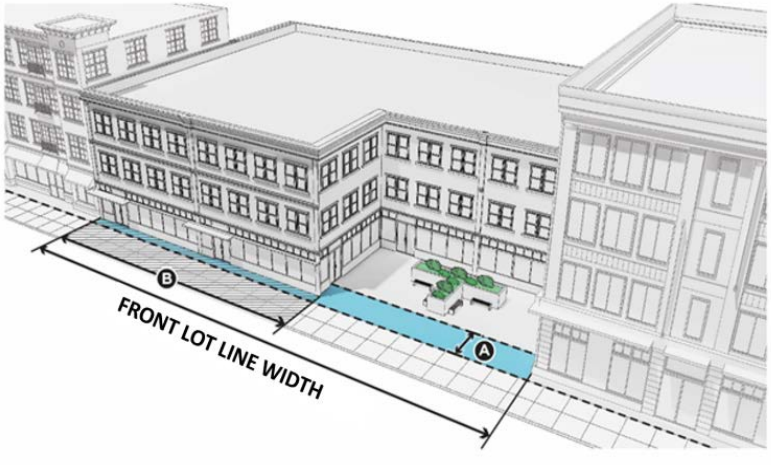
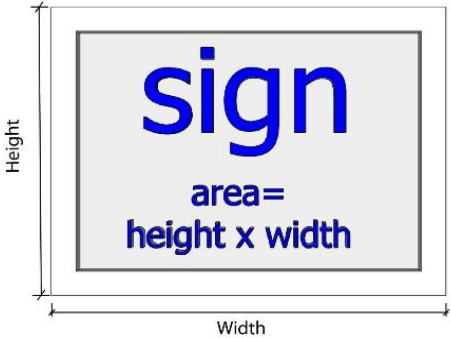
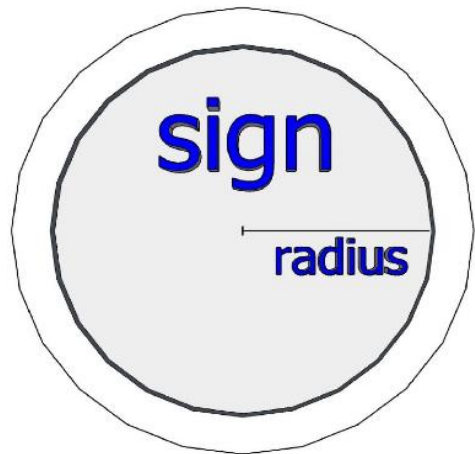
**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
	Triple- / Multi-frontage Lot. A lot abutting more than two non-alley street rights-of-way.	
Setback, Required	The horizontal distance of a required open space at grade between the outer wall of a building or structure and the adjoining property lines, unoccupied and unobstructed by any portion of a structure from the ground upward. The front and rear setback lines span the entire width or length of the property. The side and side street setback lines extend from the required front setback line to the required rear setback line. Setbacks are defined in TABLE 156.B.004-1 and TABLE 156.B.005-1.	

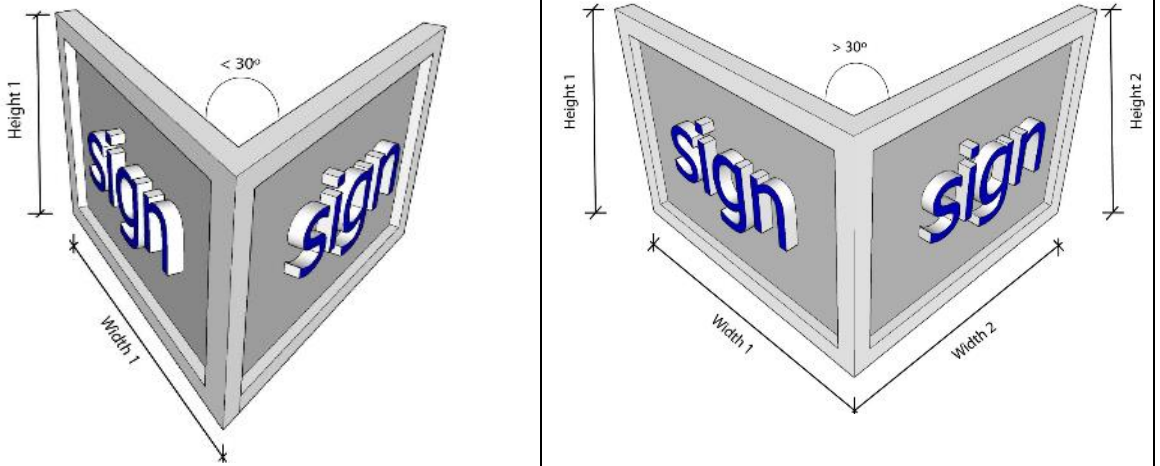
**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
Visibility Triangle	A triangular area that includes that portion of public right-of-way and any private property within a triangle formed by a diagonal line extending through points on the two property lines 20 feet from the street corner intersection of the property lines. The vertical dimensions of this triangle are two feet to six and one-half feet above finished grade.	The top diagram illustrates the visibility triangle at a street corner. A diagonal line extends from the intersection of the property lines, forming a triangle. The dimensions A and B are marked as 20 feet. The bottom diagram illustrates the vertical dimensions of the visibility triangle. A tree is shown in a street corner. The vertical dimensions A and B are marked as 6' 6" and 2' respectively.

**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
Frontage Buildout	The minimum percentage of the lot width that must be occupied by building façade (B) within the minimum and maximum setback (A). For example, a property which is 100 feet wide with a Frontage Buildout of 60% would require that at least 60 feet of façade length be maintained within the minimum and maximum setback. Any additional length of front façade would be allowed to step back further from the setback range, if desired. The intent of this requirement is to encourage development to maximize its front façade exposure along the Street.	 A Area between the minimum and maximum front street setback B Building width between minimum and maximum setback
Sign Area	Frame or Cabinet Signs: Where a sign is enclosed in a frame or cabinet, the area of the entire surface of the sign face within a single continuous perimeter enclosing the extreme limits of the sign and not passing through or between any adjacent elements of the sign. That perimeter does not include any structural or framing elements lying outside the limits of the sign face unless such elements consist of a corporate logo that is part of the face, frame, or cabinet of the sign.	 Height Width area= height x width  sign radius Area: 3.14 x radius²

**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
	Channel Letters: Where a sign consists of individual letters, words or symbols attached to a surface, the area of the smallest rectangle that completely encompasses all such letters, words or symbols and any accompanying background of a color different than the color of the wall or sign face.	
	Multi-Sided Signs: For projecting or double-faced signs, only one display face is measured in computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is 30 degrees or less, provided that the signs are mounted on the same structure. If the sign faces are not parallel or within 30 degrees of parallel, each sign face is counted as a separate sign. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.	

**Table 156.B.008.a-1
Measurements**

Measurement	Methodology	Illustration
Sign Height	The distance from the topmost point of the sign to the lowest grade level adjacent to the sign (A). The base and sign supports are included as part of the sign height.	
Sign Setback	The distance from a property line (C) to the nearest part of the sign (B).	

Subsection 156.B.008.b Allowances

- A. **Generally.** The provisions of this Section set forth any special cases that warrant flexibility in the developmental standards in this Zoning Ordinance.
- B. **Lot Width and Area.** At the option of the applicant, the minimum lot area and width dimensions in Section 156.B.004, *Residential District Development Standards*, may be considered averages for an individual conventional development in each zoning district or cluster development in the RL district. Lot averaging may only be applied where both of the following conditions apply:
 1. The average lot area and average lot width of the development are equal to or greater than the lot area and lot width specified in Section 156.B.004.
 2. No lot shall have a lot area or lot width that is less than 90 percent of the minimum lot area or lot width specified in Section 156.B.004 (see Figure 156.B.008.b-1, *Lot Averaging*).

Figure 156.B.008.b-1
Lot Averaging

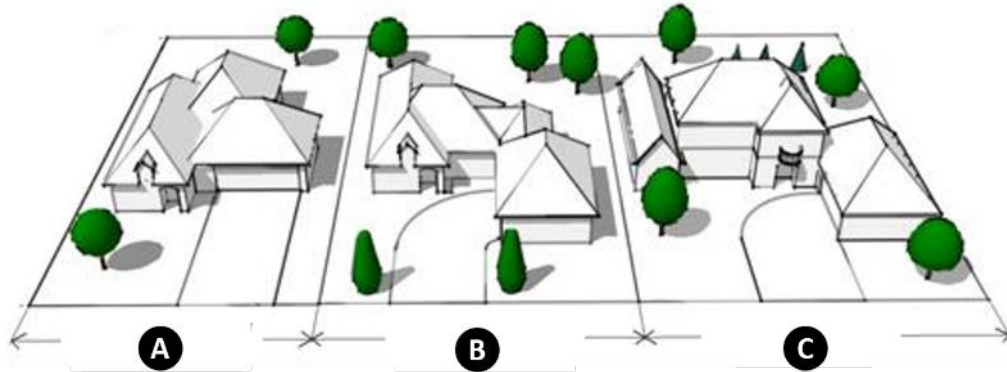


Figure Notes:

A = Narrow Lot | B = Normal Lot | C = Wide Lot

C. Height Requirements.

1. *Exemptions.* Unless otherwise expressly stated, the height regulations in this Ordinance do not apply to penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers attached to a building, steeples, flagpoles attached to a building, chimneys, smokestacks, water tanks, silos, grain elevators, or similar structures.
2. *Floor Space Calculation.* No penthouse, roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.
3. *Setback Plane.* As depicted in Figure 156.B.008.b-2, *Setback Plane*, where a multi-family, nonresidential, or mixed-use building adjoins a property with a single-family detached or attached dwelling, the building height may be increased beyond the maximum permitted if the setback nearest the adjoining residence is increased one foot for each one foot of height above the maximum permitted height.

Figure 156.B.008.b-2
Setback Plane

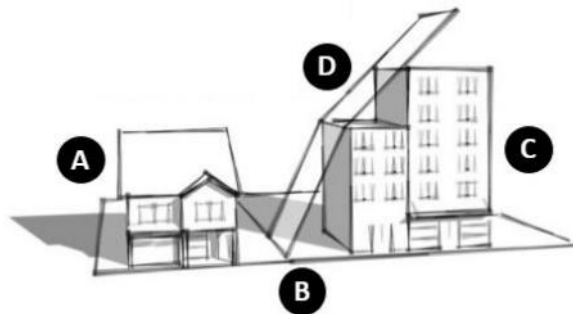


Figure Notes:

A = Single-Family or Duplex | B = Zoning District and Property Line | C = Multi-family, Nonresidential, or Mixed Use | D = Total Setback is the Minimum Setback Plus 1 Foot for Every 1 Foot the Structure Exceeds the Maximum Height of the District

D. **Yard Requirements.** The yard requirements in this Ordinance do not apply to the following projections into required yards:

1. *Fire Escapes, Stairs, and Balconies.* Unenclosed fire escapes, stairways, and/or balconies, covered or uncovered, shall extend not more than four feet into the required front or rear yard.

2. *Architectural Features.* Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, box windows, or other similar architectural features that do not bear on the foundation shall project not more than two feet into any required yard.
 3. *Bay Windows and Chimneys.* Within any residential district, bay windows (with a gross floor area of less than or equal to 12 square feet) shall extend not more than two feet into any required yard.
 4. *Cul-de-Sacs.* For lots fronting on cul-de-sacs, the minimum front yard shall be five feet.
 5. *Garages.* Front-loaded garages shall have a minimum setback of 20 feet, regardless of the required minimum setback for the remainder of the building.
- E. **Lots.** Regardless of the lot area or width, all lots in the RM and RH districts that existed prior to April 12, 2010, are deemed "conforming" with respect to lot area and lot width if they contain an existing, permanent, permitted residential dwelling. The lot width and area requirements of [Section 156.B.004, Residential District Development Standards](#), apply only in the event of a replatting of the property.

ARTICLE C – USE STANDARDS

Section 156.C.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to establish the allowable land uses in each base zoning district and to provide standards for principal, accessory, and temporary uses.
- B. **Applicability.** No building shall be erected, or structurally altered, nor shall any building or land be used, except for a use permitted in the district in which the building or land is located.

Section 156.C.002, Use Table Legend

- A. **Using the Use Table.** Table 156.C.003-1, *Use Table*, lists land uses in rows, organized by use category. The base zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, permitted with limitations, special, or prohibited in the district.
- B. **Use Categories.** Uses are grouped in Table 156.C.003-1 by use category. Use categories are defined, and specific uses that make up a use category are listed, in [Section 156.M.002, Definitions](#).
- C. **Abbreviations.** Table 156.C.003-1 uses the following abbreviations:
 - 1. "P" means that the land use is permitted by right, subject to the standards that apply to all permitted uses.
 - 2. "L" means that the land use is permitted with limitations, in the same manner as a Permitted Use, but is also subject to [Section 156.C.004, Limited Use Standards](#).
 - 3. "S" means that the use is allowed as a Special Use, which may be approved following a public hearing by the Plan and Zoning Commission and the City Council, subject to:
 - a. [Section 156.C.005, Special Use Permit Standards](#); and
 - b. The procedures set forth in [Section 156.J.003, Legislative Review Procedures](#).
 - 4. "--" means that the use is a Prohibited Use in the specified district.
 - 5. "Cv" means the Conventional development type.
 - 6. "Cl" means the Cluster development type.
 - 7. "In" means the Infill development type.
- D. **Special and Limited Uses.** Where a specific use is a Special Use in a given district and permitted with limitations in another district then the standards for the use are located in [Section 156.C.005](#).
- E. **Standards.** The "Standards" column provides a reference to associated standards for uses permitted with limitations and for special uses. Where "N/A" is in the column, there is no associated standard because the use is permitted by right or there is no specific special use standard.

Section. 156.C.003, Use Table

 Permitted uses for all base zoning districts are identified in Table 156.C.003-1, *Use Table*, below.

Table 156.C.003-1, Use Table																	
Use Category	Specific Use¹	Cv = Conventional CI = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
Cv	CI	Cv			In	Cv	In										
Agriculture																	
Agriculture and Animal-Related Services	Community Garden	P	L	L	L	L	L	L	L	L	L	L	L	L	--	156.C.004	
	Kennel	--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004	
	Plant Nursery, Greenhouse, and Landscaping Business	P	P	--	--	--	--	--	--	--	--	--	--	L	P	156.C.004	
	Veterinary Clinic	--	--	--	--	--	--	--	--	P	P	P	--	--	--	N/A	
	Veterinary Hospital	--	--	--	--	--	--	--	--	S	S	P	--	--	P	N/A	
	All Other Agriculture and Animal-Related Services	L	L	--	L	--	--	--	--	--	--	--	--	--	P	156.C.004	
Residential																	
Household Living	Dwelling, Accessory	P	P	P	P	S	S	S	S	--	--	--	--	--	--	156.C.007.E	
	Dwelling, Apartment	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Single-Family Attached	--	--	P	P	P	P	P	P	P	P	--	--	--	--	N/A	
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	P	--	--	--	--	--	N/A	
	Dwelling, Duplex	--	--	P	P	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Townhouse	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Dwelling, Multiplex	--	--	--	--	P	P	P	P	P	P	P	--	--	--	N/A	
	Manufactured Home Park	--	--	--	--	S	S	--	--	--	--	--	--	--	--	156.C.005	
	Upper-Story Residential	--	--	--	--	--	--	L	L	P	P	L	--	--	--	156.C.004	
Group Living	Boarding or Rooming House	--	--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	Group Home	P	P	P	P	P	P	P	P	P	P					N/A	
	Halfway Houses and Ex-Offender Rehabilitation Services	--	--	--	--	--	--	S	S	--	--	--	--	--	S	156.C.005	
	All Other Group Living Uses	--	--	P	P	P	P	P	P	P	P	P	P	--	--	156.C.005	
Public and Institutional																	
Day Care	All Day Care Uses	--	S	S	S	S	L	L	L	P	P	L	L	--	--	156.C.004	
Educational Facilities	College or University	--	--	--	--	--	--	P	P	P	P	P	P	--	P	N/A	
	Training Facility or Vocational School	--	--	--	--	--	--	--	--	P	P	P	P	--	P	N/A	
	All Other Educational Facilities	L	L	L	L	L	L	P	P	P	P	P	P	P	P	156.C.004	

**Table 156.C.003-1,
Use Table**

Use Category	Specific Use¹	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Government Facilities	All Government Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Medical Facilities	Hospital		--	--	--	--	--	--	S	S	--	--	--	P	--	P	156.C.005
	All Other Medical Facilities		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
Parks and Open Areas	Cemetery, Columbarium, Mausoleum, or Memorial Park		P	S	S	S	S	S	S	S	--	--	--	--	P	--	156.C.005
	Golf Course		P	P	P	P	P	P	P	P	--	--	--	--	P	--	N/A
	All Other Parks and Open Areas		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
Passenger Terminal	Airport or Heliport		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
	All Other Passenger Terminal Uses		--	--	--	--	--	--	--	--	--	--	P	S	--	P	156.C.005
Public Assembly	All Public Assembly Uses		L	L	L	L	P	P	P	P	P	P	P	P	P	P	156.C.004
Social Service	Correctional Facility		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
	All Other Social Service Uses		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
Utilities	Solar Panel Arrays (Principal Use)		L	--	--	--	--	--	--	--	--	--	S	--	--	L	156.C.004 156.C.005
	Utilities, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A
	Wireless Telecommunications Facilities		Refer to Table 156.C.009-1, Permitted Wireless Telecommunications Facilities by District														N/A
	All Other Utilities, Major		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial and Office																	
Adult Business	Adult Entertainment Businesses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Entertainment, Indoor	Archery / Firearms Range (Indoor)		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Convention Center		--	--	--	--	--	--	--	--	P	P	P	P	--	--	156.C.005
	All Indoor Entertainment Uses		--	--	--	--	--	--	--	--	P	P	P	P	P	P	N/A
Entertainment, Outdoor	Farmers Market		--	--	--	--	L	--	L	--	L	P	L	L	L	--	156.C.004
	Recreational Vehicle Park		--	--	--	--	--	--	--	--	--	--	L	--	P	--	156.C.004
	All Other Outdoor Entertainment Uses		--	--	--	--	--	--	--	--	P	P	L	P	P	--	156.C.004
Office	Bank or Credit Union		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005
	Radio or Television Station or Studio		--	--	--	--	--	--	--	--	P	P	P	P	--	P	N/A
	All Other Offices		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005

**Table 156.C.003-1,
Use Table**

Use Category	Specific Use ¹	Cv = Conventional CI = Cluster In = Infill	Residential								Mixed- Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	CI	Cv	In	Cv	In							
Overnight Accommodations	All Overnight Accommodations Uses		--	--	--	--	S	S	P	P	P	P	P	P	--	--	156.C.005
Parking, Commercial	All Commercial Parking		--	--	--	--	S	S	S	S	L	L	L	L	L	P	156.C.004, 156.C.005
Restaurant	Restaurant, Drive-In or Drive-Through		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	All Other Restaurant Uses		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
Retail Repair, Sales, and Service	Repair-Oriented Uses		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Sales-Oriented Uses		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	Service-Oriented Uses		--	--	--	--	--	--	S	S	P	P	P	--	--	P	156.C.005
Self-Service Storage	Boat or Recreational Vehicle Outdoor Storage		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
	Mini-Warehouse		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
Vehicle Sales and Service	Car Wash		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Heavy Vehicular Equipment Sales, Service, and Repair		--	--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005
	Vehicle Fuel Station		--	--	--	--	--	--	--	--	P	P	P	--	--	P	N/A
	Vehicle Repair, Major		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	Vehicle Service, Minor		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
	All Other Vehicle Sales and Service		--	--	--	--	--	--	--	--	--	--	P	--	--	P	N/A
Industrial																	
Heavy Industrial	All Heavy Industrial Uses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Light Industrial	Building or Development Contractor		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
	Micro-Manufacturing		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
	Research and Development Laboratory		--	--	--	--	--	--	--	--	L	L	L	--	--	P	156.C.004
	All Other Light Industrial Uses		--	--	--	--	--	--	--	--	--	--	L	--	--	P	156.C.004
Warehousing and Freight Movement	All Warehousing and Freight Movement Uses		--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005	
Waste-Related Service	Recycling Facility		--	--	--	--	--	--	--	--	--	--	--	--	--	P	N/A
	All Other Waste-Related Service Uses		--	--	--	--	--	--	--	--	--	--	--	--	--	S	156.C.005
Wholesale Trade	All Wholesale Trade		--	--	--	--	--	--	--	--	--	S	--	--	P	156.C.005	

TABLE NOTES:

"Cv" = Conventional Development Type Option; "CI" = Cluster Development Type Option; "In" = Infill Development Type Option

¹Specific uses and use categories are defined in Section 156.M.002, *Definitions*.

Section 156.C.004, Limited Use Standards

- A. **Purpose.** The purpose of this Section is to promote compatibility among land uses in the City by establishing specific standards for the establishment of limited uses which are indicated in the use tables in [Section 156.C.003, Use Table](#).
- B. **Application.** Limited uses may be authorized by the Zoning Administrator, or designee, for uses shown as limited "L" and only if they meet the standards of this Section and other applicable standards and requirements of this Ordinance.
- C. **Timing of Compliance.** The standards of this Section apply at the time a limited use is requested to be established in an existing or new structure, or when an existing limited use is proposed to be expanded by more than 10 percent of the existing square footage currently devoted to the use. This Section applies to an expansion of use whether it is to or within an existing building, in an outdoor area devoted to the use, or a combination of these characteristics.
- D. **Standards for All Limited Uses.** An application for limited use permit may be approved if, in addition to the specific standards of this Section that apply to the use, it is demonstrated that:
 1. The proposed limited use in its proposed location shall not conflict with the implementation of current adopted plans of the City; and
 2. The limited use is compatible with surrounding land uses and natural environment, and shall not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory (for example, by creating a critical mass of similar limited uses that is likely to discourage permitted uses by making the vicinity less desirable for them).
- E. **Specific Standards for Limited Uses.**
 1. *Community Garden.*
 - a. No sale of items grown or any other items may take place on-site.
 - b. Storage of equipment and materials shall be inside a structure or screened.
 - c. Compost storage, if utilized, shall have a setback of a minimum of 30 feet from the front and 10 feet from any side or rear property line. Compost storage shall be used only to support onsite operations.
 - d. Community gardens that have ceased permanent operation or been abandoned, shall be cleared, all associated structures removed, and the area re-vegetated no more than 30 days after the date of discontinued operations, unless otherwise specified by the Zoning Administrator, not to exceed 90 days.
 2. *Kennel.* Outdoor runs shall be prohibited.
 3. *Plant Nursery, Greenhouse, and Landscaping Business.* Outdoor storage areas shall be enclosed with a fence or wall that is in compliance with [Section 156.F.005, Screening](#).
 4. *All Other Agriculture and Animal-Related Services.*
 - a. The use shall not include activity which may be considered a public nuisance which is offensive to adjacent properties due to increased noise, traffic or odors.
 5. *Upper-Story Residential.*
 - a. The use shall comply with the development standards of a mixed-use building.
 - b. The minimum floor area of the use shall be 300 square feet.
 - c. The maximum density of the district shall not apply.
 6. *Day Care Uses (Child and Adult).*
 - a. The use shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.
 - b. The use may be part of a place of public assembly, provided the place of public assembly is in conformance with the standards of this Ordinance.
 - c. Primary access to the site shall be from a public roadway.
 7. *All Other Educational Facilities.* All buildings shall be located at least 50 feet from any adjoining property line, including right-of-way lines.

8. *Public Assembly Uses.*
 - a. Parking shall be provided on-site or off-site with Zoning Administrator approval.
 - b. The use shall be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.
 - c. Expansion to abutting lots or parcels shall meet the following standards:
 - i. The applicant shall control the property onto which the expansion is proposed;
 - ii. It shall allow the use to take access from a public roadway;
 - iii. It will involve the installation of a Type B Bufferyard between the use and abutting residential uses, unless equivalent buffering is already provided; and
 - iv. The expansion will not involve the location of buildings or parking within 50 feet of residential property.
9. *Solar Panel Array (as principal use).* Solar panel arrays installed as a utility-scale solar energy system and as the principal use shall conform to all height, setback, and landscaping requirements within the underlying district. The following additional standards apply to all solar panel arrays as a principle use:
 - a. *Prohibited.* Concentrating solar power (CSP) systems shall be prohibited.
 - b. *Site Plan.* A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:
 - i. Setback and height limitations as established in the underlying zoning district;
 - ii. Applicable zoning district requirements such as landscape surface area ratio; and
 - iii. Applicable solar requirements per this Section.
 - c. *Compliance.* Solar arrays installed as utility-scale solar energy system installations shall comply with applicable local, state, and federal regulations;
 - d. *Building Code Compliant.* All solar panel array systems shall be compliant with all currently adopted building codes;
 - e. *Stormwater Management.* Solar panel arrays shall be considered pervious and therefore shall be exempt from the calculation of the landscape surface ratio requirements in the underlying zoning district. The support or mounting posts, footings, impervious driveway surfaces, parking areas, and buildings on the site shall count toward the coverage requirements.
 - f. *Solar Glare.* Solar panel arrays that use concentrator technologies and have not incorporated antiglare measures into the system or installation shall be placed in areas so that the concentrated solar glare shall not be directed onto inhabited adjacent properties or roadways; and
 - g. *Design.* The design of the solar panel arrays shall use materials, colors, textures, screening, and landscaping similar to their background or the existing natural environment to the most reasonable extent possible without prohibiting the installation.
 - h. *Fencing.* A security fence must be installed along all exterior sides of the utility-scale solar array installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates, and warning signs must be maintained in good condition until the installation is dismantled and removed from the site according to the decommissioning plan as established in paragraph k, below.
 - i. *Signs.* Signs shall comply with [Article G, Signs](#).
 - j. *Buffering.* The site shall be constructed with buffering as required in [Section 156.F.004, Buffering](#).
 - k. *Decommissioning Plan.*
 - i. The applicant shall submit a decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following with the permit application.
 - (A) Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for 12 months, etc.)
 - (B) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations

- (C) Restoration of property to the condition prior to the development of the utility-scale solar panel array system.
- (D) The timeframe for completion of decommissioning activities.
- (E) Description of any agreement (e.g. lease) with the landowner regarding decommissioning.
- (F) The party currently responsible for decommissioning.
- (G) Plans for updating this decommissioning plan.

10. *Farmers Market.*

- a. The site shall be supplied with electrical power at secured, in-ground stations that may be accessed by temporary users.
- b. The use is separated from all residential property by a Type B Bufferyard, in accordance with [Section 156.F.004, Buffering](#), or a local street or collector roadway.
- c. The use will be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence.

11. *Recreational Vehicle Parks.* Site plans shall include information related to the following criteria which must be approved by the Zoning Administrator.

- a. Utility plan showing service to the site and individual spots.
- b. Fire access throughout the park which meets approval of the Fire Department.
- c. Compliance with buffering, landscaping and screening requirements.
- d. Plan for disposal of waste.

12. *All Commercial Parking.*

- a. All lots must comply with the parking lot design and landscaping standards.
- b. Lots shall be within 600 feet of the primary use property.

13. *Building or Development Contractor.*

- a. *Screening.* Outdoor storage shall be fully screened from adjacent nonindustrial uses.
- b. *Bufferyard.* The use shall be separated from a nonindustrial use by a Type C Bufferyard, in accordance with [Section 156.F.004, Buffering](#).

14. *Micro-Manufacturing.*

- a. *Gross Floor Area.* The maximum gross floor area of a micro-manufacturing facility shall not exceed 5,000 square feet.
- b. *Outdoor Storage.* No outdoor storage is permitted.

15. *Research and Development Laboratory.*

- a. All testing conducted onsite is within a fully enclosed building.
- b. All materials and equipment are stored in areas screened from public view.

16. *Other Light Industrial Uses.*

- a. *Indoor Operations.* All operations shall be conducted completely within a building, except limited daily outdoor operations and storage may occur behind the building and a minimum of 50 feet from any property line.
- b. *Nuisances.* No impacts or by-products of the use, including noise, dust, or odor shall be discernible from abutting property.
- c. *Outdoor Storage.* Outdoor storage shall be screened from view from the public-right-of-way and adjacent properties with a Type C Bufferyard. in accordance with [Section 156.F.004, Buffering](#).

Section 156.C.005, Special Use Permit Standards

- A. **Generally.** The standards of this Section apply to all special uses set out in [Section 156.C.003, Use Table](#).

B. Permit Required. A Special Use Permit is required for:

1. All land uses identified as a Special Use (S) in either Table [156.C.003-1, Use Table](#); or
2. A land use that is being proposed to be transferred from a nonconforming use to another nonconforming use per [Section 156.K.007, Conversion of Nonconformities](#).

C. Review and Approval.

1. *Standards.* In the review of Special Use Permit applications, the Zoning Administrator, the Plan and Zoning Commission, and the Board of Adjustment shall utilize the following standards:
 - a. *Surrounding Properties.* The proposed special use will operate or be designed in a manner that does not diminish the use or functionality of surrounding properties;
 - b. *Hours of Operation and Site Improvements.* Provisions for hours of operation, parking and loading areas, driveways, lighting, signs, landscaping, buffering, and other site improvements have been provided;
 - c. *Public Services.* Adequate public services (such as: streets, off-street parking, pedestrian facilities, water, sewer, gas, electricity, police and fire protection) must be available without the reduction of services to any existing uses;
 - d. *Nuisance.* If, in the opinion of Plan and Zoning Commission or Board of Adjustment, the special use becomes a nuisance, the Special Use Permit may be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
 - e. *Design Features.* The proposed use will incorporate design features to sufficiently protect adjacent uses including but not limited to: service areas, pedestrian and vehicular circulation, safety provisions, access ways to and from the site, buffering, fencing, and building placement; and
 - f. *Compatibility.* The proposed use is compatible with adjacent existing uses. Compatibility shall be expressed in terms of appearance, architectural scale and features, site design and scope, landscaping, as well as the control of adverse environmental impacts, including noise and lighting, or other undesirable conditions.
2. *Conditional Approval.* The Board of Adjustment may require additional conditions beyond the general standards listed in Paragraph 1, above, to reasonably mitigate any adverse impacts upon surrounding properties in the zoning district of the property for which the special use is requested.

D. Standards for Residential Uses.

1. *Manufactured Home Park.*
 - a. *Area and Dimensional Regulations.* The area and dimensional regulations in Table [156.C.005-1, Manufactured Home Park Development Standards](#).

Table 156.C.005-1, Manufactured Home Park Development Standards									
Manufactured Home Type	Min. Site Area	Min. Lot Area per Dwelling	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Street Side Setback	Min. Side Setback	Min. Rear Setback	Max. Height
Single-Wide	10 acres	5,500 sf.	55 ft.	80 ft.	4 ft.	14 ft.	14 ft.	10 ft.	1 story / 15 ft.
Double-Wide	10 acres	6,000 sf.	60 ft.	80 ft.	4 ft.	14 ft.	14 ft.	10 ft.	1 story / 15 ft.

- b. *Buffering and Open Space.* The manufactured home park shall be surrounded by a Type C bufferyard, in accordance with [Section 156.F.004, Buffering](#), along all street frontages and along all other park perimeter property lines. This space shall be in addition to the space required for each manufactured home site and shall not be used for other park facilities, recreation area, accessory storage structures, or parking areas. The park shall include a minimum of eight percent of the site dedicated to open space with shade trees and

ground cover with tree maintenance in wooded portions. Continued maintenance of the open area and its planting shall be the responsibility of the property owner or operator of the park.

- c. *Manufactured Home Space.* All manufactured homes shall be placed in a designed manufactured home space and shall not obstruct the use of or project over, any driveway, walkway, or public utility easement.
- d. *Accessory Buildings.* Private accessory buildings may be located in the rear yard of a manufactured home space and set back a minimum of five feet from any lot line and shall not exceed 10 feet in height. Accessory buildings, porches, decks, awnings, or canopies shall be located at least five feet from the boundaries of the individual manufactured home site.
- e. *Skirting.* All manufactured homes shall be completely skirted with materials approved by the Zoning Administrator.
- f. *Emergency Shelter.* All manufactured home parks shall have a structure to provide shelter from tornadoes and other weather-related storms. This structure shall either have a basement or shall itself be underground for storm protection. This structure shall be required to have a minimum occupancy ratio of seven square feet of floor area per each individual lot in the manufactured home park.
- g. *Signs.* One main identification sign shall be permitted with an area not to exceed 48 square feet and six feet in height. Freestanding signs must be set back a minimum of ten feet from any property line.
- h. *Other Regulations.*
 - i. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and no manufactured home site space shall be designed for direct access to a street outside the boundaries of the park. Interior access drives shall be properly lighted, with right-of-way at least 50 feet in width that acts as a public utility easement, and paved in accordance with City Engineering and Fire Access standards.
 - ii. At least one off-street parking space shall be provided on each manufactured home site, and, in addition, one off-street space shall be provided per manufactured home in other locations convenient to groups of homes. No parking shall be permitted on the street. A special area shall be designed for accessory storage of boats and boat trailers, campers and other recreational vehicles. All required parking shall be clearly defined in accordance with [Section 156.E.003, Parking Design](#).

- 2. *Boarding or Rooming House.* Boarding or Rooming Houses that existed as of the effective date of this Ordinance shall be:
 - a. Registered with the State of Iowa and shall have submitted occupancy reports to the Department of Inspections and Appeals, in accordance with [Chapter 1350, Boarding Homes, Iowa Code](#);
 - b. In full compliance with [Section 152.024, Rooming House, Boarding House, Dormitory Rooms and Other Rooming Units](#) of the City's Code of Ordinances and all applicable building and fire codes of the City, as amended from time to time;
 - c. Subject to the City's rental registration and inspection program;
 - d. Responsible for making an application for a Special Use Permit as set forth in [Section 156.J.003, Legislative Review Procedures](#), which requires that the boarding home:
 - i. Has not more than six occupants;
 - ii. Has sleeping rooms that have no less than 50 square feet per person for multiple occupancy or 70 square feet of floor space per sleeping room for single occupancy;
 - iii. Has on-site staff supervision if there are three or more occupants;
- 3. *Halfway Houses and Ex-Offender Rehabilitation Services.* A halfway house or ex-offender rehabilitation is prohibited within 750 feet of any other such business, any school, place of public assembly, library, public park, public playground, or areas zoned or used for residential use.

E. Standards for Public and Institutional Uses.

- 1. *Day Care Uses (Adult and Child).*

- a. *Street Access.* In the RR, RL, and RM zoning districts, the facility shall be located on and have access to a public street.
 - b. *Outdoor Activities.* Outdoor activities and activity areas, including play lots, shall be:
 - i. Located a minimum of 25 feet from any residentially used lot line or separated by a Type A bufferyard, in accordance with [Section 156.F.004, Buffering](#); and
 - ii. Completely secured and enclosed by a fence.
 - c. *Internal Circulation.* Internal traffic circulation patterns are established and signed so that:
 - i. Dedicated client drop-off and pick-up areas are safe for clients leaving and re-entering vehicles the site and so that vehicle stacking does not impede traffic on- or off-site; and
 - ii. A bus, if applicable, can drop-off and pick-up clients in designated areas and is able to either turn around within the drop-off area or alternatively re-access the street via a circular drive.
2. *Cemetery, Columbarium, Mausoleum, or Memorial Park.*
- a. *Location.* A mausoleum structure shall be separated from a residential use by a Type C bufferyard, in accordance with [Section 156.F.004, Buffering](#).
 - b. *Design.* The site shall be located on and have access to a public street.
 - c. *Existing Cemeteries.* Nothing in this subsection shall be construed to make an existing cemetery a nonconforming use with respect to the requirements of this Ordinance.
3. *Solar Panel Arrays (Principal Use).* For special use standards required for the installation of solar panel arrays as the principal use, see [Section 156.C.004.G.4, Solar Panel Arrays \(as principal use\)](#).

F. Standards for Commercial Uses.

1. *Adult Entertainment Businesses.*
- a. *Establishment.* The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities herein described and defined.
 - b. *Expansion.* It shall also include any addition to or expansion of an existing adult entertainment business that causes said business to occupy over 20% more space than before such addition or expansion.
 - c. *Location and Operation.*
 - i. No person shall cause or permit the establishment of any adult entertainment business as herein defined within 750 feet of any other such business, any school, place of public assembly, library, public park, public playground, or areas zoned or used for residential use.
 - ii. Measurement shall be taken on a direct line from the property line of such adult entertainment business to the property line of such other business, school, place of public assembly, library, public park, public playground, or area zoned or used for residential use.
 - iii. All building openings, entries, windows and the like shall be constructed, located, covered, or screened in such a manner as to prevent a view of display areas from, or a view into the interior of the adult entertainment business from, any pedestrian sidewalk, walkway, street, or other public or semi-public areas.
 - iv. Any adult entertainment business in existence on the effective date of this chapter that does not comply with the minimum separation requirements defined in paragraph c.1 and c.2, above, may be continued as a non-conforming. Such nonconforming use shall not be expanded, extended, or altered with regard to the land area, building, or structure involved in such use. The provisions of paragraph c.3, above, shall apply to all adult entertainment businesses, including said nonconforming uses, upon adoption of this Chapter.
2. *Commercial Parking.*
- a. *Generally.* The use shall comply with applicable requirements of [Article E, Parking, Loading, and Stacking](#).

- b. *Surface Parking.*
 - i. The use shall be separated from a residential use by a Type B bufferyard, in accordance with [Section 156.F.004, Buffering](#).
 - ii. The location of ingress and egress shall minimize traffic congestion and the effect of headlights on residential uses.
- c. *Structured Parking.*
 - i. Structured parking is prohibited in the AG, RR, RL, and RM residential zoning districts.
 - ii. Structured parking design standards in [Section 156.E.003, Parking Design](#).

G. Heavy Industrial Uses. All uses in the heavy industrial use category shall:

- 1. Employ the best practical disposal of refuse matter or water-carried waste;
- 2. Effectively control obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisances;
- 3. Locate and screen, fence, and landscape with a Type C bufferyard as set out in [Section 156.F.004, Buffering](#), all outdoor storage of equipment not intended for over-the-road or rail use, supplies or materials intended for refabrication, waste materials, industrial by-products, or items intended for junkyards. The property owner may appeal to the Board of Adjustment relating to any requested relief of this requirement; and
- 4. New and expanding structures used for the principal heavy industrial activity are subject to review under the Special Use Permit standards and additional setbacks from any district zoned AG, RR, RL, RM, RH, MU, UC, GC, PI, and REC districts may be required.

Section 156.C.006, Flood Hazard Districts Standards

- A. **Authority.** The Legislature of the State of Iowa has, in [Chapter 414, Code of Iowa](#), as amended, delegated the power to cities to enact zoning regulations to secure safety from floods and to promote health and the general welfare.
- B. **Flooding.** The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the health, safety and general welfare of the community. These losses, hazards, and related adverse effects are caused by:
 - 1. The cumulative effect of floodplain construction on flood flows, which causes increases in flood heights and flood water velocities; and
 - 2. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding.
- C. **Methodology.** This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.
- D. **Intent.** The provisions of this Section are designed to:
 - 1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially;
 - 2. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities;
 - 3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction;
 - 4. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard; and
 - 5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.
- E. **Applicability.** The regulations of the Flood Hazard Districts shall apply to all lands within the jurisdiction of the City shown on the Floodway Boundary and Floodway Map to be within the 100-year flood boundaries.
- F. **Establishment of Official Floodplain Zoning Map.** The Flood Boundary and Floodway Maps prepared as part of the "Flood Insurance Study for the City of Marshalltown, Iowa", dated April 17, 1984, are hereby adopted by reference

and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material provided with the "Flood Insurance Study" and the Flood Insurance Rate Maps are also declared to be a part of this Section.

- G. **Rules for Flood Hazard Overlay Districts Boundaries Interpretation.** The boundaries of the Flood Hazard Overlay Districts shall be determined by scaling distances on the Official Floodplain Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the Floodplain Administrator or Engineering Department shall make the necessary interpretation. The person contesting the location of the overlay boundary shall be given a reasonable opportunity to present their case and submit technical evidence.
- H. **Compliance.** No structure or land shall be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- I. **Abrogation and Greater Restrictions.** It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.
- J. **Interpretation.** In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- K. **Warning and Disclaimer of Liability.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This regulation shall not create liability on the part of the City of Marshalltown for any flood damages that result from reliance on this Section or any administrative decision resulting from this Section.
- L. **Severability.** If any section, clause, provision, or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected by such judgement.
- M. **Flood Hazard Overlay Districts Established.** The floodplain areas within the jurisdiction of this Ordinance are divided into the following subdistricts:
 - 1. *Floodway Overlay District.* The Floodway Overlay District shall be consistent with the boundaries of the floodway as shown on the Official Floodplain Map.
 - 2. *Floodway Fringe Overlay District.* The Floodway Fringe Overlay District shall be those areas shown as floodway fringe on the Official Floodplain Zoning Map designated as Zones A2 - A4, A6, and A8.
 - 3. *General Floodplain Overlay District.* The General Floodplain Overlay District shall be those areas shown on the Official Floodplain Zoning Map as being within the approximate 100-year flood boundary designated as Zone A.
- N. **Floodway Overlay District.**
 - 1. *Permitted Uses.* All uses within the Floodway Overlay District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district), and provided they meet applicable performance standards of the Floodway Overlay District.
 - 2. *Performance Standards.* All floodway subdistrict uses allowed as a permitted or special use shall meet the following standards:
 - a. No use shall be permitted in the floodway subdistrict that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - b. All uses within the floodway subdistrict shall:
 - i. Be consistent with the need to minimize flood damage;
 - ii. Use construction methods and practices that will minimize flood damage; and

- iii. Use construction materials and utility equipment that are resistant to flood damage. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, swale, or any other drainage facility or system.
- c. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe subdistrict, and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- d. If permitted, buildings, shall have a low flood damage potential, and shall not be for human habitation, and shall adhere to all applicable provisions of this Section.
- e. Storage of equipment or materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway subdistrict within the time available after flood warning.
- f. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources, the United States Corps of Engineers, and other applicable agencies.
- g. Any fill allowed in the floodway must be permitted by the Iowa Department of Natural Resources and shall be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- h. Subject to all applicable permits of regulating agencies, pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently stabilized and protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

O. Floodway Fringe Overlay District.

- 1. *Permitted Uses.* All uses within the floodway fringe subdistrict shall be permitted to the extent that they are not prohibited by any other ordinance or underlying zoning district, and provided they meet applicable performance standards of the floodway fringe subdistrict.
- 2. *Performance standards.* All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.
 - a. *All Structures.* All structures shall:
 - i. Be adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
 - ii. Be constructed with materials and utility equipment resistant to flood damage; and
 - iii. Be constructed by methods and practices that minimize flood damage.
 - b. *Residential Buildings.* All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Floodplain Administrator, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access that will be passable by wheeled vehicles during the 100-year flood.
 - c. *Non-residential Buildings.* All new or substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When floodproofing is utilized, a professional engineer registered in the state shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood, and that the structure, below the 100-year flood level, is water-tight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Floodplain Administrator.

- d. *New and Improved Structures.* All new and substantially improved structures:
 - i. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than one foot above grade.
 - (C) Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided that, they permit the automatic entry and exit of flood waters.
 - ii. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - iii. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- e. *Factory-Built Homes.*
 - i. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.
 - ii. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
- f. *Utility and sanitary systems.*
 - i. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
 - ii. On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - iii. New or replacement water supply systems and water supply treatment facilities shall be designed in accordance with Iowa DNR requirements and protected to a level equal to or greater than one foot above the 100-year flood elevation.
 - iv. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- g. *Flammable Materials and the Like.* Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated, or:
 - i. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
 - ii. Be readily removable from the area within the time available after flood warning.
- h. *Flood Control Structural Works.* Private flood control structural works such as levees, private flood walls and the like shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, private structural flood control works shall be approved by the state’s Department of Natural Resources.
- i. *Affect.* No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.

- j. *Subdivisions.* Subdivisions (including manufactured home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals shall meet City Standard Specifications in regards to flood protection and storm water conveyance.
- k. *Detached Structures.* The exemption of detached garages, sheds and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds and similar accessory type structures are exempt from the 100-year flood elevation requirements when:
 - i. The structure shall not be used for human habitation;
 - ii. The structure shall be designed to have low flood damage potential;
 - iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of flood waters;
 - iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures; and
 - v. The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the 100-year flood level.
- l. *Recreational Vehicles.* Recreation vehicles placed on sites within this district shall either:
 - i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use; or
 - iii. Meet the requirements the section.

P. General Floodplain Overlay District.

- 1. *Permitted Uses.* The following uses shall be permitted within the general flood plain subdistrict to the extent they are not prohibited by any other ordinance or underlying zoning district; and provided they meet the applicable performance standards of the General Floodplain District:
 - a. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon approval by the Floodplain Administrator.
 - b. All such uses shall be reviewed by the Iowa Department of Natural Resources to determine: whether the land involved is either wholly or partly within the floodway or floodway fringe and the base flood elevation. The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination.
- 2. *Bridges and Culverts.* Whereby the United States Army Corps of Engineers may require review, review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - a. the bridge or culvert is located on a stream that drains less than two square miles; and
 - b. the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.
- 3. *Performance Standards.*
 - a. All uses, or portions thereof, to be located in the floodway as determined by the Iowa Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Overlay District.
 - b. All uses, or portions thereof, to be located in the floodway fringe as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the Floodway Fringe Overlay District.

Q. Appeals.

- 1. *Appeals to Board of Adjustment.* Where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may

appeal such action. A request for an appeal shall be filed with the Zoning Administrator and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

2. *Appeals to the Court.* Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.
- R. **Hearings.** A public hearing is not required by the Board of Adjustment when acting on an appeal.
- S. **Decisions.** The Board shall arrive at a decision on an appeal, within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this subchapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision.
- T. **Floodplain Administrator Decision Factors.** The Floodplain Administrator shall consider all relevant factors specified in other sections of this Ordinance and:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 2. The danger that materials may be swept onto other lands or downstream to the injury of others.
 3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 5. The importance of the services provided by the proposed facility to the community.
 6. The requirements of the facility for a flood plain location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical, and water systems), facilities, streets, and bridges.
 12. Such other factors which are relevant to the purpose of this chapter.
- U. **Conditions.**
1. Upon consideration of the factors listed above, the Floodplain Administrator may attach such conditions to the approval as deemed necessary to further the purpose of this subchapter.
 2. Such conditions may include, but not necessarily be limited to:
 - a. Modification of waste disposal and water supply facilities;
 - b. Limitation on periods of use and operation;
 - c. Imposition of operational controls, sureties, and deed restrictions; and
 - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures; provided, such are approved by the state's Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this subchapter.
- V. **Flood-proofing Measures.** Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Floodplain Administrator shall require that the applicant submit a plan for

document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

1. Anchorage to resist flotation and lateral movement.
 2. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 3. Reinforcement of walls to resist water pressures.
 4. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 5. Addition of mass or weight structures to resist flotation.
 6. Installation of pumps to lower water levels in structures.
 7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 8. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
 9. Construction to resist rupture or collapse caused by water pressure or floating debris.
 10. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures.
 11. Location of all electrical equipment, circuits, and installed electrical appliances in a manner that will assure they are not subject to flooding.
- W. **Penalties for Violations.** Violations of the provisions of this Article or failure to comply with any of the requirements shall be considered a municipal infraction punishable by civil penalty provided in [Section 10.999 of the Marshalltown Code of Ordinances](#).
- X. **Amendments.** The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed as provided in Sections 414.4, 414.5, and 414.21, Code of Iowa, 1977 as amended. No amendment, supplement, change, or modification to this chapter shall be undertaken without prior approval from the Iowa Department of Natural Resources.

Section 156.C.007, Accessory Uses and Structures

- A. **Purpose.** The purpose of this Section is to authorize certain uses of property that are incidental to, and customarily associated with, the principal use, which require standards to manage impacts on the principal and adjacent uses.
- B. **Applicability.**
1. *Establishment.* Accessory uses and structures may only be established or constructed if they meet the standards of this Section and all other applicable standards of this Zoning Ordinance. These standards apply when:
 - a. *Establishment or Construction.* An accessory use or structure is established or constructed;
 - b. *Structure Expansion.* An existing accessory structure is expanded by more than 10 percent of its gross floor area; and
 - c. *Use Expansion.* There is an expansion of the accessory use to or within an existing building, in an outdoor area devoted to the use, or a combination thereof.
 2. *Unlisted Accessory Uses.* Refer to [Section 156.C.010, New and Unlisted Uses](#), as the same means of interpretation apply to accessory uses as apply to principal uses.
- C. **Standards that Apply to All Accessory Uses and Structures.**
1. *Use.* An accessory use or structure may be established provided that it is associated with a primary use permitted in [Section 156.C.003, Use Table](#) and the associated Use Category definitions in [Section 156.M.002, Definitions](#), and that it complies with the standards of this Section. No accessory structure may be used unless the primary structure also is being used.
 2. *Subordinate.*
 - a. An accessory use or structure shall be subordinate to and serve a principal use or structure.

- b. A non-agricultural accessory structure shall be subordinate in height and gross floor area to the principal structure.
 3. *Commercial Use.* Accessory structures located on residentially zoned or used property shall not be used for commercial purposes other than home occupations that comply with this Section.
 4. *Timing of Construction.* No detached accessory structure shall be constructed until the construction of the rafters, or general equivalent, of the primary structure has commenced.
 5. *Same Property and Ownership.* An accessory use or structure shall be located on the same property and shall be under the same ownership as that of the principal use or structure served.
 6. *Separation.* No accessory structure shall be located closer than five feet to any other structure.
 7. *Setbacks.* Accessory structures shall comply with the front, side street, and side setback standards for the primary structure established in [Article B, District Development Standards](#). Detached accessory structures have a minimum rear setback of 10 feet and attached accessory structures shall comply with the rear setback that applies to the primary structure.
 8. *Height.* The maximum height for a residential or nonresidential accessory structure is 18 feet, unless specified within this Section.
 9. *Easements.* Accessory structures permanently affixed to the ground shall not encroach into an easement.
 10. *Compatibility.* Accessory buildings (in excess of 120 square feet) shall be designed to be compatible with the surrounding neighborhood and shall use building materials as set forth in [Section 156.D.002, General Requirements](#).
- D. Decks and Patio.**
1. Front yard decks and patios may extend into the required front yard setback ten additional feet.
 2. Rear and side yard decks must comply with the setbacks listed in their respective district.
 3. Fences and screening for decks, patios, pools and other structures on the interior of the yard shall not exceed six feet above the floor or ground level of said structure; provided, they are attached or directly adjacent to the primary building on the lot and meet the underlying primary building setbacks.
- E. Residential Accessory Uses and Structures.** Residential accessory uses and structures include dwelling units, sheds for the storage of household items and equipment, garages, pergolas, and similar structures. Except as provided in the standards of this subsection, the following standards shall apply to residential accessory uses and structures:
1. *Location.*
 - a. No accessory building or part thereof shall be located in the front yard.
 - b. Any accessory building that is not a part of the main building shall be located not less than five feet from any portion of the main building or any other structure on the lot (not including fences).
 2. *Front Setbacks.* Accessory structures shall comply with the front setback standards for the principal structure established in [Section 156.B.004, Residential District Development Standards](#).
 3. *Dimensional Requirements.* Residential accessory uses and structures shall comply with the dimensional requirements established in [Table 156.C.007-1, Accessory Structure Dimensional Requirements](#), below.
 4. *Side Yard Setback.* Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the zoning district in which the building is located. On a corner lot in any dwelling district, the width of the yard along the side street line shall not be less than one-half of the depth of the front yard.
 5. *Rear Lot Line.* Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
 6. *Attached Structures.* Attached accessory structures, such as attached garages, shall comply with the setbacks of the principal structure.
 7. *Storage.* Semi-trailers and shipping containers shall not be used for storage in residential zoning districts.

Table 156.C.007-1, Accessory Structure Dimensional Requirements

Housing Type	Lot Size	Max. Footprint ¹	Maximum Floor Area	Minimum Setback ²	Max. Wall Height	Max. Structure Height
Single-Family and Duplex Residencies	0.5 acre or less	30%	1,000 s.f.	5 ft.	10 ft.	15 ft.
	0.5 - 1 acre	30%	1,600 s.f.	5 ft.	12 ft.	15 ft.
	1 - 5 acres	30%	3,000 s.f.	5 ft.	12 ft.	20 ft.
	5 acres or more	30% plus	5,000 s.f. plus 1,000 s.f. per acre over 5 acres not to exceed 10,000 s.f.	10 ft.	14 ft.	20 ft.
Multi-family Residencies (Multiplex, Townhouse, Apartment)	Any Size	30%	300 s.f. per unit	10 ft.	10 ft.	15 ft.

TABLE NOTES:

¹Calculated as a percentage of the permitted rear yard.

²Minimum setback from property lines when structure located entirely in the rear yard. Refer to 156.C.007.E for setback on corner lots.

F. **Accessory Dwelling Units (ADUs).** Accessory dwelling units shall be permitted in all residential zoning districts as an accessory use to single-family detached on lots greater than or equal to 15,000 square feet, or the single-family attached housing type in the Mixed-Use (MU) and Urban Core (UC) zoning districts, subject to the following standards:

9. *ADU Types.* There are two types of ADUs:

- c. Integrated ADUs; and
- d. Detached ADUs.

10. *Integrated ADUs.*

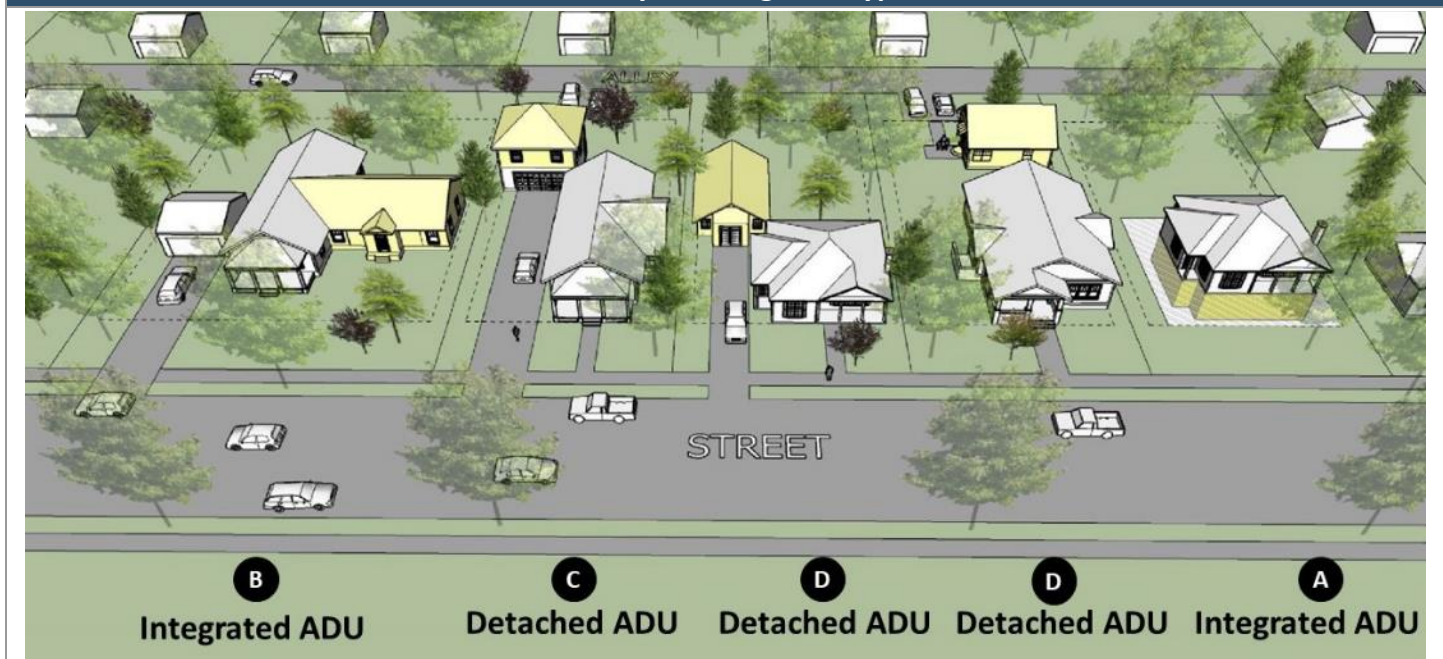
- a. Integrated ADUs are located within a permitted building and shall comply with the building placement standards for the permitted and associated principal building type.
- b. Integrated ADUs may be established by dividing space within a principal building (See (A) in Figure 156.C.007-1, below), or by adding floor area to an existing building (See (B), below). Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this Section.
- c. Integrated ADUs appearance:
 - i. Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious.
 - ii. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a residential dwelling (e.g. side doors, French doors, etc.).
 - iii. Any exterior stairs that would serve as the primary entrance to the ADU shall be located on the side or rear of the principal structure and are prohibited from being located on the front of the principal structure.
 - iv. If a principal building is expanded to accommodate an integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building.

- v. Only one entrance may be located on the front facade of the principal building facing the street unless the building contained additional front entrances prior to the ADU's construction.

11. *Detached ADUs.*

- a. Detached ADUs are dwelling units that are located inside of an accessory structure, such as a detached residential garage (See (C) in Figure 156.C.007-1, below) or detached structure (D).
- b. Where an improved alley adjacent to the lot exists, vehicular access to the ADU shall take place from the alley.
- c. Generally, access to second-floor units shall be from internal stairs. External stairs may be permitted where they are not located parallel to an interior side property line or where the Administrator determines that screening features are in place to protect the privacy of an adjacent lot's side yard.
- d. In the RL, RM, RH, and in the Single-Family Attached building type in the Mixed-Use (MU) zoning districts, where a detached ADU is proposed, the owner of the subject property shall live in either the principal residence or the ADU.
- e. *Prohibited Locations.* ADUs may not be established within manufactured homes or structures and vehicles that do not have a permanent foundation, including, but not limited to recreational vehicles, travel trailers, or campers.
- f. *Maximum Floor Area of the ADU.*
 - i. *Measurement.* The floor area is measured as the area within the ADU itself and does not include areas of an accessory building that are used for other purposes, such as a detached garage or a workshop that is not incorporated into the ADU.
 - ii. *Standard.* The floor area of an ADU shall not exceed 50 percent of the total square footage of the principal residential building to which it is accessory, or 1,000 square feet, whichever is less.
- g. *Required Parking for ADUs.* In the RL, RM, and RH districts, in addition to the parking requirements for the principal residential use set out in Section 156.E.004, *Required Off-Street Parking*, one off-street parking space for the ADU shall be provided.

Figure 156.C.007-1
Accessory Dwelling Unit Types



G. **Additional Standards for Specific Accessory Uses or Structures.**

- 1 *Home-Based Business.*
 - a. *Permitted Home-Based Businesses.* All no-impact home-based businesses are permitted.
 - b. *Prohibited Home-Based Businesses.* The following home-based businesses are considered prohibited:
 - i. Animal hospitals;
 - ii. Private clubs;
 - iii. Restaurants;
 - iv. Stables and kennels;
 - v. Automobile repair or auto body shops. More than two vehicles per year that are not registered at the residence and are rebuilt, repaired, or reconstructed shall constitute an automobile repair or auto body shop;
 - vi. Automobile paint shop;
 - vii. Any occupation which is considered illegal by law; and
 - viii. Any use which does not meet the standards in subsection (e), below.
 - c. *Home-Based Businesses Other Than Listed Above.* Any home-based business which is not considered “permitted” or “prohibited” shall use and abide by the special use process as described in Subsec. [156.J.005.1](#), *Special Use Permit*, with the exception of a review by the Plan & Zoning Commission. A special fee for a special use permit for a home-based business shall be set by resolution. The Board of Adjustment shall review the home-based business in regards to the standards listed in subsection (e), below. The Board shall take into account concerns by neighbors and the possible negative impacts to the residential character of the neighborhood. The Board may place any restrictions on the home-based business and the Board shall be critical when evaluating requests for additional employees.
 - d. *Standards for All Home-Based Businesses.*
 - i. *Area Limitation.* The occupation may not exceed 25 percent of the gross floor area of the principal dwelling.
 - ii. *Safety.* The occupation may not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling used solely for residential purposes.
 - iii. *Non-compliance.* Any home-occupation which does not abide by the terms of this section shall be punishable under [Article L](#), *Enforcement and Remedies*.
 - iv. *Modifications or Additions.* Structural modifications or additions to the residence for the expansion of a home-based business shall be constructed to be compatible with the primary structure and remain residential in appearance.
 - v. *Traffic and Parking.* Traffic generated by the home-based business shall not be objectionable to the neighboring residents. Off-street parking shall be adequate to accommodate the parking demand generated by the home-based business.
 - vi. *Deliveries.* The occupation shall not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles, one-ton step-up vans, or similar-sized trucks that are less than 10 tons gross vehicle weight.
 - vii. *Equipment.* Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building.
 - viii. *Signs.* Any sign utilized by a home-based businesses in an residential district shall be limited to one building-mounted sign which shall not exceed one square foot in area.
 - ix. *Residential Character.* The building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor or smoke, or in any other way.
 - x. *Residential Design Features.* The building shall include no features of design not customary for residential use.

- xi. *No Exterior Display.* No use shall indicate from the exterior any display that the building is being used in part for any purpose other than that of a dwelling, with the exception of permitted signage.
 - e. *Existing Home-Based Businesses.* Existing home-based businesses that are in conformance at the time of adoption of this chapter shall remain in conformance. If an existing business is vacated, any new business must meet current regulations.
- 3. *Solar Panel Array (Small-Scale).*
 - a. *Ground-Mounted Solar Panels.* Ground-mounted solar panels shall be:
 - i. Located in the interior side or rear yard and screened from adjacent residential property and all public rights-of-way with Type B bufferyard (see [Section 156.F.004, Buffering](#)); and
 - ii. Set back from lot lines as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.
 - b. *Roof-Mounted Arrays.* Roof-mounted solar panels may be located on principal and accessory buildings.
 - i. A roof-mounted array on a pitched roof may not extend more than 12 inches above the roof surface if the roof is visible from the public right-of-way or from a residential property, nor may it extend more than 12 inches beyond any edge of the roof;
 - ii. Where an array is placed atop a flat roof, it may not extend more than five feet above the roof and shall be screened from the public right-of-way with the building's façade parapet or similar mechanism;
 - iii. Installed roof-mounted arrays shall meet the International Building Code standards for wind loads; and
 - iv. A roof-mounted solar panel array that cannot meet these placement standards requires a Special Use Permit.
- 4. *Small Wind Energy Conversion System (SWECS).*
 - a. *General Regulations.*
 - i. *Other Permits Required.* The owner/operator of the SWECS shall also obtain any other permits required by other federal, state, and local agencies/departments prior to constructing the system.
 - ii. *Number of Systems Per Lot.*
 - (A) No more than one freestanding SWECS may be placed on any parcel or lot for residential use. Building-mounted SWECS are prohibited on any parcel or lot containing a single-family detached or attached use.
 - (B) No more than one freestanding SWECS may be placed on any parcel or lot with a non-residential use that is taller than the tallest existing principal building located on the parcel or lot. Additional freestanding SWECS which conform to setback requirements contained in this Subsection and which are no taller than the tallest existing principal building located on the parcel or lot may be allowed. Additional building-mounted SWECS may be allowed within the parameters of this Section.
 - (C) Any mixed-use building shall be considered a non-residential use for the purposes of this Subsection.
 - iii. *Tower.* Only monopole towers may be permitted for freestanding SWECS. Lattice, guyed or towers of any other type may not be considered to be in compliance with this Subsection. SWECS towers shall be utilized for the sole purpose of supporting wind energy conversion systems. No other uses may be permitted on SWECS towers.
 - iv. *Color.* Freestanding SWECS shall be a neutral color such as white, sky blue, or light gray. Building-mounted SWECS shall match the color of the building on which it is mounted. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.
 - v. *Lighting.* No lights may be installed on the tower, unless required to meet FAA regulations.

- vi. *Signage.* No signage or advertising of any kind may be permitted on the tower or any associated structures.
- vii. *Climbing Apparatus.* The tower shall be designed to prevent climbing within the first 10 feet.
- viii. *Maintenance.* Facilities shall be well-maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this Subsection or elsewhere within this Zoning Ordinance.
- ix. *Displacement of Parking Prohibited.* The location of the SWECS shall not result in the net loss of required parking as set out in [Section 156.E.004, Required Off-Street Parking](#).
- x. *Utility Notification.* The City will notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems are exempt from this notification requirement.
- xi. *Interconnection.* If connected to the grid, the SWECS shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind may be issued until the City of Marshalltown has been provided with a copy of an executed interconnection agreement. Off-grid systems are exempt from this requirement.
- xii. *Restriction on Use of Electricity Generated.* A SWECS shall be used exclusively to supply electrical power to the owner for on-site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.
- xiii. *Shadow Flicker.* No SWECS may be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- xiv. *Safety Controls.* Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
- xv. *Noise.* All SWES shall not emit more than 60 dB in residential zones and 75 dB in any other zone. This shall be proven through provided engineered specification.
- xvi. *Shut Off.* A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Building Official of the City of Marshalltown.
- xvii. *Electromagnetic Interference.* All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the City of Marshalltown. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.
- xviii. *Wind Access Easements.* The enactment of this Subsection does not constitute the granting of an easement by the City of Marshalltown. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.
- xix. *Engineer Certification.* Applications for any freestanding or building-mounted SWECS shall be accompanied by standard drawings of the wind turbine support structure, including the tower, base, and footings, or existing structure if applicable. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.

- xx. *Installation.* Installation shall be done according to manufacturer's recommendations. All wiring and electrical work shall be completed according to the applicable building and electric codes. All electrical components shall meet code recognized test standards.
- xxi. *Removal.* If a site, or any wind turbine, is not used for a period of one year or is in a state of disrepair as determined by the Zoning Administrator, it shall be the duty and obligation of the party then in possession and control of the site to have the unused structure completely dismantled and removed from the site.
- xxii. *Right of Entrance.* As a condition of approval of a Special Use Permit, an applicant seeking to install SWECS is required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City of Marshalltown to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal will be at the expense of the owner/operator and the cost may be assessed against the property.
- xxiii. *Feasibility Study.* A feasibility study shall be made of any site prior to installing a wind turbine. The feasibility study shall include measuring actual wind speeds at the proposed turbine site for at least three months.
- b. *Bulk Regulations.*
 - i. *Setbacks.* The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to:
 - (A) 150 percent of the total system height for towers up to 65 feet in height.
 - (B) 200 percent of the total system height for towers that are 65 feet and up to 80 feet in height.
 - (C) 250 percent of the total system height for towers that are 80 feet and up to 100 feet in height.
 - (D) 300 percent of the total system height for towers that are 100 feet and taller in height.
 - (E) The setback shall be measured from the property line to the point of the SWECS closest to the property line.
 - (F) The required setback for any building-mounted SWECS shall be equal to the required setback of the principal building to which the SWECS is to be attached at such time that the application to install a building-mounted SWECS is received by the City of Marshalltown.
- c. *Maximum Height.* Height is measured from the ground to the top of the tower, including the wind turbine generator and blades.
 - i. For lots of more than three and fewer than five acres, the maximum height shall be 65 feet.
 - ii. For lots of five and up to 40 acres, the maximum height shall be 80 feet.
 - iii. For lots of 40 acres and up to 100 acres, the maximum height shall be 100 feet.
 - iv. For lots that are 100 acres and larger, the maximum height shall be 140 feet.
 - v. Building-mounted SWECS may be a maximum of 10 feet higher than the point of attachment to the building on which they are attached.
- d. *Minimum Lot Size.*
 - i. The minimum lot size for a freestanding SWECS is three acres.
 - ii. The minimum lot size for a building-mounted SWECS is one acre for any building of less than five stories in height.
 - iii. There is no minimum lot size for building-mounted SWECS to be mounted on buildings of five or more stories in height.
- e. *Blade Length.* The length of each individual blade may not exceed 50 percent of the height of the tower.
- f. *Clearance of Blade.* No portion of a horizontal axis SWECS blade may extend within 30 feet of the ground. No portion of a vertical axis SWECS may extend within 10 feet of the ground. No blades may

extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure or above ground utility facilities.

- g. *Location.* No SWECS shall be located less than 50 feet from any other SWECS.
 - i. No part of a SWECS may be located within or over drainage, utility or other established easements.
 - ii. A freestanding SWECS shall be located entirely in the rear yard for residential uses. For a freestanding SWECS for all other uses, the location shall be appropriate to the property and setting and shall be determined through the Special Use Permit and site plan review process.
 - iii. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
 - iv. No SWECS may be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.
 - v. Building-mounted SWECS are prohibited unless the owner has obtained a written analysis from an Iowa licensed structural engineer determining that installation of a SWECS will not cause damage to the structure and that the SWECS can be securely fastened so as to not pose a hazard caused by detaching from the structure.

Section 156.C.008, Temporary Uses and Structures

A. Purpose.

1. These regulations are intended to establish criteria and standards under which limited duration temporary uses may be conducted in commercial districts. These regulations apply to temporary structures used in conjunction with a temporary use.
2. The intent is to prevent the creation of any nuisance to the occupants of adjacent buildings, premises or property and the general public.

B. Applicability.

1. *Permit Required.* A temporary use permit shall be required, as established in [Subsec. 156.J.004.8, Temporary Use Permit](#), to establish a temporary use and is subject to administrative approval depending on the conformance of the application with the requirements of this Section.
2. *Listed Uses.* Any temporary use that this Section does not allow, or that the Zoning Administrator determines to be substantially similar to those not allowed, is prohibited.
3. *Unlisted Uses.* The Zoning Administrator may interpret unlisted uses as requiring a Temporary Use Permit based on the provisions of [Section 156.C.010, New and Unlisted Uses](#).

C. Short-term and Long-term Temporary Uses.

1. *Short-Term Temporary Use.* A short-term use shall be defined as a use with a maximum duration of seven consecutive days or less. A short-term temporary use does not require a temporary use permit.
2. *Long-Term Temporary Use.* A long-term use shall be defined as a use with duration of more than seven consecutive days or more than seven days in within any month. A temporary use permit will only be required for a long-term temporary use.

D. Application and Permit Processing.

A temporary use permit shall be required for all temporary structures used in conjunction with a long-term temporary use. A temporary use permit must be issued prior to the commencement of any temporary use. The Zoning Administrator may, from time to time, specify the form of the temporary use permit application. Applications for temporary use permits shall be secured from the Zoning Administrator in the manner prescribed by this chapter, who shall cause the application to be directed to all concerned city departments. Affected departments shall comment on the application. Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation.

E. Evaluation of Temporary Use Permit Application.

The Zoning Administrator shall only consider an application for a temporary use permit if all of the following criteria can be met:

1. The temporary use is consistent with all Comprehensive Plan, the code of ordinances of the city, this Zoning Ordinance, as amended, and city and state regulations.
 2. The temporary use complies with all applicable codes.
 3. The temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means or odor, noise, dust or another nuisance.
 4. Temporary uses shall only be allowed in MU, UC, GC, and GI zoning districts.
 5. The additional parking required by the temporary use will be provided on-site, if applicable, or adequate street parking is available in the immediate area.
 6. Increased traffic caused by the temporary use will not adversely affect the surrounding neighborhood or city at large.
 7. The temporary use shall be limited to parking lots of already established businesses. A temporary use is not allowed on an empty lot.
 8. All sites shall be completely cleaned of debris and temporary structures including, but not limited to, trash receptacles, signs, stands, poles, electric wiring or any other fixtures and appurtenances or equipment connected therewith, within five days after the termination of the temporary use.
 9. The property owner shall be responsible to assure adequate cleanup of uses involving the construction of placement of temporary structures.
 10. Permanent sanitary facilities shall be made available to all employees and attendants of the use during its operational hours.
 11. There shall be no discharge of wastewater or hazardous materials. The applicant must indicate how any such discharge will be contained and disposed of.
 12. No area of public right-of-way may be used without obtaining approval from the Zoning Administrator, Police Chief, Fire Chief, and Director of Public Works.
 13. A signed lease agreement between the property owner and the applicant, for the property on which the activity is to take place.
 14. Proof of insurance, the owner or operator must provide a certificate of insurance as evidence of comprehensive general liability insurance by an insurance company licensed to do business in the state.
 15. All temporary structures shall conform to the zoning setback requirements unless stated otherwise in the chapter.
 16. Multiple concurrent temporary uses on the same zoning lot shall be prohibited.
 17. No detached or freestanding sign shall be permitted. The maximum amount allowed for a wall sign shall be based upon one square foot of sign for each foot of length on the longest side of the structure. All other provisions of the sign code shall apply.
 18. Electrical service shall be provided as required by the City Electrician.
 19. Long-term temporary uses shall only be allowed for a maximum of 180 days per calendar year.
- F. **Uses Permitted with a Temporary Use Permit.** Any temporary structure used in conjunction with a temporary use must apply for a temporary use permit. Temporary uses include, but are not limited to, the retail sales of goods and services.
- G. **Specific Temporary Use Standards.**
1. *Portable-Storage Unit.*
 - a. The unit shall be on the same property as the use requiring the service of the unit or container;
 - b. The unit shall not encroach into setbacks or sidewalks;
 - c. The unit shall be located on an all-weather surface; and
 - d. The unit shall be permitted for up to 180 calendar days per year; and
 - e. The unit shall be removed upon project completion.

- H. **Conditions of Approval.** The Zoning Administrator may impose such conditions on a temporary use permit as is necessary to meet the purpose of this chapter and protect the public health, safety and welfare and adjacent uses. Conditions which may be imposed may include, but are not limited to:
1. Setback and open space requirements;
 2. Parking;
 3. Fences, walls or other screening;
 4. Signage;
 5. Vehicular and pedestrian ingress and egress;
 6. Property maintenance during course of the activity;
 7. Control of illumination, noise, odor, vibration or other nuisances;
 8. Hours of operations; and
 9. Other conditions as determined by the Zoning Administrator.
- I. **Fees.**
1. The application fee for a temporary use permit shall be set by resolution. In addition, all grounds shall be cleaned after the temporary use is complete.
 2. This shall include proper disposal of all garbage and debris and replacement of any moved structure or fence.
 3. Improper cleanup may be grounds for non-issuance of further temporary use permits.

Section 156.C.009, Wireless Communications Facilities

- A. **Purpose.** The purpose of this Section is to regulate wireless telecommunications facilities as defined in [Section 156.M.002, Definitions](#). This Section provides opportunities to supply wireless telecommunications services in the City with minimal negative impact to the community while respecting both residential, mixed-use, and commercial neighborhoods.
- B. **Applicability.**
1. *All Facilities.* This Section applies to all wireless communications facilities.
 2. *Airport Zoning Protected.* The provisions of this Section shall not be deemed to prohibit administration and enforcement of airport zoning for the protection of navigable airspace, pursuant to [Iowa Code Chapter 329](#), by a municipality, airport, or aviation authority.
- C. **Existing Towers.** Legally existing wireless communication towers are deemed as equivalent to sites that are approved pursuant to the provisions set out in this Zoning Ordinance.
- D. **Permitted By Right.** The following facilities are permitted by right:
1. *Stealth Wireless Communication Antennas.* New antennas on existing structures (including, but not limited to, flag poles, buildings, water towers, light poles, electric towers, church steeples, or silos) do not require a Special Use Permit, but may require an electrical or Building Permit.
 2. *Co-Located Antennas.* New antennas being placed on existing wireless support structures with a valid special use permit do not require a Special Use Permit, but may require an electrical or building permit.
 3. *Small Cell Facility.* Small cell wireless facilities shall be sited and reviewed in accordance with [Iowa Code Chapter 8C, Iowa Cell Siting Act](#).
- E. **Permitted Wireless Telecommunication Facilities by District.** Table 156.C.009-1, Permitted Wireless Telecommunications Facilities by District, shows which Wireless Telecommunication Facility types are allowed in each grouping of districts and provides a cross-reference to specific standards in this Section for each type.

Table 156.C.009-1
Permitted Wireless Telecommunications Facilities by District

Type of Wireless Telecommunication Facility	AG, RR, RL, RM, RH,	MU, UC, GC, PI, REC	GI	Standards ¹
Small Cell	P	P	P	F.2
Concealed	S	P	P	F.3
Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities	S	P	P	F.4
Freestanding Tower	--	S	P	F.5
Those not Permitted by, or not Meeting the Requirements of this Section	--	S	S	F.6

Notes:

1. The standards of Subsection F.1,

Generally

, apply to all districts and facilities.

P = Permitted; S = Special Use Permit; -- = Prohibited

F. Standards.

1. *Generally.* The following standards shall apply to all wireless telecommunications facilities:
 - a. *Tower Design.* Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.
 - b. *Screening.* Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per [Section 156.C.007, Accessory Uses and Structures](#). Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by the Board of Adjustment.
 - c. *Lighting.* Telecommunication towers shall only be illuminated as required by the Federal Communication Commission (FCC) and/or the Federal Aviation Administration (FAA). Security lighting around the base of a tower must be shielded so that no light is directed towards adjacent properties or rights-of-way.
 - d. *Advertising.* No advertising of any type may be placed on the facility.
2. *Small Cell.*
 - a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
 - b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
 - c. All collocated equipment shall be camouflaged.
3. *Concealed.*
 - a. Unless collocated, minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by the Board of Adjustment.
 - b. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the Special Use Permit application or as may be more strictly conditioned and approved by the Board of Adjustment.
4. *Industrial Microcells, Distributed Antenna Systems (DAS), Macrocells, and Similar Facilities.*
 - a. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.

- b. The height of such equipment shall not increase the height of the utilized support structure by more than five feet.
- c. All collocated equipment shall be camouflaged.

5. *Freestanding Tower.*

- a. Facilities shall not exceed 200 feet in height.
- b. Support structures shall meet the minimum setback regulations of the GI district.
- c. Telecommunications towers shall be designed for more than one accommodation.
- d. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should a structural failure occur. The applicant shall submit a written certification and supporting documentation from a structural engineer to this effect.
- e. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and shall meet the requirements for accessory buildings per [Section 156.C.007, Accessory Uses and Structures](#). Central communications hubs shall meet the minimum setback regulations and maximum height restrictions of the GI district.

6. *Those not Permitted by, or not Meeting the Requirements of this Section.*

- a. All regulating details of the facility (i.e. type, height, setbacks, etc.) shall be as specified in the Special Use Permit application or as may be more strictly conditioned and approved by the Board of Adjustment.
- b. If installing a telecommunications tower, it shall be designed for more than one accommodation.
- c. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should a structural failure occur. The applicant shall submit a written certification and supporting documentation from a structural engineer to this effect.

G. *Maintenance and Enforcement.*

- 1. *Maintenance.* All required screening, landscaping, camouflaging, concealment mechanisms, and other features shall be maintained, repaired, or replaced.
- 2. *Enforcement.* Enforcement and penalties due to violations of any section of this article Section shall be as otherwise stated in this title [Article L, Enforcement and Remedies](#).

H. *Removal of Defective or Abandoned Facilities.*

- 1. *Repair or Removal.* Any component of a wireless telecommunications facility that is found to be defective or unsafe shall be repaired immediately by the owner or operator to comply with federal, state, and local safety standards or removed within 30 days upon receipt of written notice.
- 2. *Abandonment.* A tower that is not used for a period of 12 consecutive months, or that has not been inspected pursuant to Subsection I, *Inspections*, below, shall be considered abandoned, and the owner shall remove the tower from the property within 90 days of receipt of notice from the Zoning Administrator. An abandoned tower that is not removed within the 90-day period is a public nuisance, and the City shall take actions to abate the nuisance by removal and assess the costs thereof to the property.

I. *Inspections.* Telecommunication towers shall be inspected by a qualified tower inspection service once every 36 months by the owner, operator, or a representative to assess the structural condition of the tower and support equipment. An inspection report shall be prepared and filed with the Zoning Administrator upon request. The required report shall certify that the tower continues to meet or exceed the current published EIA/TIA structural standards and is in sound and safe operating condition.

J. *Utilization of [Section 6409 Wireless Facilities Deployment of the Spectrum Act](#) being part of the Middle-Class Tax Relief and Job Creation Act of 2012.*

- 1. *Applicable Facilities.* The permissions granted by the Spectrum Act [Section 6409 Wireless Facilities Deployment](#) (Section 6409) shall be applicable only to wireless telecommunications facilities deemed to be an eligible facility in existence prior to the original enactment of this Section. Modifications shall not substantially change eligible facilities.
- 2. *Required Information.*

- a. To make modifications to a wireless telecommunications facility per the permissions of Section 6409, the property owner shall submit the following information:
 - i. Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the owner of the facility proposed for modification;
 - ii. Evidence that the wireless telecommunications facility is an eligible facility that existed prior to **[INSERT DATE OF THE ORIGINAL ENACTMENT OF THIS SECTION]**;
 - iii. Location map and elevation drawings of the existing facility and the proposed modifications prepared and certified by a professional engineer;
 - iv. All existing equipment from all providers and, if applicable, all equipment owned and operated by railroad companies (The information provided for the existing eligible facility may be used as the baseline of facts regarding the site's characteristics if it is the facility's first utilization of Section 6409 and shall be used to prevent abuse of the legislation); and
 - v. A letter describing the request.
- b. The letter, and additional application submissions as required above, shall clearly demonstrate the proposed modification would not substantially change the existing eligible facility. Substantial changes are made if any one of the following occurs:
 - i. For towers outside of public rights-of-way, it increases the height by more than 20 feet or 10 percent, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunication facilities, it increases the height of the facility by more than 10 percent or 10 feet, whichever is greater;
 - ii. For towers outside of public rights-of-way, it protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunications facilities, it protrudes from the edge of the support structure more than six feet;
 - iii. It involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
 - iv. It entails any excavation or deployment outside the current site of the wireless telecommunications facility;
 - v. It would defeat the existing concealment elements of the wireless telecommunications facility; or
 - vi. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

Section 156.C.010, New and Unlisted Uses

- A. **Use Categories.** Each of the use categories and specific uses listed in Table [156.C.003-1, Use Table](#), are defined in [Section 156.M.002, Definitions](#). The Zoning Administrator may authorize a use that is not listed if the proposed use fits within a defined use category or is functionally the same as a permitted, limited, or special use.
- B. **If Not Authorized Then Prohibited.** If the Zoning Administrator determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or special use, then the use is a prohibited use.
- C. **Decision Criteria.** In making such determinations, the Zoning Administrator may consider but not be limited to the following criteria:
 1. The actual or projected characteristics of the activity in relation to those of the use type;
 2. The amount of site area or floor space and equipment devoted to the activity;
 3. Vehicle parking demand;
 4. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
 5. Types of vehicles used and their parking requirements;

6. Building impervious surface coverage;
7. Regulated air or water emissions;
8. Noise, lighting, dust, and odors;
9. Solid waste generation;
10. The number of employees on a typical shift;
11. Use and storage of hazardous materials;
12. Character of associated buildings and structures;
13. How the use is advertised;
14. Nature and impacts of operation; and/or
15. Hours of operation.

Section 156.C.011, Performance Standards

- A. **Purpose.** The purpose of this Section is to establish standards for the management of illicit discharges, soil erosion, sediment deposition, and the environmental impacts of land uses (e.g., noise, vibration, air quality, water quality, and glare), in order to ensure that the city continues to provide a desirable environment for residences, recreation, education, culture, commerce, and industry.
- B. **Compliance.** Compliance with the requirements of this Section shall not be interpreted as authorizing a practice or operation which would constitute a violation of any other applicable statute, ordinance, rule, or regulation. Where these regulations conflict with other regulations, the more stringent regulation shall apply.
- C. **Administration.** All uses of land or structures shall conform to the standards in this Section.
- D. **Noise.** No use, operation, or activity shall cause or create noise in excess of the sound levels prescribed in Chapter 134, *Noise Control*, of the City's Code of Ordinance.
- D. **Vibration.**
1. *Generally.* No land use shall produce vibration that exceeds the limits set out by this Section.
 2. *Exceptions.* This Section does not apply to vibration generated by:
 - a. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
 - b. Transient noises from moving vehicles, such as trucks and automobiles or trains.
 3. *Standards.* The standards of Table 156.C.011-2, *Vibration Standards*, shall be met, except as provided in subsection E.2., above.

Table 156.C.011-2 Vibration Standards ¹				
Frequency in Cycles Per Second	Adjoining Zoning District			Impact Vibration ²
	AG, RR, RL, RM, RH	MU, UC, GC, PI, REC	GI	
Less than 10	0.0004	0.0002	0.0039	0.0098
10 – 19	0.0002	0.0011	0.0022	0.0055
20 – 29	0.0001	0.0006	0.0011	0.0028
30 – 39	0.0001	0.0004	0.0007	0.0018
40 – 49	0.0001	0.0003	0.0005	0.0013
50 or more	0.0001	0.0002	0.0002	0.0010
Table Notes:				
¹ Vibrations that do not exceed 60 per minute may be twice this value.				
² Vibrations occurring no more than eight times in a 24-hour period with a maximum separation of one minute.				

4. *Measurement.* An operator trained to measure vibrations shall make all such measurements and shall submit and certify them with the City.
- H. **Air Quality.**
1. *Generally.* Air quality shall be maintained according to state and federal standards. Demonstration of compliance shall be provided as required by this Section.
 2. *Emissions.* Applicants for the approval of uses that will emit air pollutants that are subject to regulation pursuant to the federal Clean Air Act shall demonstrate compliance with that law.
 3. *Control of Wind-Blown Dust.* Landowners shall control wind-blown dust.
- I. **Glare.**

1. *Glare from Use.* Glare from any process (such as or similar to arc welding or acetylene torch cutting), which emits harmful ultraviolet rays shall be performed in such manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines or street rights-of-way.
 2. *Glare from Buildings and Structures.* Buildings and structures (including signs) shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.
- J. **Erosion Control.**
1. *Storm Water Management.* Measures to protect water quality and to manage the quantity and velocity of stormwater runoff shall be implemented pursuant to the standards set out in [Chapter 55, Erosion and Sediment Control for Construction Sites](#) in the City's Code of Ordinances.
 2. *Grading, Erosion, and Sediment Control.* Measures to protect water quality during construction and for land disturbance activities shall be implemented pursuant to the standards set out in Chapter 55, *Erosion and Sediment Control for Construction Sites* in the City's Code of Ordinances.
- K. **Other Performance Standards.** In addition to the performance standards of this Section, the following shall apply to all uses:
1. *Outdoor Storage.*
 - a. Outside storage of non-saleable merchandise or other materials shall not be visible from the public right-of-way.
 2. *Snow Storage.* Adequate area shall be provided on the lot for snow storage or provisions shall be made by the property owner for the snow to be hauled off-site.
 3. *Use Compatibility.*
 - a. All uses shall be designed and operated to be compatible with the adjacent residential uses.
 - b. Limitations on design and operation of uses shall include architectural and building mass, hours of operation, delivery hours, noise and lighting controls, signage, and traffic considerations.
 4. *Utilities.* All utilities shall be placed underground, where feasible.

ARTICLE D – BUILDING AND SITE DESIGN STANDARDS

Section 156.D.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to address the quality and sustainable design of buildings and building sites in order to:
1. *Character.* Preserve and enhance a community character that conveys a positive, lasting impression on both residents and visitors;
 2. *Functionality.* Provide buildings that are functional, safe, and attractive;
 3. *Public Realm.* Establish the physical and functional relationships between buildings and the public realm; and
 4. *Form.* Prescribe the rules related to building massing, form, and design.
- B. **Applicability.** The standards of this Article apply to the following development activities:
1. *New Development.* New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use; or
 2. *Increase in Intensity.* Increase in apartment units, manufactured home pads, gross floor area, or impervious surface by 25 percent or more, cumulatively over a five-year period.
- C. **Timing of Compliance.** A Certificate of Occupancy will not be issued until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in [Section 156.J.002, Common Review Provisions](#).
- D. **Design Practices.** The principles below should be considered in all design practices in addition to specific standards found in [Section 156.D.002, General Requirements](#):
1. *Clustering.* Where applicable in the RL zoning district, housing should be clustered to preserve valuable environmental resources and provide usable recreational open space.
 2. *Open Space.* The open space system is as carefully designed as the housing area so as to offer usable permitted open space types visible from roadways and spatially defined by abutting building facades and/or landscape elements.
 3. *Multimodal Transportation.* Vehicular, pedestrian, and bicycle transportation is facilitated through a connected system of roads, sidewalks, and/or trails so as to provide many choices with regard to mode and route.
 4. *Traffic calming.* Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
 5. *Facade Direction.* Principal buildings address the street, presenting front facades on the publicly visible side of the building. The front facade of each principal building shall face a dedicated public street or the limits of a private parking unit and no building shall have the rear facade facing a dedicated public street.
 6. *Parking Design.* The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials, and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.
 7. *Support Uses.* Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, places of public assembly, and schools are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes.

Section 156.D.002, General Requirements

- A. **Purpose.** The City of Marshalltown sees the interaction between the built environment and the public as a crucial ingredient in maintaining a certain sense of place. As a part of this, the visual aspects of overall building design and placement must be scrutinized when considering a proposed development. This Section outlines design standards for building façades. These standards seek to increase the prospect of compatibility between buildings, styles, and

generations. Designers must infuse their individual talents and creativity into each project for these standards to be successful.

- B. **Flexibility in Administration.** Because these standards cannot cover every possible scenario that may arise, the Zoning Administrator is authorized to make determinations on development applications that may vary from the written standards so long as the determination meets the intent of this Article.
- C. **Prohibited Building Materials.** Except for single-family and duplex dwellings, the following materials shall not be used as an exterior finish:
 - 1. Wood fiber hardboard siding, oriented strand board siding, plastic or fiberglass panels;
 - 2. Galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finishes;
 - 3. Unfired or underfired clay, sand, or shale brick; and
 - 4. Smooth or untextured concrete finishes.
- D. **Primary Materials.** For the purposes of this Section, the following are deemed primary materials:
 - 1. Vinyl siding;
 - 2. Brick, including thin brick;
 - 3. Natural or manufactured stone;
 - 4. Pre-cast concrete panel, provided it has an integrated color and is textured or patterned;
 - 5. EIFS, Exterior Insulation and Finish System;
 - 6. Stucco with a weather barrier layer and wall drainage system; and
 - 7. Architectural masonry units including split face, weathered face, sandblasted face and ground face blocks.
- E. **Secondary Materials.** For the purposes of this Section, the following are deemed secondary materials.
 - 1. Embossed or pre-finished architectural metal panel (26+ gauge), which has an appearance of masonry, stucco, or any other appearance that is approved by the Zoning Administrator;
 - 2. Masonry or cement fiberboard siding that, for residential applications, is manufactured and installed in traditional profiles such as four-inch to eight-inch horizontal beveled or shake;
 - 3. Glass;
 - 4. Tile;
 - 5. Stainless steel;
 - 6. Chrome;
 - 7. Wood; and
 - 8. Smooth-faced finished concrete masonry units.
- F. **Metal Roofs.** Metals roofs shall be allowed if the following conditions are met or otherwise approved by the Zoning Administrator:
 - 1. Openings shall not be seen on the fascia and shall be completely covered with material designed and built for metal roofing systems;
 - 2. Corrugated galvanized steel panels shall not be used; and
 - 3. Roof and fastener color shall be the same, with the exception of trim pieces.
- G. **Ground-Mounted Equipment.** Mechanical equipment mounted on the ground and associated with apartments, nonresidential and mixed-use buildings, including, but not limited to, HVAC systems and meter banks, shall be screened from view from public and private streets by landscaping or screening walls.
- H. **Refuse Containers.** Dumpsters shall be provided for multiple-family residential, nonresidential, and mixed-use development for solid waste collection services. Such facilities are subject to the following standards:
 - 1. The facilities shall be located no more than 200 feet (walking distance) from the individual uses that they are intended to serve;
 - 2. Access to the facilities shall be:

- a. Configured to meet the requirements of the refuse hauler; and
 - b. Provided from an alley if an alley is present and used for service to other properties;
3. The areas where dumpsters are stored shall be fully enclosed by an opaque wall with a minimum height of six feet constructed of brick, stone, stucco-finished concrete block, wood or vinyl;
4. The enclosures shall:
 - a. Have opaque service gates which remain closed at all times except when the dumpster is being serviced;
 - b. Include separate, opaque pedestrian access gates or a pedestrian access opening that screens the dumpster from view;
 - c. Be large enough to accommodate:
 - i. One or more dumpsters that are of sufficient size to serve the development, based on the frequency of solid waste collection; and
 - ii. One or more recycling bins (whether provided at the time of development or not), based on the anticipated generation of recyclable materials and the frequency of collection; and
 - d. Meet City engineering design standards, including those that pertain to maneuvering space.
5. The facilities shall be located in a side or rear yard of the parcel proposed for development unless it is not possible to provide service access in such locations according to the refuse service provider; and
6. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designated and constructed with the same cladding materials used for the principal building walls.
- I. **Exemption.** A building wall is exempt from the requirements of this Section under the following circumstances:
 1. The subject property is zoned GI, General Industrial;
 2. The building walls are not visible from an existing Major Arterial, or Minor Arterial nor are they adjacent to a proposed street of such classifications from the Comprehensive Plan; and
 3. The building contains uses in the following use categories:
 - a. Heavy Industrial Use Category;
 - b. Light Industrial Use Category;
 - c. Warehousing and Freight Movement Use Category; or
 - d. Wholesale Trade Use Category.
- J. **Alternative Building Materials and Forms.** The Zoning Administrator may approve alternative building materials and forms not specified in this Section if the Zoning Administrator determines that, compared to the permitted primary and secondary materials, the alternative:
 1. Is substantially equal to or better in quality, durability, and appearance and will not violate any provision of this Article;
 2. Is proposed in order to achieve a minimum bronze certification in Leadership in Energy and Environmental Design ("LEED"), and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists; or
 3. Is part of a building that is certified by the Environmental Protection Agency as designed to earn an ENERGY STAR rating, and the materials substantially improve the energy efficiency of the building compared to materials that are permitted in this Section.

Section 156.D.003, Single-Family and Duplex

- A. **Generally.** These standards apply to single-family detached and duplex developments within the districts where they are permitted as set out in [Section 156.B.003, Use Table](#).
- B. **Placement of Buildings.** Primary entrances shall face a public right-of-way to the maximum extent practicable. The Zoning Administrator may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, and gathering spaces. The placement of a principal dwelling in a perpendicular or sideways orientation on an interior lot is prohibited (See Figure 156.D.003-1, *Building Placement*).

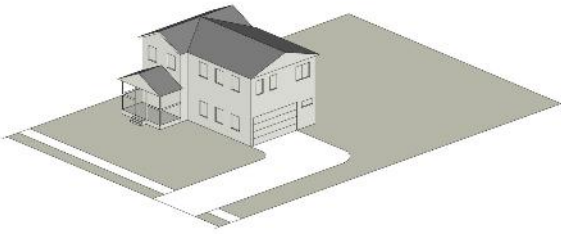
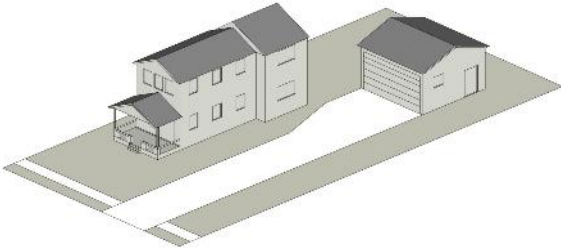
**Figure 156.D.003-1
Building Placement**



- C. **Garage Door Orientation.** Garage doors on a single-family detached or duplex dwelling on a lot in the RL, Low-Density Residential, RM, Medium-Density Residential, or RH, High-Density Residential districts shall be oriented in one of the manners depicted in Table 156.D.003, *Garage Orientation*.

**Table 156.D.003
Garage Orientation**

Requirements	Illustration
Garage in Front. - Garage doors shall be oriented to the street and extend in front of the front wall plane of the residence. - Doors may not exceed 3 stalls in width.	
Semi-Flush. - Garage doors oriented toward the street shall be positioned semi-flush or recessed. - Semi-flush doors shall be a minimum of two feet and a maximum of 20 feet behind the front wall plane of the residence and create a minimal intrusion into the livable area of the home. - Semi-flush doors may not exceed 3 stalls.	
Recessed. - Garage doors oriented toward the street shall be positioned semi-flush or recessed. - Recessed doors shall be a minimum of 20 feet behind the front wall plane of the residence. - Recessed doors may not exceed 3 stalls.	

Table 156.D.003 Garage Orientation	
Requirements	Illustration
Side-Loaded. Garage doors oriented perpendicular to the front wall plane have no restrictions on door width or recessed position.	
Detached. - Detached garages placed entirely to the rear of the house have no restrictions on door width or recessed position. - Detached garages that are closer to the street than the rearmost portion of the residence shall be a minimum of 20 feet behind the front wall plane of the residence.	

D. Transitions.

- Scale.* Where a duplex directly abuts or is across a street from a single-family detached dwelling, the building height of the duplex shall be no greater than eight feet higher than the single-family detached dwelling that abuts or is across the street. Where a duplex is located between a detached dwelling and apartments or non-residential development, the duplex may not exceed the height of the adjacent single-family detached dwelling by more than one story. See Figure 156.D.003-3, *Scale Transitions.*
- Bufferyards.* Bufferyards are required per [Section 156.F.004, Buffering](#) where the single-family detached dwelling and the duplex are in differing zoning districts.





SINGLE-FAMILY ATTACHED DWELLING

ADJACENT APARTMENT HOUSING TYPE

Section 156.D.004, Multiplex

- A. **Generally.** These standards apply to multiplexes developments within the districts where they are permitted as set out in [Section 156.B.003, Use Table](#).
- B. **Buffering.** A multiplex adjacent to a single-family use or AG, RR, or RL zoning districts shall provide a Type B bufferyard as established in [Section 156.F.004, Buffering](#).
- D. **Building Scale and Massing.** Any portion of a building that is closer than 50 feet from a common property line that abuts an AG, RR, or RL zoning district or single-family use shall be no higher than 12 feet above the highest point of the closest residential structures. This does not apply if the residential structure is located across the street from the development or if it is within the same development proposal.
- E. **Building Elements.** All multiplex buildings shall include a minimum of three of the following building elements:
 - 1. Outdoor gathering areas;
 - 2. Sculptures, monuments, and other public art installations;
 - 3. Porches;
 - 4. Functional shutters;
 - 5. Bay windows;
 - 6. Balconies; or
 - 7. Columns, eaves, rakes, cornice lines, or frieze boards.
- F. **Roof Massing.** Monolithic roof structures that cover more than 4,000 square feet shall include changes in direction or treatments that break up the appearance of mass. Such treatments may include elements such as dormers, towers, or chimneys. (See [Figure 156.D.004-1, Illustrative Application of Building Design Standards](#) for illustrative examples)
- J. **Garages.** Attached street-facing garages shall meet the following standards.
 - 1. Not more than three garage stalls shall face the street; or

Figure 156.D.004-1
Illustrative Application of Building Design Standards

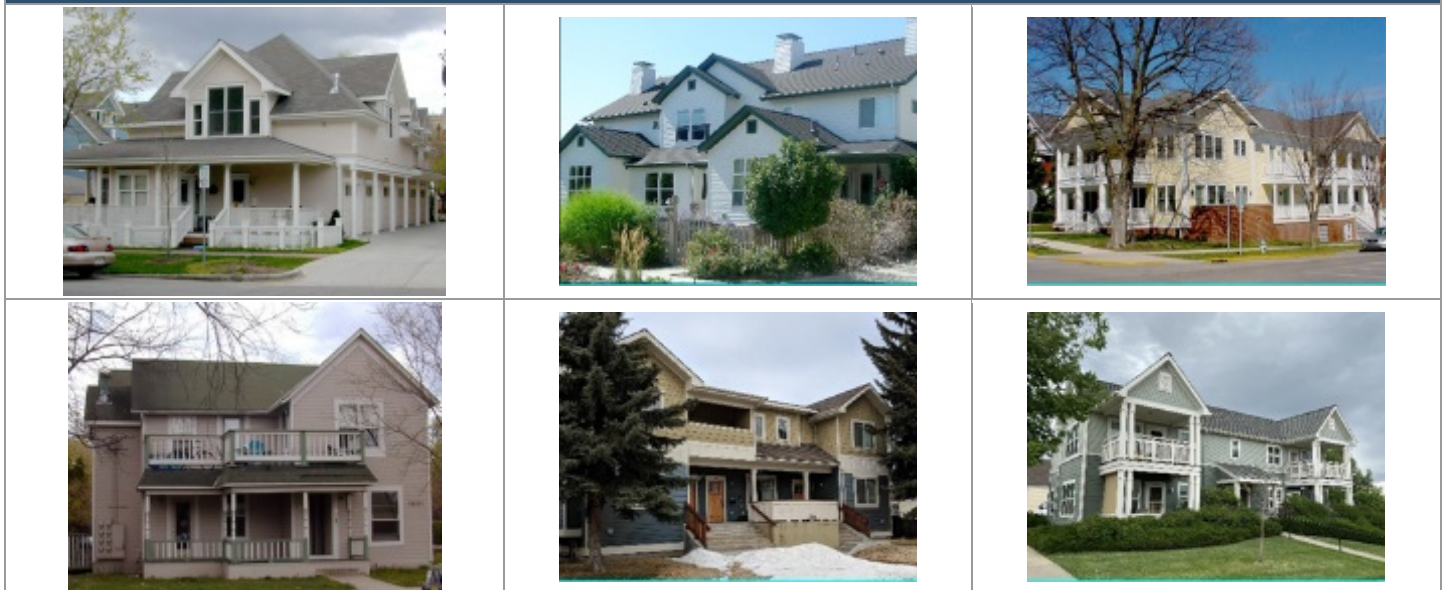


Figure Note: The sample images above are shown only for illustrative purposes and are not meant to prescribe that these forms must be used.

Section 156.D.005, Townhouse

- A. **Generally.** These standards apply to multiplexes developments within the district(s) where they are permitted as set out in [Section 156.B.003, Use Table](#).
- B. **Standards of Design.**
 1. **Materials.** Any primary or standard building materials may be used in any proportions. The allowable types and proportions of building materials are set out in [Section 156.D.002, General Requirements](#).
 2. **Street Elevation(s).**
 - a. Street-facing building facades must use vertical modulation, such as recesses and projections, and horizontal modulation, together with material and color changes, and fenestration to break up wall planes and to clearly distinguish individual dwelling units. The building facades, materials, and colors must substantially vary so no three units are the same. (See illustrative examples in [Figure 156.D.005-1, Illustrative Application of Building Design Standards](#))
 - b. A townhouse community with three or more buildings must substantially vary the buildings in heights, dispositions, scales (number of units), materials, and colors.
 3. **Bulk.** Townhouse dwellings may include up to but not exceed eight units.
 4. **Transitions.**
 - a. When directly abutting or across a street from a single-family detached dwelling in an RM or RH districts, the building height must be equal to or no greater than eight feet higher than the abutting dwelling. When separating single- and multi-family dwellings or nonresidential development, a townhouse dwelling may not exceed the adjacent single-family detached dwelling by more than one story. See [Figure 156.D.003-3, Scale Transitions](#). Building height may not exceed two stories when adjacent to an RL district.
 - b. Bufferyards are required per [Section 156.F.004, Buffering](#).
- C. **Building Elements.** All townhouse buildings shall include a minimum of three of the following building elements:
 1. Outdoor gathering areas;
 2. Sculptures, monuments, and other public art installations;
 3. Porches;

4. Functional shutters;
 5. Bay windows;
 6. Balconies; or
 7. Columns, eaves, rakes, cornice lines, or frieze boards.
- D. **Awnings.** Awnings, where installed, shall be constructed with fabric or metal coverings. Plastic coverings are prohibited.
- F. **Balconies and Railings.** Balcony and railing materials may be different than the materials used on exterior walls.
- G. **Roof Massing.** Roof forms and rooflines must be broken into a series of smaller building components when viewed from the street. Long, linear unbroken rooflines exceeding 50 feet are prohibited. Such treatments may include elements such as dormers, towers, or chimneys. (See Figure 156.D.005-1, *Illustrative Application of Building Design Standards* for illustrative examples)
- H. **Stairs.** Stairs that provide primary access to units on upper floors shall be covered.
- I. **Garage Design.** Attached street-facing garages shall meet one of the following standards.
1. The garage doors shall not comprise more than 40% of the total length of the building's facade; or
 2. Garages shall be arranged in sets of two single-bay doors that are offset by at least five feet from the front plane of an adjacent garage door.

Figure 156.D.005-1
Illustrative Application of Building Design Standards

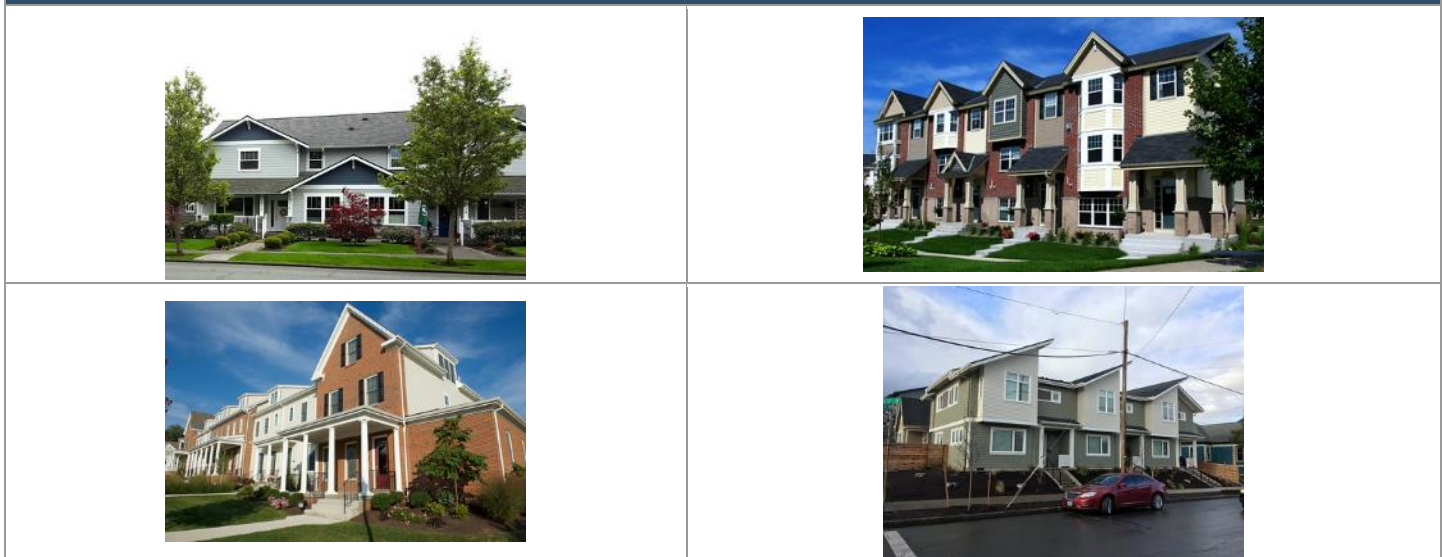


Figure Note: The sample images above are shown only for illustrative purposes and are not meant to prescribe that these forms must be used.

Section 156.D.006, Apartment

- A. **Generally.** These standards apply to apartment developments within the district(s) where they are permitted as set out in:
1. [Section 156.B.004, Residential District Development Standards](#); and
 2. [Section 156.B.005, Nonresidential and Mixed-Use District Development Standards](#).
- B. **Building Massing and Scale.**
1. Apartment buildings shall be designed such that the primary entrance and windows of all first-row buildings face a public street.
 2. Any portion of a building that is closer than 50 feet from a common property line that abuts a residential district or use shall be no higher than 12 feet above the highest point of the closest residential structures. This does not apply if the residential structure is located across the street from the development. An apartment building

containing more than four dwelling units shall be designed to break up a rectangular floor plan and avoid a box-like or monolithic appearance.

3. The following or similar techniques shall be used to avoid the appearance of a box-like or monolithic building:
 - a. Primary entrance treatments that are recessed or project from the main façade such as canopies and porte cocheres. Support columns and roofs of canopies and porte cocheres shall match or be consistent with the architectural design of the building.
 - b. The use of dormers, bay windows, or other windows that create dimensions that break up the facade;
 - c. Changes in wall planes of at least five feet at intervals of not more than 30 feet;
 - d. Balconies that are used irregularly, some projecting, some recessed; and
 - e. Varying roof lines;
 4. Elements such as eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.
- C. **Internalized Design.**
1. Ingress to and egress from all dwelling units in a apartment development shall be made through the interior of the building rather than from direct outside entrances to each unit.
 2. Uncovered exterior stairways are prohibited.
- D. **Awnings.** Awnings, where installed, shall be constructed with fabric or metal coverings. Plastic coverings are prohibited.
- E. **Balconies and Railings.** Balcony and railing materials may be different than the materials used on exterior walls.
- F. **Pedestrian Access.** All fences and gates shall have appropriate connections to neighboring non-residential properties through the use of fence or gate door unless it can be shown that is not possible due to site constraints to promote walkability and connectivity.
- G. **Parking Location.** Wrap-around design of multifamily buildings around a core parking structure is strongly encouraged to ensure the garage appearance is enhanced by additional architectural or landscape features.
- H. **Attached Garages.** Attached street-facing garages shall meet one of the following standards.
1. The garage doors shall not comprise more than 40 percent of the total length of the building's facade; or
 2. Every set of two single-bay garage doors or every double garage door shall be offset by at least five feet from the front plane of an adjacent garage door.
- I. **Detached Garages.** The building design and roof type of garage units shall be consistent with those of the principal building(s). Detached garage buildings that are adjacent to street rights-of-way shall include a Type B Bufferyard (see [Section 156.F.004, Buffering](#)) between the garage building(s) and street.
- J. **Building Elements.** All buildings in a multiple-family development shall include a minimum of three of the following building elements.
1. *Visual Interest.* Elements such as outdoor gathering areas, porches, shutters, bay windows, or balconies shall be used to contribute to the visual interest of the building.
 2. *Architectural Features.* Columns, eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.
- K. **Building Variation and Articulation.** An apartment community with three or more buildings must substantially vary the buildings in heights, dispositions, scales (number of units), materials, and colors.
- L. **Carports.** Carports are permitted within the vehicular use areas of apartment developments, provided they do not encroach into any required yards or building setbacks or into any easements, and subject to the following standards:
1. *Openness.* Carports shall be no less than 50 percent open on all sides, except for a side or sides that abut a wall of a principal building.
 2. *No Other Storage.* Carports shall not be used for storage of any items except motor vehicles.
 3. *Height.* Carports shall not exceed 10 feet in height.

4. *Drainage.* Drainage from carports shall be captured and conveyed on site and shall not impact adjacent properties.
5. *Construction.* Carports and their support posts shall be firmly anchored to the ground and shall meet applicable building codes.
6. *Design.* Carports shall be constructed so that all structural components, including support posts and roof forms, match or are consistent with the design elements incorporated into the principal building(s).

M. Roofing Systems.

1. *Covering.* Sloped roofs shall be covered with quality materials, comparable to slate, concrete tile, dimensional shingles, metal shingles, or architectural metal seam roofing.
2. *Integrated Solar Arrays.* Building-integrated solar arrays (solar panels that double as roofing) may be used on flat or pitched roofs.
3. *Projections.* Roofs shall contain at least one projection for every 50 linear feet of building frontage. Roof projections may include cupolas, dormers, balustrade walks, chimneys, or gables.

Figure 156.D.006-1
Illustrative Application of Building Design Standards for Apartment Buildings



FIGURE NOTES:

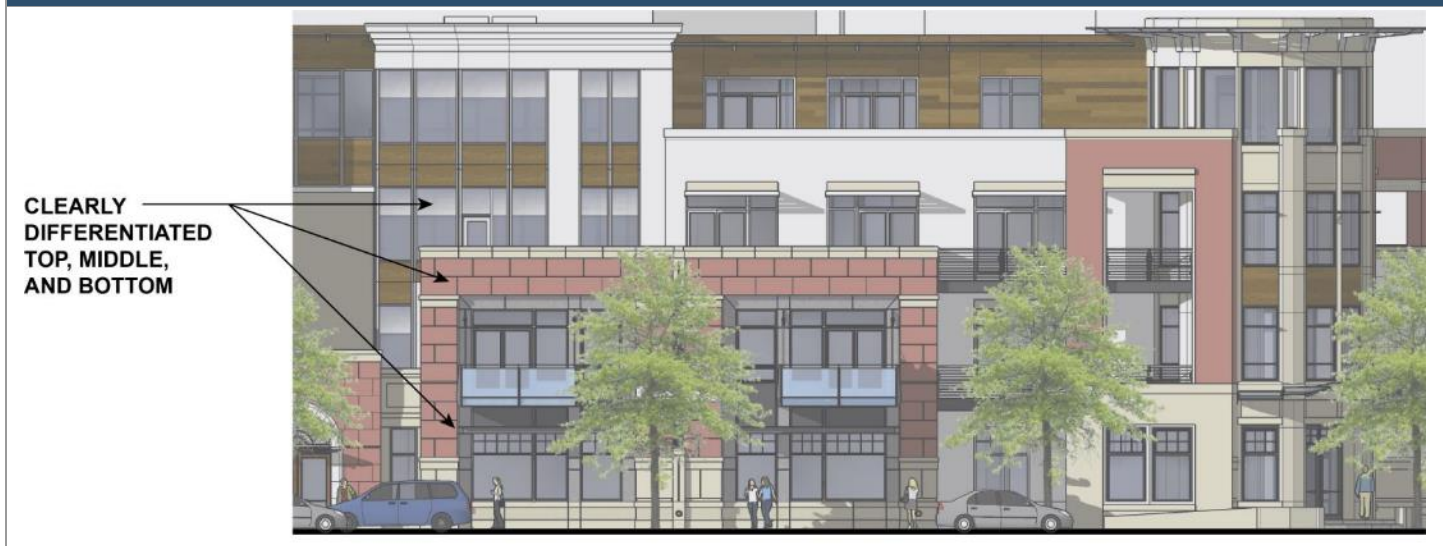
A = Breaking up building form | B = Breaking up roof form to avoid it appearing monolithic | C = Vertical articulation, such as a wall offset | D = Horizontal articulation, such as an expression line | E = Stairs shall be covered

Section 156.D.007, Urban Core and Mixed-Use

- A. **Generally.** These standards apply to any exterior wall of a nonresidential or mixed-use building in the UC, Urban Core or MU, Mixed Use zoning districts visible from a public or private street, a residential property, or public open space.
- B. **Building Form.**
 1. *Scale and Orientation.* Commercial and mixed-use buildings shall provide for pedestrians in both scale and structure orientation.
 2. *Build-to Line.* Structures shall be built to within five feet of the property line to provide for an urban edge and maintain continuity in the improved street frontages.
 3. *Public Entrance.* Each structure shall have a prominent identifiable public entrance from the primary street.
 4. *Secondary Entrances.*
 - a. Secondary and service entrances are allowable from secondary streets and off-street parking areas.

- b. Secondary entrances located on public alleyways shall be at-grade to prevent tripping hazards and prevent encroachments into the pedestrian traveled way.
- 5. *Height.* See Section [156.B.005](#), *Nonresidential and Mixed-Use District Development Standards*, for building height requirements in the UC and MU zoning districts.
- 6. *Building Proportions.* In the UC District buildings shall be proportioned to be prominent at the primary street façade.
- C. **Placement.**
 - 1. *Principal Structures.* Principal structures shall be placed within the minimum and maximum setbacks established in Section [156.B.005](#), *Nonresidential and Mixed-Use District Development Standards*, to create an urban edge and to define the pedestrian realm.
 - 2. *Parking.* Parking should be provided on the street as much as possible with parking lots or garages placed on the interior of the block with access from the side or the rear of the buildings or alleyways.
 - 3. *Garages.* All attached or detached garages shall be placed towards the rear of a building except on a corner, where a side entrance may also be allowed. These may be accessed via privately controlled lanes and alleyways.
 - 4. *Accessory Structures.* Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.
- D. **Massing and Scale.**
 - 1. *Façades.* Building façades shall be architecturally differentiated with at least three of the following elements:
 - a. Buildings shall utilize elements such as massing, windows, canopies, and articulated roof forms to create a visually distinct building base, middle, and top (see Figure [156.D.007-1](#), *Horizontal Articulation*);
 - b. Variations in building heights;
 - c. Building insets or projections of at least two feet that extend the full height of the building;
 - d. Material changes for different building planes or elements;
 - e. Accents through the use of moldings, sills, cornices, canopies, or spandrels; or
 - f. Other façade features, such as an arcade, balcony, gallery, oriel or bay windows, pavilion, pergola, porches, porticos, terrace, tower, or vestibules.
 - 2. *One-Story Buildings.*
 - a. *UC District.* One-story buildings shall be prohibited in the UC district.
 - b. *MU District.* In the MU district, one-story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.

Figure 156.D.007-1
Horizontal Articulation



E. Building Design.

5. Awnings and Canopies.

- a. Awnings and canopies shall not extend more than five feet from the façade of the building.
- b. Awnings and canopies shall be attached to the building façade and shall not extend vertical support structures into the ground plane.
- c. Awnings and canopies shall maintain a minimum of eight feet of vertical clearance from the ground plane.

6. Entryways.

- a. Each building shall have a clearly visible entrance with either an overhang, canopy or portico, recess or projection, arcade, raised corniced parapet over the door, peaked roof form, arch, patio, display windows, architectural detailing, or another design element approved by the Plan and Zoning Commission.
- b. Doorways adjacent to a public right-of-way shall be set back so that doors do not swing into a right-of-way.

7. Required Offsets.

- a. *Fenestration and Articulation.* Buildings shall be vertically articulated with a width equal to 20 percent of the building height. Vertical articulation may include projections, recesses, arcades, porticos, or other features that provide for different wall planes
- b. *Transparency.*
 - i. The front façade and side street façade of any new nonresidential building shall be comprised of at least 50 percent windows and doors at the ground level. Highly reflective glass, dark-tinted glass, or other types of glass that are intended to obscure the transparency shall be prohibited.
 - ii. Accessory structures shall be comprised of at least 25 percent windows and doors at the ground level. Accessory structures that are not open for business to the public are exempt from the transparency requirements of Paragraph i, above, provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street.

8. Materials. The allowable types and proportions of building materials on public-facing and non-public-facing elevations are set out in [Section 156.D.002, General Requirements](#), in addition to the following standards:

- a. The visible sides of buildings, from the street, shall be consistent in design and use of materials.

- b. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as a development block. Building design shall include at least two materials as identified in Section 156.D.002.
 - c. The front façade, or any façade that directly abuts a public right-of-way including a street-side yard of any building shall be at least 50 percent brick or masonry stone.
 - d. Accessory structures shall be constructed of similar and/or complementary materials as the primary structure.
 - e. No wood, masonite, visible asphaltic exterior wall or roofing material, metal siding, non-architectural sheet metal, concrete block or other similar materials shall constitute a portion of any building, except as trim material, unless the Zoning Administrator determines that the said material, when used as a primary element, enhances the physical appearance or provides continuity to unite all structures within the property together into one project concept.
 - f. All material fasteners shall be concealed.
 - g. All structures shall be constructed on permanent foundations and may not be placed in a temporary manner.
9. *Nonresidential and Mixed-Use Buildings.* Residential units in a mixed-use building shall not be on the ground/first level of any building also containing a commercial use listed in Section 156.C.003, *Use Table*, except that a maximum of 40 percent of the ground floor area may be residential provided it is not adjacent to a front or street side yard.
10. *Rooftop Mechanicals.*
- a. All rooftop mechanical equipment shall be screened from view using materials consistent and compatible with the primary building materials.

F. Pedestrian Amenities.

- 1. *Street Furniture.* Public seating, trash receptacles, and directional kiosks shall be of uniform design and provided throughout district, approved by the Plan and Zoning Commission. Street trees, landscaping, weather protection, public art, street furniture, and other pedestrian amenities in public rights-of-way and plazas shall provide a minimum passable sidewalk width of five feet.
- 2. *Sidewalks.* Sidewalks shall connect to existing perimeter sidewalks and to all building entrances; parking courts, garages, or structures; civic spaces; and any other pedestrian destinations.

G. Open Space.

- 1. *Amount Required.* See Section 156.B.005, *Nonresidential and Mixed-Use District Development Standards* for the minimum required open space by building type and zoning district.
- 2. *Types of Open Space.* See Table 156.B.007-1, *Public Civic and Open Space Standards*, for minimum standards for open space types within the UC and MU zoning districts.

H. Signage.

- 1. The location and size of signs shall be integrated into the design of the overall development and shall meet regulations outlined in Article G, *Signs*.
- 2. Signage is considered as part of the architectural theme of the building and district and shall be reviewed in the site plan.
- 3. Roof signs shall be prohibited.
- 4. Directional signs limited to two per premise shall be permitted and shall be limited to 6 square feet each with a maximum height of four feet.
- 5. Freestanding signs shall be limited to monument signs only with a permitted size that shall be no more than 48 square feet in area and 10 feet in height.

I. Service Areas.

- 1. *Lighting.*

- a. Lighting of outdoor service, loading, and storage areas shall be the minimum necessary for security purposes and shall be designed and directed so as not to create glare or lighting impacts at the street or on surrounding properties.
 - b. Lighting of entryways is encouraged and to the extent practical should be attached to the building.
 - c. Lighting shall be provided at secondary entryways located in pedestrian alleyways.
- 2. *Service Area Screening.* Service areas, garbage receptacles, utility meters, and mechanical and electrical equipment shall be screened from public view and located for convenient access by service vehicles. Screening of these areas shall be integrated into the overall building and landscape design.
- 3. *Loading and Unloading.* On-site space for stacking vehicles that are waiting to load or unload may be provided as necessary. Otherwise, accommodation shall be provided on-street.
- J. **Utilities.** All utilities shall be placed underground, where feasible.
- K. **Stormwater.** All stormwater collected from the roofs of the buildings shall be diverted underground, where feasible.
 - 2. Whenever structures are erected or structurally altered, parking spaces shall be provided on the same zoning lot as the building in accordance with the requirements of [Article E, Parking, Loading, and Stacking](#). Uses that predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.
 - 3. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:
 - d. The parking shall not extend into the required front yard setback.
 - e. Landscaping shall be placed between the parking spaces and the front property line in accordance with [Section 156.F.003, Development Landscaping](#).
 - f. A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of established in [Section 156.E.003, Parking Design](#), shall be permitted where appropriate.
 - 4. Parking areas shall be designed to minimize headlights shining into residential properties.
 - 5. Parking areas shall be set back five feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross-access agreements/easements.
 - 6. Off-street parking requirements shall be contained entirely outside of the public right-of-way.
 - 7. The maximum amount of surface parking shall not exceed the specified minimum by more than 25 percent. If additional parking is desired, it shall be placed underground, within an enclosed building, or in a tuck-under garage. The exception is shared parking when a zoning lot is developed/redeveloped with shared uses in mind.
- M. **Vehicular Access.**
 - 1. Driveway locations shall be spaced such that they are at least five feet from any adjacent driveway.
 - 2. Shared driveways are allowed.
 - 3. Driveway location shall comply with the requirements of the visibility triangle as set forth in Subsection [156.B.008.a, Measurements](#).
 - 4. Two driveway approaches may be permitted on each street frontage, of each premise, excluding Single-Family Attached, Single-Family Detached and Duplex properties. At locations where driveways are not shared with an adjoining property, each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.
 - 5. Access to attached and detached garages shall be from the rear of a building only, except if the property is located on a corner lot and the side street may be used for access.

Section 156.D.008, Urban Core Historic District Overlay

- A. **Generally.** The following standards shall apply within the *UC-HD, Urban Core Historic District* Overlay in the *UC, Urban Core* zoning district and are intended to implement the Marshalltown Downtown Master Plan. The standards of the

underlying *UC, Urban Core* zoning district shall apply in the case of a conflict between the standards forth in Section [156.B.005, Nonresidential and Mixed-Use District Development Standards](#), and the standards of this section.

- B. **Applicability.** The standards of this section shall apply within the UC-HD Overlay district when new construction or more than 10 percent of an existing building's front or street-facing side exterior is the subject of review.
- C. **Features and Treatment Methods.**
 - 1. *Masonry.* Retain and repair original masonry and mortar. When replacement of failed masonry is required, new masonry units shall match the existing in dimension, composition, color, texture, and profile.
- D. **Building Façade Elements.** The following building façade element treatments shall apply to the expansion of existing buildings:
 - 1. *Parapet.*
 - a. Retain and repair existing parapets.
 - b. Avoid complete removal of a parapet except in cases where it is in danger of collapse or deterioration beyond repair. A rebuilt parapet should match the original as closely as possible in height and material. A rebuilt parapet removed by a prior owner, should align with the scale and material but not create a false sense of history.
 - 2. *Cornice.* Retain and repair existing cornices.
 - 3. *Roof.*
 - a. If full replacement or major repair is necessary, utilize a compatible substitute material that will not change the character of the building.
 - b. Decorative features such as cupolas, cresting, dormers, chimneys, visible shingle patterning, integral gutters, and original vents shall remain.
 - c. New elements such as dormers, skylights, antennas, solar panels, and mechanical equipment shall be placed in a manner that they are screened from public view.
 - 4. *Windows.*
 - a. Retain and repair existing windows. Replacement windows shall be of the same exterior dimension as the original window opening.
 - b. New window openings in façades that are visible from a public street or in any location that would impact a character-defining façade is not allowed.
 - 5. *Storefronts, Bulkheads, Display Windows.*
 - a. Preserve and restore original storefronts, bulkheads, and display windows when they remain in place. These building elements are usually considered to be “character-defining” and effort should be made to retain the original whenever possible.
 - b. Remove cover-up siding and infill framing as part of storefront rehabilitation.
 - c. Repair the original materials or, if absolutely necessary, replace with material that closely aligns with the original in appearance and durability. Deteriorated wood elements can often be replaced with matching milled pieces. Cast iron elements should be evaluated for structural stability.
 - d. Maintain or restore the original size, configuration, divisions and shape of storefronts.
 - 6. *Doors and Entries.*
 - a. Retain original recessed entries.
 - b. Repair and restore architectural details.
 - 7. *Decorative Details.*
 - a. Retain original wood accents and details where they remain.
 - b. Remove modern materials that cover historic exterior materials.
 - c. Retain original cast iron and pressed metal where it remains.
 - d. Apply paint only to historically painted materials.

8. *Signs and Awnings.*
 - a. Avoid painting over historic painted signage.
 - b. Signs shall not obscure historic architectural features or disrupt the façade pattern.
 - c. Storefront window signs shall not obscure the view through the storefront. Signs shall be less than 25 percent of the total window glass.
 - d. Awnings shall be triangular in section.
 - e. Awnings shall be designed to fit the storefront openings without obscuring architectural details.
 - f. Awnings shall be supported structurally by the building and shall not have posts supporting them from the ground.

Section 156.D.009, Nonresidential

- A. **Generally.** Any exterior wall of a nonresidential building visible from a public or private street, a residential property, or public open space shall meet the requirements of this Section.
- B. **Exterior Wall Materials.**
 1. *Primary Materials.* A minimum of 80 percent of the primary exterior wall and 60 percent of the ancillary exterior walls shall be finished with the materials listed in [Section 156.D.002.D, Primary Materials](#).
 2. *Secondary Materials.* The remaining percentages of the primary and ancillary exterior walls may be finished with the materials listed in [Section 156.D.002.E, Secondary Materials](#).
- C. **Building Form.**
 1. *Neighborhood-Scale.* Buildings that cover up to 30,000 sq. ft. of gross floor area shall have moderate changes in height or roof lines, which can be accomplished by one or more of the following techniques:
 - a. Modules shall be offset from each other by a horizontal recess or projection of the building façade that measures 10 percent or more of the building height;
 - b. Dormers with ridge lines that are three feet or more below the ridge line of the roof;
 - c. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of two to five feet;
 - d. Parapet walls that vary in height from two to four feet and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment; or
 - e. Towers that have a height that is four to six feet above the highest peak or ridge of the roof or highest point of the parapet for a minimum of 10 percent of the façade on which the tower is located.
 2. *Community-Scale.* Buildings that cover between 30,001 sq. ft. and 60,000 sq. ft. of gross floor area shall have major changes in height per every 50 lineal feet of roofline, so which can be accomplished by one or more of the following techniques:
 - a. A compound roof shape, in which the highest ridge line and the lowest ridge line have a height difference of five or more feet;
 - b. Parapet walls that vary in height by more than four feet, are proportional to the building, and which are designed of equal or greater height to screen from public view all rooftop mechanical equipment;
 - c. Towers that have a height that is more than six feet above the highest peak or ridge of the roof or highest point of the parapet. The mass of such towers shall be proportional to the building, so that the towers appear as substantial, but not overwhelming, architectural elements;
 - d. Ground-level arcades and second floor galleries/balconies;
 - e. Functional or faux chimneys; or
 - f. Other features that reduce the apparent mass of the building.

3. *Regional-Scale.* Buildings that cover more than 60,001 square feet of gross floor area shall have major changes in height per every 50 lineal feet of roofline, which shall, in addition to the requirements for community-scale buildings, must include:
 - a. Significant architectural features to identify principal entrances; and
 - b. Elements such as towers or significant projections from the building to break up the building mass.
- D. **Multi-Story Buildings.** Buildings with three or more stories shall be designed with a clearly differentiated base, middle, and top.
1. *Building Base.* A recognizable base shall include, but shall not be limited to:
 - a. Thicker walls, ledges, or sills; or
 - b. Raised planters, which are integral to the building façade.
 2. *Building Top.* A recognizable top shall include, but shall not be limited to:
 - a. Cornice treatments, other than just colored stripes or bands; or
 - b. Sloping roofs with eaves and brackets.
- E. **Building Articulation.**
1. *Major Building Articulation.* Buildings shall be articulated using one or more of the following major articulation design techniques uniformly over the entire building façade:
 - a. A step back of upper floors to create human-scale and to reduce building scale and mass;
 - b. Increased setbacks for up to 30 percent of a street elevation to create public space; (public space may include outdoor seating/dining areas, pocket parks, fountains and/or water features, children's play areas, or similar space open to the public);
 - c. Variations in building heights for a minimum of 30 percent of the building façade;
 - d. Building insets or projections of at least two feet that extend the full height of the building for a minimum of 30 percent of the building façade;
 - e. Material changes for different building planes or elements;
 2. *Minor Building Articulation.* Buildings shall be articulated using two or more of the following minor articulation design techniques uniformly over the entire building façade:
 - a. Windows or faux window openings;
 - b. Doors or faux door openings;
 - c. Recessed or projecting building entries;
 - d. Projecting bay windows;
 - e. Window moldings;
 - f. Arcades;
 - g. Recessed or projecting porches;
 - h. Recessed or projecting balconies;
 - i. Functional or decorative canopies and awnings;
 - j. Cornices;
 - k. String courses;
 - l. Columns;
 - m. Wall sconces;
 - n. Brick patterning, including soldier courses, or other building material or color variations;
 - o. Score lines; or
 - p. Accents through the use of moldings, sills, cornices, canopies, or spandrels.

- F. Building Entrances.** Each building shall have clearly-defined customer entrances that include at least two of the following features:
1. Canopies, porticos, arcades, or overhangs;
 2. Recesses or projections;
 3. Over the door or peaked roof forms;
 4. Arches;
 5. Outdoor patios or plazas;
 6. Display windows;
 7. Obviously differentiating architectural details such as moldings that are integrated into the building structure and design; and/or
 8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- G. Roofing.**
1. *Styles.* Flat roof and pitched roof systems are allowed, subject to the following standards:
 - a. Mansard roofs are not allowed.
 - b. Any material that is permitted by building code is allowed on flat roof systems.
 - c. Flat roof systems shall be hidden by parapet walls that are of equal or greater height to screen from public view all rooftop mechanical equipment.
 2. *Approved Materials.* Roofing materials used on pitched roof systems shall be proven, high-quality, durable materials, including:
 - a. Architectural shingles;
 - b. Concrete tile;
 - c. Slate;
 - d. Architectural standing seam metal;
 - e. Building-integrated photovoltaics (solar panels that double as roofing material);
 - f. Green roof systems (encouraged); or
 - g. Others approved by the Zoning Administrator and the Commission.
 3. *Prohibited Materials.*
 - a. Corrugated metal and other roofing materials that are not listed in (2) above are prohibited.
 - b. Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.
- H. Elevations.**
1. *Front Elevation.* In addition to the above articulation features, the front elevation of a building shall have:
 - a. Architectural features that animate the façade along its entire length, spaced at intervals of not more than 30 feet in horizontal distance. These features may include wall sconces, display windows, faux windows, material patterning, entry areas, towers, pilasters, and columns, or other elements that create a pattern of light and shadow on the building wall.
 - b. Awnings, arcades, or overhangs that project at least six feet along not less than 50 percent of the façade.
 2. *Side and Rear Elevations.* Side and rear elevations shall have architectural features that animate no less than 50 percent of the façade, which shall include:
 - a. Awnings, arcades, or overhangs that project at least six feet and connect to awnings, arcades, or overhangs on the front elevation;
 - b. No blank wall surfaces that extend for more than 15 or 30 feet in vertical or horizontal distance, respectively; and
 - c. Wall sconces, display windows, faux windows, material patterning, entry areas, towers, pilasters, and columns, or other elements that create a pattern of light and shadow on the building wall.

ARTICLE E – PARKING, LOADING, AND STACKING

Section 156.E.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to ensure that:
1. *Provision of Parking.* Adequate, attractive, and safe off-street parking is provided by this Ordinance.
 2. *Residential Protection.* Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;
 3. *Provision of Loading Spaces.* Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;
 4. *Provision of Access.* Access to sites are managed to maintain the desired function and safety of the adjacent street(s); and
 5. *Lighting.* Vehicular use areas and sites are designed and lighted to promote public safety without creating undue light pollution and off-site glare.
- B. **Applicability.**
1. *Development Activities.* The standards of this Article apply to the following development activities:
 - a. New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
 - b. Increase in apartment units, manufactured home pads, gross floor area, or impervious surface by 20 percent or more, cumulatively over a five-year period; or
 - c. Change in use requiring additional parking, loading, or stacking spaces (also known as vehicle use areas).
 2. *Exemptions.*
 - a. Changes in the use(s) of existing buildings that result in fewer required parking, loading, or stacking spaces shall not be required to provide additional parking spaces.
 - b. A permitted use may be converted to another permitted use without full compliance with the required number of parking, loading, or stacking spaces if the Zoning Administrator determines:
 - i. No additional parking, loading, or stacking spaces could be provided without removing or partially removing a structure; and
 - ii. The amount of parking, loading, or stacking spaces available is at least 80 percent of the parking, loading, or stacking required for the new use.
 3. *Change of Use (Maximum Parking).* Uses with off-street parking in excess of the maximum allowed for a nonresidential use resulting from a change of use in an existing building are not required to remove the excess parking spaces.
- C. **Timing of Compliance.** A Certificate of Occupancy will not be issued until all site improvements required in this Article are constructed in conformance with the approved permit or plan required in [Section 156.J.002, Common Review Provisions](#).

Section 156.E.002, General Requirements

- A. **Generally.** Off-street loading, stacking, and access shall be provided, located, and designed in accordance with the standards of this Article.
- B. **Lighting and Noise.** The following standards shall apply to all vehicle use areas:
1. Lighting shall comply with [Article H, Outdoor Lighting](#).
 2. An area used for primary circulation, frequent idling of vehicle engines, or loading activity shall be designed and located to minimize the effects of noise, pollution, and vehicle lights on an adjoining property.

- C. **Associated Building, Use, or Structure.** Vehicle use areas (VUA) shall be maintained as long as the associated building, use, or structure is in use or operation. No person shall utilize such building, use, or structure without providing the VUAs required in this Article. It shall be unlawful to discontinue, reduce, or remove the required VUAs apart from the discontinuance, removal, or reduction of the building, use, or structure that requires the VUA.
- D. **Maneuvering Space.**
1. *Prohibited.* No VUA shall be designed or built to require a vehicle to maneuver into a public right-of-way or overhang or encroach an adjacent property under separate ownership in order to park, load, unload, or stack, except:
 - a. In the case of single-family and duplex dwellings where backing onto the public right-of-way is permitted; or
 - b. Where a cross-access easement is in place.
 2. *Barrier.* In order to prevent overhang or encroachment described in Paragraph 1, *Prohibited*, above, a VUA shall include a permanent curb, wall or other physical barrier. Such a physical barrier shall be located a minimum of two feet from the right-of-way or property line.
- E. **Location.** Except as permitted in [Section 156.E.006, Parking Credits and Reductions](#), a VUA required by this Article shall be located on the same property as the building, use, or structure it serves and it shall be located behind any required bufferyard as set out in [Article F, Landscaping, Buffering, and Screening](#).
- F. **Calculations.**
1. *Fractions.* If the final calculated number of required parking, loading, or stacking spaces includes a fractional space, the number of required spaces shall be increased to the next whole number if the fraction is five-tenths or more, and when the fraction is less than five-tenths, the next lower whole number shall apply.
 2. *Variables for Calculating Required Spaces.* The variables used for calculating spaces are measured as shown in [Table 156.E.002, Parking, Loading, and Stacking Variable Meanings](#).

Table 156.E.002 Parking, Loading, and Stacking Variable Meanings	
Variable	The number of required spaces is calculated based on the number of:
Per Dwelling Unit	Dwelling units on the subject property.
Per Campsite	Spaces available for a recreational vehicle to connect to utilities provided at the recreational vehicle park.
Per Bedroom	Bedrooms in the facility instead of the number of bed or some other measure.
Per Gross Floor Area	Gross floor area of the establishment, which measurement is described in Subsection 156.B.008.a, Measurements .
Per Employee	Employees during the shift in which the maximum number of employees is present.
Per Seat	Seats affixed to the floor that are provided to guests (patrons, members, etc.), with benches or pews measured as one seat per two feet of width. Space requirements for uses with unaffixed seats shall be based on the seating capacity permitted by the Fire Code and approved by the Fire Marshal's office.
Per Student	Students or enrollees that the facility is permitted to have according to the appropriate licensing agency, if applicable.

3. *Multiple Nonresidential Uses.* If several nonresidential uses occupy a single parcel or building, the parking requirements shall be calculated separately for each use within the development, or as set out in [Section 156.E.006, Parking Credits and Reductions](#), whichever results in a lesser number of required spaces.

- G. **Surfacing and Drainage.** All vehicle use areas shall be graded, surfaced, and maintained so that water does not accumulate, flow, or drain onto abutting public or private property. The surfacing of VUAs shall consist of asphalt, concrete, or other all-weather surface approved by the City Engineer.
- H. **Dedication of Spaces.** Off-street parking, loading, and stacking spaces shall not be used interchangeably to meet one another's requirements nor shall their placement interfere with one another's use.
- I. **Insufficient Vehicle Use Area.** The Zoning Administrator may require a landowner to provide additional VUA even if the number of spaces provided meets the minimum requirement for the established use, if vehicles are consistently required to park or unload on the street (where on-street parking is prohibited) or on other properties due to a lack of usable VUA.

Section 156.E.003, Parking Design

A. Design and Construction Requirements.

1. *Tandem Parking.* Each parking space shall be accessible from a street or alley through aisles and/or driveways, except that tandem parking arrangements are permitted for single-family, two-family, and manufactured home uses or as allowed based on an approved parking study as described in [Section 156.E.006, Parking Credits and Reductions](#).
2. *Dead-End Aisles.* Dead-end aisles are not permitted unless adequate turnarounds usable by a two-axle vehicle are provided.
3. *Marking.* All parking spaces for nonresidential and mixed-uses shall be clearly marked on the pavement with yellow or white traffic paint or raised pavement markers approved by the City Engineer.
4. *Parking Space Orientation.* Parking areas shall be designed to minimize headlights shining into residential properties.
5. *Parking Module Dimensions.* Parking modules shall be dimensioned as shown in Table [156.E.003, Parking Module Dimensions](#). The dimensions that are set out in the table are illustrated in Figure [156.E.003, Illustrative Parking Module Configurations](#).

Table 156.E.003
Minimum Parking Module Dimensions

A	B	C		D		E	F	
Angle of Parking (Degrees)	Width of Stall	Depth of Stall 90 Degrees to Aisle		Width of Aisle		Width of Stall Parallel to Aisle	Module Width	
		One Way	Two Way	One Way	Two Way		One Way	Two Way
30	9.5	16.8	12.9	11	18	18	44.6	43.8
45	9.5	19.1	15.9	13	18	12.7	51.2	49.8
60	9.5	20.1	17.8	18	18	10.4	58.2	53.6
90	9.5 ¹	18	18	24	24	9	42	60
Parallel	9.5	21 ² (length)	21 ² (length)	12	18	N/A	30	36

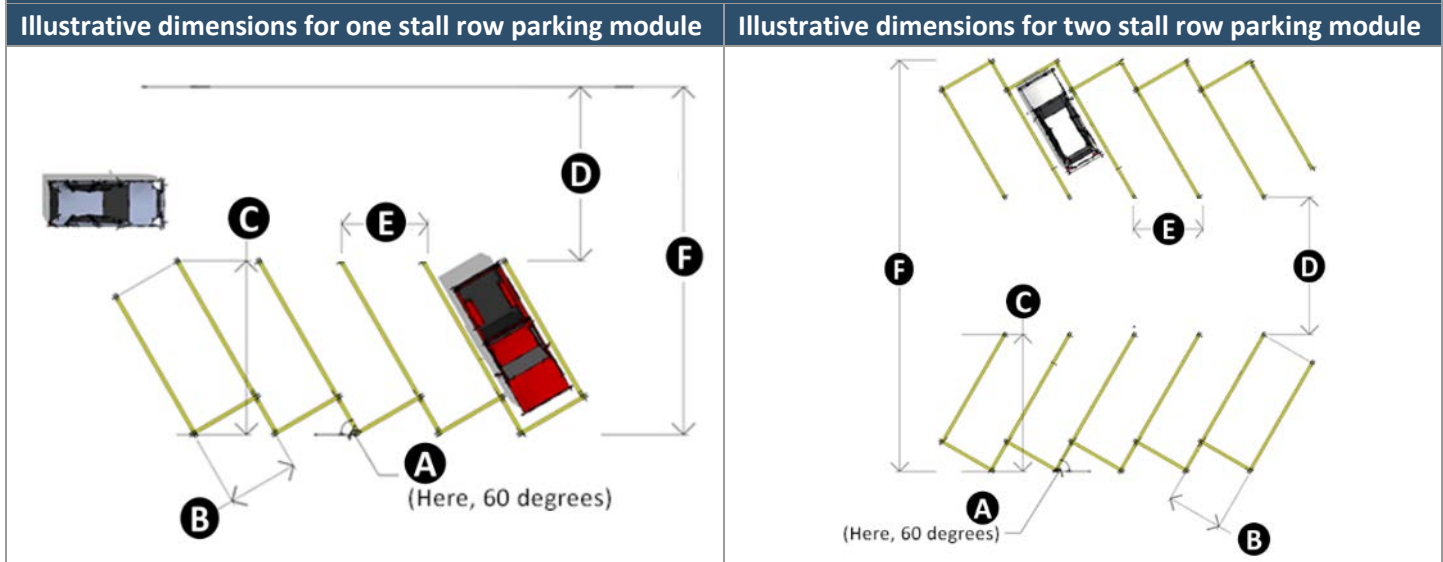
TABLE NOTES:

¹End spaces must be 12 feet

²End spaces may be 18 feet

Figure 156.E.003

Illustrative Parking Module Configurations



B. Surfacing and Drainage.

1. *Paving and Grading.* Except as set forth in Subsection D, *Alternative Paving Materials*, below, all off-street parking areas, driveways, and access drives must be paved with an all-weather surface and graded and drained as to dispose of all surface water accumulations within the area.
2. *Equipment and Service Vehicles.* Areas used to store equipment or service vehicles used in connection with the operation of a business located on the premises, may be surfaced with gravel or grass that is maintained to eliminate blowing dust and erosion.

C. **Setback.** No part of any parking area shall be closer than five feet to any established street right-of-way, alley, or property line. Where a parking area of a non-residential use or district adjoins any residential use or district, it shall be screened in accordance with the standard of [Section 156.F.004, Buffering](#).

D. **Alternative Paving Materials.** The City Engineer may approve alternative paving materials for parking areas not specified in [Section 156.E.002.F, Surfacing and Drainage](#), if the City Engineer determines that the alternative, compared to the permitted materials, is substantially equal to or better in quality and durability.

E. **Snow Storage.** Parking lots and landscaping and buffering required by [Article F, Landscaping, Buffering, and Screening](#), shall be designed so that snow can be efficiently plowed into on-site storage areas. Snow storage areas shall be located and designed so that:

1. *Reduction of Spaces.* The amount of parking on the site is not reduced below 80 percent of the number of spaces required by Table [156.E.004-1, Minimum and Maximum Off-Street Parking](#), when snow is stored on-site;
2. *Circulation and Visibility.* Storage of snow does not interfere with circulation on the site or with visibility at points of ingress or egress or at street intersections;
3. *Landscape Islands.* Landscape islands shall not be used for snow storage unless specifically identified on the site development plan. All light poles, landscaping, or internal pedestrian pathways shall be protected from vehicle encroachment with concrete curbing or similar permanent and elevated landscaping elements approved by the Zoning Administrator.
4. *Risk Mitigation.* The location of the snow storage area does not create an unreasonable risk of snow being pushed into street rights-of-way;
5. *Heavy Snow Events.* The snow storage area is located and configured so that snow can be removed from the site during periods of heavy snowfall that are combined with sub-freezing temperatures; and

6. *Pervious Storage Area.* The area under the stored snow is pervious landscape area, and runoff from snowmelt is directed through stormwater best management practices (BMPs) to slow water and improve its quality.

Section 156.E.004, Required Off-Street Parking

- A. **Applicability.**
 1. This Section applies to all uses and structures in all zoning districts, except as provided below.
 2. The minimum requirements of this Section do not apply to the Urban Core (UC) district. However, the maximum requirements of this Section do apply.
- B. **Residential Parking.** Parking spaces for Household Living use types or specified building types that are located in private garages, carports, or individual driveways do not have to be marked. An area on a private residential lot is considered a parking space if:
 1. *Dimensions.* The area is at least 9.5 feet wide and 20 feet deep in dimension and is not part of an access drive to a private garage or carport;
 2. *Encroachment.* The area does not encroach upon a public sidewalk;
 3. *Surface.* The area has an improved hard surface as required in Section 156.E.003.B, *Surfacing and Drainage*; and
 4. *Access.* The area is accessible from the street or alley.
- C. **Minimum and Maximum Spaces.** Off-street parking spaces must be provided for the uses listed in Table 156.E.004, *Minimum and Maximum Parking*, below. The uses must provide the minimum number of off-street parking spaces, and parking spaces may not exceed the maximum number of spaces.
- D. **Multiple Activities.** Except as otherwise provided, where multiple activities associated with a single-use take place on-site, the required parking shall include a combination of the site's activities. For example, a truck stop is required to provide parking based on applicable retail sales area, car wash, overnight accommodations, and any other applicable activities.

Table 156.E.004 Minimum and Maximum Parking			
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable			
Use Category	Subtype	Minimum Spaces	Maximum Spaces
Residential and Agricultural			
Household Living	Dwelling, Apartment	1 per dwelling unit	1 per bedroom
	Dwelling, Single-Family Attached	2 per dwelling unit	4 per dwelling unit
	Dwelling, Single-Family Detached	2 per dwelling unit	4 per dwelling unit
	Dwelling, Duplex	2 per dwelling unit	4 per dwelling unit
	Dwelling, Townhouse	2 per dwelling unit	4 per dwelling unit
	Dwelling, Multiplex	1 per dwelling unit	1 per bedroom
	Manufactured Home Park	Zero	2 per dwelling unit
Group Living	Assisted Living Facility	0.3 per unit + 0.75 per employee	1 per unit + 1 per employee
	Boarding or Rooming House	1 per bedroom	1 per bedroom
	Group Home	2 per dwelling unit	2 per dwelling unit
	Nursing Home	1 per 2 beds	1 per 2 beds

Table 156.E.004
Minimum and Maximum Parking

SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
	Group Living (Other than Listed)	2 per dwelling unit	2 per dwelling unit
Residential Accessory Uses ¹	Accessory Dwelling Unit	1 per dwelling unit	1 per dwelling unit
	Bed and Breakfast Home	1 per bedroom	1 per bedroom
	Farm Stand	1 per stand	3 per stand
	Group Day Care (6 to 12 children)	--	1 per dwelling unit
	Residential Accessory Use (Other than Listed)	--	--
	Upper-Story Residential	1 per dwelling unit	1.5 per dwelling unit
Agricultural and Animal Services	Community Garden	1 per 500 SF GFA	1 per 200 SF GFA
	Kennel	1 per 1,000 SF GFA	1 per 250 SF GFA
	Plant Nursery, Greenhouse, and Landscaping Business	--	--
	Veterinary Clinic	1 per 500 SF GFA	1 per 200 SF GFA
	Veterinary Hospital	1 per 500 SF retail area	1 per 300 SF retail area
	Crop Production	--	--
	Nursery (Retail)	1 per 500 SF retail area	1 per 200 SF retail area
	Stable (Public or Commercial)	1 per horse boarded	2 per horse boarded
Public and Institutional			
Day Care	Adult Day Care	1 per employee	1.75 per employee
	Pre-School or Child Day Care Center	1 per employee	1.75 per employee
	Group Day Care Center	1 per employee	1.75 per employee
	Botanical Garden, Nature Preserve or Trail	--	--
	Bus or Train Passenger Terminal	--	--
Educational Facilities	College or University	1 per 400 SF office, research, and library area; plus 1 space per 300 sq ft assembly areas and classrooms	1 per 300 SF office, research, and library area; plus 1 space per 250 sq ft assembly areas and classrooms
	Training Facility or Vocational School	1 per 300 SF GFA	1 per 250 SF GFA

Table 156.E.004
Minimum and Maximum Parking
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
	School, Primary or Secondary (Public or Private) -Primary -Secondary	2 per classroom (Primary); 1 per employee + 1 per 5 students (Secondary)	--
	All Other Educational Facilities	1 per 400 SF GFA	1 per 350 SF GFA
Government Facilities	Government / Non-Profit Office	1 per 400 SF GFA	1 per 200 SF GFA
	Government Services (Police, Fire, Emergency Medical Services)	--	--
Medical Facilities	Hospital	1 per 3 patient beds	1 per 2 patient beds
	Funeral Home or Mortuary	1 per 6 seats	1 per 1.5 seats
	Clinic, Medical Lab, or Urgent Care	1 per 300 SF GFA	1 per 150 SF GFA
Parks and Open Areas	Botanical Garden, Nature Preserve or Trail	--	--
	Cemetery, Columbarium, Mausoleum, or Memorial Park	--	--
	Park, Playground, and Common Open Space	--	--
Passenger Terminal	Airport or Heliport	-Special Study, refer to Section 156.E.004.F	
	All other Passenger Terminal Uses	--	--
Public Assembly	Club or Lodge	1 per 300 SF GFA	1 per 200 SF GFA
	Place of Public Assembly	1 per 6 seats	1 per 1.5 seats
	Library, Aquarium, Museum, or Gallery	1 per 1,000 SF GFA	1 per 500 SF GFA
	Senior, Youth, or Community Center	1 per 300 SF GFA	1 per 200 SF GFA
Social Service	All Social Services	Special Study, refer to Section 156.E.004.F	
Utilities	Major Utility	1 per employee	--
	Minor Utility	--	--
Commercial and Office			

Table 156.E.004
Minimum and Maximum Parking
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
Adult Business	Adult Entertainment Business	1 per 400 SF GFA	1 per 200 SF GFA
Entertainment (Indoor)	Archery / Firearms Range	1 per 3 bays or 1 per 300 SF firing area if no bays	1 per bay or 1 per 100 SF firing area if no bays
	Bar or Tavern	1 per 200 SF GFA	1 per 100 SF GFA
	Bowling Alley	1 per lane	4 per lane
	Dance Club or Dance Hall	1 per 200 SF GFA	1 per 100 SF GFA
	Fitness Gym	1 per 600 SF GFA	1 per 200 SF GFA
	Entertainment (Indoor) (Other than Listed)	1 per 450 SF GFA	1 per 100 SF GFA
	Movie or Other Theater	1 per 4 seats	1 per 3 seats
	Tattoo or Piercing Business	1 per chair plus 1 per employee	1.5 per chair plus 1 per employee
Entertainment (Outdoor)	Amphitheater	1 per 6 seats or 1 per 30 SF if no permanent seats	1 per 4 seats or 1 per 50 SF if no permanent seats
	Campground without Overnight Accommodations	1 per campsite	--
	Golf Course	--	5 per hole
	Golf Driving Range	1 per tee area	3 per tee area
	Mini-Golf Course	1 per 300 SF outdoor entertainment area plus 1 per 200 SF GFA	1 per 250 SF outdoor entertainment area plus 1 per 150 SF GFA
	Entertainment (Outdoor) (Other than Listed)	1 per 1,000 SF outdoor entertainment area	1 per 300 SF outdoor entertainment area
	Stadium, Running Track, or Ball Field	1 per 6 seats or 1 per 50 SF if no permanent seats	1 per 4 seats or 1 per 30 SF if no permanent seats
Offices/Suites	Bank or Credit Union	1 per 350 SF GFA	1 per 200 SF GFA
	Offices (Other than Listed)	1 per 400 SF GFA	1 per 200 SF GFA
Overnight Accommodations	Bed and Breakfast Inn	0.3 per guest room + 1 per 3 persons (based on maximum design occupancy) for accessory meeting space and catered functions	1 per guest room + 1 per 1 person (based on maximum design occupancy) for accessory meeting space and catered functions
	Campground with Overnight Accommodations	1 per campsite	--

Table 156.E.004
Minimum and Maximum Parking
SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
	Overnight Accommodations (Other than Listed)	.8 per guest room + 1 per 800 SF public meeting area and restaurant space	1 per guest room + 1 per 400 SF public meeting area and restaurant space
Parking, Commercial	All Uses	--	--
Restaurants	Catering Establishment	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
	Food Delivery	1 per employee	2 per employee
	Microbrewery	1 per 200 SF dining or tasting area	1 per 100 SF dining or tasting area
	Restaurant (Other than Listed)	1 per 200 SF GFA	1 per 100 SF GFA
	Restaurant, Drive-In or Drive-Through	1 per 250 SF GFA	1 per 150 SF GFA
Retail Repair, Sales, and Service	All Uses	1 per 400 SF GFA	1 per 200 SF GFA
Self-Service Storage	All Uses	1 per 20 storage stalls	1 per 10 storage stalls
Vehicle Sales and Service	Car Wash	1 per 3 employees	1 per employee
	Heavy Vehicular Equipment Sales, Service, and Repair	1 per 1,000 SF sales and service building(s)	1 per 300 SF sales and service building(s)
	Vehicle Fuel Station	1 per 400 SF GFA	1 per 200 SF GFA
	Vehicle Repair, Major	1 per 250 SF GFA + 1 per employee	1 per 200 SF GFA + 1 per employee
	Vehicle Service, Minor	1 per 400 SF GFA	1 per 200 SF GFA
	All Other Vehicle Sales and Service	1 per 500 SF sales and service building(s)	--
Industrial			
Heavy Industrial	All Uses	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
Light Industrial	Building or Development Contractor	1 per 1,500 SF storage area	1 per 300 SF storage area
	Light Industrial (Other Than Listed)	1 per employee or 1 per 1,500 SF GFA, whichever is less	--
Warehousing and Freight Movement	All Uses	1 per 2,000 SF GFA	--
Waste-Related Service	All Uses	1 per employee + 1 per 15,000 SF of outdoor storage or salvage area	--
Wholesale Trade	All Uses	1 per 1,500 SF GFA	1 per 400 SF GFA

Table 156.E.004

Minimum and Maximum Parking

SF = square feet GFA = Gross Floor Area -- = No minimum or no maximum, as applicable

Use Category	Subtype	Minimum Spaces	Maximum Spaces
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Notes:

¹ In addition to the required and maximum for the primary use.

F. Special Studies.

1. *Generally.*

- a. Some of the uses listed in Table 156.E.004-1, *Minimum and Maximum Parking*, have widely varying parking demand characteristics. Accordingly, their parking requirements are listed as "Special Study." Required parking for these uses are established according to the standards of this Section.
- b. Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Table 156.E.004-1, due to the nature of the operations and/or location of a proposed use. The special study must include and support all requested reductions in parking. Further parking credits and reductions that are otherwise available pursuant to [Section 156.E.006, *Parking Credits and Reductions*](#), may not be applied when parking reductions are granted pursuant to this Section, unless the reductions are supported by the special study.

2. *Special Study Requirements.*

- a. A special study must be conducted by a qualified transportation planner or traffic engineer at the applicant's expense.
- b. The special study must provide:
 - i. A peak parking analysis of at least five functionally comparable uses; and
 - ii. Documentation regarding the comparability of the referenced uses, including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

3. *Approval of Special Study.*

- a. The Zoning Administrator may rely upon the special study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.
- b. As a condition of approval of a special study, the Zoning Administrator may require that land be reserved as an undeveloped area for additional future parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking.

- G. **Unlisted Uses.** Upon receiving a development application for a use not specifically addressed in this Article, the Zoning Administrator shall apply the off-street parking standard specified for the use that the Zoning Administrator deems most similar to the proposed use according to [Section 156.C.010, *New and Unlisted Uses*](#), or require that the applicant provide a special study according to Subsection F, *Special Studies*, above.

Section 156.E.005, Required Accessible Parking

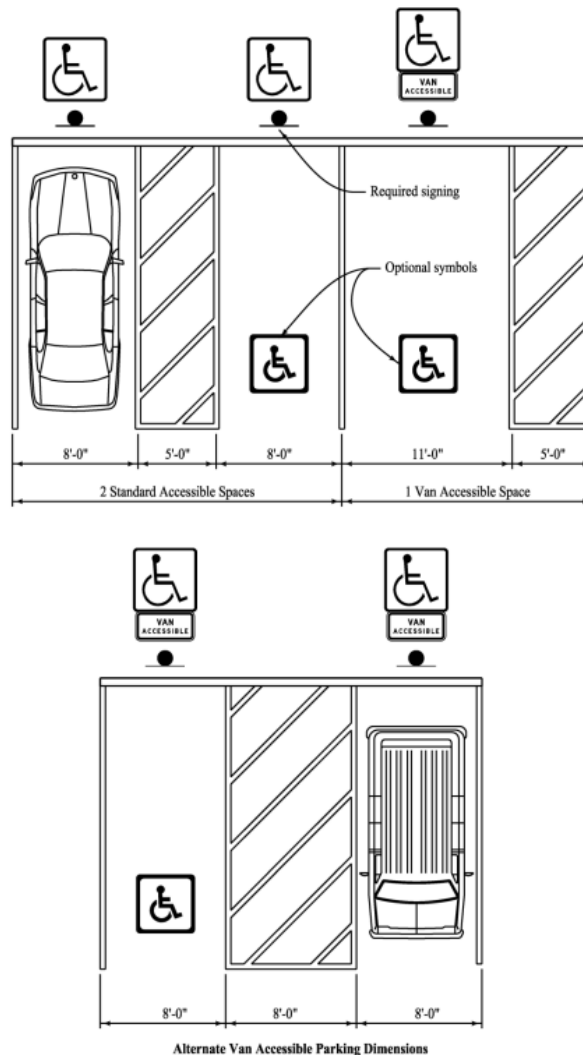
- A. **Number of Required Spaces.** Parking for disabled persons shall be provided as set out in Table [156.E.005-1, *Accessible Parking Requirements*](#), or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board. If any of the standards within this Section and the United States Access Board are in conflict then whichever requires more spaces shall be used. Required accessible parking spaces are included in the total number of required parking spaces per [Section 156.E.004, *Required Off-Street Parking*](#).

Table 156.E.006-1 Accessible Parking Requirements		
Number of Required Parking Spaces	Minimum Number of Accessible Parking Spaces	Minimum Number of Van-Accessible Parking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1000	2 percent of total parking provided in each lot or structure	1 out of 6 accessible spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1000	1 out of 6 accessible spaces, rounded up

- B. **Parking Space Size Specifications.** Figure 156.E.005-1, *ADA Parking Space Dimensions*, details the specific size requirements for both standard automobile and van accessible ADA accessible parking spaces.

Figure 156.E.005-1
ADA Parking Space Dimensions

Figure 8B-1.02: Accessible Space Dimensions



Section 156.E.006, Parking Credits and Reductions

- A. **Generally.** This Section sets out several ways to reduce or receive credit for the number of required off-street parking spaces that must be provided according to [Section 156.E.004, Required Off-Street Parking](#).
- B. **Administrative Credits and Reductions.** The Zoning Administrator may approve the following parking credit and reduction options for a property. If such administrative reductions are proposed in a legislative review application the presence of such reductions shall have no bearing on the recommendation or final decision of the administrative review bodies involved. The administrative credit and reduction options are cumulative if more than one is used on a property.
1. **On-Street Parking Credit.**
 - a. On-street parking spaces may provide credit to satisfy the minimum parking space requirements in the nonresidential and mixed-use zoning districts established in [Section 156.E.004, Required Off-Street Parking](#) on streets designed for on-street parking. The use of on-street parking spaces to satisfy minimum parking requirements in no way guarantees the use of such parking spaces to customers, employees, or visitors of the subject property.

- b. On-street spaces shall be located on a public or private street, shall be available to the general public, and directly abutting the subject property.
- c. Bus stops, clear zones adjacent to curb cuts, and other areas in which parking is prohibited shall not be included in the calculation of available on-street parking spaces.
- d. An on-street parking space shall be a minimum of 20 feet in length. A minimum of 16 linear feet of an on-street parking space shall be directly adjacent to the subject property in order to be counted as a parking space.

2. Shared Parking Reduction.

- a. Shared parking allows a reduction of up to 25 percent in the total number of required parking spaces when a property is occupied by two or more uses that typically do not experience peak use of parking areas at the same time. When any land or building is used for two or more uses that are listed in Table 156.E.005-1, *Shared Parking Table*, below, the minimum total number of required parking spaces may be determined by the following procedures, which are followed by Table 156.E.005-2, *Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.
 - i. Determine the minimum parking requirements for each use category in Column (A) as if it were a separate use excluding spaces reserved for use by specified individuals or classes of individuals (for example, accessible spaces or spaces posted as “reserved”);
 - ii. Multiply the sum of required parking spaces for each use by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 156.E.005-1, below;
 - iii. Calculate the total for each time period; and
 - iv. Select the Column with the highest total to find the required number of shared spaces.

Table 156.E.006-1, Shared Parking Table

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential	60%	90%	80%	90%	100%
Offices	100%	10%	10%	5%	5%
Retail Sales or Personal Service	60%	90%	100%	70%	5%
Overnight Accommodations	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Indoor Recreation or Outdoor Recreation	40%	100%	80%	100%	10%
All Others	100%	100%	100%	100%	100%

Table 156.E.006-2, illustrative Shared Parking Reduction Calculation

EXAMPLE: A mixed-use building in the MU zoning district has 35 apartments, 30,000 square feet of general office space, and 40,000 square feet of retail space. Separately, these uses would require 270 parking spaces ((35 sp. x 2 sp. / unit) + (30,000 sf. x (1 sp. / 350 sf.)) + (40,000 sf. x (1 sp. / 350 sf.)) = 270). However, combined, they could share 196 parking spaces, a 27% reduction.

(A) Use Category	Weekday		Weekend		(F) Night (midnight to 6 AM)
	(B) Day (6 AM to 6 PM)	(C) Evening (6 PM to midnight)	(D) Day (6 AM to 6 PM)	(E) Evening (6 PM to midnight)	
Residential 70 spaces	60% x 70 = 42	90% x 70 = 63	80% = 56	90% = 63	100% = 70
Office or Industrial 86 spaces	100% x 86 = 86	10% x 86 = 9	10% x 86 = 9	5% x 86 = 4	5% x 86 = 4
Retail Sales and Service 114 spaces	60% x 114 = 68	90% x 114 = 103	100% x 114 = 114	70% x 114 = 80	5% x 114 = 6
COLUMN TOTALS	196	175	179	147	80

TABLE NOTE:

The largest number, 196, is the number of parking spaces required. This example is a 27 percent reduction compared to individual calculations.

- b. Where a shared parking reduction is to be applied to uses on two or more lots under different ownership, the following shall be provided to the Zoning Administrator:
 - i. A plan that provides for interconnected parking lots and required residential spaces to be clearly designated and separated from spaces provided for employees, customers, and service;
 - ii. Recorded easements, accepted on a form acceptable to the City Attorney, that provide, at a minimum:
 - (A) A guarantee of each owner's rights to the use of the parking facility;
 - (B) A requirement that any termination of or amendment to the agreement shall be subject to the approval of the City;
 - (C) Cross-access among the parking areas and connections to allow parking by the different uses anywhere on the connected properties;
 - (D) Allocation of maintenance responsibilities;
 - (E) A pedestrian circulation system that connects uses and parking areas, making it easy and convenient for pedestrians to move between uses; and
 - (F) A right of enforcement by the City.

3. *Off-Site Parking Credit.* Off-site parking spaces may provide credit to satisfy the minimum parking space requirements in any nonresidential or mixed-use zoning district subject to the following:
 - a. The off-site parking lot is within 300 feet of the subject property, measured from the nearest property lines;
 - b. The parking lot is wholly within a nonresidential or mixed-use zoning district; and
 - c. The parking lot complies with all applicable requirements of this Zoning Ordinance.

C. Legislative Credits and Reductions.

1. *Plan and Zoning Commission.* The Plan and Zoning Commission may approve a reduction in the number of required parking spaces if the applicant demonstrates that a reduction is appropriate based on the applicant providing a parking study with specific parking demand forecasts for the proposed use and/or on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces, provided that:
 - a. The study is prepared by a professional transportation planner or traffic engineer;

- b. The forecasts are based upon a peak parking analysis of at least five comparable uses; and
 - c. The comparability of the uses is documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that could affect parking demand.
2. *Transportation Professional.* The Zoning Administrator may retain a qualified transportation planner or traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the Plan and Zoning Commission.
 3. *Reserve.* The balance of the land necessary to meet the parking requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.

Section 156.E.007, Off-Street Loading

- A. **Generally.** This Section establishes the requirements with off-street loading spaces in connection with any nonresidential or mixed-use building, structure, or use which is to be erected or substantially altered to provide adequate space for off-street loading, unloading, and the maneuvering of shipping and delivery vehicles in the GC, GI, and MU zoning districts.
- B. **Minimum Number of Off-Street Loading Spaces Required.** Off-street loading facilities shall be provided in accordance with the requirements in Table 156.E.007, *Minimum Off-Street Loading Spaces Required*.

Table 156.E.007 Minimum Off-Street Loading Spaces Required		
Use Groupings ¹	Gross Floor Area in Square Feet	Number of Required Loading Spaces
Industrial	Less than 10,000	0
	10,000–50,000	1
	50,001–100,000	2
	Each additional 100,000	1
Commercial and Office, Public and Institutional	Less than 10,000	0
	10,000–100,000	1
	100,001–200,000	2
	Each additional 100,000	1
All Other Use Groupings	N/A	N/A

Table Notes:

N/A = Not Applicable

¹Refer to overall groupings of the uses in the Use Table in Section 156.C.003 (for example, Agricultural, Residential, etc).

- C. **Design.** To minimize impacts, off-street loading areas shall comply with the following standards:
 1. *Lighting.* Any lighting used to illuminate off-street loading or unloading areas may not glare on any right-of-way or adjacent property.
 2. *Location.* Not be located within 40 feet of the nearest point of intersection of any two streets with no loading dock visible from a thoroughfare or collector street right of way;
 3. *Buffering.* Docks and loading spaces shall be located behind buildings and screened from view from abutting properties and public right-of-way. Truck access and loading areas that are located between a principal building and a residential property shall comply with the following additional standards:
 - a. *Use of Enclosed Loading.* The loading area shall be enclosed by a roof and a wall between the principal building and the property boundary line (as depicted in Figure 156.E.007-1, *Illustrative Example of Enclosed Loading*, below). The walls of the enclosure shall be tall enough to completely screen the delivery vehicle and shall be designed and constructed with architectural elements such as windows, awnings, or other

features that complement the exterior of the principal building. The portion of the bufferyard between the enclosed loading and the property line may be reduced by one level of opacity with the remainder of the bufferyard being the opacity level required by Table 156.F.004-1, *Bufferyard Types*, for the applicable zoning district; or

- b. *Absence of Enclosed Loading.* The loading area shall be screened along its length by a district bufferyard that has one additional level of opacity (for example, from a Type B bufferyard to a Type C bufferyard) than required by Table 156.F.004-1 and, additionally, the loading area shall contain an eight-foot-tall masonry wall that is designed and constructed with the same primary exterior finish materials of the principal building.

Figure 156.E.007-1
Illustrative Example of Enclosed Loading



D. Types of Loading Spaces.

1. *Loading for Industrial Uses.* Each required loading space in the GI, General Industrial zoning district shall be a minimum of 12 feet in width and 45 feet in depth.
2. *Other Uses.* All other required loading spaces shall be a minimum of 12 feet in width and 18 feet in depth. All required loading spaces shall have a minimum vertical clearance of 15 feet and shall be designated by signs as loading spaces.

E. Mixed-Use Developments. Where mixed-use developments may be adequately and conveniently served by a common loading area, the Zoning Administrator may approve a reduction in spaces required in Table 156.E.007-1, *Minimum Off-Street Loading Spaces Required*. For this purpose, the minimum number of required spaces shall be based on the Use Category having the greatest number of resulting spaces.

F. Outdoor Storage. For the purposes of this Section, each two square feet of exterior area used for outdoor storage shall be considered equivalent to one square foot of enclosed gross floor area.

Section 156.E.008, Off-Street Stacking

A. Generally. Stacking spaces create capacity of a drive-through lane to hold vehicles while transactions are taking place at drive-through facilities. Stacking spaces are nine feet in width by 20 feet in length and provide direct access to a service window or other improvement. The position in front of a drive-through station (e.g., a service window, ATM, or station at a drive-through bank) is counted as a stacking space.

B. Requirements.

1. *Minimum Number.* Uses that include drive-through service shall not have fewer than the number of stacking spaces established in Table 156.E.008, *Stacking Requirements*.

2. *Bypass Lane.* A 10-foot-wide bypass lane is required adjacent to stacking lanes to allow vehicles to travel around the drive-through activity and exit the site or park.
3. *Turn-Around Area.* Controlled entrances shall be designed so that vehicles may turn around without entering the gated area or backing out into the public right-of-way.

Table 156.E.008
Stacking Requirements

Activity	Minimum Spaces	Measured From
Automated teller machine (ATM)	3	ATM keypad
Bank teller lane	5	Teller window or pneumatic tube station
Carwash stall, automatic	4	Entrance to wash bay
Carwash stall, self-service	3	
Day care drop-off (between 7 to 11 children or adults)	3	Facility passenger loading area
Day care drop-off (11 or more children or adults)	3 plus 1 per every 500 square feet of heated floor area	
School, primary or secondary (public or private)	Determined by Zoning Administrator	
Fuel pump island	2	Pump island
Parking lot, controlled entrance	4	Key code box
Restaurant, drive through (or a functionally similar use) ¹	4	Order box ²
	4	Order box to first window
	2	First window to second window
Vehicle servicing	2	Entrance to stall
Other	Determined by Zoning Administrator	

TABLE NOTE:

¹If one window is provided (for both payment and pick-up), then six stacking spaces are required measured at the order box and five stacking spaces are required between the order box and the window.

²If the restaurant has dual order boxes then 3 spaces are required per order box.

³Each space is measured to include a length of 25 feet.

⁴Stacking shall not block access to driveways or parking areas.

Figure 156.E.008
Illustrative Stacking Requirements

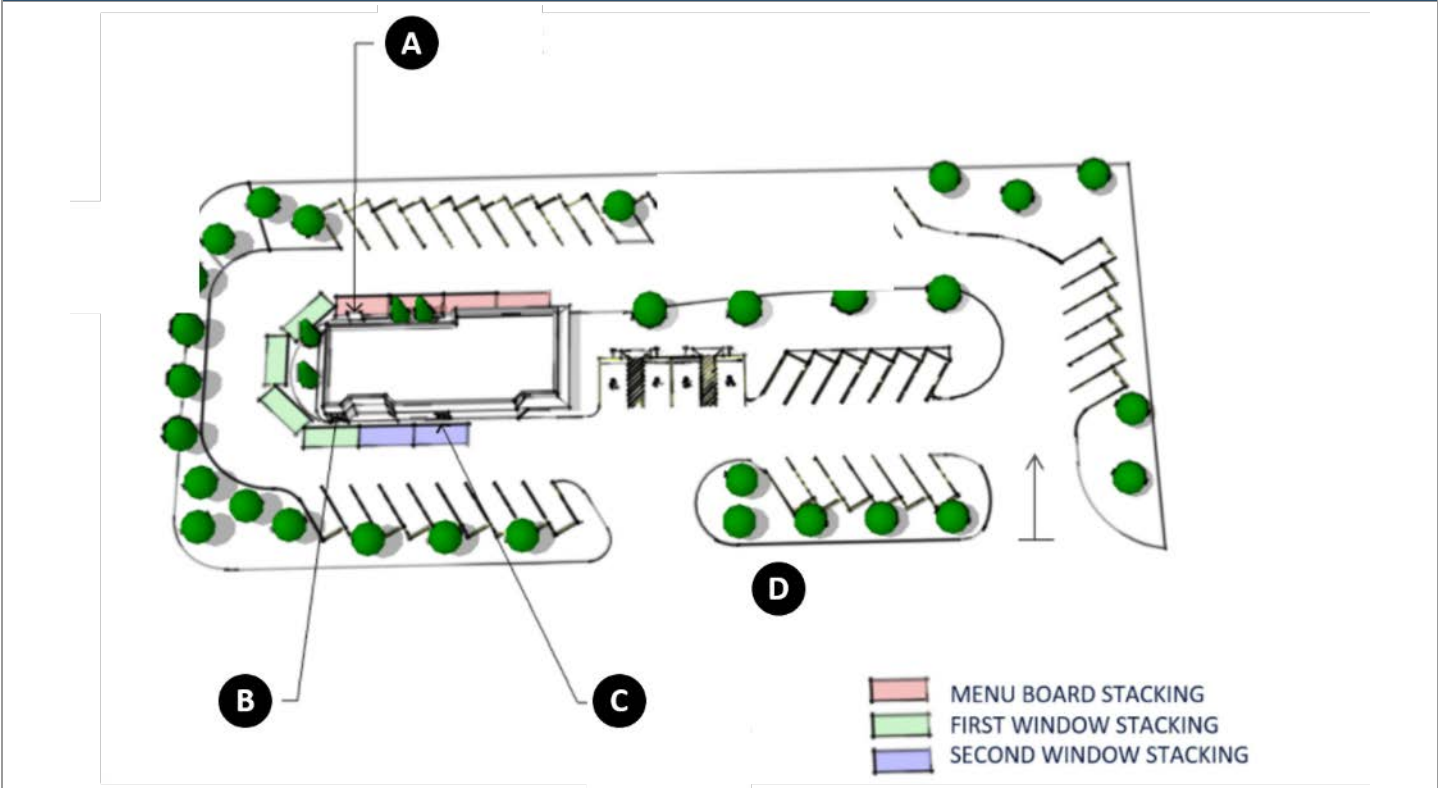


Figure Notes:
A = Order Box | B = First Window | C = Second Window D = Public Right-of-Way

ARTICLE F – LANDSCAPING, BUFFERING, AND SCREENING

Section 156.F.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Section is to establish minimum standards to achieve the following objectives, which, combined, promote the health and general welfare of the citizens of Marshalltown:
1. *Appearance and Beauty.* Enhancement of the overall appearance and natural beauty of the community;
 2. *Buffering and Screening.* Buffering of incompatible land uses and screening negative site elements;
 3. *Heat Island Effect.* Reduction of heat generated from paved surfaces;
 4. *Water Quality and Wildlife.* Protection of water quality and wildlife habitat;
 5. *Vegetation and Topsoil.* Preservation of existing vegetation and topsoil; and
 6. *Benefits.* Landscaping and landscaped open spaces provide multiple benefits including energy conservation, increased property values, and an enhanced aesthetic quality throughout the City.
- B. **Applicability.** The standards of this Article apply to the following development activities:
1. *New Development.* New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
 2. *Increase in Intensity.* Increase in apartment units, manufactured home pads, nonresidential gross floor area, or impervious surface by 20 percent or more, cumulatively over a five-year period; or
 3. *Change in Use.* Change in use requiring additional parking spaces.

Section 156.F.002, General Requirements

- A. **Generally.** Requirements for the planting of all landscape material is set out in this Section.
- B. **Plant Material Standards.**
1. *Plant Variety.* All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.
 2. *Prohibited Plants.* Refer to Parks & Recreation Department for a list of prohibited plants.
 3. *Sizes.* All required plants shall meet the size and variety requirements in Table 156.F.002, Minimum Plant Sizes and Varieties.

**Table 156.F.002-2,
Minimum Plant Sizes and Varieties**

Plant Type	Minimum Size or Varieties
Overstory Tree	2.0-inch caliper
Understory Trees	1.5-inch caliper
Evergreen / Coniferous Tree	6-feet in height
Shrubs	3-gallon container
Ornamental Grasses	1-gallon container

- C. **Plant Locations.** All plantings shall comply with the following:
1. *Public Right-of-Way.* A permit shall be obtained prior to planting any street tree or landscape material in the public right-of-way.
 2. *Sight Distance Triangle.* No landscaping may be planted in violation of the visibility triangle established in [Subsection 156.B.008.a, Measurements](#). Corner lots, and in situations where driveways and alleys intersect with

street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.

3. *Easements.* No trees shall be placed within any public utility easement. Any shrubs or ornamental grasses planted within public utility easement (if allowed by the easement) shall not be required to be replaced in the event maintenance, repair, or installation of a utility is needed.
 4. *Fire Safety.* Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.
 5. *Spacing.* In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.
- D. **Plant Substitutions.** The following substitution of tree planting requirements may be made:
1. *Overstory.* One overstory tree may be substituted in place of 10 required shrubs.
 2. *Understory.* One understory tree may be substituted in place of five required shrubs.
 3. *Evergreen.* One evergreen/coniferous tree may be substituted in place of one required overstory tree.
 4. *Substitution.* One overstory tree may be substituted in place of two required understory trees. Two understory trees may be substituted for one required overstory trees.
 5. *Grasses.* Three ornamental grasses may be substituted for one required shrub.

Section 156.F.003, Development Landscaping

A. Generally.

1. *Applicability.* Site landscaping is required around multiple-family buildings, civic, institutional, commercial office and retail, industrial, and mixed-use buildings.
2. *Planting Requirements.* The required number of overstory and understory trees and shrubs or ornamental grasses as set out in the respective zoning district.

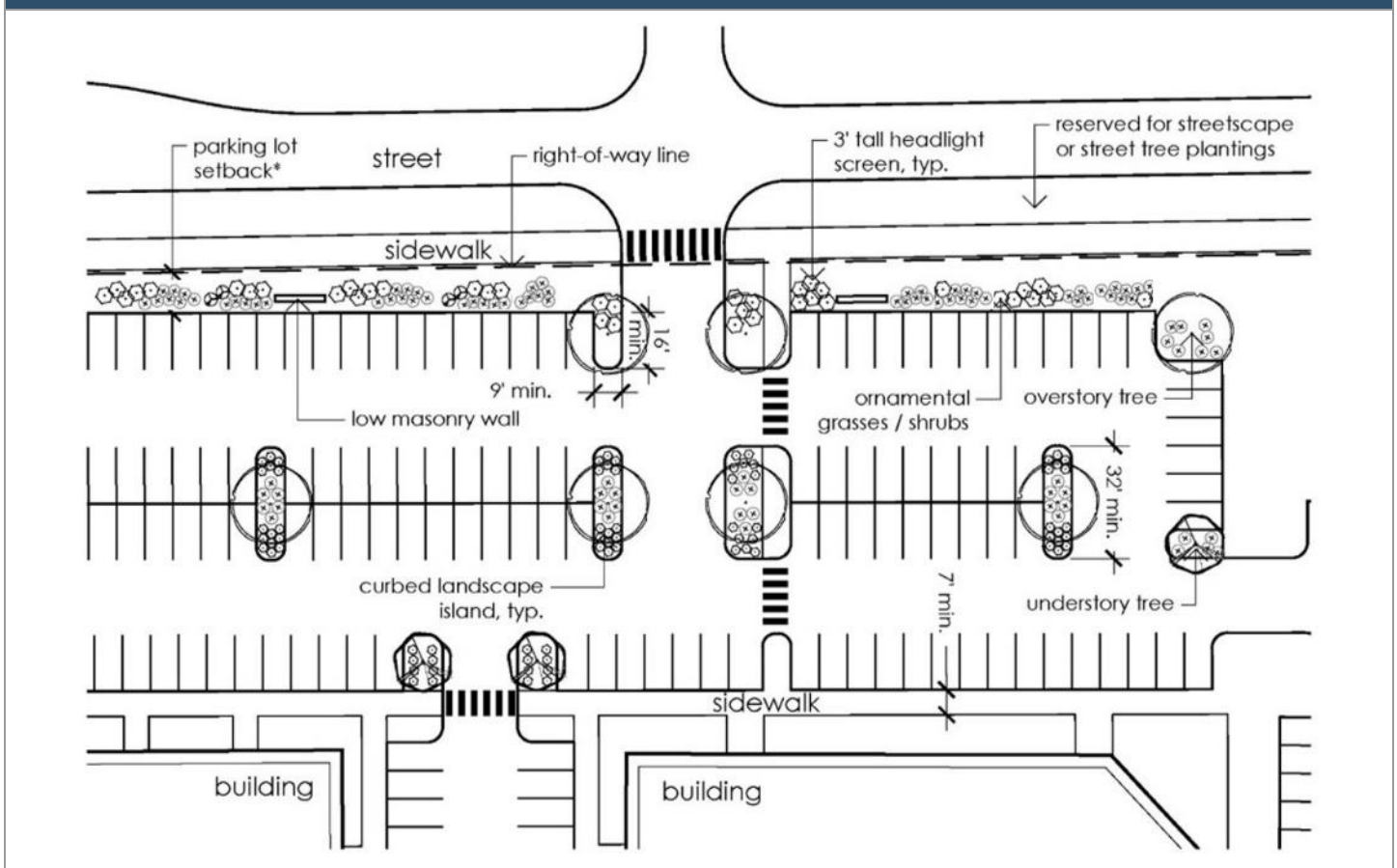
B. Off-Street Parking, Driveways, and Loading Areas.

1. *Generally.*
 - a. *Landscape Plan Required.* A landscape plan for all parking lots regardless of size shall be prepared and submitted to the City for review and approval for any landscaping, buffer, or screening required by the City.
 - b. *Preparation of Landscape Plan.* To encourage landscape plans to be thoughtfully arranged so site elements are artfully and technically organized in a way that conveys meaning, coherence, and spatial organization, a qualified individual or organization, as acceptable to the Zoning Administrator, shall prepare the landscape plan.
 - c. *Landscape Plan Contents.* All landscape plans are subject to the contents set forth in the Site Plan procedures in [Section 156.J.004, Administrative Review Procedures](#).
2. *Parking Lot Design.*
 - a. All rows of parking that exceed 20 stalls in length shall be terminated with a curbed landscaped island that is a minimum nine feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).
 - b. Off-street parking lots that exceed 100 stalls shall require no parking or loading area shall be more than 100 feet from a tree located within a landscaped open space area.
 - c. Sidewalks that abut the front edge of any parking stall shall be no less than seven feet wide to accommodate a two feet vehicle overhang.
3. *Sidewalk Requirement.* Every parking lot of more than 100 spaces shall have at least one pedestrian walkway
4. *Landscaping Required.* All parking lot islands shall be landscaped with turf grass, ornamental grass plantings, plant beds, shrubs, trees, rock, and / or chip brick. The use of pavers in an island shall only be used in combination with plant-scaping materials. Sidewalks may be constructed within a parking lot island as necessary to

accommodate pedestrian circulation. See Figure 156.F.003-1, Off-Street Parking, Driveways, and Loading Areas. See Figure 156.F.003-1, Off-Street Parking, Driveways, and Loading Areas.

5. **Parking Lot Screening.** Whenever an off-street parking area fronts along a public street, an average of one overstory and two understory trees shall be planted every 75 feet within the parking lot setback area. In areas of public utility easement, no trees are required but the screening material must incorporate plant-scaping. Additionally, a minimum three-foot-tall screen shall be installed between the parking lot and the adjoining street along the entire frontage in accordance with minimum visibility requirements at intersections, driveways, and alleys. This screen can be constructed with any combination of ornamental grasses, shrubs, earth berming, low masonry walls, and decorative fencing. Shrubs and ornamental grasses shall have a mature height of at least three-feet.
6. **Parking Lot Setback.** The parking lot setback shall be a minimum width of five-feet.

Figure 156.F.003-1
Off-Street Parking, Driveways and Loading Areas



C. Trees Required. Trees shall be required in all zoning districts following the design standards provided within this Section.

1. **Single-Family Detached.** A minimum of two overstory trees is required per single-family lot.
2. **Single-Family Attached and duplex.** One overstory tree shall be required for every 40 feet of average lot width.
3. **Other Residential and Non-residential.**
 - a. A minimum of 5 overstory trees per acre shall be required.
 - b. Unless otherwise approved by the City, required trees shall not be located within the street right-of-way, between the edge of the public street and any sidewalk or trail. The trees shall be shown on a Landscaping

Plan provided to the Zoning Administrator. The tree planting plan shall include the location, size, and species of all street trees being proposed.

Section 156.F.004, Buffering

- A. **Generally.** The bufferyards required in this Section provide transition and physical barriers between properties of differing land uses to reduce the effects of sight, sound, and other incompatibilities. The bufferyards are based on the amount of screening they provide, which are classified from less screening (Type A) to more screening (Type C), depending on the types and intensities of adjoining land uses.
- B. **General Standards.**
1. *Groundcover.* In addition to the required plantings, walls, fences, and berms, remaining portions of all bufferyards shall contain groundcover.
 2. *Plant Groupings.* Bufferyard plantings may be located in small groupings to appear more natural or evenly spaced.
 3. *Earthen Berms.* Earthen berms within a bufferyard may vary and undulate to accommodate drainage and to provide a more natural appearance. Incorporation of a berm into a buffer yard may necessitate an increase in width of the bufferyard beyond what is required in Table 156.F.004-1, *Bufferyard Classifications*.
 4. *Encroachment.* No part of any required bufferyard shall be used for structures, parking, storage, loading, locating refuse containers, or any similar activity which may create a nuisance.
 5. *Extent.* All required bufferyards shall be located on the parcel proposed for development.
 6. *Access Breaks.* Breaks for pedestrian, bicycle, and vehicle access are permitted on the condition that access shall be designed to cross a bufferyard at as near a perpendicular angle as practical.
 7. *Low Impact Development.* Low impact development and other similar stormwater management features are permitted in a required bufferyard.
- C. **Bufferyard Types.** There are three types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type of bufferyard are set out in Table 156.F.004-1, *Bufferyard Classifications*, except that parking lot setback plantings are set out in Section 156.F.003, *Development Landscaping*. Illustrative examples of bufferyards are in Figure 156.F.003-1, *Illustrative Bufferyard Types*.

Table 156.F.004-1 Bufferyard Classifications						
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence ¹
		Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	
Option 1: Landscape Only Bufferyard						
Type A	5 ft.	0	2	--	10	N/A
Type B	10 ft.	1	2	1	12	N/A
Type C	15 ft.	2	1	1	15	N/A
Option 2: Landscape with Berm, Wall, or Fence ²						
Type A	3 ft.	--	--	--	10	6' tall fence or wall / 4' tall berm
Type B	5 ft.	--	--	--	15	6' tall fence or wall / 4' tall berm

Table 156.F.004-1
Bufferyard Classifications

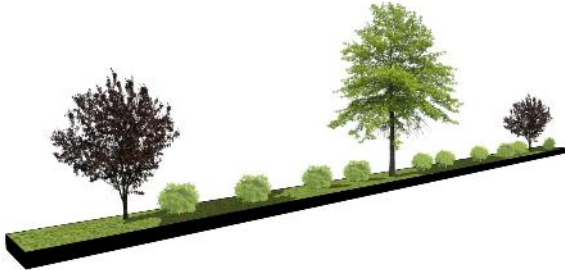
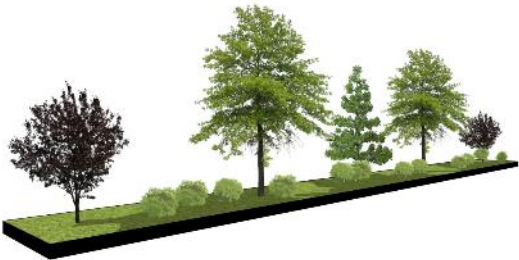
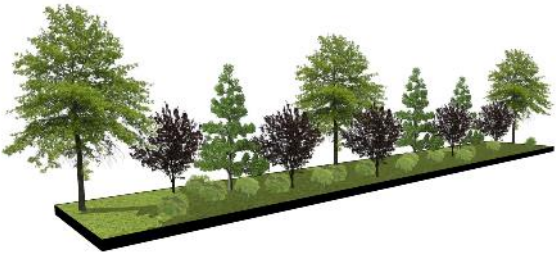
Type	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence ¹
		Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	
Type C	10 ft.	--	2	--	20	6' tall fence or wall / 4' tall berm

TABLE NOTES:

¹ A berm, wall, or fence is not required for landscape only bufferyards.

² Plant material, including overstory trees, may be installed on the inside or outside of the wall or fence facing the abutting properties. Plant material, including overstory trees, must be installed on the outside of the wall or fence facing the street.

Figure 156.F.004-1
Illustrative Bufferyards

Landscape Only Bufferyard using Overstory Trees, Understory Trees, Evergreens and Shrubs	Landscape with Berm, Wall, or Fence Bufferyard
	
	
	

D. Bufferyard Locations. Bufferyards shall be established within a bufferyard easement on individual lots or parcels, unless a property owners' association is established in which case bufferyards may be within common open space. Properties separated by the public street right-of-way are not considered adjoining for the purposes of this Section. Bufferyards shall be required as follows:

- Between Zoning Districts.** The type of required bufferyard between two adjoining zoning districts or use category in the GI zoning district, with the type determined by the intensities of the districts. Table 156.F.004-2, *District Bufferyard Standards*, establishes the required bufferyard type between the zoning district of the parcel

proposed for development and the zoning of the abutting district. Where "--" is found there is no bufferyard required.

Table 156.F.004-2
District Bufferyard Standards

Zoning of Parcel Proposed for Development	Zoning of Abutting District						
	AG, RR, RL	RM, RH	MU, UC	GC	PI, REC	GI - Heavy Industrial Uses ¹	GI - All Other Industrial Uses ¹
Residential (AG, RR, RL)	--	--	--	--	--	C	C
Residential (RM, RH)	B	--	--	--	--	C	C
Mixed-Use (MU, UC)	C	C	--	--	--	C	C
General Commercial (GC)	B	B	B	--	--	C	C
Nonresidential (PI, REC)	C	C	B	B	--	C	C
Heavy Industrial Use Category (GI)	C	C	C	C	C	--	--
All Other Industrial Use Categories (GI)	C	C	C	B	C	--	--

Table Notes:

¹ See [Section 156.C.003](#), *Use Table*, and associated specific uses and use categories as defined in [Section 156.M.002](#), *Definitions*.

2. *Along Corner and Rear Yards Abutting Collector and Arterial Streets.* When a corner or rear yard of a lot zoned RM, RH, MU, UC, GC, PI, or REC abuts collector and arterial street right-of-way, a Type B bufferyard is required. A Type C bufferyard is required for uses in the GI district.
 3. *Single-Family Residential Through (Double Frontage) Lots.* Any single-family detached or attached residential lot having both its front and rear lot lines abutting a public street, private street, or interstate highway (a double frontage lot) or a corner lot which is adjacent to a double frontage lot shall be required to have a Type C bufferyard along that corresponding rear or side yard lot line. The rear yard and front side yard building setbacks shall be measured from the farthest extent of the bufferyard.
 4. *Adjacent to Agricultural Land.* A Type A bufferyard is required for a parcel proposed for development when adjoining agricultural land that is not planned for development. At the time of development, unless no bufferyard is required, the adjoining property would also be required to provide the bufferyard required in [Table 156.F.004-2, District Bufferyard Standards](#).
 5. *Along a Natural Resource Feature, Park, or Recreation Area.* Development must meet applicable City Codes related to stream/riparian protection.
 6. *Adjacent to Public Streets.* Refer to the requirements for trees and parking lot screening in [Section 156.F.003, Development Landscaping](#).
- E. **Natural Area Exemption.** A parcel that would typically require bufferyards may be exempt from the requirement to provide bufferyards where the parcel is separated from the adjacent property by a natural area that meets or exceeds the number of plantings required by the applicable bufferyard. Natural areas shall be exempt from the shrub requirement.
- F. **Warranted Exceptions of Bufferyard Requirements.** Should a bufferyard requirement overburden a property by making development impractical, in the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced, and a privacy fence, screen wall, or other measures may be used to mitigate the impact on the property to be buffered.
- G. **Credits for Existing Landscaping Improvements.**

1. *Generally*. Existing trees, fences, and landscape or retaining walls that meet, in part but not in whole, the bufferyard requirements set out herein, may be counted toward a bufferyard requirement, provided that the trees and landscaping are in good health or the fences or walls are structurally sound.
 2. *Existing Landscaping Credit*. Credit shall be given for existing trees and landscaping within bufferyards and perimeter yards.
- H. **Relationship to Other Bufferyard Requirements**. Some limited or special uses may have different requirements for bufferyards, as specified in [Section 156.C.004, Limited Use Standards](#), and [Section 156.C.005, Special Use Standards](#). If bufferyards are required by another section of this Zoning Ordinance along property boundaries that are also district boundaries, then the most restrictive bufferyard requirement is required.

Section 156.F.005, Screening

- A. **Generally**. This Section provides screening standards, including fences and walls, for the separation of adjoining residential and nonresidential land uses and screening standards for mechanical equipment, outdoor storage, and refuse containers.
- B. **Refuse Containers**.
1. Refuse containers, including dumpsters, shall be screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed to visibly screen the receptacle from public view and from adjoining properties. The design of the pedestrian access to the receptacle or dumpster shall be designed to minimize the view into the enclosure.
 2. The enclosure shall be landscaped to minimize the visual impact of the enclosure on surrounding properties and public thoroughfares.
- C. **Mechanical Equipment**.
1. *Overhead Utilities*. All electrical lines less than 30,000 volts must be placed underground, unless a utility provider determines that underground utilities are a safety hazard or impractical in which case this requirement may be waived by the Plan and Zoning Commission.
 2. *Ground-Mounted*. For all new development or redevelopment, all ground-mounted mechanical equipment, including, but not limited to, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, and any other related utility structures and equipment that are visible from any adjacent public thoroughfare shall be visibly screened from public view by the use of one of the following approaches:
 - a. A screening wall built of materials compatible and consistent with the materials of the principal building;
 - b. Landscape plantings of predominantly evergreen type trees and shrubs to provide year-round screening;
 - c. Fencing that has at least 80% opacity;
 - d. Permanent earth-berming; or
 - e. A combination of the above.
 3. *Roof-Mounted*. Equipment must be 100 percent screened from ground level views at all property lines by structural improvements such as:
 - a. Parapet walls with cornice treatments;
 - b. Screening walls constructed of materials consistent with the principal building; or
 - c. Sloped-roof systems or other architectural elements.

Figure 156.F.005-1
Roof-Mounted Equipment Screening

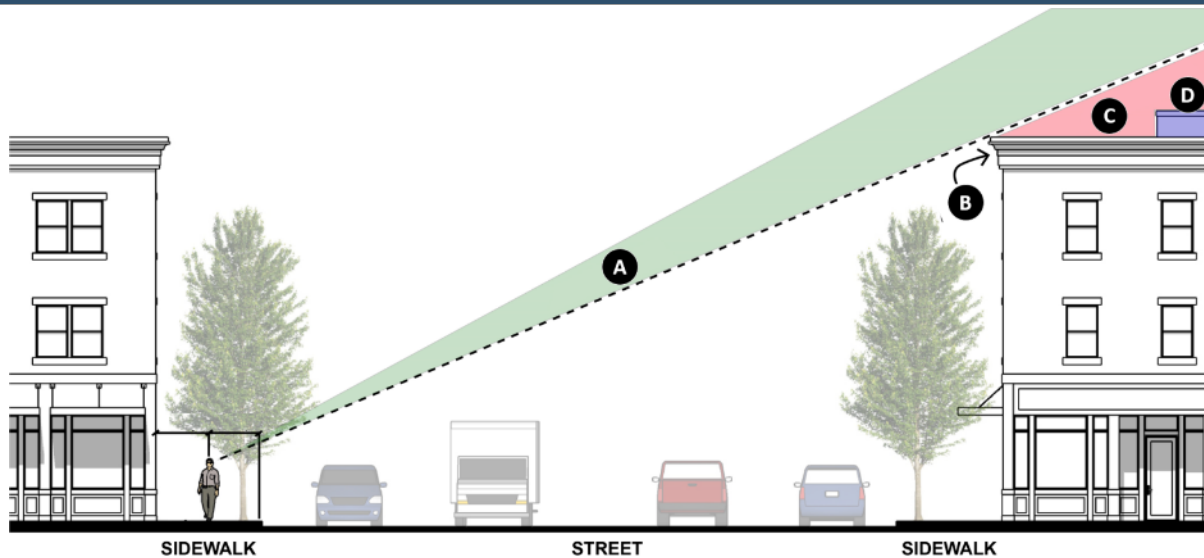


FIGURE NOTES:

A = Line of Sight | B = Parapet Wall | C = Screened Area | D = Mechanical Equipment

4. **Building-Mounted.** Mechanical equipment that is within public view must be enclosed, screened by opaque fencing or landscaping, or painted to match the building wall.
- D. **Outdoor Storage.** Except for industrial uses that are legally permitted, and uses in the GI district, all outside storage shall be screened from all rights-of-way with a fence or wall at least six feet in height. No outside storage shall be stacked in a way that it becomes visible from the public right-of-way.
- E. **Fences and Walls.** The following requirements apply to fences and walls on residential and mixed-use lots and all fences and walls with a height above average grade of 30 inches in nonresidential districts:
 1. **General.**
 - a. All fences and walls shall not adversely affect the public health, safety, and welfare of the City and shall conform to all applicable building code requirements.
 - b. Special fence requirements such as fencing provided around parks, recreation, and school facilities may be erected to a height in excess of the above limits upon approval of the Zoning Administrator.
 - c. All required screening walls shall be equally finished on both sides of the wall.
 2. **Height.** The maximum height of a fence or wall:
 - a. Within a visibility triangle shall be two feet (See [Subsection 156.B.008.a, Measurements](#));
 - b. Shall be six feet in all residential and mixed-use districts;
 - c. Shall be eight feet in nonresidential districts;
 - d. Shall be ten feet in the GI district East of 18th Avenue;
 - e. Within a required front or corner side yard setback shall be four feet;
 3. **Sight Distance.** No fence, wall, shrubbery, earthen berm, sign, or other obstruction to vision shall be permitted which serves to obstruct vision between a height of two feet and six feet, six inches on any corner lot within a triangle of 20 feet formed by intersecting street right-of-way lines.
 4. **Materials.**
 - a. **Non-residential and Mixed-Use Districts.** Fence and wall exterior materials and design shall be similar or complementary to the materials and design of the primary structure.

- b. *Allowed Materials.* Materials used for fences and walls shall be durable, and of a character commonly used in residential applications, including:
 - i. Weather-resistant or finished (painted or stained and sealed) wood;
 - ii. Ornamental wrought iron or powder-coated aluminum (except on fences/walls that are used for required screening purposes);
 - iii. Cement fiberboard;
 - iv. Vinyl;
 - v. Finished Bamboo (stained and sealed);
 - vi. Chain link with a top rail support;
 - vii. Split rail with treated wood;
 - viii. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or
 - ix. Combinations of these materials.
 - x. Wood, as long as any part of the fence contacts concrete or the ground is treated with preservatives approved by the U.S. Environmental Protection Agency (EPA) or is naturally resistant to decay, such as cedar or redwood. Fasteners and hardware used with treated or decay-resistant wood shall be hot-dipped galvanized, stainless steel, or coated per manufacturers standards for use with such woods.
- c. *Limited Materials.*
 - i. Used or reclaimed wood or other materials may be used provided they are in good condition and can be reasonably expected to last as long as new materials;
 - ii. Wire mesh fence may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots; or
 - iii. Side or rear yard garden plots may use green garden fence, woven wire or chicken wire; provided, it does not exceed five feet in height using steel posts not exceeding five feet in height.
 - iv. In the GI district, barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the Zoning Administrator finds that such is necessary to address security interest so long as the extension is no more than one foot.
- d. *Prohibited Materials.* The following materials are not allowed as fence or wall components:
 - i. Salvaged material or materials not specifically manufactured for fencing, including but not limited to complete or partial pallets, PVC pipe, scrap lumber, plywood, tree branches, tree trunks, sheet metal, trash, tires, junk, entry or garage doors, utility poles, landscape timbers, plastic or fiberglass sheets, spikes, nails, and razors.
 - ii. An electric, razor wire, barbed (except in the GI district, see limitations above in subsection E.4.c.iv), chicken, woven, snow (except from November 1 through March 31), plastic safety, concrete block, or grapestake fence.
 - iii. Agricultural fence products such as creosote posts, steel posts, wire panels, field fence, high tensile wire, tube gates and similar materials;
 - iv. A fence composed solely of fence posts;
 - v. Any incomplete fence consisting only of posts and supporting members;
 - vi. Any fence or wall material the Zoning Administrator determines that such structure creates a hazard to users of the street, sidewalk, or to nearby property.
- e. *Fence and Wall Orientation and Maintenance.*
 - i. *Maintenance.* Fences and walls shall be maintained in an upright position (not more than five degrees from vertical orientation), and in good condition (e.g., free of rust, peeling paint or coatings, missing or broken pickets, wood rot, and graffiti).

- ii. *Orientation.* The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way. Where fences are located on the property line of residential property, the finished side of the fence shall face the yard that does not belong to the applicant, unless the applicant provides to the City written consent of the abutting property owner.

F. Obstructions.

- 1. No fence, screen, wall, or another visual barrier shall be located or placed to obstruct the vision of a motor vehicle driver approaching within 30 feet of any street intersection.
- 2. Where an alley intersects a street, no visual barrier taller than 30 inches may be placed within a sight visibility triangle.

G. Residential District Maximums. In the following residential districts (AG, RR, RL, RM, RH) or along the boundary between a residential and nonresidential district, the following standards apply:

- 1. *Rear and Side Yards.* No fence or wall shall exceed a height of six feet above grade.
- 2. *Front Yard.*
 - a. The maximum height of a fence or wall shall not exceed four feet.
 - b. Fences in the manufactured home parks shall not exceed a height of four feet.
- 3. *Corner Lot.* Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall also be deemed to be a front yard.

H. Nonresidential and Multiple-Family Uses.

- 1. *Contiguous to Residential.* Where a multiple-family or nonresidential use is contiguous to an AG, RL, or RM district, a solid wall, fence or opaque landscape screen of not less than six nor more than eight feet in height shall be erected on or near the property line separating these districts.
- 2. *Screening Dumpsters and Storage Facilities.* Any lot in a commercial or industrial district, with the exception of the UC and MU Districts, abutting any residential district shall be required to have adequate screening of dumpsters and storage facilities.
- 3. *Adjacent to Public Street.* When a side or rear yard of a multiple-family, civic, institutional, commercial, industrial, or mixed-use is adjacent to a public street, a solid wall, fence, or opaque landscape screen of not less than six nor more than eight feet in height shall be erected.

I. Exceptions to Screening Requirements. Screening requirements may be waived by the Zoning Administrator if an opaque screening of equivalent height or greater exists immediately abutting, and on the opposite side of the lot line.

Section 156.F.006, Installation and Maintenance

A. Generally. The following provisions aid in ensuring that all required landscaping is installed and maintained and properly.

B. Installation Standards.

- 1. *National Standards.* All landscaping and all plant materials shall be true to name, variety, and size and shall conform to all applicable provisions of the [American Standards for Nursery Stock](#), latest edition as published by the American Horticulture Industry Association.
- 2. *Installation.* Any required landscaping shall be in place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of the year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed.
- 3. *Plant Size Requirement.* All installed plant material shall be sized according to Table [156.F.002-2, Minimum Plant Sizes and Varieties](#), unless otherwise noted in this article
- 4. *Tree Topping.* Unless a tree is interfering with an overhead power line, no trees may be topped if the limbs are three inches in diameter or greater.

5. *Nursery Stock.* Trees and shrubs planted pursuant to this Article shall be good, healthy nursery stock.
6. *Soil.* Landscaped areas associated with new development shall be prepared to achieve a soil depth of at least six inches with the depth consisting of a soil mix of compost and organic matter to reduce the need for fertilizers and increase water retention.
7. *Planters.* Architectural planters may be permitted in the UC, Urban Core zoning district and for infill development sites less than 6,000 square feet in area.
8. *Visual Clearance.* In addition to observing the sight triangle established in [Section 156.B.008, Measurements and Allowances](#), the branches of a tree in a landscape island shall maintain a minimum of five feet of clearance from the surface of the vehicle use area.

C. Maintenance Standards.

1. *Generally.* Maintenance and care of landscaping on mixed-use and nonresidential properties shall be according to the most current [ANSI A300 Standards for Tree Care Operations](#).
 2. *Conformance.* All landscaping, buffering, and screening shall be maintained at all times to conform to the regulations established in this Article. Landscaping, which is not maintained in a manner consistent with this Article shall be subject to the penalties established in [Section 156.L.003, Judicial Remedies](#).
 3. *Stormwater Drainage.*
 - a. Any landowner shall be deemed exclusively responsible for developing and implementing a plan to address stormwater drainage, which shall be submitted to the city as a part of the site plan.
 - b. The City shall not be responsible for any deficiencies which may later be determined to exist under the stormwater management plan.
 - c. The City shall undertake no corrective duties or actions concerning any said deficiencies pertaining to stormwater drainage and landscape maintenance.
 4. *Other Maintenance Standards.* In other areas, maintenance and care shall meet the following standards:
 - a. Landscape areas, including abutting landscaped portions of public rights-of-way, shall be pruned as needed to present a healthy, neat, and orderly appearance at all times.
 - b. All landscaped areas shall be irrigated as needed to ensure continuous healthy growth and development. Maintenance shall include the removal and replacement of dead, dying, or diseased plant material.
 - c. Trees extending over a street shall be kept pruned so as to not interfere with street traffic.
 5. *Tree Removal.* Nothing in this Section shall require any application or permit from any public utility provider prior to removing a tree whenever it has determined the tree poses a hazard, or interferes with restoration or continuation of utility services.
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ARTICLE G – SIGNS

Section 156.G.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to:
1. *Communication.* Set out reasonable regulations for the design, location, installation, operation, repair, and maintenance of signs which facilitates businesses, residents, and other interested parties to communicate, advertise, or be identified;
 2. *Free Speech.* Provide for reasonable regulation while also safeguarding the constitutionally protected right of free speech;
 3. *Content Neutrality.* Create content-neutral sign regulations which balance the legitimate needs of individuals, entities, and organizations to convey messages with the legitimate objectives of the City to promote public safety, enhance community character and enhance private property values;
 4. *Compatibility.* Assure compatibility of signs with surrounding land uses;
 5. *Clutter.* Prevent and reduce sign clutter which can have negative consequences to the City which include, but are not limited to the following:
 - a. Undue visual distractions which may create a public safety hazard for motorists, bicyclists, and pedestrians;
 - b. Degrading the aesthetic character of the City and therefore making the City less attractive for residents, visitors, commerce, and private investment; and
 - c. Physical obstructions within the public right-of-way which create public safety hazards.
 6. *Permitting and Enforcement.* Provide timely, fair, and consistent permitting and enforcement of signage throughout the City;
- B. **Applicability.** The standards of this Article apply to the following development activities:
1. *New Development.* New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
 2. *Increase in Intensity.* Increase in apartment units, manufactured home pads, gross floor area, or impervious surface by 20 percent or more, cumulatively over a five-year period; or
 3. *New Sign.* Construction, placement, painting, or another form of creation of a new sign.
- C. **No Restriction on Content.** This Article regulates only the sign structure or copy design, and not the sign's content. Despite any other provision of this Article, no sign is subject to any limitation based on the content of its message. Any sign authorized in this Article may contain any non-commercial copy in lieu of any other copy.
- D. **Signs Permitted Before Effective Date.** If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this Zoning Ordinance, and provided that construction is begun within six months of the effective date of this Article and diligently built to completion, the sign may be completed in accordance with the approved permit. Such sign is subject to provisions regarding nonconforming signs in Section 156.K.005, *Nonconforming Signs*.

Section 156.G.002, General Requirements

- A. **Permit Required.** Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign within the City, or cause the same to be done, without first obtaining a Sign Permit issued in accordance with Subsec. 156.J.004.4, *Sign Permit*.
- B. **Actions Not Requiring a Permit.** The following actions do not require a Sign Permit:
1. *Maintenance.* Routine maintenance, not involving structural changes to the sign;
 2. *Message.* Changes of message, either manually or electronically, on an electronic message sign or changeable copy sign, subject to limitations of Section 156.G.004.J *Changeable Copy*, on the frequency of message changes.
- C. **Signs Not Requiring a Permit.** The following signs are exempted from the permit requirements of this Article, but shall be in compliance with all other applicable codes and ordinances:

1. *ATM Sign.* Signs incorporated into and designed as part of an automatic teller machine (ATM) shall be exempt, provided the sign is limited to the term "ATM" and the financial institution's name and logo.
2. *Ancillary Signs.* Three or less ancillary signs when:
 - a. No trespassing signs less than four square feet;
 - b. Placed on the door or exterior wall or window of the premises; and
 - c. No larger than four square feet in total sign area.
3. *Art and Murals.* Art and murals, provided such signs do not contain any commercial messaging. Murals within the Urban Core, UC zoning district shall be exempt provided that the mural is not on a primary facade;
4. *Athletic Field Signs.* Signs located on the field side of scoreboards and fences of athletic fields provided each sign does not exceed 32 s.f. in area.
5. *Flags.* Flags shall be permitted without a permit ensuring they not exceed 15 square feet, but not including painted or printed images of flags otherwise constituting a sign;
6. *Ghost Signs.* Ghost signs or rehabilitated ghost signs.
7. *Government Signs.*
 - a. Any traffic sign erected at the authorization of either the county, state, or federal government.
 - b. Any sign providing emergency notifications on a temporary basis lasting no more than 90 days erected at the authorization of the county, state, or federal government.
 - c. Any sign erected by the City pursuant to and in the discharge of any governmental function.
 - d. Public notices and other signs erected by government agencies or utilities;
 - e. All government signs other than those listed in this subsection C.7, a through d of this section shall be subject to the permitting requirements of this chapter.
 - f. All government signage is exempt from any fee charged related to permits issued.
8. *Grave Markers, Statues, or Sculptures.* Grave markers, statues, or sculptures that are not commercial in nature;
9. *Holiday Signs.* Holiday signs, as defined in this chapter, provided that they are installed no more than 35 days prior to the holiday for which they are customarily dedicated. Such signs shall be removed no later than 15 days after the holiday for which they are customarily dedicated.
10. *Interior Signs.* Signs located within a structure and not visible from a public or private street;
11. *Mailboxes and Addresses.*
 - a. Addresses and names printed in a standard size on a mailbox provided that the address information on the side of a residence or business shall not exceed four square feet.
 - b. Street markings indicating address information only containing address information painted on curbsides which shall not exceed four square feet.
12. *Menu Board.* Any permanently mounted accessory sign displaying the items for sale of a drive-in or drive-through restaurant shall be allowed provided that:
 - a. A maximum of two menu boards are permitted per drive aisle of a drive-through establishment.
 - b. The menu board shall not exceed 50 square feet.
 - c. The audio component of a menu board is limited to communication between customers and employees, and may not exceed a volume of five decibels over ambient sound as measured from the nearest property line.
13. *Plaques.* Plaques, tablets or names of buildings and date of erection when cut into any surface of when such sign is attached flush to the building or commemorative plaques or monuments placed by historical organizations;
14. *Private Traffic Control Signs.* Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs provided they do not exceed six square feet in area and shall not exceed four feet in height. Signs in the PI, REC District shall not be limited in area or height.

15. *Property Identification Signs.* Any sign erected at the entrance of acreage or residential property that identifies the property by name or by name of the owner.
 16. *Railway signs.* Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.
 17. *Recreational Signs.* Any sign approved by the City in a City park or City recreational area.
 18. *Sidewalk Signs.* Sidewalk signs in the Urban Core (UC) and Mixed Use (MU) districts shall not require a permit or advance approval but shall conform to the following requirements:
 - a. The sign shall be removed after business hours;
 - b. The sign may not contain changeable letters on tracks;
 - c. The sign shall be properly anchored or weighted against the wind;
 - d. The sign placement shall maintain a minimum sidewalk clearance width of four feet to provide accessibility;
 - e. The sign shall be no larger than eight square feet per side and no taller than five feet.
 19. *Temporary Signs.* Temporary signs as described in Section 156.G.006, *Temporary Signs*.
 20. *Transit Shelter Sign.* Authorized signs attached to a transit shelter sign shall be exempt from any permit as long as the sign does not exceed 12 square feet. All signs shall be non-electrical. Only one sign/sign face per shelter shall be allowed.
 21. *Utility Pole Banners.* Banners on utility poles in the public right-of-way approved by the Director of Public Works;
 22. *Utility and Hazard Signs.* Safety signs, such as warnings of high voltage, explosives, hazardous materials and other dangerous situations; and
 23. *Vehicle Signs.* Signs applied directly onto the body of a car, truck, bus, trailer, or another vehicle if such vehicle is operated in the normal course of a business and such vehicle is not used primarily to display such sign.
- D. **Nonconforming Signs.** Refer to [Section 156.K.005](#), *Nonconforming Signs*.
- E. **Code Compliance.**
1. *Generally.*
 - a. All signs and sign structures requiring electrical connections must meet all requirements set by the City Electrician and applicable codes and ordinances of the City.
 - b. The construction, installation, erection, anchorage, and maintenance of all signs shall be subject to the applicable codes and ordinances of the City.
 2. *Wind Load Requirements.* Signs erected or placed in accordance with this Section shall withstand wind load pressures as specified in the International Building Code.

Section 156.G.003, Prohibited Signs

- A. **Generally.** This Section identifies sign types and characteristics, materials, design elements, and locations that are prohibited in the City.
- B. **Prohibited Sign Types and Characteristics.**
 1. Abandoned signs;
 2. Damaged or broken signs;
 3. Wall signs on single-family or duplex units, except that one wall sign not exceeding one square-foot shall be permitted on each single-family dwelling or duplex unit;
 4. Wall, pylon, or monument signs that functions as an advertising sign, except as expressly provided in this Article;
 5. Signs that obstruct the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or a signal;
 6. Signs with flashing or intermitted lights or lights or reflective devices of changing degree in intensity or color that do not comply with [Section 156.G.005](#), *Sign Illumination*;
 7. Portable signs except as permitted in [Section 156.G.006](#), *Temporary Signs*, of this Article;

8. Vehicular signs; and
 9. All off-premise advertising signs and other signs not expressly permitted by this Zoning Ordinance.
- C. **Prohibited Design Elements.** The following design elements, regardless of sign type, are prohibited:
1. *Traffic Hazards.* Signs that interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;
 2. *Safety or Health.* Signs that constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;
 3. *Confusion.* Signs that use the words “stop,” “look,” “go slow,” “caution,” “danger,” “warning,” or any other word, phrase, symbol, or character in a manner that interferes with, misleads, or confuses pedestrians or traffic;
 4. *Glare.* Signs that are illuminated with lights that cause a glare into or upon surrounding property or that distract operators of vehicles or pedestrians on a public right-of-way;
 5. *Lighting.* Signs that contain reflectors, lights, or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;
 6. *Moving Parts.* Except for changeable copy signs that otherwise comply with the requirements of this Section, signs that have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means;
 7. *Nuisance.* Sound, smoke, heat, or odor emitters;
 8. *Back-lit Awnings.* Awnings that are back-lit and/or made of plastic or vinyl, excluding substitute materials;
 9. *Unfinished Wood.* Unfinished wood support structures, except that stake signs may use unfinished stakes; and
 10. *Bare or Flashing Lights.* Bare light bulbs and flashing lights, except on holiday displays which are exempted from regulation by [Section 156.G.002.C, Signs Not Requiring a Permit](#).
- D. **Prohibited Sign Locations.** A sign, regardless of sign type, is prohibited from being in the following locations:
1. *Closed Businesses.* Signs that advertise a business or product that is no longer in existence;
 2. *Blocked Ingress or Egress.* Signs that prevent free ingress to or egress from any door, window, fire escape, or any other exit way required by the Building Code or Fire Code of the City or by any other ordinance;
 3. *Signs in Right-of-Way.* Any permanent signs and supports that are located on the public right-of-way, except permanent signs and supports required by a governmental authority. The public right-of-way includes, but is not limited to, public streets, alleys, medians, and parkways.
 4. *Street Intersections.* Signs that are erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection;
 5. *Roof Signs.* Signs that are placed on the roof of any building;
 6. *Outdoor Amenities.* Signs or signs attached to or located upon outdoor exposed amenities such as trees, street signs, or utility poles that are visible from any street;
 7. *Vehicles.* Signs that are painted on or attached to a motor vehicle unless:
 - a. The vehicle is operable and has current registration and tags;
 - b. The sign is an accessory sign;
 - c. The vehicle is legally parked within a parking space; and
 - d. The display of the sign is incidental to the vehicle use.
 8. *Encroachment.* Except for marquee signs, projecting signs, and hanging signs that comply with the standards of [Section 156.G.004, Permanent Signs](#), signs that are located on, or project or extend over, any public right-of-way or other public property;
 9. *Semis and Storage.* Signs that are painted on or attached to semi-trailers, shipping containers, or portable storage units except for the brand name of the semi-trailer, container, storage unit; and
 10. *Consented Locations.* Signs that are placed on private or public property without the consent of the owner or authorized agent thereof.

Section 156.G.004, Permanent Signs

- A. **Applicability.** This Section applies to freestanding signs, attached signs, and to other signs that are intended for display for more than a temporary time period.
- B. **Generally.**
1. All freestanding signs must be permanently installed in locations designated in the sign plan, and may not exceed the allowable dimensions of this Section.
 2. All attached signs must be affixed to a building wall, within the designated sign area, and may not exceed the allowable dimensions of this Section.
 3. No permanent sign shall be located in any public utility easement nor within five feet of any underground public utility.
 4. Additional sign area and height is achievable if a Master Sign Plan is approved for an eligible property pursuant to Subsec. 156.J.003.4, *Master Sign Plan*.
- C. **Unlisted Signs.** Signs that are not listed in this Section are prohibited as permanent signs.
- D. **Allowed Sign Types by District.** Table 156.G.004-1, *Allowed Sign Type by District*, identifies on-premise signs allowed by zoning district. The key for the sign types table is as follows.

Table 156.G.004-1 Allowed Sign Type by District						
Sign Type	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI
Permanent Attached Signs						
Awning	--	P	P	P	P	P
Canopy (Attached)	--	P	P	P	P	P
Hanging	--	P	P	P	P	P
Marquee	--	P	P	P	P	P
Projecting	--	P	P	P	P	P
Wall	P	P	P	P	P	P
Window	P	P	P	P	P	P
Permanent Freestanding Signs						
Access	P	P	P	P	P	P
Canopy (Freestanding)	--	P	--	P	P	P
Directory	--	P	P	P	P	P
Menu Board	--	P	P	P	P	P
Monument	P	P	P	P	P	P
Pylon (or Pole)	--	P	--	P	P	P
NOTES: "--" = Not Permitted; "P"=Permitted						

- F. **Allowed Attached Permanent Signs.** All permanently attached signs shall follow the standards established in Table 156.G.004-2, *Allowed Attached Permanent Sign Types*.

Table 156.G.004-2
Allowed Attached Permanent Signs

Zoning District	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI

Awning Sign						
						
Number Allowed	--	1 per building front or per storefront for a multi-tenant building				
Maximum Area	--	5 s.f. per linear ft. of awning or canopy length				
Minimum Clearance	--	8 ft. above grade				
Illumination	--	External				
Sign Permit Required	--	Yes				

Canopy (or Over-Canopy) Sign						
						
Number Allowed	--	1 per building front or per storefront for a multi-tenant building		1 per building front or per storefront for a multi-tenant building	Not Limited	1 per building front or per storefront for a multi-tenant building
Maximum Area	--	75% of canopy width	50% of canopy width	75% of canopy width	100% of canopy width	75% of canopy width
Minimum Height (copy above sign)	--	2		6	6	6

Table 156.G.004-2
Allowed Attached Permanent Signs

Zoning District	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI
Illumination	--	External or Internal		External or Internal	External or Internal	External or Internal
Sign Permit Required	--	Yes	Yes	Yes	Yes	Yes
Other Standards	--					
Hanging Sign						
						
Number Allowed	--	1 per building			1 per entrance	
Maximum Area	--	6 s.f.			10 s.f.	
Maximum Height	--	8 ft. above grade				
Illumination	--	Yes, indirect light only				
Other Standards	--	1. Not extend within 2 ft. of the curb line. 2. May be suspended under a marquee sign or under a canopy or awning.				
Sign Permit Required	--	Yes				
Marquee Sign						
						
Number Allowed	--	1 per street-facing facade				
Maximum Area	--	50 s.f. per side; 100 s.f. total		25% of wall to which it is attached		
Maximum Height	--	4 ft. from lowest point of marquee to highest point, excluding any ornamentation supported directly by the marquee				
Minimum Clearance	--	8 ft. above grade				

Table 156.G.004-2
Allowed Attached Permanent Signs

Zoning District	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI
Illumination	--	Down lighting only; only the changeable copy area may be internally illuminated				
Other Signs	--	If used, then a wall sign is prohibited on same facade				
Other Standards	--	1. May not project more than 6 ft. from the building; may require an encroachment permit. 2. Sign may be on up to three sides of a marquee.				
Sign Permit Required	--	Yes				
Projecting Sign						
						
Number Allowed	--	1 per establishment	1 per building or 1 per 20 ft. of building frontage if multiple occupants.	1 per establishment		
Maximum Area	--	1 s.f. for each linear foot of building frontage		16 s.f.		
Maximum Distance from Building Wall to Farthest Part of Sign	--	4 ft.	No more than half the distance from the building facade into the public right-of-way	4 ft.		
Minimum Clearance	--	8 ft. above sidewalk or walkway and 20 ft. above adjacent public or private street				
Minimum Clearance, Vehicular Way	--	14 ft. above street				
Illumination	--	Internal or External (down lighting only)				

Table 156.G.004-2
Allowed Attached Permanent Signs

Zoning District	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI
Other Signs	--	The area of a projecting sign is included in the total allowable area regulated under Wall Signs.				
Sign Permit Required	--	Yes				
Wall Sign						
						
Number Allowed	Home-Based Business: 1 per establishment Group Living: 1 per premise	No maximum number, subject to aggregate area restrictions.				
Maximum Area	1 s.f.	Total sign area shall not exceed 1.5 s.f. for each foot of linear frontage; a 2nd wall sign shall not exceed 0.5 s.f. per linear frontage.	Total sign area shall not exceed 1.5 s.f. for each foot of linear frontage; a 2nd wall sign shall not exceed 0.5 s.f. per linear frontage. ⁴	No maximum area	Total sign area shall not exceed 1.5 s.f. for each foot of linear frontage; a 2nd wall sign shall not exceed 0.5 s.f. per linear frontage. ⁴	
Maximum Height	The eaveline or the bottom of the second story window sill, whichever is lower.			The eaveline or building parapet wall		
Illumination	No	Yes	Yes, External Only	Yes		
Sign Permit Required	Yes					
Other Signs	--					
Other Standards	1. No wall sign shall project more than 18 inches from the building wall. 2. No wall sign or its supporting structure shall cover any window or part of a window. 3. In the UC district, wall signs shall have a texture or depth to distinguish them from the wall. 4. Buildings having a setback from the street of at least 150 feet will be permitted to have two square feet for every one linear foot of primary wall frontage.					

Table 156.G.004-2
Allowed Attached Permanent Signs

Zoning District	Residential Districts	Mixed-Use and Non-Residential Districts				
	AG, RR, RL, RM, RH	MU	UC, UC-HD	GC	PI, REC	GI
Window Sign						
						
Number Allowed	1 per dwelling unit	Residential: 1 per dwelling unit; Nonresidential: 1 per window		1 per window		
Maximum Area	10% of window area or 2 s.f., whichever is less	Residential: 10% of window area or 2 sq. ft., whichever is less; Nonresidential: 15% of window area, or 9 sq. ft., whichever is less		30% of window area, or 16 sq. ft., whichever is less		
Illumination	No	Residential: No Nonresidential: Yes, Indirect or internal lighting; light shall be turned off when off-business hours		Yes, Indirect or internal lighting; light shall be turned off when off-business hours		
Other Signs	If used, then a wall sign is not permitted	--				
Sign Permit Required	No	Yes				

- G. **Allowed Freestanding Permanent Signs.** All permanent freestanding signs shall follow the standards established in Table 156.G.004-3, *Allowed Freestanding Permanent Signs*.

Table 156.G.004-3 Allowed Freestanding Permanent Signs						
Land Use	Residential Districts	Mixed-Use and Nonresidential Districts				
Zoning District (in the City Limits)	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI
Access Sign						
						
Number Allowed	No more than 3 per principal use					
Maximum Area	4 s.f. per sign	6 s.f. per sign				
Minimum/Maximum Height	1 ft/4 ft.					
Minimum Setback	--					
Illumination	Internal or External					
Sign Spacing	No two directional signs hung from separate poles shall be located within 5 feet of each other.					
Other Standards	1. All such signs located on corner lots or intersections and greater than 3 feet in height shall not be placed inside the sight triangle as described in Subsection 156.B.008.a, <i>Measurements</i>. 2. There shall be no more than 4 total directional sign poles at any road intersection. 3. More than 1 sign may be hung from the same pole.					
Sign Permit Required	No					

Table 156.G.004-3
Allowed Freestanding Permanent Signs

Land Use	Residential Districts	Mixed-Use and Nonresidential Districts				
Zoning District (in the City Limits)	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI
Canopy Sign						
						
Number Allowed	--	1 per street frontage				
Maximum Area	--	40% of the canopy fascia face per street-facing side				
Minimum/Maximum Height	--	Shall not extend above the canopy fascia board				
Illumination	--	Internal or external				
Other Standards		1. Color branding shall be permitted and shall not count towards the aggregate sign total.				
Directory Sign						
						
Number Allowed	--	1 per property with a multi-tenant building				
Maximum Area	--	2 s.f. per linear foot of street frontage; maximum 100 s.f.				
Maximum Height	--	10 ft.				
Minimum Setback	--	0 ft.				
Illumination	--	Internal or External				
Sign Permit Required	--	Yes				
Other Standards		1. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure.				

Table 156.G.004-3
Allowed Freestanding Permanent Signs

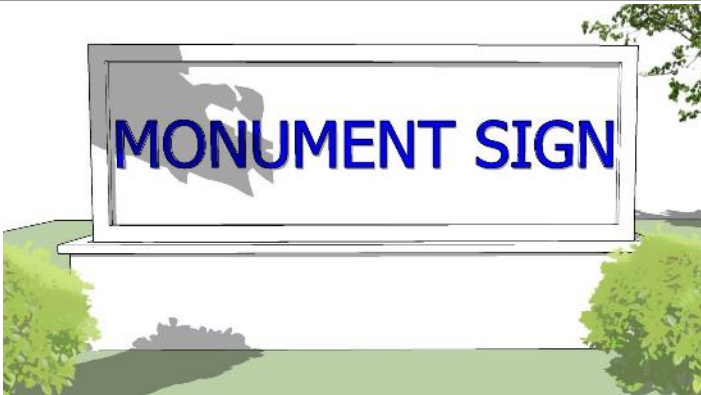
Land Use	Residential Districts	Mixed-Use and Nonresidential Districts				
Zoning District (in the City Limits)	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI
Monument Sign						
						
Number Allowed	--	1 per property street frontage	1 per property street frontage	1 per property street frontage	1 per entrance, not more than 2 total signs	1 per property street frontage
Maximum Area (per sign)	--	50 s.f.	50 s.f.	< 200 ft. of street frontage = 50 s.f. > 200 ft. of street frontage = 75 s.f.	200 s.f.	75 s.f.
Maximum Height	--	6 ft.		25 ft.		35 ft.
Minimum Setback	--	10 ft.				
Illumination	--	Internal or External				
Other Signs	----	If used, then a Pylon Sign shall not be allowed				
Sign Permit	--	Yes				

Table 156.G.004-3
Allowed Freestanding Permanent Signs

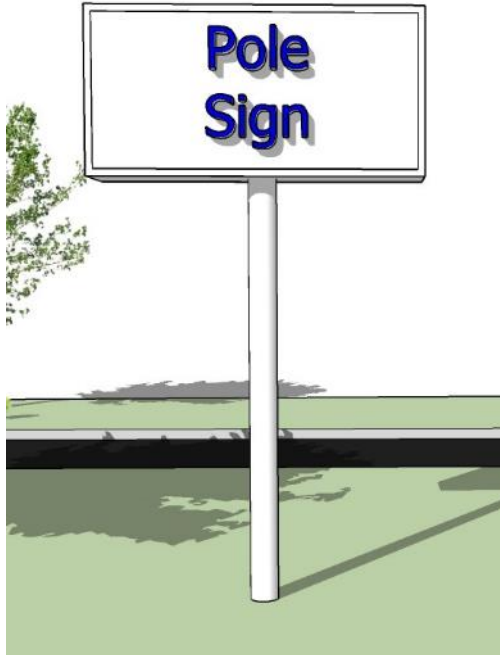
Land Use	Residential Districts	Mixed-Use and Nonresidential Districts				
Zoning District (in the City Limits)	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI
Pylon or Pole Sign						
						
Number Allowed	--	--	--	1 per frontage	1 per frontage	1 per frontage
Maximum Area (Per Sign Panel / Cumulative)	--	--	--	35 s.f. / 1 s.f. per linear ft. of street frontage; 250 s.f. maximum	48 s.f. per sign	120 s.f. per sign
Maximum Height	--	--	--	30 ft.	20 ft.	30 ft.
Minimum Clearance	--	--	--	8 ft. above grade and 20 ft. above adjacent drive aisle, if edge of sign is within one foot of aisle		
Minimum Setback	--	--	--	10 ft.		10
Illumination	--	--	--	Internal or External		Internal or External
Other Standards	--	--	--	The width of the support(s) of the sign shall be a minimum of 60% of the		The width of the support(s) of the sign shall be a minimum of 60% of the

Table 156.G.004-3
Allowed Freestanding Permanent Signs

Land Use	Residential Districts	Mixed-Use and Nonresidential Districts				
Zoning District (in the City Limits)	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI
				width of the sign face.		width of the sign face.
Other Signs	--	--	--	If used, then a Monument Sign is not allowed		If used, then a Monument Sign is not allowed
Sign Permit	--	--	--	Yes		Yes

TABLE NOTES: ft. = Feet; s.f. = Square feet

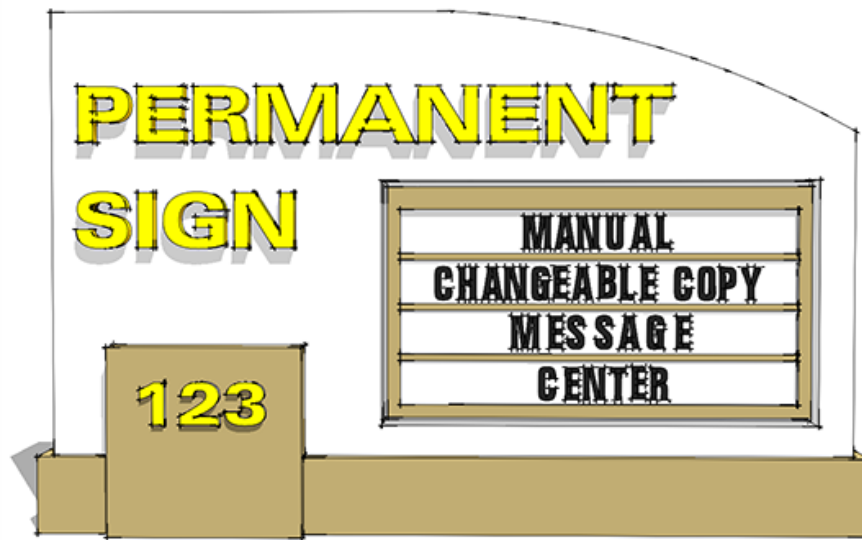
H. Additional Standards in the Urban Core (UC) District.

1. *Generally.* In addition to all applicable standards set forth within this Article, all permitted signs within the UC district shall comply with the following:
 - a. The sign shall be a secondary design element to the building upon which they are placed and/or the surroundings they are placed within; or
 - b. Signs shall fit the architectural details of a building they are placed on and relate to the architecture in at least the material, shape, or color.
2. *Prohibited Sign Treatment.* The following treatment of any sign type permitted in the UC district shall be prohibited:
 - a. Interior box-lit signs;
 - b. Flat signs with no depth;
 - c. Flat signs that do not compliment the architecture of the building. The sign shall be all in the same plane; or
 - d. Vacuum formed signs.
3. *Materials.* Signs must be made from one or more of the following materials:
 - a. Wood, such as solid cedar, cypress, white oak, and walnut. Plywood, pressboard, or other wood materials are not allowed.
 - b. Steel or stainless steel; or
 - c. Glass;
 - d. Aluminum;
 - e. Channel letters;
 - f. Wrought iron;
 - g. High-density urethane (sign foam);
 - h. Half-inch or three-quarter-inch acrylic;
 - i. Half-inch or three-quarter-inch PVC board with layers;
4. *Bracketing.* All bracketing and support materials for signs shall fit the original architectural style of the building or enhance the design of the sign. Sign pins are exempt.
5. *Illumination.* In addition to the requirements established in Table 156.G.004, the following illumination standards shall apply to signs in the UC district:
 - a. Interior lit signs must only be channel letters or have halo illumination.

- b. Exterior lights must be gooseneck or appropriate to the original architecture of the building.
 - c. Florescent lights shall be prohibited.
 - d. Lights emitting white light shall be prohibited.
 - e. No wires shall be visible from the public right-of-way.
- 6. *Wall Signs.* Wall Signs in the UC district shall have a texture or depth to distinguish them from the substrate they are placed upon. Individual letters and/or logos must have different depths. 20% minimum of the sign must meet these criteria.
- I. **Awnings and Marquees.** In addition to the standards established in this Section, the following standards shall be met for awning and marquee sign types in all zoning districts where permitted:
 - 1. *Extension Standards.* Any awning or marquee extending over any public street or thoroughfare shall be constructed by either the following methods:
 - a. Constructed on steel beams projecting through the street wall of the structure or building and capable of supporting the weight of such canopy or marquee and an additional live load weight of 60 pounds per square foot; or
 - b. Solidly anchored against the street wall of such building or structure on steel plates bolted through the wall and hung by rigid rods anchored through such street wall and attached to the extended portion of such canopy or marquee and capable of carrying the weight thereof and an additional live load weight of 60 pounds per square foot.
 - 2. *Anchored.* Awnings shall be attached to framework securely anchored to the street wall of the building or structure in a manner approved by the Building Official.
 - 3. *Public Right-of-Way.* Any marquee or awning permitted to extend over any public street or thoroughfare shall conform to the following:
 - a. It shall not extend in one section more than 25 feet along the line of the street.
 - b. It shall provide a minimum clearance above the sidewalk of the lowest part thereof of not less than seven feet.
 - c. It shall not extend beyond the street line nearer than 18 inches to a vertical extension of the curb line.
 - d. The construction of any marquee or awning from a street wall and extending over any portion of a public sidewalk or thoroughfare shall be liable for injury to any person using such public sidewalk underneath or adjacent to the canopy, marquee, or awning resulting from any faulty construction, maintenance or dangerous condition of the marquee or awning and shall hold the City harmless for such injury.
- J. **Advertising Signs.** Signs commonly referred to as billboards.
 - 1. Structures shall be limited to two faces per sign, shall not exceed 30 feet in height and 300 square feet in area. Advertising structures shall be constructed of metal or other durable materials. Poles made of wood shall not be considered acceptable.
 - 2. The minimum distance between advertising signs shall be 500 feet when adjacent to Highway 30 and 300 feet on other streets, whether on the same side of a street or on opposite sides of a street.
 - 3. Advertising signs shall be set back a minimum of 50 feet from Highways 14 and 30 and Iowa Avenue. Setbacks from other streets shall be 30 feet. Where any advertising sign is directly adjacent to lots with buildings, the setback shall be no less than the building structure, but no sign shall be required to have a setback greater than 50 feet.
 - 4. No advertising sign shall be permitted within 100 feet of any residential zoning district boundary.
 - 5. Advertising signs may be permitted in the following areas of the City: GC or GI districts adjacent to Highway 30 and Iowa Avenue and GC or GI districts adjacent to Highway 14 south of Southridge Road or north of Riverside Cemetery specifically on the west side of Highway 14.
 - 6. Advertising signs may be electronic provided they comply with 156.G.004.J.3.b & c.
 - 7. Some signs may be subject to Iowa DOT approval.

- K. **Changeable Copy.** Changeable Copy Centers (CCC) may be permitted as an electronic message centers or manual changeable copyreader. These CCCs shall be used as an integral part of marquee signs, menu board signs, monument signs, or pylon signs subject to the applicable standards of this Section (See Figure 156.G.004-1, *Changeable Copy Center Design Requirements*), including the following design requirements:
1. *Enclosure.* Electronic message centers or manual changeable copy are permitted as part of a sign if they are enclosed on all sides with a finish of brick, stone, stucco, powder-coated metal, or anodized aluminum. The enclosure shall extend a minimum of six inches from the perimeter of the electronic message center in all directions. Gaps between the changeable copyreader board and the surround are permitted to accommodate locks and hinges for a cover for the changeable copy area, but only to the extent necessary for such locks and hinges to operate.
 2. *Size and Proportions.* Changeable copy centers square footage shall not exceed the maximum sign area permitted for that sign type within the zoning district where the proposed sign is to be located with the following requirements or limitations for the changeable copy:
 - a. *Menu Board Sign.* If a menu board sign is not visible from a residential property or a public or private street, 100 percent of the copy area may be electronic.
 - b. *Marquee Sign.* The lesser of 100 square feet or 40 percent of the sign area of a marquee sign; or
 - c. *Other Sign Types.* The lesser of 100 square feet or the maximum permitted sign area of a monument sign, or pylon sign.
 - d. *Remainder of Sign Copy.* The balance of the sign area shall utilize permanent letters or symbols.
 - e. *Combination of CCC Types.* No sign structure that includes a manual changeable copy sign may also include an electronic message center, and vice-versa.
 3. *Electronic Message Center Locational Requirements.*
 - a. Electronic message centers shall be:
 - i. Located no closer than 100 feet to a residential dwelling unit;
 - ii. Prohibited in the UC-HD, Urban Core-Historic District, with the exception of permitted marquee signs; and
 - iii. Permitted in the UC, MU, GC, PI, REC and GI zoning districts subject to the standards in subparagraphs b and c below.
 - iv. Be limited to one such sign per lot.
 - b. Electronic message centers shall not:
 - i. Blink, rotate, move, chase, flash, glare, strobe, scintillate, or in any fashion be distracting to the traveling public or the public in general;
 - ii. Include audio, pyrotechnic, or bluecasting (Bluetooth advertising) components;
 - iii. Be included on or used as portable or temporary sign.
 - c. Electronic message centers shall:
 - i. Not be limited by color;
 - ii. Contain a default design that will freeze the sign in one position with no more illumination than 0.3 foot candles above ambient light if a malfunction occurs; and
 - iii. Include an automatic dimmer that dims the sign at dusk or during low-light conditions.
 4. *Manual Changeable Copy.*
 - a. Manual changeable copyreader boards are only permitted on monument signs, pylon signs or marquee signs.
 - b. Manual changeable copy message centers, including their frames shall be the lesser of 100 square feet or the maximum permitted sign area of a monument sign or pylon sign. The balance of the sign area shall utilize permanently affixed letters or symbols.
 - c. Lettering of manual changeable copy signs shall be of a single style and shall be of uniform color and size.

Figure 156.G.004-1
Changeable Copy Center Design Requirements



Section 156.G.005, Sign Illumination

- A. **Generally.** The standards in this Section establish the permitted level of illumination for individual sign types in [Section 156.G.004, Permanent Signs](#), and the level and type of illumination allowed (internal illumination, external illumination, or halo lit).
- B. **Color.** Illumination shall be in white light only.
- C. **Electrical Service.** When electrical service is provided to a sign, all such electrical service shall be permanently installed in accordance with the City's Electrical Code, and shall be placed underground.
- D. **Glare.** All lighting shall be arranged so that there will be no glare directed or reflected toward adjacent properties or constitute a hazard to the safe and efficient operation of vehicles upon a street.
- E. **Illumination.** Internal or external illumination of signs is permitted as follows:
 - 1. *Generally.*
 - a. Externally illuminated signs may be illuminated by either ground-mounted lights or wall-mounted light bars.
 - b. Internally illuminated signs may include halo lighting, neon, or other sources that do not exceed the brightness or flashing light standards below.
 - c. All signs shall not exceed 0.3-foot candles over ambient light conditions.
 - 2. *Flashing Lights.* Signs with flashing, blinking, or traveling lights shall have light bulbs that do not exceed 350 Lumen each.

Section 156.G.006, Temporary Signs

- A. **Generally.** The signs described in this Section may be installed or modified without a sign permit and not counted in the total square footage of signage allowed on any particular property or site, provided that the sign otherwise complies with the Building Code and with all applicable regulations of this Zoning Ordinance and the following requirements:
 - 1. The temporary signage permitted by this Section shall be regulated by the base zoning district and by number, size, height, location, duration of signs placed on a property on a temporary basis;
 - 2. All temporary signs must be made of durable materials and shall be well-maintained;

3. Lighting shall only be from ambient, external illumination;
 4. The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign; and
 5. The Zoning Administrator has the authority to remove any temporary signage that does not meet any and all of the requirements of this Article.
- B. **Allowed Signs.** Table 156.G.006-1, *Allowed Temporary Signs*, sets out:
1. The temporary sign types allowed in each zoning district; and
 2. The standards applicable to each sign type.
- C. **Unlisted Signs.** Signs that are not listed in Table 156.G.006-1 are prohibited as temporary signs.

Table 156.G.006-1 Allowed Temporary Signs							
Sign Type	Residential Districts	Mixed-Use and Non-Residential Districts					Example Image
	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI	
Balloon Sign							
Number Allowed	--	--	--	1	--	1	
Maximum Area	--	--	--	50 s.f.	--	50 s.f.	
Maximum Height	--	--	--	20 ft.	--	20 ft.	
Illumination	---	--	--	Ambient Only	--	Ambient Only	
Maximum Days Sign May be Displayed (Cycle)	--	--	--	15 days	--	15 days	
Maximum Cycles per Calendar Year	--	--	--	4	--	4	
Banner Sign							
Number Allowed	--	1 per street frontage for a single tenant building; 1 per business in a multi-tenant building, subject to separation requirements					
Maximum Area	--	48 sq. ft.		100 sq. ft.			
Maximum Height	--	Attached: Below eave line or parapet wall; Ground Mounted: 5 ft.					
Illumination	--	Ambient Only					
Minimum Separation	--	25 feet from other temporary signs					
Maximum Days Sign	--	30 days					

Table 156.G.006-1
Allowed Temporary Signs

Sign Type	Residential Districts	Mixed-Use and Non-Residential Districts					Example Image
	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI	
May be Displayed (Cycle)							
Maximum Cycles per Calendar Year	--		12				
Feather Sign							
Number Allowed	--	1 per 50 ft. of street frontage with a max. of 3 per street frontage	--	1 per 50 ft. of street frontage with a max. of 3 per street frontage			
Maximum Area	--	24 s.f.	--	24 s.f.			
Maximum Height	--	8 ft.	--	8 ft.			
Minimum Setback	--	--	--	--			
Illumination	--	Ambient Only	--	Ambient Only			
Maximum Days Sign May be Displayed (Cycle)	--	30 days	--	30 days			
Maximum Cycles per Calendar Year	--	4	--	4			
Freestanding Development Sign							
Number Allowed		1 per lot		2 per street frontage			
Maximum Area		48 s.f. per sign					
Maximum Height		8 ft.					
Minimum Separation		--		5 ft. between signs			
Minimum Setback		10 ft.	--	10 ft.			

Table 156.G.006-1
Allowed Temporary Signs

Sign Type	Residential Districts	Mixed-Use and Non-Residential Districts					Example Image
	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI	
Maximum Days Sign May be Displayed (Cycle)	Sign shall be removed upon project completion, issuance of a Certificate of Occupancy, transfer of ownership of subdivided lots or after six months of inactivity on a project or development.						
Maximum Cycles per Calendar Year	--						
Other Signs	A freestanding development sign is prohibited from a property that already has a permanent freestanding sign						
L-Frame/H-Frame Sign							
Number Allowed	1 per street frontage						
Maximum Area	9 s.f.						
Maximum Height	6 ft.						
Minimum Setback ¹	6 feet; 20 ft. from an intersection						
Illumination	Ambient only						
Maximum Days Signs May be Displayed (Cycle)	180 days						
Maximum Cycles Per Calendar Year	2						
Yard Sign							
Number Allowed	No maximum number; see next row for maximum area			One Every 30 ft; Max. of 5 signs			
Maximum Area	6 s.f. per side			9 s.f. per side			
Maximum Height	4 ft.			4 ft.			
Minimum Setback	--						
Illumination	Ambient only						

Table 156.G.006-1 Allowed Temporary Signs							
Sign Type	Residential Districts	Mixed-Use and Non-Residential Districts					Example Image
	AG, RR, RL, RM, RH	MU	UC	GC	PI, REC	GI	
Maximum Days Signs May be Displayed (Cycle)	30 days						
Maximum Cycles Per Calendar Year	--						

- D. **Portable Signs.** Portable signs may be located in any nonresidential zoning district on a temporary basis through issuance of a sign permit subject to the following requirements:
1. *Maximum Size.* Signs shall not exceed 50 square feet in area;
 2. *Maximum Height.* Signs shall not exceed six feet in height;
 3. *Public Right-of-Way.* Portable signs shall not be located in any public right-of-way;
 4. *Duration.* One portable sign shall be permitted on any zoning lot for a period of not more than 60 days in any calendar year.
 5. *Off-Premises Signs.* Off-premises advertising is prohibited.
 6. *Other Standards.*
 - a. Portable signs may not be adapted for use as permanent signs.
 - b. All portable signs being displayed on the effective date of this Zoning Ordinance are subject to the above regulations and shall be removed within 30 days unless authorized in accordance with the provisions of this Article.

Section 156.G.007, Installation, Maintenance, and Removal

- A. **Installation.**
1. *Identification.* Every permitted sign shall display in a conspicuous place on the sign, in letters no less than one inch in height, the date of erection, the permit number, the name of the sign manufacturer and installer, and the voltage of any electrical apparatus used.
 2. *Anchoring.* Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
 3. *Supports.* Supports and braces shall be an integral part of the sign design. Angle irons or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
 4. *Freestanding Signs.* Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.
 5. *Attached Signs.* Attached signs must derive their principle and total support from the building to which they are attached.

6. *Use of Fill Under Monument Signs.* Mounds or berms may be used to elevate permanent monument signs, provided that the mound or berm elevates the base of the sign not more than three feet above the natural grade at the location of the sign.
 7. *Electrical Switch.* The sign shall be equipped with a switch that prevents electricity from flowing to the sign in order to promote safety during maintenance.
 8. *Inspection Request.* After any sign requiring a permit is constructed or erected, the sign contractor performing the work or service shall notify the Building Official for final inspection of the sign.
- B. Inspection.** The Building Official or Zoning Administrator has the right to visit any site where a sign is erected or is being erected, installed, converted, relocated, enlarged, or modified in the City for the purpose of making any inspection necessary.
1. If the Zoning Administrator finds a sign to be non-conforming, the Zoning Administrator shall cause notice in writing to be given the owner of the sign or the owner of the building to which it is attached to at once remove the sign.
 2. If such owner neglects or fails to comply therewith, the Building Official or Zoning Administrator may cause the sign to be removed and the expense thereof to be assessed against the owner of the building or sign and collected as other special taxes.
 3. Anyone violating any of the provisions of this subchapter shall be subject to a fine that shall be set by resolution.
 4. Any fines issued or actions taken by the Zoning Administrator under this subsection may be appealed to the Board of Adjustment, whose decision is subject to judicial review pursuant to I.A.C. § 414.15. Removal of a sign shall be stayed during such appeal unless the sign presents a danger to public safety.
- C. Maintenance.** Signs that do not have a permit, or are not maintained as set out in this Section, are subject to the provisions set out in this Subsection.
1. *Message.* Signs shall display messages. Signs that do not display a message for a period of more than 90 days are "abandoned signs," which are prohibited subject to [Section 156.G.003, Prohibited Signs](#).
 2. *Upkeep of Ground Around Sign.* The area within a 10-foot radius of the base of a sign shall be kept free of weeds, rubbish, or flammable waste or material.
 3. *Supports and Other Hardware.* Structural supports, braces, bolts, clips, supporting frames and fastenings of a sign shall be kept in good repair and safe condition, including replacement of defective parts, so that the sign is securely fastened or anchored to a building wall, structural framing, or other foundation.
 4. *Paint and Finishes.* Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, removed, or replaced if the running colors were not part of the original design.
 5. *Corrosion and Rust.* Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements is not considered rust.
 6. *Level Position.* Signs that are designed to be level shall be installed and maintained in a level position.
 7. *Materials.* All signs shall be constructed of durable materials and securely attached to framework, with supports made of masonry, wood, metal, or other material of equivalent strength.

ARTICLE H – OUTDOOR LIGHTING

Section 156.H.001, Purpose and Applicability

- A. **Purpose.** The purpose of this Article is to provide regulations for outdoor lighting that will:
1. *Minimum Levels.* Permit the use of outdoor lighting that does not exceed the minimum levels specified for nighttime safety, utility, security, productivity, enjoyment, and commerce;
 2. *Off-Site Impacts.* Minimize adverse off-site impacts of lighting such as light trespass, and obtrusive light;
 3. *Light Pollution.* Curtail light pollution, reduce skyglow and improve the nighttime environment for astronomy;
 4. *Night Lighting.* Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and
 5. *Energy Conservation.* Conserve energy and resources to the greatest extent possible.
 6. *UL Listed.* All lighting, Luminaires as the 2020 NEC calls them, shall be UL listed for the purpose they are intended for, shall not be modified in any way and shall conform to Article 410 of the 2020 NEC, NFPA 70.
- B. **Applicability.** The standards of this Article apply to the following development activities:
1. *New Development.* New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
 2. *Increase in Intensity.* Increase in apartment units, manufactured home pads, gross floor area, or impervious surface by 20 percent or more, cumulatively over a five-year period; or
 3. *Change in Use.* Change in use requiring additional parking spaces.
- C. **Exemptions.** The following are not regulated as by this Article:
1. *Right-of-Way.* Lighting within the public right-of-way for the principal purpose of illuminating streets or roads;
 2. *Emergency Services.* Temporary lighting used by law enforcement, fire, and other emergency services;
 3. *Monuments, Art, and Statutes.* Lighting for public monuments, art, and statuary;
 4. *Repairs.* Repairs to existing luminaires not exceeding 25 percent of total installed luminaires;
 5. *Signs.* Lighting solely for signs, which is regulated by [Article G, Signs](#); and
 6. *Underwater.* Underwater lighting in swimming pools and other water features.

Section 156.H.002, General Requirements

- A. **Generally.** Outdoor lighting installed after the effective date of this Zoning Ordinance shall not exceed the footcandle (fc) values in Table 156.H.002-1, *Illumination Standards*, and Table 156.H.002-2, *Parking Lot Lighting*.

Table 156.H.002-1 Illumination Standards				
Zoning Districts	Maximum Footcandle adjacent a Residential Property Line ¹	Maximum Footcandle Adjacent to a Nonresidential Property Line ¹	Maximum Footcandle Adjacent a Public Right of Way ¹	Average Permitted Horizontal Footcandles ¹
All values are stated in footcandles (fc)				
AG, RR, RL, RM, RH	0.2	0.2	0.5	0.2
MU, UC, GC, PI, REC	0.5	2.0	1.0	5.0
GI	0.5	1.0	1.0	2.0
Table Notes:				
1. Horizontal footcandles are measured horizontal from the surface of the property by holding a light meter parallel to the ground approximately one foot off the surface.				

- B. **Nuisance Prohibited.** Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to such abutting properties.
- C. **Parking Lot Lighting.** Parking facilities, including structured and open parking lots, spaces, drive aisles, entrances, and stairways must meet the illumination standards set out in Table 156.H.002-2, *Parking Lot Lighting*. Light fixtures must be designed and installed to prevent glare from being cast outside of any parking structure or parking lot, and shall not exceed the limits stated in Table 156.H.002-1, *Illumination Standards*.

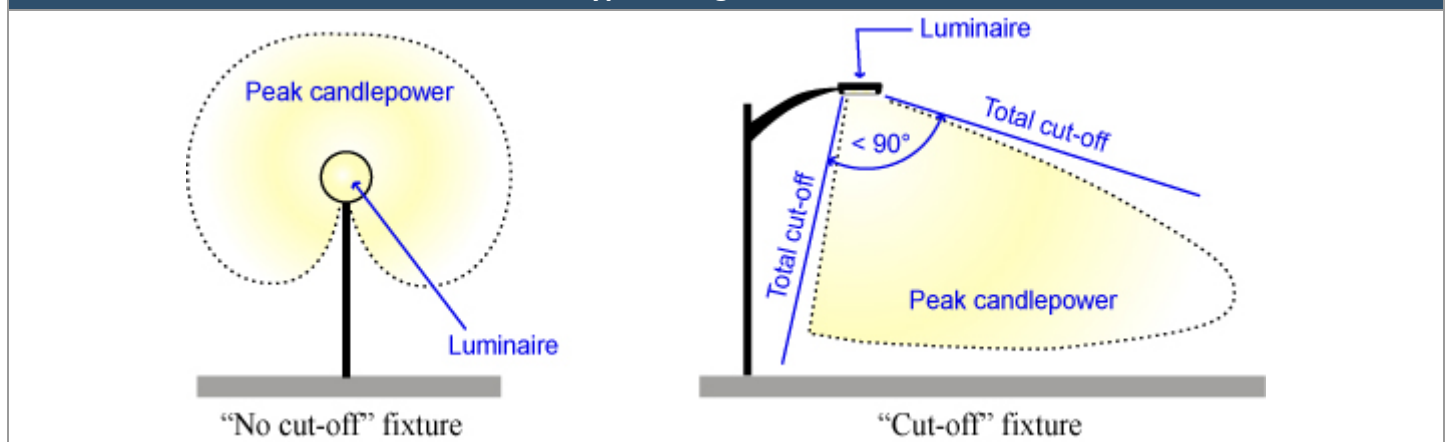
Table 156.H.002-2 Parking Lot Lighting	
Standard	Footcandle Requirement ¹
Minimum Horizontal Illuminance ¹	0.2 fc
Average Horizontal Illuminance ¹	2.0 fc
Uniformity Ratios (Horizontal Illumination) Average to Minimum	4:1
Maximum to Minimum Ratio	20:1
Table Notes: 1. Measured on the parking surface, without any shadowing effect from parked cars or trees.	

- C. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as vehicle gas and fueling stations, must recess all luminaries into the canopy so that they cannot be viewed off-site from an eye height of four feet (to protect automobile drivers from glare).
- D. **Wall Pack Lighting.** Any project that proposes the use of wall pack lighting on the perimeter of the property shall be required to prepare an exterior lighting plan for review and approval by the Zoning Administrator.
- E. **Outdoor Recreation Facilities.**
- Average Permitted Horizontal Footcandle Exemption.* Illumination levels for sports facilities may exceed the maximum permitted horizontal footcandle requirements and shall be:
 - Designed to be no higher than recommended for the appropriate class of play, as defined by the current version of the Illuminating Engineering Society of North America (IESNA) publication IES RP-6-15; and
 - Comply with the maximum footcandles adjacent to residential and nonresidential property lines standards established in Table 156.H.002-1, *Illumination Standards*.
 - Shielding.* Fixtures used for non-aerial sports shall be fully-shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed to track the ball.
 - Certification.* Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this Zoning Ordinance before construction commences.
- F. **Prohibitions.** The following are prohibited:
- Vehicular Safety.* Any fixed light not designed for roadway illumination that produces incident or reflected light that could impair the operator of a motor vehicle;
 - Searchlights.* The installation, use, or maintenance of beacons or searchlights;
 - Building Facade Lights.* Lights that are mounted on the ground or poles for the purpose of illuminating a building facade; and
 - Building Outline Lighting.* Exposed strip lighting or neon tubing used to illuminate building facades or outline buildings or windows or flickering or flashing lights installed in like fashion, except for temporary decorative lighting.

Section 156.H.003, Light Sources

- B. **Generally.** All lighting shall be shielded so the source of illumination (bulb or direct lamp image) is not visible from the property line. This reduces glare and interference with boundary streets and adjacent properties. No lamp shall extend past the housing of a light fixture.
- C. **Light Fixture Type.**
1. Light fixtures shall be:
 - a. "Full cut-off" fixtures that limit lighting that is visible or measurable at the property line;
 - b. Of constant intensity;
 - c. Reflected or shielded so as not to:
 - i. Be of excessive brightness;
 - ii. Cause glare hazardous to pedestrians or drivers;
 - iii. Create any public or private nuisance; or
 - iv. Unreasonably interfere with an adjacent property owner's right to enjoy their property.
 2. "No cut-off" fixtures, may be used only for decorative purposes, provided:
 - a. They have light fixtures that produce no more than 1,500 lumens (approximately equal to a 100-watt incandescent bulb);
 - b. They use energy-efficient bulbs, such as light-emitting diode (LED) or compact fluorescent (CFL).

Figure 156.H.003-1
Types of Light Fixtures



- D. **Cut-Off Requirements.** (See Figure 156.H.003-1, *Types of Light Fixtures*.)
1. **Full Cut-Off.** Except as otherwise allowed, all lighting (including, but not limited to vehicle use areas, canopies, security, walkway, landscaping, signs, outdoor display areas, and building) shall have 100 percent of its output below 90 degrees from a vertical line through the fixture.
 2. **Adjacent to Residential Use or District.** All lighting fixtures that are mounted on a building wall facing a property line adjacent to a residential property line or public right-of-way boundary shall be fitted with a "house side shielding" reflector on the side facing the residential property line or public right-of-way.
 3. **Flags and Statues.** Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

Section 156.H.004, Lighting Placement and Height

A. Standards for Specific Uses and Site Features.

1. **Awnings.** Awnings or canopies used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

2. *Canopies.* Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods include one or both of the following:
 - a. A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or
 - b. A surface-mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.
 3. *Sports and Performance Venues.* Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with an existing glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
 4. *Wall Pack Lights.*
 - a. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (100 watts or lower).
 - b. Wall pack light sources visible from any location off-site are prohibited.
- B. Maximum Fixture Height.**
1. *Freestanding Fixtures.* No freestanding light fixture shall be greater than 25 feet in height, except as set out in [Section 156.H.002.E, Outdoor Recreation Lighting](#).
 2. *Fixtures Mounted on Residential Buildings and Accessory Structures.* Fixtures that are mounted on residential buildings or accessory structures shall not be located higher than 16 feet or above the lowest point of the roof eave, whichever is lower.
 3. *Fixtures Mounted on Nonresidential Buildings.* Fixtures that are mounted on nonresidential buildings shall not be located above the highest point of the roofline of any building.
 4. *Full Cut-Off Fixtures.* Full cut-off fixtures shall have a maximum height of 30 feet.
 5. *No Cut-off Fixtures.* No cut-off fixtures:
 - a. Shall have a maximum height of 20 feet; and
 - b. Are not permitted on any side of a building that faces or abuts a residential property line.

ARTICLE I – DEVELOPMENT REVIEW BODIES

Section 156.I.001, City Council

- A. **Generally.** The City Council has all powers conferred upon it by the City of Marshalltown Code of Ordinances and the laws of the state of Iowa. With respect to decision-making pursuant to this Zoning Ordinance, in addition to the authorized acts of the Code of Ordinances, the City Council will exercise the powers set out in this Section.
- B. **Approvals.** The City Council shall have the authority to make final decisions on the development review applications denoted in Table [156.J.002.12-1, Development Review Summary Table](#). In addition, the City Council shall have the authority to approve, adopt, or amend:
1. Plans and programs for the development and redevelopment of the City, including but is not limited to, amending the text and maps of the Comprehensive Plan or other plans from time to time;
 2. The City's Capital Improvement Plan (CIP);
 3. Policies or procedures to facilitate implementation of planning programs;
 4. Proposed covenants, conditions, and restrictions as required by the City; and
 5. Any other action not delegated to any other board or commission as the City Council may deem desirable and necessary to implement the provisions of this Zoning Ordinance and the goals and objectives of the City, provided such action is not contrary to the requirements of this Ordinance or state law.
- C. **Appeals.** The City Council shall hear and decide appeals from decisions of the Plan and Zoning Commission after a public hearing, as set out in [Section 156.J.002, Common Review Procedures](#).

Section 156.I.002, Plan and Zoning Commission

1. **Established.** The Plan and Zoning Commission is authorized by Iowa Code Chapter 414, *City Zoning*, and shall be established and function according to [Chapter 150, Planning](#), of the City's Code of Ordinances.
2. **Powers and Duties.** The Plan and Zoning Commission shall have the authority to make recommendations to the City Council and BOA or make final decisions on the development review applications denoted in Table [156.J.002.12-1, Development Review Summary Table](#).

Section 156.I.003, Board of Adjustment

- A. **Established.** This Section establishes a Board of Adjustment (BOA), with membership, qualifications, and terms of office in accordance with and controlled by the provisions of [Chapter 414 of the Iowa Code](#).
- B. **Powers and Duties.** The BOA shall have the authority to make final decisions on the development review applications denoted in Table [156.J.002.12-1, Development Review Summary Table](#).
- C. **Membership.** The Board shall consist of five members serving without compensation, appointed by the Mayor, subject to the approval of the Council for a term of five years; excepting that, when the Board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. Not more than two members of the Board shall be members of the Plan and Zoning Commission.
- D. **Vacancy.** Any vacancy shall be filled by appointment by the Mayor for the unexpired portion of the term. Should any member be absent from the city or become incapacitated, or disqualified, the Mayor shall appoint a substitute to serve as a member of the Board with the same powers and authority as the regular member of the Board until the regular member has returned or is able to serve on the Board.
- E. **Special Uses.** Requests for special uses shall be submitted to the Zoning Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.
- F. **Meetings and Procedures.**

1. *Time and Place.* Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. Such Chair or, in their absence, the acting Chair may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.
 2. *Record Keeping.* The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
 3. *Role of Secretary of the Board.* A city representative shall serve as Secretary of the Board and keep its records.
 4. *Relations to Other City Boards.* The Board shall have the power to call on any municipal department or officer for assistance in the performance of its duties, and it shall be the duty of any such department to render such assistance as may reasonably be required.
 5. *Rules of Procedures.* The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the power and authority granted it by the provisions of this chapter or any state law.
 6. *Quorum and Necessary Vote.* The concurring vote of three members of the Board shall be necessary to decide any appeal, exception, or variation upon which the Board is authorized by this chapter to render a decision.
 7. *Decisions.* The Board shall render its decisions without unreasonable delay.
- G. **Jurisdiction.** The Board shall have the following powers and authority:
1. *Appeals.* To hear and decide an appeal where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter;
 2. *Exceptions.* To grant an exception in the following instances:
 - a. In the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership after the effective date of this chapter;
 - b. In the determination that the actual street layout on the ground varies from the street layout as shown on the District Map;
 - c. In the erection and use of a building or the use of premises for railroads or public utility purposes;
 - d. In the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God or a public enemy, to the extent of more than 50 percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the non-conforming use and that the primary purpose in continuing the non-conforming use is not to continue a monopoly;
 - e. In the waiving or reduction of the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of the parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience;
 - f. In the permitting of land within 300 feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling;
 - g. In the determination of whether an industry should be permitted within the GI, General Industry, because of the methods by which it would be operated and because of its effect upon uses in surrounding districts;
 - h. In the extension or expansion of a non-conforming use on the same or adjoining property to provide parking for employees and for handicapped persons; and
- H. **Appeals.** Any person or persons, or any board, taxpayer, officer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

Section 156.I.004, Zoning Administrator

- A. **Generally.** The Zoning Administrator is a member of the City staff who is ultimately responsible for processing an application to a final decision (in case of administrative review applications) or making a recommendation to another review body (in case of all other applications) designated by the City shall administer and enforce this Chapter.

- B. **Powers and Duties.** The Zoning Administrator shall have the authority to make recommendations or final decisions on the development review applications denoted in Table [156.J.002.12-1](#), *Development Review Summary Table*.

Section 156.I.005, Floodplain Administrator

- A. **Designation of the Floodplain Administrator.** The City Administrator shall appoint a Floodplain Administrator to administer and enforce the relevant provisions of this Zoning Ordinance and other appropriate sections of [Code of Federal Regulations \(CFR\) Title 44, Emergency Management and Assistance](#), pertaining to floodplain management.
- B. **Powers and Duties.**
1. Review all floodplain development permit applications to ensure that the provisions of this subchapter will be satisfied;
 2. Review all floodplain development permit applications to ensure that all necessary permits have been obtained from federal, state, or local governmental agencies;
 3. Notify adjacent communities and/or counties and the state's Department of Natural Resources prior to any proposed alteration or relocation of a watercourse;
 4. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of floodplain management provision within this Zoning Ordinance;
 5. Review subdivision proposals to ensure such proposals are consistent with the purpose of this Chapter and advise the City Council of potential conflicts; and
 6. Shall require that no new construction, substantial improvements, or other development (including fill) be permitted within zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), when a regulatory floodway has not been designated unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and
 7. May, under the provisions of CFR Title 44, [Chapter 1, Section 65.12](#), of the National Flood Insurance Program regulations, approve certain development in zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the City first completes all of the provisions required by Section 65.12.

Section 156.I.006, Building Official

- A. **Powers and Duties Relative to Matters in this Zoning Ordinance.** The Building Official shall have the authority to make final decisions on the development review applications denoted in Table [156.J.002.12-1](#), *Development Review Summary Table*.
- B. **Powers and Duties Relative to Matters Outside of this Zoning Ordinance.** In addition to the powers and duties set forth above, the Building Official shall perform duties as outlined in the remainder of the City's Code of Ordinances.

ARTICLE J – DEVELOPMENT REVIEW PROCEDURES

Section 156.J.001, Purpose and Application

Subsec. 156.J.001.1, Purpose

The purpose of this Article is to consolidate and standardize the City's development review procedures.

Subsec. 156.J.001.2, Applicability

- A. **Generally.** The sections of this Article apply to all development activity that requires a recommendation or final decision from City staff or a Council, Commission, or Board denoted in [Article I, Development Review Bodies](#).
- B. **Types of Procedures.** There are three types of development procedures applicable to this Zoning Ordinance, including:
1. *Legislative.* An application recommended by a Commission, Board, or Staff that requires public notice and a hearing, and a final decision by the City Council is a legislative action.
 2. *Administrative.* These applications are decided by the Zoning Administrator where no public notice or hearing is required. The decision is made using clear and objective standards or approval criteria where no limited discretion is necessary.
 3. *Quasi-Judicial.* The Board of Adjustment (Board) reviews applications for special use permits, appeals of administrative decisions, variances, determines findings of fact, and may then approve, approve with conditions, or deny an application. The decision of the Board is final and subject only to appeal by a court of competent jurisdiction.
- C. **Sequence of Development Approval.** Where more than one development review application is required by this Zoning Ordinance in order to initiate, continue, or complete a development on the same property, development review bodies shall make final decisions in the following sequence. A development review body shall make final decisions on:
1. Legislative applications prior to final decisions on all other applications;
 2. Quasi-judicial applications prior to final decisions on subdivision or administrative applications; and
 3. Applications within the same category as Table [156.J.002.12-1, Development Review Summary Table](#), assigns priority.

Section 156.J.002, Common Review Procedures

Subsec. 156.J.002.1, Pre-Application Conference

- A. **Purpose.** The purpose of a Pre-application Conference is to familiarize the applicant with the submittal requirements and review procedures, including all applicable standards and any known constraints, hazards, or special conditions associated with the subject property.
- B. **Applications Requiring a Pre-Application Conference.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require a Pre-Application Conference.
- C. **Scheduling.** The conference shall be scheduled at least 15 days before an application is due.
- D. **Sketch Plan.** The applicant may submit a sketch plan as a basis for discussion prior to or at the pre-application conference. The sketch plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at his or her discretion.
- E. **Requested Submittals.** At or following the Pre-application Conference, the Zoning Administrator may request that the applicant provide additional materials at the time of application submittal as may be necessary to permit the informed exercise of judgment under the decision criteria for the application.

- F. **Disclaimer.** Outcomes of the pre-application conference shall not imply, in whole or in part, any final decision on the application.
- G. **Continuing Review Process.** After the Pre-application Conference has occurred, applications that require such conference may subsequently undergo the processes established in [Subsec. 156.J.002.3, Application Completeness](#).

Subsec. 156.J.002.2, Application and Fees

- A. **Applications and Fees.** Every development review application required by this Zoning Ordinance shall be submitted in a format and with contents established by the Zoning Administrator and shall include the corresponding application fee that is established by the City Council.
- B. **Applications Subject to Application Filing and Fees.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require an Application and Fees.
- C. **Authorization to Initiate an Application.** Table [156.J.002.2-1, Application Authorization](#), denotes those who are authorized to initiate each of the application types.

Table 156.J.002.2 Application Authorization			
Application Type	Council or Commission	Property Owner ¹	Party Aggrieved by an Administrative Decision ¹
Legislative Review Applications	Yes	Yes	No
Administrative Review Applications	No	Yes	No
Quasi-Judicial Applications	No	Yes	Yes
TABLE NOTES: "Yes" = Entity may initiate application "No" = Entity may not initiate application 1. Including his or her agent.			

- D. **Liens, Taxes, Assessments, and Debts to Public Entities.** No application for a permit or approval will be processed for property that is the subject of outstanding liens, delinquent taxes, delinquent assessments, or any other delinquent debts, fines, or obligations to the City, County, a school district, or other public-sector entity that provides services to the property.
- E. **Representation of Facts.** It is unlawful for any person to knowingly or willfully misrepresent or fail to include any information required by this Zoning Ordinance on any application. If development is approved upon an application that contains misrepresentations or fails to contain material facts required by the application, then the City shall place a stay or stop-work order on the development or use, which shall remain in place until such time that the approval body receives the required information to its satisfaction.
- F. **Waiver of Submittal Requirements.** The Zoning Administrator may waive certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application.
- G. **Deadlines.** The Zoning Administrator may establish periodic application submittal deadlines.
- H. **Continuing Review Process.** Submitted applications shall subsequently undergo the processes established in [Subsec. 156.J.002.3, Application Completeness](#).

Subsec. 156.J.002.3, Application Completeness

- A. **Generally.** The application completeness review ensures whether or not an application is sufficiently complete to be processed. After an application is submitted, the Zoning Administrator shall review the application and determine if:
1. The application includes all required materials and information;
 2. Those parts of the application which are required to be prepared by licensed professionals are, in fact, prepared by such professionals; and

3. Any additional information that is necessary to demonstrate compliance with all of the applicable requirements of this Ordinance or that was identified as part of a Pre-Application Conference.
- B. **Applications Requiring an Application Completeness Review.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require Application Completeness.
- C. **Completeness Does Not Equate to Approval.** A determination of completeness does not mean that:
 1. During review, additional clarification or information will not be needed;
 2. The application will receive a positive recommendation or positive final decision from the applicable administrative body; or
 3. The contents of the submittal are accurate or that they comply with the standards of this Zoning Ordinance.
- D. **Incomplete Applications.**
 1. If the Zoning Administrator determines a submittal not to be complete, the Administrator shall:
 - a. Notify the applicant in writing with a list of all missing or incomplete items; and
 - b. Provide a maximum of 10 business days for the applicant to resubmit the missing or incomplete items.
 2. If the applicant does not resubmit the missing or incomplete items within 10 business days, the Zoning Administrator shall deem the submittal null and void.
- E. **Refunds.** Fees for applications deemed incomplete and null and void are non-refundable.
- F. **Continuing Review Process.** Complete applications shall subsequently undergo the processes established in [Subsec. 156.J.002.4, Staff Review](#).

Subsec. 156.J.002.4, Staff Review

- A. **Final Decision or Distribution.** After completeness determination, the Zoning Administrator shall, according to the review responsibilities of Table [156.J.002.12-1, Development Review Summary Table](#):
 1. *Review and Comment.* Review the application and provide comments to the applicant, which may include required revisions;
 2. *Review and Decide.* Review and make a final decision on the application; or
 3. *Distribute.* Distribute the application to City staff or outside agency for recommendation or final decision.
- B. **Applications Requiring Staff Review and Referral.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require a Staff Review.
- C. **Required Revisions.**
 1. *Comments.* During application review, the Zoning Administrator may provide comments from City staff or outside agencies or other administrative bodies, where applicable, to the applicant. The applicant shall revise and resubmit the application with the requested changes.
 2. *Resubmittal.* Upon receipt of the resubmittal, the Zoning Administrator may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.
- D. **Administrative Recommendation or Decision.** Promptly after submittal of a complete application that addresses the comments (or, after finding that no revisions are required):
 1. *Administrative Applications.* If the application is for a review procedure addressed in [Section 156.J.004, Administrative Review Procedures](#), then the City staff member denoted in Table [156.J.002.12-1, Development Review Summary Table](#), shall approve, conditionally approve, or deny the application, as appropriate. Applications receiving approval may subsequently undergo the processes established in [Subsec. 156.J.002.10, Inactive or Expired Applications](#).
 2. *Legislative and Quasi-Judicial Applications.* If, according to Table [156.J.002.12-2](#), the application requires a public meeting or public hearing prior to a final decision, then the applicable City staff member shall forward a recommendation to the next administrative body who will consider it for further recommendation or final decision.

- E. **Common Review Criteria.** In addition to all other applicable provisions of this Zoning Ordinance, City staff and administrative bodies shall consider the provisions of [Subsec. 156.J.002.5, Common Review Criteria](#), when making a recommendation or a final decision.
- F. **Continuing Review Process.** Applications requiring a public meeting or hearing shall subsequently undergo the processes established in [Subsec. 156.J.002.6, Public Notice](#), and [Subsec. 156.J.002.7, Public Meetings and Hearings](#).

Subsec. 156.J.002.5, Common Review Criteria

- A. **Generally.** In determining whether to approve, approve with conditions or modifications, or deny an application, the applicable review bodies shall consider the common review criteria denoted in [Table 156.J.002.5-1, Common Review Criteria Applicability](#). Additional review criteria may apply and are enumerated in the specific review procedures within this Article.
- B. **Applications Subject to Common Review Criteria.** [Table 156.J.002.5-2, Review Steps](#), denotes the development review applications that are applicable for the use of Common Review Criteria.

Table 156.J.002.5-1 Common Review Criteria Applicability			
Common Review Criteria	All Applications ¹	Legislative Applications ¹	Quasi-Judicial Applications
The request complies with the applicable standards of this Zoning Ordinance, the City Code of Ordinances, and any applicable county, state, or federal requirements.	Yes	No	No
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a Special Use Permit, Master Development Plan, or Site Plan.	Yes	No	No
The administrative body has considered the recommendation of Staff.	No	Yes	Yes
The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.	No	Yes	Yes
The request promotes the purposes of this Zoning Ordinance as established in Section 156.A.002, Purposes , and in other applicable purpose statements in this Chapter.	No	Yes	Yes
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.	Yes	Yes ²	Yes
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.	No	Yes ²	Yes
TABLE NOTES: "Yes" = Common Review Criteria applies for all applications. "No" = Common Review Criteria does not apply for all applications. 1. Excluding Appeals of Administrative Decisions. 2. Excluding Zoning Ordinance Text Amendment.			

Subsec. 156.J.002.6, Public Notice

- A. **Generally.** Public notice, if required, shall be provided in accordance with the requirements of this Subsection. The content of notices shall be according to the policies adopted by the City and as required by [Iowa Code, Sec. 362.3](#).
- B. **Required Notice.** Set out in Table [156.J.002.6-1, Required Notice](#), are the required notices established for each type of application or procedure. Administrative approvals and procedures do not require notice and therefore are not listed in the Table. It shall be the policy of the City to give as full and adequate notice as practicable to all interested persons and to the general public, but the good-faith failure to mail notice to any person entitled in this Subsection, except as specified in Chapter 414, of the Iowa Code, shall not be grounds for upsetting any action taken.
- C. **Content of Notice.** The notice shall include:
1. The date, time, and place of such hearing;
 2. A description of the contents of the matter to be heard; and
 3. The address or location of the property involved and to be discussed at the public hearing.
- D. **Setting Hearing.** For all matters properly brought before the Board of Adjustment or the Plan and Zoning Commission for which a public hearing is required by this Zoning Ordinance, the development review body charged with conducting the public hearing shall, upon receipt of a completed application, select a reasonable time and place for such hearing; provided, however, that such time shall be not later than 60 days following the submission of the subject application, unless the applicant shall agree to some later time.

Table 156.J.002.6-1 Required Notice				
Review Procedure	Application Type	Review Body	Publication	Posted
Legislative Applications	Text Amendment	City Council	Required	Not Required
	Zone Change		Required	Required
Quasi-Judicial Applications	Special Use Permit	Board of Adjustment	Required	Required
	Variances		Required	Required
	Appeals of Administrative Decisions		Not Required	Not Required

- E. **Procedural Requirements for Notice.**
4. **Contents.** All notices shall contain, at minimum, the following information:
 - a. The name of the owner, applicant, engineer, architect, or other parties involved;
 - b. Lot, block, and address of the subject property, or, if none apply, the general location based on the nearest street intersection;
 - c. For variances, a reference to the Zoning Ordinance provision that is the subject of the variance;
 - d. The address, date, and time of the public hearing.; and
 - e. The necessary information for obtaining assistance for physically impaired persons who wish to attend the hearing.
 5. **Published Notice.** The Zoning Administrator shall arrange for notice of a required public hearing to be published in one issue of an official newspaper of general circulation in the City, as applicable and as required by state law.
 6. **Posted Notice.** Notice is given by a sign posted on the property in one or more locations that are visible from a public street.
 - a. Notice will read “Public Hearing” and provide Housing and Community Development Office contact information.
 - b. Post notice signs on each street frontage of a site under consideration to inform the public of a proposed land use plan amendment or zone change and the time and place of the public hearing. The sign shall be black letters on a white sign board and dimensioned as established by the Zoning Administrator.

- c. If multiple properties are under consideration, post signs at least every 600 feet along each street frontage.
 - d. It is the responsibility of the property owner to ensure that the signs are maintained and visible from the street rights-of-way in accordance with the provisions of this Section. Failure to maintain the public notice signs may be considered, along with all other facts and circumstances, in determining whether the request is granted. Any person who removes a public notice sign without the property owner's consent shall be guilty of a misdemeanor.
 - e. Public notice signs must be erected no less than seven days before the hearing and shall remain in place until the final hearing.
 - f. Remove signs within seven days after a final decision has been made.
- F. **Constructive Notice.** Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the final decision.

Subsec. 156.J.002.7, Public Meetings and Hearings

1. **Generally.** All meetings of the City Council, Plan and Zoning Commission, and Board of Adjustment shall be open to the public except as otherwise provided by the Iowa Open Meetings Law and Public Records Law set out in [Chapters 21](#) and [22](#) of the Iowa Code. However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this Zoning Ordinance are classified as requiring a "public meeting" or "public hearing."
2. **Applications Requiring Public Meetings and Hearings.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that require public meetings and hearings.
3. **Joint Meetings.** Any public hearing required by this Ordinance or the laws of the State of Iowa may be held jointly with any public hearing required to be held by City Council or Plan and Zoning Commission, but not by the Board of Adjustment. Such joint meetings may be held after public notice as required by law.
4. **Consent Agenda.** The consent agenda may consist of all matters brought before the City Council, Plan and Zoning Commission, and Board of Adjustment for action that does not require a public hearing. All items on the consent agenda shall be approved simultaneously by motion without comment or debate. An item may be removed from the consent agenda prior to approval at the request of any member of the Board, Plan and Zoning Commission, or City Council present at the meeting, or by City staff. Items removed from the consent agenda shall be considered on the regular agenda.
5. **Public Hearings.**
 - a. **Procedures.** The City Council, Plan and Zoning Commission, and Board of Adjustment follow Robert's Rules of Order as set out in Section 2.04.030, Robert's Rules of Order, as amended from time to time, for the conduct of public hearings. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Ordinance pertaining to, and the rules promulgated by, the body conducting the hearing. The following general procedures shall be reflected in the adopted rules of procedure.
 1. Any person may appear at a public hearing, submit evidence, and be heard.
 2. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
 3. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
 4. Citizens, applicants, and the City have the right to present expert witnesses.
 5. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
 - b. **Pre-hearing Examination.** At any time following the giving of notice as required in Subsec. [156.J.002.6, Public Notice](#), and upon reasonable request, any person may examine the application and all other documents on file with the secretary of the body holding the hearing pertaining to the matter subject to such notice. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the City Council to cover the cost of such copies.

- c. *Right to Submit Written Statements.* Any person may at any time prior to the commencement of a hearing, or during such hearing, or within such time as may be allowed by the development review body following such hearing, submit written statements in support of or in opposition to the application being heard. Such statements shall be made a part of the public record of the hearing.
 - d. *Representation.* Persons appearing before the Board of Adjustment, Plan and Zoning Commission, or City Council may appear in person, through an online meeting platform when public hearings are held in such format, or through a representative or agent. The representative or agent shall provide satisfactory proof of his or her authority upon the request of the Board of Adjustment, Plan and Zoning Commission, or City Council.
 - e. *Quorum.* The number of members of the Board of Adjustment or Plan and Zoning Commission is required in order to constitute a quorum is set out in the applicable Subsections of [Article I, Development Review Bodies](#). The number of members of the City Council that is required in order to constitute a quorum is set out in Iowa Code [§380.4](#).
6. **Decisions.**
- a. *All Decisions.* Except when voice votes are authorized, a vote shall be conducted in a manner that the public may know the vote of each person entitled to vote.
 - b. *Plan and Zoning Commission and City Council Decisions.* The following shall apply to applications as established in [Section 156.J.003, Legislative Review Procedures](#):
 - 1. Except where this Zoning Ordinance or state statutes provide otherwise, official action requires the concurring vote of a majority of a quorum present.
 - 2. Failure of the Plan and Zoning Commission to act within 30 days shall be deemed a recommendation to the City Council to approve applications as submitted.
 - 3. Within 60 days, or a period as may be agreed to by the applicant, following the receipt of the recommendation of the Commission, or the failure of the Commission to act as provided above, the Council shall:
 - i. By a duly adopted resolution, approve the application with or without conditions to be accepted by the applicant as a condition of approval.
 - ii. Refer the application back to the Commission for further consideration of specified matters; or
 - iii. Refuse to approve the application;
 - iv. Failure of the Council to act within 60 days shall be deemed a final denial of the application.
 - c. *Board of Adjustment Decisions.* In accordance with [Iowa Code Chapter 414](#), official actions of the Board of Adjustment require the concurring vote of three regular members of the Board.

Subsec. 156.J.002.8, Continuances and Withdrawals

- A. **Generally.** Consideration of applications may be continued, or applications withdrawn as provided in this subsection.
- B. **Applications Subject to Continuance and Withdrawal Provisions.** Table [156.J.002.12-2, Review Steps](#), denotes the development review applications that are eligible for Continuances and Withdrawals.
- C. **Continuances.**
 - 1. *Request or Motion to Continue.* Consideration of an application may be continued upon motion of the City Council, Plan and Zoning Commission, or Board of Adjustment or upon request of the applicant before a decision is made on the application.
 - 2. *Period of Continuation.* Should any item before the City Council, Plan and Zoning Commission, or Board of Adjustment be tabled in anticipation of information or events to occur prior to rendering a decision, such tabling shall be for not longer than the second meeting following the meeting at which the time was tabled.

Subsec. 156.J.002.9, Successive Applications

- A. **Generally.** It is the policy of the City not to hear successive applications for a substantially similar application after an application is denied. The limitations of this Subsection prevent the consideration of successive applications.

- B. **Applications Eligible for Successive Applications.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are eligible for Successive Applications.
- C. **Second Applications Without New Grounds Barred.** Whenever any application, appeal, or other request has been denied on its merits, a second application, appeal, or other request seeking essentially the same relief shall not be brought unless, in the opinion of the Zoning Administrator or development review body before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- D. **New Grounds to be Stated.** Any second application shall include a detailed statement of grounds justifying consideration of the application.
- E. **Summary Denial With or Without Hearing.** Second applications may be denied summarily, and without hearing, on a finding that no grounds appear which warrant a new hearing. In any case where an application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of the application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed.
- F. **Exception.**
 - 1. *One Year.* Any second application filed more than one year after the final denial of a prior application shall be presumed to be based on new grounds and shall be heard on the merits as though no prior application has been filed.
 - 2. *Final Denial.* Final denial shall be considered the occurrence of the later of the following events:
 - a. Thirty days from the date of denial by the Board, Council, or Commission; or
 - b. The date of entry of any final ruling or decision by the highest court which the Board and Council's denial is appealed to; or
 - c. The date of any voluntary dismissal of any appeal of the Board and Council's denial; or
 - d. In all other circumstances the Board, Council, and Commission shall determine, in its sole discretion, the date of final denial.

Subsec. 156.J.002.10, Inactive or Expired Applications

- A. **Generally.** Applications for development approval and permits must be diligently pursued by the applicant.
- B. **Applications Subject to Inactive and Expired Application Provisions.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are subject to inactive and expired application provisions.
- C. **Expiration of Inactive Applications.**
 - 1. *Application.* When an action by the applicant is required for further processing of an application (e.g., submittal of supplementary documentation), the application shall become void six months after the date that the action is requested if:
 - a. The applicant fails to take action; or
 - b. The applicant fails to request an extension of time pursuant to paragraph D, *Extension of Time*, below.
 - 2. *Development Approval.* When an action by the applicant is required for further processing of an application for development approval, the application shall become void six months from receipt of the application if the application has remained dormant during that period where no activity has occurred toward the completion of the application where changes or corrections are required or where instruments or documents requested or required is not forthcoming within that period from the property owner or authorized agent.
 - 3. *PUD Approval.* 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 applicant shall file appropriate information detailing the reasons for the delay. The Zoning Administrator shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the PUD. The Plan and Zoning Commission and Council shall review the matter, and may:
 - a. Continue the PUD zoning with revised time limits;
 - b. Require that appropriate amendments be made or action taken to comply with this Section;

- c. Continue with PUD zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or
 - d. Initiate rezoning of the entire parcel to an appropriate district, provided, unless subjected to a comprehensive planning analysis, the rezoning is not to a zone more restrictive than the one applied immediately prior to the rezoning to PUD.
4. *Refunds.* No refunds of application fees will be issued to applicants whose applications expire pursuant to this Subsection.
- D. **Extension of Time.** The time for expiration of an application may be extended by up to six months upon written request of the applicant before the end of the period set out in paragraph C, *Expiration of Inactive Applications*, above.
- E. **Effect of Expiration.** Applications that expire shall automatically become null and void, closed, and discarded without further notice or activity by the City. Any application, will be treated as a new application, subject to requirements in effect at the time of the most recent submittal, and with new fees.

Subsec. 156.J.002.11, Approval Extension

- A. **Generally.** Applicants shall diligently pursue completion of development projects. Accordingly, this Subsection voids unapproved applications for Legislative, Administrative, and Quasi-Judicial applications that become stale due to inaction by the applicant. In addition, this Subsection allows for an extension of the life of such stale applications and of the expiration deadlines established in Table 156.J.002.12-1, *Development Review Summary Table*, for approved applications that may expire due to inactivity of the applicant.
- B. **Applications Subject to Approval Extension.** Table 156.J.002.12-2, *Review Steps*, denotes the development review applications that are subject to approval extension provisions.
- C. **Extension of Time.**
- 1. *Request.* Prior to the expiration of an approved application or unapproved stale application, the applicant may request in writing an extension of the expiration date of up to six months.
 - 2. *Amendments.* If the City Council amends this Zoning Ordinance or adopts other applicable regulations during the period of time when the application was stale, the application shall:
 - a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. Become subject to the new regulations and ordinances if the period of time to request an extension lapses.
 - 3. *Expiration of Extension.* Approved applications or unapproved stale applications shall expire after the six-month extension lapses if the Zoning Administrator determines that the applicant is not actively pursuing action to complete the development or address comments.

Subsec. 156.J.002.12, Development Review Summary Table

- A. **Generally.** Procedures for obtaining development review approval pursuant to this Zoning Ordinance are summarized in this Section.
- B. **Applications and Procedures.** Each application required by this Zoning Ordinance is spelled out in Table 156.J.002.12-1, *Development Review Summary Table*, below.

Table 156.J.002.12-1 Development Review Summary Table					
Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Applicable Standards
			Recommendation	Final Decision	
ADMINISTRATIVE APPLICATIONS: Require final decisions in which City staff apply the standards in this Zoning Ordinance. Administrative applications typically require objective analysis by City staff and may involve the exercise of very limited discretion.					

**Table 156.J.002.12-1
Development Review Summary Table**

Site Plan (156.J.004.1)	In order to make a limited modification to a site plan that has already been approved but that has not received a Certificate of Occupancy	365 days	Zoning Administrator		--
Building Permit (156.J.004.2)	Prior to erecting, altering, replacing, relocating, rebuilding, repairing, or restoring a principal or accessory building or structure	180 days	Zoning Administrator	Building Official	--
Floodplain Development Permit (156.J.004.3)	Prior to initiating or continuing any development or substantial improvement within a regulatory floodplain as shown on a Flood Insurance Rate Map (FIRM)	90 days	Floodplain Administrator		Section 156.C.006
Sign Permit (156.J.004.4)	Prior to constructing, installing, placing, relocating a sign, or modifying a sign's dimensions or illumination	The use associated with the sign is abandoned; The sign is removed or abandoned; or The sign is not completely constructed, installed, placed, changed, relocated, or attached within 180 days from the date of the Sign Permit issuance	Zoning Administrator		Article G
Master Sign Plan (156.J.004.5)	Prior to or concurrent with submittal of a Site Plan, Planned Unit Development Plan, or Sign Permit	2 years	Zoning Administrator		Article G
Certificate of Occupancy (156.J.004.6)	Upon completion of construction or before a change in occupancy	None	Building Official		--
Administrative Adjustment (156.J.004.7)	In order to adjust a numeric standard in this Zoning Ordinance by up to 10 percent	Same as application being modified	Zoning Administrator		--
Temporary Use Permit (156.J.004.8)	Prior to establishing a temporary use related to a public or commercial event	180 days	Zoning Administrator		Section 156.C.008
Limited Use Permit (156.J.004.9)	Prior to establishing, changing, or expanding a limited use	180 days	Zoning Administrator		Section 156.C.004
Floodplain Variance (156.J.004.10)	Prior to or concurrent with submittal of a Floodplain Development Permit	180 days	Floodplain Administrator		Section 156.C.006
LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.					
Text Amendment (156.J.003.1)	Prior to amending ZO	None	Zoning Administrator	City Council	--
Zone Change (156.J.003.2)	Prior to establishing or expanding a use or residential density prohibited in the current zoning district		1st: Zoning Administrator 2nd: PZC		--
Master Development Plan (156.J.003.3)	Concurrent with or subsequent to a zone change application and	2 years	Zoning Administrator	PZC	Article D

**Table 156.J.002.12-1
Development Review Summary Table**

	prior to plats, plans or permits for a mixed-use center				
QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this Zoning Ordinance or that are contested by an aggrieved party. The Board of Adjustment makes final decisions based on findings of fact and analysis of how specific provisions of this Zoning Ordinance and the Comprehensive Plan apply to the site. Such final decisions are characterized by exercise of discretion.					
Special Use Permit (156.J.005.1)	Prior to the operation of any land use that is designated as a special use	180 days	1st: Zoning Administrator 2nd: PZC	BOA	Section 156.C.005
Variance (156.J.005.2)	Prior to or concurrent with submittal of a Site Plan, Building Permit, or Sign Permit	180 days	Zoning Administrator		Article B, Article D, Article E, Article F
Appeal of Administrative Decision (156.J.005.3)	Within 30 days after a final decision by the Zoning Administrator or Building Official on a matter addressed in this ZO	None	Zoning Administrator		--
KEY: "ZO"= Zoning Ordinance; "PZC" = Plan and Zoning Commission; "BOA" = Board of Adjustment					
TABLE NOTES:					
1. Measured from the date of approval. Expiration occurs if the applicant does not diligently pursue completion of the project or the subsequent required approval. See Subsec. 156.J.002.10, <i>Inactive and Expired Applications</i> .					

- C. **Review Steps.** Table 156.J.002.12-2, *Review Steps*, summarizes the review procedures involved in the development proposal process.

**Table 156.J.002.12-2
Review Steps**

General Review Procedures (Subsection Reference)	Administrative Applications	Legislative		Quasi-Judicial		
		ZO Text Amendment	All Other	Written Interpretation	Variance	Appeals
Pre-Application Conference (156.J.002.1)	No	No	Yes	No	No	Yes
Applications and Fees (156.J.002.2)	Yes	No	Yes	No	Yes	Yes
Application Completeness (156.J.002.3)	Yes	No	Yes	No	Yes	Yes
Staff Review (156.J.002.4)	Yes	Yes	Yes	Yes	Yes	Yes
Common Review Criteria (156.J.002.5)	Yes	Yes	Yes	Yes	Yes	Yes
Public Notice (156.J.002.6)	No	Yes	No	No	Yes	Yes
Public Meetings and Hearings (156.J.002.7)	No	Yes	Yes	No	Yes	Yes
Continuances and Withdrawals (156.J.002.8)	No	No	Yes	No	Yes	Yes
Successive Applications (156.J.002.9)	No	No	Yes	No	Yes	Yes

Inactive or Expired Applications (156.J.002.10)	Yes	No	Yes	No	Yes	Yes
Approval Extension (156.J.002.11)	Yes	No	Yes	No	Yes	Yes
KEY: "Yes" = Common Review Procedure Required; No = Common Review Procedure Not Required						

SECTION 156.J.003, LEGISLATIVE REVIEW PROCEDURES

Subsec. 156.J.003.1, Text Amendment

- A. **Generally.** The text of this Zoning Ordinance may warrant amendment from time to time. In these instances, this Subsection establishes the process to change the text of this ZO.
- B. **Applicability.** This Section is applicable to Text Amendments initiated by the Plan and Zoning Commission, City Council, or any other staff or decision-making body set out in [Article I, Development Review Bodies](#). A Text Amendment may transform a legally nonconforming situation into a conforming one. However, no Text Amendment shall be for the sole purpose of curing a violation of any part of this Zoning Ordinance.
- C. **Decision Criteria.** In determining whether to approve, approve with modifications, or deny a Text Amendment, the review bodies shall consider provisions of Subsec. [156.J.002.5, Common Review Criteria](#), together with the following:
 1. *Impact Mitigation.* The proposed amendment helps to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, wildlife protection, and vegetation; or will be neutral with respect to these issues;
 2. *Changing Condition.* The proposed amendment is necessary to address a changing condition that was not anticipated in the Comprehensive Plan or this Zoning Ordinance; and
 3. *Strategic Objectives.* The proposed amendment advances the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated City objectives.
- D. **Procedures.**
 1. *Review and Decision.* The Zoning Administrator shall make a recommendation on the proposed Text Amendment to the City Council, who shall subsequently conduct a public hearing before making final action to approve, approve with modifications, or deny the proposed Text Amendment.
 2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table [156.J.002.12-2, Review Steps](#), shall be conducted in conformance with the procedures set out in Subsection [156.J.002.6, Public Notice](#), and Subsec. [156.J.002.7, Public Meetings and Hearings](#).
 3. *Non-Substantive Amendments.* Notwithstanding the other provisions of this Subsection, the City Council may, by resolution, without being required to comply with any public notice requirement per either state law or Subsection [156.J.002.6, Public Meetings and Hearings](#):
 - a. Correct spelling or punctuation errors;
 - b. Modify cross-references (because another area of the City's Code of Ordinances has been moved or amended);
 - c. Correct cross-reference errors; and
 - d. Other matters determined by the City Attorney to be non-substantive.
 4. *Substantive Amendments.* The Plan and Zoning Commission shall review and conduct a public hearing on any substantive amendment prior to making a recommendation to the City Council.
- E. **Effect of Approval.** Approval of a Text Amendment shall take effect upon the effective date of the ordinance approving the amendment.

Subsec. 156.J.003.2, Zone Change

- A. **Generally.** A Zone Change changes the zoning district of a property on the Official Zoning Map from one zoning district to another.
- B. **Applicability.** A Zone Change (map amendment) may be initiated by the owner of the property to be rezoned or their authorized agent or representative, the City Council, or the Plan and Zoning Commission (PZC). Zone change applications by property owners and their agents or representatives shall be submitted on a form approved by the Administrator.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Zone Change, the review bodies shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
1. *Property Dimensions.* The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.
 2. *Need.* The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.
 3. *Hardship.* A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.
 4. *Consistency.* The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans;
 5. *Compatibility.* The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;
 6. *Suitability.* The suitability of the subject property for the zoned purposes;
 7. *Changed Conditions.* The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues; and
 8. *Support.* Nearby property owners are in support of, or do not oppose, the proposed map amendment.
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall review proposed Zone Change and give a report to the PZC. The PZC shall hold a public hearing and make a recommendation to the City Council, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Zone Change.
 2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
- E. **Effect of Approval.** A Zone Change is recorded as follows:
1. *Legal Description.* The ordinance shall include a legal description of the area rezoned and a map of the same;
 2. *Record.* The City Clerk will maintain a record of all ordinances that change the zoning classification of real property; and
 3. *Map Update.* The Zoning Administrator shall update the Official Zoning Map to reflect the new zoning district for the subject property.

Subsec. 156.J.003.3, Master Development Plan

- A. **Generally.** A Master Development Plan provides a layout for a large-scale, multi-phased, or mixed-use development.
- B. **Applicability.** Plan approval is required to illustrate the nature and character of development, including:
1. *Context.* The context of the proposed development relative to adjacent development and the proposal for transitioning and buffering such development;
 2. *Location, Scale, and Design.* The locations and types of residential, nonresidential, and mixed land uses; their scale and design relationships; and methods to ensure compatibility between the various uses and adjacent lots;

3. *Density*. Minimum and maximum gross densities, block sizes, lot patterns, and heights of residential uses;
 4. *Intensity*. Maximum gross floor areas, building coverage, and heights of nonresidential and mixed uses;
 5. *Parking and Circulation*. The proposed parking and circulation plans;
 6. *Streets*. The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian and bicycle improvements;
 7. *Common Open Space*. General locations, means of continuity and connectivity, and the extent of common open spaces and amenities;
 8. *Environmental Protection*. Areas of environmental protection and preservation, including floodplains; and
 9. *Phases*. Phases and timing of development.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Master Development Plan, the review bodies shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
1. *Site Layout*. The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment;
 2. *Building Form and Massing*. The placement, arrangement, size, and relationships of buildings relative to streets, pedestrian and civic spaces, and one another create an urban environment;
 3. *Walkability*. The connections within and between buildings, civic spaces, parking areas, transit stations and stops, and to surrounding development; the presence of amenities and other pedestrian improvements; and the proximity of origins and destinations both internal and external to the development are such that walking and bicycling are safe and viable modes of transportation;
 4. *Undeveloped Space*. Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, buffering of uses, and for passive and active use are connected and continuous throughout the development;
 5. *Complete Streets and Parking*. The streets are designed for multiple purposes, including vehicular movement, on-street parking, and safe use of pedestrians and bicyclists, and the parking is well-distributed and designed to preserve an urban streetscape;
 6. *Phasing*. The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for transition from the early phases to completion, relating to the intensity of uses and parking; and
 7. *Quality Design*. The design of buildings and hardscape and landscape areas help to establish visual interest, aesthetic appeal, and a unique identity for the development, including as key considerations human-scale amenities, integration of civic spaces for public interaction, and protection from the environmental elements.
- D. **Procedures.**
1. *Review and Decision*. The Zoning Administrator shall review and make a recommendation on the proposed Master Development Plan to the PZC, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Master Development Plan.
 2. *Public Notice and Public Hearing*. The required public notice and public hearing as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
 3. *Time Frame*. Approval of a Master Development Plan shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
- E. **Effect of Approval.** Upon approval, all subsequent plats, plans, and permits shall clearly demonstrate consistency and conformance with the adopted Master Development Plan. Requested modifications of the plan shall be according to Subsection 156.J.004.6, *Administrative Adjustment*.

SECTION 156.J.004, ADMINISTRATIVE REVIEW PROCEDURES

Subsec. 156.J.004.1, Site Plan

- A. **Generally.** Approval of a site plan ensures that proposed development complies with all applicable standards of this Code. A site plan is not required for the construction of single-family (attached or detached) and duplex dwellings or for any emergency activity that is immediately necessary for the protection of life, property, or natural resources
- B. **Applicability.** All new development, redevelopment, and substantial improvement or expansion of multi-family, manufactured home parks, nonresidential, and mixed-use development requires site plan review and approval prior to the issuance of permits that allow for land clearing, site grading, and construction.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Site Plan, the Zoning Administrator shall consider provisions of Subsection [156.J.002.5](#), *Common Review Criteria*, together with the following:
1. *Prior Approvals.* Compliance with any prior approvals and all applicable development, design and transition standards of this ZO;
 2. *Comprehensive Plan.* Consistency with the Comprehensive Plan and all other applicable adopted plans;
 3. *Access.* Adequate provision of pedestrian, transit and traffic access and on-site circulation;
 4. *Parking and Loading.* Sufficient space to accommodate required off-street parking and loading/unloading zones;
 5. *Design.* The location, arrangement, size, and design of buildings, lighting, signs, landscaping and bufferyards that conform to the standards of the applicable district(s);
 6. *Scale.* An appropriate scale of the proposed use(s) in relation to one another and those on adjacent properties;
 7. *Adequate Level of Service.* An adequate level of service of existing or proposed public facilities;
 8. *Nuisances.* Sufficient protection for adjacent properties against noise, glare, unsightliness, or other objectionable features;
 9. *Access, Circulation, and Parking.* Adequate, safe, and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways, transit access (as appropriate), off-street parking and stacking and loading spaces; and
- D. **Procedures.**
1. *Review and Decision.* On receipt of a completed application for a site plan, the Zoning Administrator, together with other departments and referral agencies, as appropriate, shall review the plan to determine its compliance with the applicable provisions of this Zoning Ordinance and any conditions of an approved conditional use or variance. The Zoning Administrator shall determine if the proposed site plan satisfies the site plan approval criteria and if so, approve, approve with conditions or deny the site plan.
 2. *Time Frame.* Approval of a Site Plan shall be valid for the period of time set out in Table [156.J.002.12-1](#), *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10](#), *Inactive and Expired Applications* and Subsection [156.J.002.11](#), *Approval Extension*.
- E. **Effect of Approval.** Upon approval of a Site Plan, the applicant may proceed with requests for other required approvals and permits.

Subsec. 156.J.004.2, Building Permit

- A. **Generally.** A Building Permit authorizes construction that conforms to the standards and requirements of this Zoning Ordinance and the City's Building Code.
- B. **Applicability.** A Building Permit is required before construction, alteration, movement, enlargement, replacement, significant improvement, use and occupancy, removal or demolition of any building or structure and certifies that such work complies with the construction standards in the Building Code.
- C. **Review Criteria.** The Building Official may approve, approve with conditions, or deny a Building Permit based on findings that:

1. *Generally.* All requirements of the Building Code, this Zoning Ordinance, including Subsection [156.J.002.5](#), *Common Review Criteria*, and all other applicable portions of the City's Code of Ordinances have been met; and
 2. *Other Required Findings.* The following have been accomplished:
 - a. All required improvements have been accepted by the City Engineer.
 - b. The building has legal access to a dedicated public street;
 - c. The building is located on a legally subdivided lot; and
 - d. The building and lot conform, or will conform, to all requirements of this Ordinance.
- D. Procedures.**
1. *Application.* Each application for a building permit shall contain or be accompanied by plans showing the following information:
 - a. Actual dimensions and shape of the lot to be built upon;
 - b. Size and location of existing buildings, if any;
 - c. Location and dimensions of the proposed new, enlarged, or altered building or structure; and
 - d. Other information or documentation as the Building Official may lawfully deem necessary or appropriate to determine conformance with this ZO.
 2. *Review and Decision.* The Building Official may approve, approve with conditions, or deny the application and is authorized to certify that work complies with the construction standards of the Building Code.
 3. *Time Frame.* Approval of a Building Permit shall be valid for the period of time set out in Table [156.J.002.12-1](#), *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10](#), *Inactive and Expired Applications* and Subsection [156.J.002.11](#), *Approval Extension*.
- E. Effect of Approval.** Upon approval of a building permit, the applicant may proceed with construction.

Subsec. 156.J.004.3, Floodplain Development Permit

- A. **Generally.** The approval and issuance of a Floodplain Development Permit is required for any development within or modification of a flood hazard district.
- B. **Applicability.** A Floodplain Development Permit is required to:
 1. *Plat.* File a plat for subdivision within a flood hazard district;
 2. *Modification.* Modify a special flood hazard district; or
 3. *Development.* Develop or construct structures and improvements within a special flood hazard district.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Floodplain Development Permit, the Zoning Administrator shall consider provisions of Subsection [156.J.002.5](#), *Common Review Criteria* and [Section 156.C.006](#), *Flood Hazard Districts*, together with the following:
 1. *Danger to Life and Property.* The danger to life and property due to flooding or erosion damage;
 2. *Susceptibility to Flooding.* The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. *Sweeping of Materials.* The danger that materials may be swept onto other lands to the injury of others;
 4. *Compatibility.* The compatibility of the proposed use with existing and anticipated development;
 5. *Access.* The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. *Cost of Public Services.* The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. *Floodwaters.* The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action expected at the site, where applicable, are manageable;
 8. *Necessity of Water.* The necessity to the facility of a waterfront location, where applicable;

9. *Alternative Locations.* The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. *Comprehensive Plan.* The relationship of the proposed use to the Comprehensive Plan for that area.

D. Procedures.

1. *Application.* Application for a floodplain development permit shall contain or be accompanied by plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations and existing and proposed structures in relation to areas of special flood hazard.
2. *Public Notice.* If the project requires approval of a FEMA Certified Letter of Map Revision (CLOMR) prior to construction, then public notice to the affected property owners and residents shall be required as detailed by the National Flood Insurance Program requirements. In a non-FEMA floodplain, a proposed floodplain impact matching or exceeding that of the CLOMR requirements, shall require the same public notice of affected property owners and residents.
3. *Review and Decision.* The Floodplain Administrator shall approve, approve with conditions, or deny the application for a Floodplain Development Permit.
4. *Time Frame.* Approval of a Floodplain Development Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the site plan shall expire or be granted an extension as set out in Subsec. [156.J.002.10, Inactive or Expired Applications](#).
5. *Denials.* If a floodplain development application is denied, the Floodplain Administration shall inform the applicant, in writing, of the specific reasons for disapproval.

E. Effect of Approval.

1. *Generally.* Approval of a Floodplain Development Permit authorizes an applicant to obtain all required elevation or other required certificates and proceed with development.
2. *Certification.* The applicant shall be required to submit certification by a professional engineer or land surveyor (as appropriate) registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Article, prior to the use or occupancy of any structure.

Subsec. 156.J.004.4, Sign Permit

- A. **Generally.** A Sign Permit authorizes the placement of a permitted permanent or temporary sign.
- B. **Applicability.** A sign permit is required to construct, install, place, relocate, replace, attach, or modify dimensions, illumination characteristics or sign panels for all permitted signs set out in Section [156.G.004, Permanent Signs](#), and Section [156.G.006, Temporary Signs](#), other than those that are exempt in Section [156.G.002, General Requirements](#) and prohibited in Section [156.G.003, Prohibited Signs](#).
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Sign Permit considering provisions of Subsection [156.J.002.5, Common Review Criteria](#) and based on findings that the permit application complies with any conditions established with the approval of a site plan or with the standards set out in [Article G, Signs](#).
- D. **Procedures.**
 1. *Review.* The Zoning Administrator shall examine the plans and specifications and the premises upon which the proposed sign is to be erected.
 2. *Building Official Review.* An application for a Sign Permit requiring a building permit shall be referred by the Zoning Administrator to the Building Official. The Building Official shall examine the plans and specifications to determine compliance with the adopted building code as a condition of granting the Sign Permit.
 3. *Decision.* Upon receipt of comments, the Zoning Administrator may approve, approve with conditions or deny the application for a Sign Permit. The Zoning Administrator may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this ZO.

4. *Time Frame.* Approval of a Sign Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
 5. *Inspection.* The Zoning Administrator may inspect the sign to ascertain whether the structure is secure and in conformance with the permit application.
- E. **Effect of Approval.** Approval of a Sign Permit shall authorize the applicant to construct, install, place, relocate, replace, attach, or modify the sign that is subject to the permit.

Subsec.156.J.004.5 Master Sign Plan

- A. **Generally.** Approval of a Master Sign Plan by the Zoning Administrator allows for:
1. *Unified Design.* A unified presentation of signage throughout parcels proposed for development;
 2. *Flexibility.* Flexibility to provide for unique environments; and
 3. *Efficiency.* Prompt and efficient administrative approval of signs pre-approved by the PZC;
- B. **Applicability.** A master sign plan may be submitted for the following:
1. *Single Use.* A single-use development that exceeds 100,000 square feet of gross floor area;
 2. *Multi-Tenant.* A multi-tenant development that exceeds 50,000 square feet of gross floor area; or
 3. *Mixed-Use.* A mixed-use center.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Master Sign Plan, the review bodies shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, and it will result in a substantially improved, comprehensive, and unified plan compared to what is allowed through strict compliance with Article G, *Signs*.
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall review and render a final judgment on the proposed Master Sign Plan.
 2. *Time Frame.* Approval of a Master Sign Plan shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
- E. **Effect of Approval.**
1. *Future Compliance.* Upon approval of a Master Sign Plan, permitting of individual signs shall be based on compliance with the standards set out in the Master Sign Plan for the parcel proposed for development.

Subsec. 156.J.004.6, Certificate of Occupancy

- A. **Generally.** A Certificate of Occupancy certifies compliance with all applicable provisions of this ZO, the Building Code, and all other pertinent City regulations.
- B. **Applicability.** A Certificate of Occupancy is required upon completion of construction, alteration, or expansion of a building or structure or prior to installation of permanent utilities or a change in use. No building may be occupied in the City without a Certificate of Occupancy permit.
- C. **Review Criteria.** The Building Official may approve, approve with conditions, or deny a Certificate of Occupancy based on findings that:
1. *Generally.* All requirements of the Building Code, this ZO, including Subsection 156.J.002.5, *Common Review Criteria*, and all other applicable portions of the City's Code of Ordinances have been met; and
 2. *Site Plans.* All terms and conditions of site plan approval have been met.
- D. **Procedures.**
1. *Application.* Application for a Certificate of Occupancy shall be submitted in concert with an application of a Building Permit.

2. *Zoning Compliance.* Application for zoning compliance shall be deemed to be an application for a Certificate of Occupancy, as applicable.
 3. *Review and Decision.* The Certificate of Occupancy shall be approved, approved with conditions, or denied by the Building Official following the completion of construction. If a Certificate of Occupancy application is denied, the Building Official shall inform the applicant, in writing, of the specific reasons for disapproval.
 4. *Time Frame.* Approval of a Sign Permit shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.
 5. *Temporary Certificate.* A temporary Certificate of Occupancy may be issued before the completion of the entire work covered by the permit, provided the pertinent portion or portions shall be occupied safely and the Building Official sets a time period not exceeding nine months during which the temporary Certificate of Occupancy is valid.
 6. *Partial Certificate.* The Building Official may issue a partial Certificate of Occupancy for part of the building, structure, or lot prior to the occupancy of the entire building, structure, or lot, provided that such portions of the building structure, or lot are in conformity with the site plan terms and conditions, applicable provisions of this ZO, the Building Code, and all other pertinent City regulations. However, partial certificates of occupancy shall not be issued for single-family (attached or detached) dwellings or duplex dwellings.
 7. *Records.* A record of all certificates shall be kept on file in the office of the Building Official, with a copy furnished upon request of any person having a proprietary or tenancy interest in the building.
- E. **Effect of Approval.** A Certificate of Occupancy certifies compliance with applicable building codes and laws and indicates a condition suitable for occupancy.

Subsec. 156.J.004.7, Administrative Adjustment

- A. **Generally.** An Administrative Adjustment may allow small changes or modifications to certain standards of a proposed development that may be approved by the Zoning Administrator.
- B. **Applicability.** The Zoning Administrator may approve minor modifications of any numeric standard in this Zoning Ordinance up to a maximum of 10 percent when there are practical difficulties in applying the development standards for a project that otherwise complies with the standards of this Zoning Ordinance.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny an Administrative Adjustment, the Zoning Administrator shall consider provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
1. *Maximum Percentage.* The requested adjustment does not exceed 10 percent of the minimum requirements.
 2. *Hardship.* The hardship, if any, under which the adjustment is sought, was not created by the owner or occupant of the subject property, nor was it suffered as a result of a violation of this Zoning Ordinance or any other applicable code of the City;
 3. *Minimum Necessary.* The adjustment shall be the minimum necessary to grant relief from a demonstrated hardship; and
 4. *Adjoining Property.* The adjustment shall not substantially impair the permitted use or development of adjoining property.
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall review the application and may approve, approve with conditions, or deny the application.
 2. *Time Frame.* Approval of an Administrative Adjustment shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications* and Subsection 156.J.002.11, *Approval Extension*.

- E. **Effect of Approval.** Approval of an Administrative Adjustment enables the applicant to proceed in securing all other required approvals and permits. An Administrative Adjustment provides no assurance of subsequent approvals of other requests for Administrative Adjustments.

Subsec. 156.J.004.8, Temporary Use Permit

- A. **Generally.** A Temporary Use Permit determines the appropriateness of temporary activities at a specific location and establishes standards necessary to ensure its suitability for the area proposed and compatibility with adjoining and adjacent land uses.
- B. **Applicability.** A Temporary Use Permit is required before establishing or installing any temporary use designated as requiring a permit as set out in Section [156.C.008, Temporary Uses and Structures](#).
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Temporary Use Permit based on Subsection [156.J.002.5, Common Review Criteria](#), and findings that the proposed temporary use or structure conforms to the standards set out in Section [156.C.008, Temporary Uses and Structures](#), and other applicable requirements in this Zoning Ordinance and the City's Code of Ordinances.
- D. **Procedures.**
1. *Review.* The Zoning Administrator shall examine the application and plans and the premises upon which the proposed temporary use is to be conducted.
 2. *Building Official Review.* An application for a Temporary Use Permit requiring electrical service shall be referred by the Zoning Administrator to the Building Official. The Building Official shall examine the plans and specifications to determine compliance with the adopted electrical code as a condition of granting the Temporary Use Permit.
 3. *Decision.* Upon a determination of compliance with this Zoning Ordinance and other applicable codes, the Zoning Administrator may approve, approve with conditions, or deny the application.
 4. *Time Frame.* Approval of a Temporary Use Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#) and Subsection [156.J.002.11, Approval Extension](#).
- E. **Effect of Approval.** Approval of a Temporary Use Permit authorizes the activities on the property that is subject to the permit. Permit issuance does not authorize establishment or an extension of any permanent use nor construction, reconstruction, alteration, or moving of any building or structure.

Subsec. 156.J.004.9, Limited Use Permit

- A. **Generally.** A Limited Use Permit verifies that a limited use, as denoted in Table [156.C.003-1, Use Table](#), complies with the requirements of this ZO, particularly the requirements of Section [156.C.004, Limited Use Standards](#). A Limited Use Permit may be issued simultaneously with building permits or other required administratively reviewed permits.
- B. **Applicability.** A Limited Use Permit is required in order to establish, change, or expand a limited use.
- C. **Review Criteria.** The Zoning Administrator may approve, approve with conditions, or deny a Limited Use Permit considering provisions of Subsection [156.J.002.5, Common Review Criteria](#) and based on findings that the permit application complies with its associated specific standard in Section [156.C.004, Limited Use Standards](#).
- D. **Procedures.**
1. *Review and Decision.* The Zoning Administrator shall examine the application and plans and the premises upon which the proposed limited use is to be conducted. Upon a determination of compliance with this Zoning Ordinance and other applicable codes, the Zoning Administrator may approve, approve with conditions, or deny the application.
 2. *Time Frame.* Approval of a Temporary Use Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#) and Subsection [156.J.002.11, Approval Extension](#).

3. *Termination.* Any of the following shall terminate the right to operate a limited use:
 - a. *Change in Use.* Changing to a use permitted by right;
 - b. *Discontinuance.* Discontinuing the limited use for a period of at least 12 months; or
 - c. *Violation.* Violating or failing to comply with the approved Limited Use Permit after reasonable notice has been given by the City.
- E. **Effect of Approval.** Issuance of a Limited Use Permit authorizes the filing and processing of an application for any required permits or approvals, including, but not limited to, a building permit, certificate of occupancy, or sign permit. A Limited Use Permit does not authorize the establishment or extension of any other use nor the construction, reconstruction, alteration, relocation, or demolition of any building or structure.

Subsec. 156.J.004.10 Variance, Floodplain

- A. **Generally.** A Floodplain Variance provides limited relief from the requirements of Section 156.C.006, *Flood Hazard Districts Standards*, where strict application of a particular requirement would create an unnecessary hardship by preventing the use and development of land in a reasonable manner that is otherwise allowed under this Zoning Ordinance.
- B. **Applicability.**
 1. *No Increase in Flood Level.* No Floodplain Variance shall be granted for any development within any designated floodway which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 2. *Lower Flood Protection.* In cases where the Floodplain Variance involves a lower level of flood protection for buildings than what is ordinarily required by this ZO, the applicant shall be notified in writing over the signature of the Floodplain Administrator that:
 - a. The issuance of a Floodplain Variance will result in increased premium rates for flood insurance up to amounts as high as 25 dollars for every 100 dollars of insurance coverage; and
 - b. Such construction increases risks to life and property.
- C. **Review Criteria.**
 1. *Generally.* In determining whether to approve, approve with conditions, or deny a Floodplain Variance, the Floodplain Administrator shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 - a. *Increase in Base Flood Elevation.* Variances shall not be issued within any designated floodway if any increase in base flood elevation would result;
 - b. *One-Half Acre or Less.* Variances may be issued for new construction and substantial improvements on lots of one-half acre or less which are contiguous to, and surrounded by, existing development constructed below the base flood elevation, provided:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with this Zoning Ordinance or the other ordinances in the City's Code of Ordinances.
 - c. *Minimum Necessary Relief.* Variances shall only be issued upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard.
 2. *Affirmative Findings.* In order to approve a Variance, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.
- D. **Procedures.**

1. *Obligation of Applicant.* It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a variance in a convincing fashion so that the Floodplain Administrator may be satisfied that the request meets or exceeds the applicable review criteria described in paragraph C., above.
 2. *Review and Decision.* The Floodplain Administrator shall review and render judgment on requests for Floodplain Variances.
 3. *Alleged Error.* The Board of Adjustment shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the requirements of Section 156.C.006, *Flood Hazard Districts Standards*, in accordance with Subsec. 156.J.005.3, *Appeal of Administrative Decision*.
 4. *Time Frame.* Approval of a Floodplain Variance shall be valid for the period of time set out in Table 156.J.002.12-1, *Development Review Summary Table*. Thereafter, the permit shall expire or be granted an extension as set out in Subsection 156.J.002.10, *Inactive and Expired Applications*, and Subsection 156.J.002.11, *Approval Extension*.
 5. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the rendered judgment.
- E. Effect of Approval.**
1. *Particular Variation.* Issuance of a variance shall authorize only the particular variation that is approved in the variance request. A variance shall run with the land and not be affected by a change in ownership.
 2. *Other Approvals.* Development authorized by the variance shall not be carried out until the applicant has secured all other development approvals required by this ZO. Approval of a variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this Zoning Ordinance or any other applicable provisions are met.

SECTION 156.J.005, QUASI-JUDICIAL REVIEW PROCEDURES

Subsec. 156.J.005.1, Special Use Permit

- A. **Generally.** A Special Use Permit is to determine if the Board of Adjustment should authorize a new special use to be established or for an existing special use to intensify, expand, or convert to another special use.
- B. **Applicability.** A Special Use Permit is required before establishing any use designated as a special use as in 156.C.003-1, *Use Table* or before converting a nonconforming use to another nonconforming use pursuant to the provisions in Section 156.C.005, *Special Use Permit Standards*.
- C. **Review Criteria.** In determining whether to approve, approve with conditions, or deny a Special Use Permit, the BOA shall consider the provisions of Subsection 156.J.002.5, *Common Review Criteria*, together with the following:
 1. *Concentration.* The special use does not create an unwanted concentration of similar special uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
 2. *Location.* There is no practicable alternative location where the use is permitted by right within the general vicinity of the parcel proposed for development, or, if such a location exists, the proposed location is comparable or more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of related and mutually supportive land uses that promote quality economic development and opportunity;
 - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; and
 - d. Making more efficient use of public infrastructure.
 3. *Affirmative Findings.* In order to approve a Special Use Permit, the final decision-making body shall make affirmative findings on all of the applicable decision criteria.

D. Procedures.

1. *Review and Decision.* The Zoning Administrator shall review the proposed Special Use Permit and give a report to the Plan and Zoning Commission. The PZC shall hold a public hearing and make a recommendation to the BOA, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the proposed Special Use Permit.
2. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table [156.J.002.12-2, Review Steps](#), shall be conducted in conformance with the procedures set out in Subsection [156.J.002.6, Public Notice](#), and Subsection [156.J.002.7, Public Meetings and Hearings](#).
3. *Time Frame.* Approval of a Special Use Permit shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#), and Subsection [156.J.002.11, Approval Extension](#).
4. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the BOA's decision.

- E. **Effect of Approval.** The issuance of a Special Use Permit shall not authorize the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of an application for any permits or approvals which may be required by the City, including, but not limited to, a building permit, certificate of occupancy, and subdivision approval.

Subsec. 156.J.005.2, Variance

- A. **Generally.** A Variance provides a means by which relief may be granted from unforeseen applications of this Zoning Ordinance that create unnecessary hardships or practical difficulties.

B. Applicability.

1. *When Required.* A variance is required to approve a deviation from the standards of this Zoning Ordinance.
2. *Prohibitions and Exceptions.* Some requests for relief are not within the jurisdiction of the Board, and are therefore, either prohibited or not subject to this Section. The prohibited requests are:
 - a. *Use.* Variances that would allow a use in a district in which the use is prohibited or which would constitute a change in district boundaries;
 - b. *Limited Use or Special Use.* Variances that would modify any requirements that are set out in [Section 156.C.004, Limited Use Standards](#) and [Section 156.C.005, Special Use Standards](#);
 - c. *Nonconformities.* Variances that would have the effect of making existing nonconforming structures, site improvements, parking, or landscaping conforming;
 - d. *Conditions of Approval.* Variances from the terms of one or more conditions of approval imposed by a development review body described in [Article I, Development Review Bodies](#). Modifications to conditions of approval shall be sought from the body that granted the approval.
 - e. *City's Code of Ordinances.* Variances that would modify any requirements within the City's Codes of Ordinance, including but not limited to the Building Code.
 - f. *Other Laws or Regulations.* Variances to state or federal laws are prohibited unless such authority is expressly granted to the City.

C. Review Criteria.

1. *Generally.* In determining whether to approve, approve with conditions, or deny a Variance, the Board of Adjustment shall consider the provisions of Subsection [156.J.002.5, Common Review Criteria](#), together with the following:
 - a. *Not Self Imposed.* The granting of the Variance is not based on a hardship which is self-imposed;
 - b. *Not Based on Cost.* The hardship is not based solely on the cost of complying with the regulation, but is based on the particular physical surroundings, shape, or topographical conditions of the subject property;

- c. *Unique Circumstances.* The hardship is based on circumstances that are unique to the property for which the Variance is sought and not circumstances common to other properties;
 - d. *Minimum Necessary Relief.* The Variance requested is the minimum necessary that will make possible a permitted use of the land, building, or structure;
 - e. *Commonly Enjoyed Rights.* A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located; and
 - f. *Not A Special Privilege.* Granting the variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same district.
2. *Affirmative Findings.* In order to approve a Variance, the Board of Adjustment shall make affirmative findings on all of the applicable decision criteria.

D. Procedures.

1. *Obligation of Applicant.* It is the obligation of an applicant, who bears the burden of proof, to present facts about the circumstances which would justify a variance in a convincing fashion so that the BOA may be satisfied that the request meets or exceeds the applicable review criteria described in paragraph C., above.
2. *Review and Decision.* The Zoning Administrator shall review and make a recommendation on the Variance application to the BOA, who shall subsequently conduct a public hearing before making final action to approve, approve with conditions, or deny the Variance.
3. *Public Notice and Public Hearing.* The required public notice and public hearing as denoted in Table [156.J.002.12-2, Review Steps](#), shall be conducted in conformance with the procedures set out in Subsection [156.J.002.6, Public Notice](#), and Subsection [156.J.002.7, Public Meetings and Hearings](#).
4. *Time Frame.* Approval of a Variance shall be valid for the period of time set out in Table [156.J.002.12-1, Development Review Summary Table](#). Thereafter, the permit shall expire or be granted an extension as set out in Subsection [156.J.002.10, Inactive and Expired Applications](#), and Subsection [156.J.002.11, Approval Extension](#).
5. *Notice of Decision.* The Zoning Administrator shall provide a copy of the decision to the applicant within 10 days of the BOA's decision.

E. Effect of Approval.

1. *Particular Variation.* Issuance of a variance shall authorize only the particular variation that is approved in the variance request. A variance shall run with the land and not be affected by a change in ownership.
2. *Other Approvals.* Development authorized by the variance shall not be carried out until the applicant has secured all other development approvals required by this ZO. Approval of a variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this Zoning Ordinance or any other applicable provisions are met.

Subsec. 156.J.005.3, Appeal of Administrative Decision

- A. **Generally.** An Appeal of an Administrative Decision provides a vehicle for appeal of any final decision of the Zoning Administrator, Building Official, or Floodplain Administrator on an application set out in Section [156.J.004, Administrative Review Procedures](#).
- B. **Applicability.** An application for an appeal may be submitted when it is alleged that there is an error in any requirement, decision, or determination made by an administrative official in the administration of this ZO, which is not subject to a quasi-judicial or appeal process by any other board or the PZC or City Council.
- C. **Review Criteria.**
 1. *Generally.* The BOA may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination of an administrative official and, to that end, shall have all of the powers of the administrative official from whom the appeal is taken. The appeal shall specifically indicate which approval criteria are the basis for the appeal.
 2. *New Evidence.* The BOA shall not consider new evidence that was not available to the administrative official.

3. *All Decisions.* An Appeal of an Administrative Decision may be reversed or affirmed, in whole or in part, or modified based on findings by the BOA making the final decision that:
 - a. The administrative decision was appropriate considering the written record of the case and the evidence presented; and
 - b. The decision reflects the requirements contained in this ZO.

D. Procedures.

1. *Notice of Appeal.* Within 30 calendar days from the date of a final decision of an administrative official, an application for an appeal may be submitted, in writing, by any person aggrieved by a decision or by any official or department of the City affected by the decision. In the notice, the appellant (applicant) shall set out all grounds for the appeal. In no event shall the appeal be heard later than 60 days after the submittal of a complete application.
2. *Burden of Proof.* The BOA shall presume the appealed final decision to be valid. The appellant (applicant) shall present sufficient evidence and have the burden to justify a reversal or modification of the decision being appealed.
3. *Public Notice and Public Hearing.* The BOA shall conduct one or more public hearings, as necessary, to receive evidence and testimony and to decide an appeal. All public hearings and public notice required as denoted in Table 156.J.002.12-2, *Review Steps*, shall be conducted in conformance with the procedures set out in Subsection 156.J.002.6, *Public Notice*, and Subsection 156.J.002.7, *Public Meetings and Hearings*.
4. *Vote.* The concurring vote of three members of the BOA shall be necessary to reverse or modify the requirement, decision or determination subject to the appeal.
5. *Stay of Proceedings.* An appeal from an order, requirement, decision or determination shall stay all proceedings unless the Zoning Administrator certifies that a stay would cause imminent peril to life or property.

E. Effect of Approval.

1. *Final Decision.* The BOA shall have the final decision-making powers of the administrative official from whom the appeal is taken.
2. *No Variance.* A decision on an appeal of an administrative decision cannot grant or issue a variance.
3. *Flood Boundary.* A decision may support, reverse or remand an order or determination of a boundary of the special flood hazard area.

ARTICLE K – NONCONFORMITIES

Section 156.K.001, Purpose and Applicability

- A. **Generally.** This Article sets out equitable rules for the continuing use, occupation, and conversion of nonconformities. A nonconformity occurs when existing development within the City may become affected by the application of new regulations. This change may cause existing uses, structures, lots, signs, and site improvements to not strictly comply with this Zoning Ordinance, even though they complied with the regulations in effect at the time they were permitted and constructed.
- B. **Purpose.** The purpose of this Article is to:
1. *No Expansion.* Ensure that nonconforming uses do not expand;
 2. *Protection.* Protect conforming uses from nuisances that may be associated with nonconformities;
 3. *Encourage Conformance.* Encourage property owners of nonconformities to alter a nonconforming use, structure, lot, sign, or site improvement into one that complies with the standards of this Zoning Ordinance;
 4. *Elimination.* Eliminate substantially damaged or abandoned nonconformities whose degrees of incompatibility with adjacent lands uses are high; and
 5. *Balance.* Balance the City's objective to eliminate nonconformities with a landowner's right to maintain and make use of a nonconformity.
- C. **Applicability.** The regulations of this Article govern uses, structures, lots, signs, and site improvements that came into existence legally but that do not conform to one or more requirements of this Zoning Ordinance. These are referred to as nonconformities. Nonconformities are permitted to continue without immediate retrofit or removal until significant site or land use changes are proposed.
- D. **Major and Minor Nonconforming Uses and Structures.** Nonconforming uses and structures are classified as major or minor, as follows:
1. *Major.* Major nonconforming uses or structures are those that the Zoning Administrator finds have the following characteristics to such an extent that they should, over time, be eliminated:
 - a. Generation of nuisances;
 - b. Incompatibility with adjacent properties;
 - c. Incompatibility with the Comprehensive Plan; or
 - d. Generation of substantiated criminal complaints.
 2. *Minor.* Minor nonconforming uses or structures are those not classified as major nonconformities.
 3. *Conversion.* Refer to Section [156.K.007, Conversion of Nonconformities](#), for provisions related to changing a minor nonconformity to a conforming use or structure.

Section 156.K.002, Nonconforming Uses

- A. **Generally.** A nonconforming use is a use of land that was lawfully established (e.g., it was allowed and issued a permit, if a permit was required at the time the use was established) on a parcel or lot before the effective date of this Zoning Ordinance, that is no longer allowed after the effective date of this Zoning Ordinance. Amendments to this Zoning Ordinance may also create nonconforming uses. The following uses are nonconforming uses:
1. "Limited Uses" as listed in the Use Table established in Section [156.C.003, Use Table](#), but were lawfully established without a limited use permit. For these uses, the nonconforming use status may be removed by obtaining a limited use permit set out in Subsec. [156.J.004.9, Limited Use Permits](#);
 2. Uses that do not meet the requirements of [Article C, Use Standards](#); and
 3. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.

- B. **Classifications of Nonconforming Uses.** There are two types of nonconforming uses: major nonconforming uses and minor nonconforming uses. The classification of the nonconforming use affects whether or not it can be converted to a conforming use.
1. *Major Nonconforming Uses.*
 - a. *Discontinuance.* Discontinuance of a major nonconforming use for a period of six consecutive months constitutes abandonment of the use, regardless of the owner's intent. A major nonconforming use shall not be re-established on the property after it is abandoned unless the City Council approves a Zone Change in accordance with Subsec. [156.J.003.2](#) that makes the prior use conforming.
 - b. *Expansion, Enlargement, or Increases.* A major nonconforming use shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not used or occupied on the effective date of this Zoning Ordinance or any amendment that made the use nonconforming.
 - c. *Structures.* No structures containing a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
 2. *Minor Nonconforming Uses.*
 - a. *Discontinuance.* Discontinuance of a minor nonconforming use for a period of 12 consecutive months constitutes abandonment of the use, regardless of the owner's intent. A minor nonconforming use shall not be re-established on the property after it is abandoned unless the property owner converts the nonconforming use to a conforming use in accordance with Section [156.K.007](#), *Conversion of Nonconformities*, prior to the end of the 12-month period.
 - b. *Expansion and/or Extension.* No minor nonconforming use shall be expanded or extended in such a way as to:
 - i. Occupy any open space or landscaped area that is required by this Zoning Ordinance;
 - ii. Exceed previous cover, intensity, or height limitations of the zoning district in which the use is located;
 - iii. Occupy any land beyond the boundaries of the property as it existed on the effective date of this Zoning Ordinance;
 - iv. Displace any conforming use in the same building or on the same property; or
 - v. Increase the area of floodplain (if present) that is directly impacted by the use.
 - c. *Nonconforming Residential Uses.* A nonconforming residential use shall not be expanded in scope or area, except that construction of an attached or free-standing private garage is allowed in accordance with the requirements of this Zoning Ordinance and the district in which the use is located, including, but not limited to:
 - i. Height;
 - ii. Setback;
 - iii. Gross floor area; and
 - iv. Building coverage.

Section 156.K.003, Nonconforming Structures

- A. **Generally.** A building or structure is classified as nonconforming if it was lawfully constructed before the effective date of this Zoning Ordinance (or amendment hereto) and does not conform to the height, yard, density, intensity, building scale, or design standards that are applicable to the same type of building or structure in the zoning district in which the building or structure is located. Such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. *Increase in Nonconformity Prohibited.* No such structure may be enlarged or altered in any way which increases its nonconformity.

2. *Movement of Structure.* Should any on-site structure, in whole or in part, be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
 3. *Minimum Floor Area.* A residential dwelling unit having a lesser floor area at the time of the passage of this Zoning Ordinance than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.
- B. **Repairs and Alterations.** Routine maintenance, including necessary non-structural repairs, paint, finish, and incidental alterations to a nonconforming structure is allowed without having to bring the nonconformity into compliance.
- C. **Damage and Reconstruction.** If a major or minor nonconforming structure is damaged, partially destroyed, or deemed to be unsafe the structure may be restored to its original dimensions provided that:
1. The original nonconformity is not enlarged, increased, or extended;
 2. A Building Permit is obtained for repairs within six months of the date the building was damaged;
 3. For a major nonconforming structure, the construction is commenced within six months after obtaining the required Building Permits;
 4. For a minor nonconforming structure, the construction is commenced within 12 months after obtaining the required Building Permits;
 5. For a major nonconforming structure, the damage or destruction does not exceed 50 percent of the gross floor area (GFA) of a nonconforming structure or 50 percent of the replacement cost of the structure; and
 6. For a minor nonconforming structure, the damage or destruction does not exceed 75 percent of the GFA of a nonconforming structure or 75 percent of the replacement cost of the structure.
- D. **Existing Nonconforming Structures in a Regulated Floodplain or Floodway.** It is the intent of the City that no permanent buildings or structures be located or substantially improved in a regulated floodplain or floodway and that existing nonconforming structures shall be removed upon abandonment. As such, a property with an abandoned nonconforming structure in a regulated floodplain or floodway shall not be eligible for any development review approval until the property owner removes the abandoned nonconforming structure.
- E. **Nonconforming Density.** Buildings on lots with nonconforming density may be expanded or extended as may be allowed by this Zoning Ordinance, but such expansions or extensions shall not create additional dwelling units.

Section 156.K.004, Nonconforming Lots

- A. **Generally.** A nonconforming lot is a lot that was lawfully created before the effective date of this Zoning Ordinance or amendments this Zoning Ordinance that no longer complies with the lot width, lot area, or access requirements of this Zoning Ordinance.
- B. **Combination of Lots to Increase Conformity.**
1. *Combination.* Where a property owner owns one or more lots abutting a nonconforming lot of record, the lots shall be combined to create fully conforming lots prior to any other development application submittal for the property. Or, if full conformity is not possible, they shall be combined if the combination will increase the degree of conformity.
 2. *No Combination.* A property owner is not required to combine lots pursuant to subsection (B)(1), above, if:
 - a. The combination of lots would not address the nonconformity;
 - b. The combination of lots would disrupt the lot pattern of the street, for example, by creating an internal through on a street segment that does not include any other through lots;
 - c. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down or the property undergo a zone change in order to comply with this Zoning Ordinance; or
 - d. The combination of lots would result in regularly shaped lots being combined into a single lot with an irregular shape, such as a flag lot.

- C. **Construction on Nonconforming Lots of Record.** A nonconforming lot of record that cannot be combined with another lot in accordance with subsection B above may be built upon if, as of the effective date of this Zoning Ordinance:
1. *Permitted Use.* The use is permitted in the zoning district in which the lot is located;
 2. *Sufficient Width.* The lot has sufficient width on a public street to provide access that is appropriate for the proposed use; and
 3. *Setbacks and Height.* All setbacks and height requirements are met, except that the Zoning Administrator may authorize a reduction of required setbacks of up to 10 percent, in accordance with Subsec. 156.J.004.7, *Administrative Adjustment*, provided that the Zoning Administrator finds that the reduction does not allow a building that would be larger than a building that would be permitted on the minimum conforming lot in the zoning district.

Section 156.K.005, Nonconforming Signs

- A. **Generally.** Any permanent sign located within the City limits on the effective date of this Zoning Ordinance that does not conform to the provisions of Article G, *Signs*, is a nonconforming sign, provided it also meets the following requirements:
1. Authorized by a Sign Permit prior to the effective date of this Zoning Ordinance; or
 2. If no sign permit was required under applicable law for the sign in question, the sign:
 - a. Was in all respects in conformity with the applicable law (or there was no applicable law) immediately prior to the effective date; or
 - b. Had legal nonconforming status at such time.
- B. **Standards.**
1. *Notification.* If the Zoning Administrator finds a sign to be nonconforming, the Zoning Administrator shall provide written notice to the owner of the sign or the owner of the building to which it is attached.
 2. *Registration.* The owner or entity in control of the property on which a nonconforming sign is located shall be required to register such signs with the City, at no fee, and otherwise comply with all requirements of this Zoning Ordinance relating to nonconforming signs.
 3. *Damage or Destruction.* If a nonconforming sign is damaged or destroyed by any means and the repair or reconstruction cost, whichever is applicable, equals or exceeds 50 percent of the fair market value of the sign at the time of the damage, it shall be removed or brought into compliance with this Zoning Ordinance.
 4. *No Message.* If a nonconforming sign does not display any message for a period of six months, it shall be removed or brought into conformance with this Zoning Ordinance.
 5. *Removal.* If a nonconforming sign is removed for any reason, it shall not be replaced unless the replacement sign conforms to this Zoning Ordinance.
 6. *Danger.* A nonconforming sign that the Building Official determines to be a danger to public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this Zoning Ordinance.
 7. *Removal of Certain Prohibited Signs.* Signs made of materials identified in Section 156.G.003.C, *Prohibited Sign Elements*, and placed in locations identified in Section 156.G.003.D, *Prohibited Sign Locations*, shall be removed within 30 days after the effective date of this Zoning Ordinance.
 8. *New Sign Installation.* The installation of any new sign is prohibited on a site while a nonconforming sign remains in use.
 9. *Temporary Signs.* Temporary signs that are not in compliance with Section 156.G.006, *Temporary Signs*, shall be removed within 30 days after the effective date of this Zoning Ordinance.

Section 156.K.006, Nonconforming Site Improvements

- A. **Generally.** A nonconforming site improvement is a development activity on sites improved during the process of development, redevelopment, or improvement. Over time, such development activities will have the effect of removing the majority of nonconforming site improvements in the jurisdiction of this Zoning Ordinance. The following site improvements are nonconforming if there were lawfully established but do not meet the standards of [Article D, Building and Site Design Standards](#):
1. Building exterior material or design;
 2. Parking, loading, or stacking areas or driveways;
 3. Development landscaping or bufferyards; and
 4. Outdoor lighting.
- B. **Nonconforming Driveway.**
1. *Continuance.* Any nonconforming driveway access is permitted to continue as a nonconforming driveway until:
 - a. *Additional Access.* Any additional driveway is constructed for the subject property or for the unified development of which it is a part; or
 - b. *Repaving or Reconstruction.* The driveway requires reconstruction or repaving.
 2. *Termination.* If the criteria in Subsection B., *Nonconforming Driveway*, are met, the nonconforming driveway shall no longer be permissible, and the Zoning Administrator shall require driveway access to meet the requirements of this [Article D](#). The Zoning Administrator may block any such nonpermissible driveways after notice is mailed to the property owner of record.
- C. **Other Nonconforming Site Improvements.** No other nonconforming site improvement may be modified except to bring the site improvement into greater compliance with the requirements on [Article D](#).

Section 156.K.007, Conversion of Nonconformities

- A. **Purpose.** The purpose of this Section is to provide standards by which minor nonconforming uses and structures (See Section [156.K.001, Purpose and Applicability](#)) can be made "conforming" through a public hearing process. In many instances, minor nonconforming uses and structures are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Article in order to remove the potential stigma that may be associated with the "nonconforming" designation.
- B. **Procedure.** An owner of a minor nonconforming use or structure may apply for a Special Use Permit pursuant to Subsec. [156.J.005.1, Special Use Permits](#), which has the effect of making the nonconforming use or structure conforming. The criteria for limited use approval are set out in subsection D below.
- C. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards for nonconforming lots set out in Section [156.J.004, Nonconforming Lots](#).
- D. **Criteria for Approval.** A Special Use Permit approval may be granted to make a nonconforming building, structure, or use conforming, if, in addition to the criteria for approval of a limited use permit set out in Subsec. [156.J.005.1, Special Use Permits](#), and Section [156.C.005, Special Use Standards](#), all of the criteria of this Section are satisfied.
1. *Approval Criteria.* The use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's (or zoning district's if it is not in or adjacent to a residential neighborhood) function, as evidenced by the following demonstrations:
 - a. The neighborhood residents regularly patronize or are employed at said use (for nonresidential uses in or abutting residential neighborhoods);
 - b. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts;

- c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints); or
 - d. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.
 - 2. *Conditions.* The Board of Adjustment (BOA) may impose conditions relative to the expansion of bufferyards, landscaping and landscape areas, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.
- E. **Effect of Approval.** Uses that comply with the terms of a Special Use Permit issued in accordance with this Section are converted from "legally nonconforming uses" to "conforming uses" by virtue of the issuance of the Permit.
- 1. *Written Approval.* Special Use Permit approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.

ARTICLE L – ENFORCEMENT AND REMEDIES

Section 156.L.001, Penalties

- A. Violations of the provisions of this chapter shall constitute municipal infractions punishable as provided in § 10.999(B) of this code of ordinances including but not limited to the imposition of civil penalties and/or requests for injunctive relief. After a written notice of such violation, each day a violation is permitted to exist beyond the expiration of the time designated on said notice shall constitute a separate offense.
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the Zoning Administrator, in addition to other remedies, may institute any proper actions or proceedings in the name of the city, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, and/or to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE M – WORD USAGE

Section 156.M.001, Rules of Construction

- A. **General.** All provisions, terms, phrases, and expressions contained in this Zoning Ordinance shall be construed such that the true intent of the City Council may be fully implemented.
- B. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
1. “Day” means a calendar day.
 2. “Month” means a calendar month.
 3. “Year” means a calendar year.
- C. **Delegation of Authority.** Whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.
- D. **Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. **Text, Tables, and Illustrations.** In case of any difference of meaning or implication between the text of this ZO and any illustrations, the text shall control. In case of a conflict between the text and a table, the text shall control. In case of a conflict between a table and an illustration, the table shall control.
- F. **References to Governmental Authority.** Where this Zoning Ordinance references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by another regulation or publication, the requirement of compliance is no longer in effect.
- G. **Examples.** The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- H. **Additional Rules of Construction.**
1. The terms “shall,” “will,” or “must” are mandatory and are synonymous. The term “may” is discretionary.
 2. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
 3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
 4. Words used in the plural number include the singular and vice-versa.
 5. “Person” includes an individual, a corporation, a partnership, and an incorporated association of persons such as a club.
 6. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is however not necessarily a building.
 7. The term “lot” includes plots and tracts.
 8. The terms “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
 9. Words not defined in this Zoning Ordinance but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances. Words not defined in this Zoning Ordinance or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary in common usage.

Section 156.M.002, Acronyms and Abbreviations

ADA = Americans with Disabilities Act
ADU = Accessory Dwelling Unit
AG = Agricultural
ATM = Automatic Teller Machine
BOA = Board of Adjustment
CCC = Changeable Copy Center
CFR = Code of Federal Regulations
CLOMR = FEMA Certified Letter of Map Revision
DAS = Distributed Antenna Systems
EIFS = Exterior Insulation and Finish Systems
EPA = U.S. Environmental Protection Agency
FAA = Federal Aviation Administration
fc = Footcandles
FCC = Federal Communication Commission
FEMA = Federal Emergency Management Administration
FIRM = Flood Insurance Rate Map
ft = feet
GC = General Commercial
GFA = Gross Floor Area
GI = General Industrial
IAC = Iowa Administrative Code
IESNA = Illuminating Engineering Society of North America
LEED = Leadership in Energy and Environmental Design
MU = Mixed-Use
PI = Public and Institutional
PUD = Planned Unit Development
PZC = Plan and Zoning Commission
REC = Recreational
RH = High-Density Residential
RL = Low-Density Residential
RM = Medium Density Residential
RR = Rural Residential
s.f. = square feet
SWECS = Small Wind Energy Conversion System

UC = Urban Core

U.S. = United States of America

VUA = Vehicle Use Areas

ZO = Zoning Ordinance

Section 156.M.002, Definitions

§ 156.002 DEFINITIONS.; § 156.398 DEFINITIONS.; § 156.551 DEFINITIONS.; § 156.585 DEFINITIONS.

Supplemental Definitions

A

Accessory means as applied to use or structure, means customarily subordinate or incidental to, and on the premises of such use or structure. The words "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

Accessory Living Unit means a portion of a detached single-family dwelling unit to include such incidental and subordinate facilities necessary to accommodate either relatives, nontenant employees, or no more than two persons.

Acreage means a parcel of land, regardless of area, described by metes and bounds and not a lot of any recorded subdivision plat.

Addition means any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter.

Administrator means the zoning administrator as designated by resolution of the city council.

Adult Bookstore/Videostore means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or are intended for the sexual stimulation or titillation of patrons.

Adult Business means a use category containing uses that regularly emphasize an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Uses in this use category include: Adult bookstore/videostore; Adult mini-motion picture theater; Adult motion picture theater; Adult store; a business providing adult entertainment or any other establishment, including without limitation any Adult modeling studio; Adult cocktail lounge; or Adult nightclub; and other uses meeting the definition of Day Care according to the Zoning Administrator. that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; and Minor utilities.

Adult Day Care Center means a building or structure where care and supervision are provided on a regular schedule for disabled adult persons and/or senior citizens for less than 24 hours per day.

Adult Entertainment means dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult Merchandise means magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designated as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult Mini-Motion Picture Theater means an enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Motion Picture Theater means an enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Store means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

AG means Agricultural Zoning District.

Agricultural And Animal-Related Service means a use category that contains uses related to the commercial production, storage, processing, marketing, distribution or export of floricultural, horticultural, or viticultural crops and the small-scale keeping and treatment of animals.

Uses in this use category include: Community garden; Floriculture, horticulture, row and field crops, viticulture, or orchard; Kennel; Plant nursery, greenhouse, and landscaping business; Stable, private and noncommercial; Veterinary clinic; Veterinary hospital; and other uses meeting the definition of Agricultural and Animal-Related according to the Zoning Administrator.

Typical accessory uses include: Associated office; Barn, silo, stable (private) or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; and Roadside stand.

Airport or Heliport means an area of land or water used for the landing and take-off of aircraft.

All-Weather Surface means an improved surface that is constructed of four inches of concrete, asphalt, graded stone, grass-crete pavers, uni-stone pavers, or other paving materials approved by the City Engineer.

Alley means any passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Alter means any change to a sign or its supporting structure, including a change in size, height, or location. The term "alter" shall not apply to the change of message on signs designed to have periodic changes in message, such as changeable copy signs.

Alteration means any material change in the floor area, use, adaptability or external appearance of an existing structure.

Alternative Support Structure means with regard to wireless telecommunications, any structure currently used primarily for something other than supporting a wireless telecommunications facility.

Animated Sign means a sign or part of a sign that is designed to rotate, move, flutter, spin, scroll, or to have a similar appearance of rotating, moving, fluttering, spinning, and scrolling.

Antenna means a whip, panel, disc, rod, dish, or similar device used for transmission or reception of telecommunications.

Apartment Building means see "Dwelling, multiple apartment."

Appurtenant or Accessory Structure means accessory structures not to exceed 200 square feet.

Archery / Firearms Range (Indoor) means a facility for archery or the discharging of firearms for the purposes of target practice.

Assisted Living Facility means residential facilities with 90 percent occupancy by persons 60 years or more of age that provide rooms, meals, personal care and supervision of self-administered medication.

B

Bank or Credit Union means a federally- or state-chartered establishment that is engaged in business as a bank or credit union.

Banner means a sign of flexible material affixed to a framework or flat surface.

Base Flood Elevation means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. This is a regulatory standard that is also referred to as the "100-year" flood.

Base Station means a wireless telecommunications facility; such facility may consist of radio transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power supply; and other associated electronics and technology. Such facilities are sometimes referred to as base transceiver stations. Base stations may also be structures that currently support or house any of the technology listed in this definition or other associated equipment that constitutes part of a base station in any technological configuration, including distributed antenna systems and industrial microcells.

Basement means a story at least one-half its height below grade. A basement is not counted as a story for the purpose of height regulations.

Bed And Breakfast Facilities see "short-term rental."

Board of Adjustment ("BOA") means the City of Marshalltown Board of Adjustment (BOA) who, in accordance with Chapter 414, City Zoning, Iowa Code, Section 414.7, Board of Adjustment, may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Code in harmony with its general purposes and intent and in accordance with the general and specific rules contained in this Code, and who may also provide that any property owner aggrieved by an action of the City may petition to modify the regulations and restrictions of this Code.

Boarding or Rooming House means a single detached dwelling, where the property owner or property lessee/operator resides on the premises, and where for compensation and by prearrangement, for definite periods, lodging and/or meals are provided for three persons to a maximum of 10 persons. The resident property owner or resident property lessee, who operates the boardinghouse or rooming house, shall be responsible for making an application for any required special use permit.

Boat or Recreational Vehicle Outdoor Storage means a facility where boats, other watercraft, and recreational vehicles are stored outdoors.

Building Area means the portion of a lot remaining after required yards have been provided.

Building means any structure intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.

Building Setback Line means a line establishing the minimum allowable distance between the nearest portion of any building, excluding any uncovered porches, steps, patios, fences, etc., and similar fixtures.

Building Setback means the minimum distance a building must be set back from the street line.

Building, Community means a building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

Building, Height of means the vertical distance measured from the floor closest to curb grade to the level of the highest point of the roof surface, if the roof is flat or inclines not more than one inch vertical to one foot horizontal, or the mean level between the eaves and the highest point of the roof if the roof is of any other type.

Building, Principal means a building which contains the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building.

Building, Public means a building owned (or leased) by a governmental agency and used for governmental functions.

Building or Development Contractor means facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

Bus Shelter means a structure located at a designated transit stop designed primarily for the shelter of transit bus passengers.

Business Garden means a home-based business, where areas of a parcel are managed and maintained by individuals residing on the same parcel or adjoining parcels under the same ownership, used to cultivate fruits, vegetables, herbs, or flowers for sale purposes. This definition does not include cultivation only for personal consumption or use. (See article BB, business gardens for operating regulations.)

C

Camouflage means with regard to wireless telecommunications facilities, a way of painting, mounting, or locating related equipment so it is not readily apparent to the casual observer. Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted antennas and related equipment, are painted to match the color of the support structure, or hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to concealing equipment.

Canopy means a fixed shelter of any material and of any length projecting from a building and supported by columns or posts from the ground. Also known as an “awning.”

Car Wash means a facility for the washing or cleaning of vehicles. A car wash may be:

- A bay or a group of bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- An automated conveyor or drive-through bay that allows washing a vehicle while moving through the structure.

Carnival means an establishment with amusement activities; merry-go-rounds, ferris wheels and similar types of amusement rides; booths for the conduct of games of skill; food dispensing facilities; and sideshows; that are temporarily conducted outdoors and not within a theater, auditorium, gymnasium or other permanent building.

Cemetery, Columbarium, Mausoleum, or Memorial Park means uses intended for the burial of the dead and dedicated for cemetery purposes or to commemorate the dead without burial taking place on-site.

Changeable Copy Sign means a sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Child Day Care Center means a regularly operating service arrangement for two or more children under the age of 13, where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

Circus means an event with a variety of shows, including, but not limited to, animal acts, feats of physical skill, and performances by entertainers such as jugglers or clowns, which is temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

Clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians practicing medicine, dentistry or psychiatric treatment.

Club means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Coastal A Zone means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

Collector Street means a street that brings traffic from local residential (minor) streets to major streets.

College or University means a public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty.

Collocate means with regard to wireless telecommunications facilities, the act of locating wireless telecommunications facilities on any existing support structure.

Commission means the city Plan and Zoning Commission.

Community Garden means a private or public facility for cultivation of fruit, flowers, vegetables, or ornamental plants by more than one person or family.

Concealed Wireless Telecommunications Facility means any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.

Consumer Microcell means with regard to wireless telecommunications, a signal booster that is marketed and sold to the general public for use without modification. These types of devices do not require professional installation and are used for personal use by individuals to improve coverage in a home, car, boat, recreational vehicle and other related areas.

Convenience Store means a small commercial shopping facility designed as a component of the neighborhood or district in which it is located.

Convention Center means a facility used for business or professional conferences and seminars, exhibitions, and entertainment events.

Correctional Facility means an establishment providing housing and care for individuals legally confined for violations of law.

Cul-De-Sac means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Curb Grade means the elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the city engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the city.

D

Day Care means a use category containing principal uses that provide care, protection, and supervision for at least two children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 24 hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult day care center; child day care center; Pre-school; and other uses meeting the definition of Day Care according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Food preparation and dining facility; Minor utilities; and Recreation facility

Density means the total number of dwelling units divided by the area in acres of all land within a development dedicated to residential uses, including residential lots and buildings and the streets, parking areas, landscape areas, parks and open space serving the residential uses.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Distributed Antenna Systems (DAS) means a wireless telecommunications facility; a system or network of spatially separated antennas connected to a common transport medium (i.e. coaxial, fiber optic, or other cable) to a signal source, such as a base station or an external antenna capable of connecting to a base station wirelessly. Such systems/networks commonly have three primary components: remote communications nodes, each having at least one antenna for transmission and/or reception; a high capacity signal transport medium, which is either underground or aerial; and a central communications hub to propagate and/or convert, process or control signals transmitted and received through the nodes. DAS may also include additional equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other related equipment.

Domestic Abuse, Homeless, or Youth Shelter means an establishment used for the reception and temporary care of persons who, by some circumstances, are without safe and proper shelter.

Dormitory means a building used as a group living quarters for students or members of a religious order.

Double-Faced Sign means a sign with two faces supported by the same structure and diverge from a common edge by an internal angle of no more than 45 degrees. Signs with faces diverging from an angle more than 45 degrees shall be considered multiple signs.

DT means Downtown Zoning District.

Drive-Through Facility (Same As "Drive-In") means any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle. Regulated as a subordinate use to a principle use, regardless of the nature of the principle use.

Driveway means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling means a building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling, Apartment means a building comprised of at least five or more dwelling units, not separated by a property line, within which each unit may not have a minimum of two outside walls and where each unit is designed for one family or occupancy, as described by the specific zoning district.

Dwelling, Duplex means two connected dwelling units totally separated from each other without openings where each is designed for one family or occupancy as described by the specific zoning district.

Dwelling, Single-Family Attached means two attached single-family dwellings located on two separately platted lots that share a common fire-rated wall without openings along the interior lot line and where each is designed for one family.

Dwelling, Single-Family Detached means a building occupied by or designed for occupancy by one family or occupancy as described by the specific zoning district building located on a single lot, designed exclusively for one family and entirely separated from any other dwelling by setbacks on all sides.

Dwelling, Townhouse means unless otherwise specified within a zoning district, a townhouse is one of a series of at least three attached dwelling units, not to exceed eight, for rent or sale, separated from one another by common walls and property lines without openings from basement floor to roof and having varied but compatible elevations, and with not more than two abutting dwelling units having the same front yard setback. The lots, utilities and other improvements for each "townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units.

Dwelling, Multiplex means a type of attached multiple dwelling containing three or four attached dwelling units in one building with each unit having a minimum of two outside walls and sharing one or more walls with an adjoining unit or units. Each dwelling unit has direct access to the outside or to a common hall. These dwellings can be designed and constructed to permit individual and separate ownership of lots and dwellings or combinations of dwelling units, and where each is designed for one family or occupancy as described by the specific zoning district.

Dwelling, Unit means a single enclosed area providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Unless otherwise specified, dwelling units shall be for nontransient occupancy of 30 days or more. The term does not include recreational vehicles, one or more rooms located within a building and forming a singular unit with facilities which are used or intended to be used for living, sleeping and dining purposes. A dwelling unit shall have customary kitchen facilities. An efficiency apartment unit is defined as a dwelling unit. Dwelling units which will be occupied for predetermined periods of time of more than one month in succession shall be termed nontransient dwelling units.

E

Easement means a grant by a property owner of the use of land for a specific purpose.

Educational Facilities means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Uses in this use category include: College or university; Training facility or vocational school; Public schools or private school elementary, middle, or high school; and other uses meeting the definition of Educational Facilities according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Athletic facilities; Auditorium or theater; Before- and after-school day care; Concession; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; and Recreation facility.

Electronic Message Center means an electronic message center is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such a sign is not a changeable copy sign.

Elevated Building means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Entertainment, Indoor means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other indoor theater; Pool hall; Skateboard or trampoline park; Skating rink; Swimming pool (indoor); Tennis or racquetball facility (indoor); and other uses meeting the definition of Indoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor.

Entertainment, Outdoor means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amphitheater; Amusement park; Animal racing or training; Campground; Fairgrounds or rodeo grounds; Farmers market, outdoor; Flea market, outdoor; Golf course, driving range or mini-golf course; Paintball facility; Recreational vehicle park; Stadium, arena, running track or ball field; Track, vehicle race; and other uses meeting the definition of Outdoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Entry/Exit Sign means a wall or freestanding sign not exceeding four square feet in area. If such sign is a freestanding sign, the height may not exceed four feet.

Equipment Cabinet means with regard to wireless telecommunications, a cabinet, shed, shelter, or other structure, where equipment is housed to support wireless telecommunications services.

Establishment means a public or private institution or a place of business.

Existing Construction means for the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM." structures for which the "start of construction" commenced before November 3, 1989. "Existing construction" may also be referred to as "existing structures."

F

Facade, Front means the principal frontage of a building which, by either aesthetic attention, main entry and egress, or the longitudinal dimension of the structure, becomes the primary frontage.

Facade, Rear means that portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure, the reverse frontage of the building.

Family Day Home, Major means a child day care program offered in the residence of the provider or the home of any of the children in care for five through twelve children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

Family Day Home, Minor means a child day care program offered in the residence of the provider or the home of any of the children in care for one through four children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

Family means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit. Family specifically includes all persons living in "family homes" or "elderly family homes" as those terms are defined under, respectively, Iowa Code Sections 414.22 and 231A.1.

Farm Product means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farm Product, Value-Added means any product processed from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

Farmers Market means an outdoor market where at least 75 percent of the items for sale are farm products or value-added farm products.

Feather Sign means a lightweight sign mounted along one edge on a single and vertical pole structure, which may resemble a feather, sail, bow, or teardrop. Feather signs are animated signs.

Financial Institution And Offices means any building wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment/securities companies.

First-Row Building means a multiple-family building or buildings that are part of a complex of multiple-family buildings and that are closest to the street from which primary access to the complex takes place.

Flag means a piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope.

Flashing Sign means a sign that includes lights that flash, blink, or turn on and off at less than five second intervals.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

Flood Insurance Study (FIS) means a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Flood or Flooding means

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
 - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

Flood Proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain or Flood-Prone Area means any land area susceptible to being inundated by water from any source.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community..

Floor Area means the gross horizontal areas of all floors, including basements, cellars and attics (but not such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

Floorplate means the horizontal land area occupied by a building at finished grade including projections and overhangs.

Fraternity or Sorority House means a single detached dwelling being occupied by persons who are members of a fraternity, sorority, association or group chartered for social, educational, religious or service purposes.

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

Freestanding Sign means any non-portable sign supported by a fence, wall, or by upright structural members or braces on or in the ground and not attached to a building.

Funeral Home means a building used for the preparation of corpses for burial or for cremation which may also be used for funeral services.

G

Garage, Storage, or Parking means a building or portion thereof designed or used exclusively for storage or motor-driven vehicles.

GC means General Commercial Zoning District.

GI means General Industrial Zoning District.

Golf Course means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

Government Facilities means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Uses in this use category include: Detention center, jail or prison, publicly-owned and operated; Emergency services, police or fire station; Post office; Utility office and other uses meeting the definition of Government Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Dormitory; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees or inmates; Meeting space; Minor utilities; and Recreation facility.

Governmental institutions; Other governmental uses, such as community centers, parks and playgrounds; provided, that any new building shall be located at least fifty (50) feet from any adjoining property line, including right-of-way lines;

Group Home means a property used for the residential care of tenants who are mentally or physically ill, wards of the state or any other similar group deemed appropriate by the Zoning Administrator.

Group Housing Project means a group housing project shall consist of two or more buildings located on a site where the building arrangement is such that the property cannot be subdivided into conventional streets and lots that meet the requirements of this chapter and chapter 2 of this title.

Group Living means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Boarding or rooming house; Dormitory or fraternity or sorority house; Nursing home; and other uses meeting the definition of Group Living according to the Administrator.

Typical accessory uses include: Associated office; Facilities for treatment of sickness or injuries; Food preparation and dining facility; Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and other miscellaneous household amenities.

H

Halfway Houses and Ex-Offender Rehabilitation Services means a property used to temporarily house ex-offenders in a rehabilitation or transitioning period.

Heavy Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include the manufacture, assembly or processing of: acid, acetylene gas, aircraft, alcoholic beverages (wholesale), ammonia, asbestos and asbestos products, asphalt, automobiles or trucks, batteries, bones, boxes or crates or pallets, brick or tile or terra cotta, building materials, celluloid, cement, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, hemp, insecticide, lacquer, lard, lime, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paint, paraffin, petroleum, plaster of Paris, plastic, poison, porcelain, recreational vehicles, railroad vehicles and equipment, rubber, salt, shellac, tallow, tar, tires, trailers, turpentine, varnish, vinegar, wax, or yeast.

Additional uses include: Arsenal; Boiler works; Bulk storage of explosive or hazardous materials; Concrete batching and asphalt processing and manufacture; Fertilizer storage; Grain elevator; Grain and feed manufacturing building; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Sawmill; Smelter; Slaughtering, packaging or processing of animals; Wrecking, junk or salvage yard; and other uses meeting the definition of Heavy Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; and Single residential unit for caretaker.

Heavy Vehicular Equipment Sales, Service, and Repair means an establishment engaged in the display, sale, leasing, rental, or repair of heavy equipment of 12,000 or more pounds gross vehicular weight.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Area means an area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

Historic Structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or,
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home-Based Business means any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building, other than business gardens as defined, by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition.

Homestay means, in a single-family detached, duplex, or townhouse dwelling unit, the provision of a guest room or accommodation space within the principal building that is suitable or intended for transient occupancy of a maximum of four guests in the homestay at any one time for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy a maximum of 90 days per calendar year.

Hospital means a facility in which patients or injured persons are given medical, surgical and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases.

Hotel, or Motel And Similar Transient Housing means a facility offering overnight lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. The office has a 24 hour employee on site and daily rates. building or group of buildings which are designed or intended to be used or hired out on weekly basis, primarily for transient or temporary occupancy.

Household Living means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Apartment; Duplex; Manufactured home; Single-family attached; Single-family detached; Townhouse; Tri- or quadraplex; and other uses meeting the definition of Household Living according to the Zoning Administrator.

Typical accessory uses include: Business garden; Chickens, keeping of (subject to Sec. 15-2-24, Fowls, Chickens, and Other Domestic Birds, of the City Code) Child care; Domestic storage; Family day home, major or minor; Minor utilities; Garage, attached or detached; Home-based business; Leasing office for manufactured home park or apartment complex; Model home with sales office in model home; Pool house; Private community center; Short-term rental or homestay; Swimming pool (private); and other miscellaneous household amenities.

Housing means see "Dwelling."

I

Illegal Sign means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

Illuminated Sign means a sign that is backlit, internally lighted, or indirectly lighted.

Industrial Microcell means a wireless telecommunications facility; a standalone, short range radio transceiver located in specific locations, either indoors or outdoors, where there is often low signal quality and high demand for a wireless telecommunications signal. Examples include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and devices specifically identified as microcells. Consumer microcells, such as femtocells, for residential or household use or mobile use (i.e. vehicular, boat, etc.), and equipment meeting the thresholds to be considered small cell facilities, are excluded from this definition.

Institution means a nonprofit corporation or a nonprofit establishment whose purpose is civic, educational, charitable, religious or philanthropic in nature.

J

Junk Yard means any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, or for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof.

K

Kennel means a premise on which four or more dogs, six months or older, are kept. This term includes privately-owned animal shelters.

L

Landscaping Island means an area that includes landscaping within a parking lot.

Landscaping means living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

Letters of Map Change (LOMC) means a letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

Letter of Map Amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

Light Industrial means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include manufacture or assembly of: appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, medical instruments, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, and toys.

Additional uses include: Bakery, wholesale; Bottling or canning; Brewery; Building and development contractors; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Exterminator service; Food processing; Janitorial and building maintenance service; Maintenance and repair shop; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and other uses meeting the definition of Light Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; Single residential unit for caretaker; and Wholesale and/or retail sales.

Lot Area means the total horizontal area within the lot lines of a lot. No existing alley, public way, public land or area proposed for future street (alley) purposes is included within the net area of a lot. On-site easements are included in the land area of a lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot means a parcel of land occupied or intended to be occupied by a use permitted in this chapter, including one main building together with its accessory buildings, and the yards and parking spaces required herein, and having its principal frontage upon a street or upon an officially approved place.

Lot of Record means a lot which has been recorded in the office of the clerk of the circuit court.

Lot, Nonconforming means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Lot, Width means the distance between side lot lines measured at the building line.

Low-Impact Development means an approach to stormwater management that mimics a site's natural hydrology as the landscape is developed.

Lowest Adjacent Grade means the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

M

Macrocell means any wireless telecommunications facility not considered a concealed wireless telecommunications facility, a consumer microcell, a small cell facility, an industrial microcell, or a distributed antenna system.

Major Street means a street shown as a major street on the city "master transportation plan".

Manufactured Home means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured Home (floodplain) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park means an area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for two or more manufactured homes intended to be used as living facilities.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Sales And Service Establishment means use of land whereon the primary occupation is the sale and ancillary service of manufactured homes. This use shall not include storage of nonhabitable manufactured homes for a period of time exceeding 90 days.

Marginal Access Street means a minor street generally paralleling and contiguous to a major street designed primarily to promote safety by providing free access to abutting properties and limited access to the major street.

Marquee means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond a building wall designed and constructed to provide protection against the weather.

Mean Sea Level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility.

Micro-Manufacturing means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

Micro-Wireless Facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Mini-Warehouse means a structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis but not for human or animal occupancy.

Minor Street means a local residential street which provides access to building sites, space for public utility lines and space for light and air.

Mobile Food Unit means a temporary establishment engaged in the retail sale of prepared food for consumption, on site or offsite, from a movable vehicle, portable structure, or pushcart.

MU means Mixed-Use Zoning District.

Multiple Establishment Building means a commercial development with two or more establishments on a single parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by walkways and/or access ways on one or more commonly owned or managed properties, providing common parking facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise presenting the appearance of one continuous commercial area.

N

Neighborhood Sign means freestanding sign located at the entrance of a neighborhood or subdivision.

Net Development Area means the total area of land in the MX-U development designated on the master development plan for residential, nonresidential, or open space uses, excluding streets.

New Construction means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after November 3, 1989, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Nonconforming Sign means any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this article and which fails to conform to current standards and restrictions.

Nonconforming Structure means any lawful structure existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

Nonconforming Use means any lawful use existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

No-Impact Home-Based Business means a home-based business for which all of the following apply:

- A. The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property; and
- B. The business activities are characterized by all of the following:
 - 1. The activities are limited to the sale of lawful goods and services;
 - 2. The activities do not generate on-street parking or a substantial increase in traffic through the residential area;
 - 3. The activities occur inside the residential dwelling or in the yard of the residential property; and
 - 4. The activities are not visible from a street adjacent to the residential property.

Nursing Home means a home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, but not including hospitals, clinics or similar institutions.

O

Off-Premises Sign means a sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered at a location other than the parcel on which the sign is located.

Office means a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include business and professional offices or agencies for services such as: accounting, advertising, architecture, bill collection, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel.

Additional uses include: Bank or credit union; TV, recording, or radio studio; and other uses meeting the definition of Office according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower.

On-Premises Sign means any sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the parcel upon which the sign is located.

Open Space, Common means land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.

Outdoor Display Area means an area for display of finished products actively available for retail sale, rental, or lease. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage. generally considered accessible to the public that utilizes parking spaces or paved and/or graveled areas to displays goods for sale, rental, or lease, except those areas counted as part of the gross floor area for purposes of calculating required parking. Goods include but are not limited to vehicles, recreation equipment, trailer sales, heavy equipment, manufactured homes, industrialized buildings, agricultural equipment, yard and landscaping equipment, and other similar products.

Outdoor Storage means the storage of any item outside of an enclosed structure that is not accessible to the general public. This includes but is not limited to garden supplies, building supplies, plants, materials stored in crates, boxes, or shipping containers; lumber yards; pipe; contractor's equipment; and other similar uses.

Overnight Accommodations means a use category containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include: Hotel, Motel, or Resort; and other uses meeting the definition of Overnight Accommodations according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool (public).

P

Parking Bay means multiple parking spaces arranged in single or double loaded rows.

Parking, Commercial means a use category containing commercial facilities that provide parking that is not accessory to a principal use, for which a fee may or may not be charged.

Uses in this use category include: Park-and-ride facility; Parking lot or structure, commercial; Truck, tractor, trailer or bus storage or parking yard, lot, or garage; and other uses meeting the definition of Commercial Parking according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; and Minor utilities

Parking Lot means a defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress.

Parking Space means the area required for parking one automobile which shall be a minimum of nine feet wide and 18 feet long, not including passageways.

Parking Unit, Private means a self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street; provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable city standards.

Parking, Off-Street means any on-site space specifically allotted to or required for vehicle and bicycle parking.

Parks and Open Areas means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Uses in this use category include: Private club and golf course; Cemetery, columbarium, mausoleum, or memorial park; Dog park, publicly-owned; Park or playground; and other uses meeting the definition of Parks and Open Areas according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales area related to the primary use; Boat launch; Concession; Dining area; Minor utilities; and Recreation facility.

Passenger Terminal means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Airport; Heliport; Bus terminal; Transportation service facilities, including but not limited to those for: taxicab, limousine, or bus; and other uses meeting the definition of Passenger Terminal according to the Zoning Administrator.

Associated office and storage; Associated retail sales area related to the primary use; Concession; Fleet maintenance; Freight handling area; Fueling facility; and Minor utilities.

PI means Public and Institutional Zoning District.

Plan of Development means a sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this chapter are being observed, such as pertinent site engineering data.

Plant Nursery, Greenhouse, and Landscaping Business means a facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. These uses may include the storage of materials used for installation of landscaping materials.

Plat means a drawing, map or plan for a parcel of land or subdivision, or rearrangement, revision or resubdivision of land.

Plat means a map or drawing on which the proposed subdivision of land is presented for approval and, when in final form, for recording.

Pole Sign means a sign that is attached to one or more freestanding poles. Pole signs are freestanding signs.

Portable Restroom Facility means a movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs. Portable restroom facilities, as defined herein, shall be considered accessory buildings.

Portable Storage Unit means a large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

Post-Firm Structures means a structure for which construction or substantial improvement occurred after November 3, 1989.

Pre-Firm Structures means a structure for which construction or substantial improvement occurred on or before November 3, 1989.

Premises means a parcel of land, together with any building or structures occupying it.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

Private Club means an association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, with which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. This definition includes country clubs.

Professional Offices means offices limited to personal services customarily performed by professionals such as doctors, dentists, architects, engineers, lawyers, accountants, real estate agents, insurance agents and brokers, who are not dependent on extensive on-site advertising.

Property means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

Public Area means any public place, public right-of-way, or parking lot or other right-of-way open to use by the general public.

Public Assembly means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Assembly, meeting, event or exhibition hall; Church, mosque, temple, synagogue, or other place of worship; Museum; Public library; Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities; Club or lodge; Community, senior, or youth center; Philanthropic institution; and other uses meeting the definition of Public Assembly according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Associated retail sales area related to principal use; Athletic facilities; Auditorium or theater; Before- and after-school day care; Classrooms; Concession; Day care; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; Pre-school; and Recreation facility.

Public Floor Area means the gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

Public Use means any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the city, or (2) another governmental entity having a contractual relationship with the city for the use of such lot or parcel or improvement.

R

Radio or Television Station or Studio means an establishment containing one or more broadcast studios for over-the-air, cable, or satellite delivery of radio or television programs.

REC means Recreational Zoning District.

Recreational Vehicle means a vehicle which is (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and, (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park means any property upon which two or more occupied recreational vehicles are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the park.

Recycling Facility means a facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

Repair-Oriented Use means a subset of uses in the Retail Repair, Sales, and Service use category that is primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Uses in this use category include store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches. and other uses meeting the definition of Repair-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

Repetitive Loss Structure means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood related damage, the contract for flood insurance contains increased cost of compliance coverage.

Research and Development Laboratory means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Restaurant means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down; Restaurant, drive-in or drive-through; and Other uses that the Zoning Administrator interprets to be functionally similar to a use in this use category.

Typical accessory uses include: Associated office and storage; Drive-through facility; Minor utilities; Outdoor dining area; and Recreational facility.

Restaurant, Drive-In or Drive-Through means a restaurant located either within a coordinated development or situated in a stand-alone structure, that contains a drive-in or drive-through facility and customarily serves food in disposable containers.

Retail Repair, Sales, and Service means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

RH means High-Density Residential Zoning District.

Right-of-Way Lines means lines which separate private property from dedicated public property containing or proposed to contain publicly owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

Riparian area relating to or situated on the banks of a river.

RL means Low-Density Residential Zoning District.

RM means Medium-Density Residential Zoning District.

Roof Sign means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, the lowest portion of a roof for any building with a pitched roof, or above a parapet wall.

RR means Rural Residential Zoning District.

S

Sales-Oriented Use means a subset of uses in the Retail Repair, Sales, and Service use category that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Uses in this use category include selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets or pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys; and other uses meeting the definition of Sales-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Screening means the use of fences, decorative walls or other physical or structural enclosures or plant material to separate uses and hide from view materials which require screening. Screening shall be required for outside storage areas only when called for by the zoning ordinance. Fences, decorative walls or other physical or structural enclosures used for screening shall be opaque to obstruct view of storage materials, with the finished face facing outside, and shall be at least six feet in height with a maximum of eight feet in height. If plant materials are used for screening purposes, they shall be three to four feet in height at planting time and shall otherwise meet the same intent as stated for fencing, etc. with the exception of height described herein. Screening, including walls and plant material, for parking lots and garages adjacent to public streets may be a minimum of four feet in height rather than six feet as specified above for other types of screening.

Self-Service Storage means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat or recreational vehicle storage; Mini-warehouse; and other uses meeting the definition of Self-Service Storage according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached caretaker's quarters.

Service-Oriented Uses means a subset of uses in the Retail Repair, Sales, and Service use category that provides non-medical services that are generally needed on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Uses in this use category include: Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Day spa; Dry cleaning and pressing establishment; Funeral home or mortuary; Kennel; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and Veterinarian (small animal); and other uses meeting the definition of Service-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

Setback means the minimum or maximum distance by which any building or structure must be separated from all lot lines.

Severe Repetitive Loss Structure means a structure that:

- (a) Is covered under a contract for flood insurance made available under the NFIP; and
- (b) Has incurred flood related damage;
 - (i) For which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
 - (ii) For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow Flooding Area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Shopping Center means commercial development of more than one retail sales or service establishment on a single parcel of common ownership attached by common walls or if located in separate buildings are interconnected by walkways and/or access ways, providing common parking facilities for all establishments, having multiple tenancy of a single or several large common structures, and otherwise present the appearance of one continuous commercial area.

Short-Term Rental means the provision of a dwelling unit, a guest room or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.

Sidewalk Sign means a sign not affixed to a building, structure, vehicle, or the ground. This includes, but is not limited to, A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

Sign Area means the area which encloses the extreme limits of the intended communicated information.

Sign Face means the area or surface which displays the intended communicated information.

Sign Height means the vertical distance from the ground at the sign's foundation to the highest point of the sign.

Sign means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, figure, or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include devices specifically for drive-thru patrons.

Sign, Access means a freestanding on-premise sign located at the entry or exit of a vehicle use area that may or may not give exit or entry directions or facility information.

Sign, Advertising means a freestanding sign used for off-premise advertising also known as a billboard.

Sign, Awning means a sign placed directly on the surface of an awning. Awning signs are wall signs.

Sign, Canopy (Freestanding) means a multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Sign, Canopy (Attached) means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Sign, Marquee.

Sign, Directory means an outdoor sign listing and identifying the occupants within retail centers, industrial centers, office complexes, institutional campuses (e.g. medical center, hospital, etc.), and other multi-tenant mixed-use or nonresidential sites.

Sign, Hanging means a sign that is suspended over a walkway or a sidewalk, street, or other public right-of-way.

Sign, Marquee means a permanent roof-like structure suspended over a walkway or a sidewalk, street, or other public right-of-way, constructed of rigid materials that is supported by and extending from the facade of a building and which is designed to include manual or electronic changeable copy.

Sign, Menu Board means a sign erected in conjunction with a use that incorporates a drive-through or drive-in generally used to provide service or product options and pricing for customers in a vehicle or on foot.

Sign, Monument means any freestanding sign having a low profile and made of masonry, metal, rounded wood planks or beams, durable plastic or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base.

Sign, Projecting means any sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

Sign, Pylon means a freestanding sign that is affixed to one or more pylons or poles, designed so that the combined width of the poles or pylons is at least 50 percent of the width of the sign face.

Sign, Snipe means a prohibited temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, street light or any tree, rock, or other natural object.

Sign, Wall means any sign attached to, painted upon, and erected parallel to the face of the outside wall of a building and supported by such wall or building.

Sign, Window means a sign attached or painted on the surface of, located on the interior of, or flashing through a window.

Site Plan means refer to article D for site plan review.

Small Cell Facility means a wireless telecommunications facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Social Service means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional facility, not owned or operated by the government; Domestic abuse, homeless, or youth shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Halfway house; Soup kitchen; and other uses meeting the definition of Social Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Class rooms; Day care for children of employees or clients; Dormitory; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility.

Solar Panel Array means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs a solar panel array that is composed of a number of solar cells containing a photovoltaic material.

Special Flood Hazard Area means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 10-3-168 of this article.

Specified Anatomical Areas means (1) Less than completely and opaquely covered: (i) human genitals, pubic region, buttock; and (ii) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities means (1) Human genitals in a state of sexual stimulation or arousal. (2) Acts of human masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse or sodomy. (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Start of Construction means for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L.—97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition; placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Steep Slopes means natural slopes prior to land disturbance or construction that exceed 15 percent. Such slopes are measured as the rise in elevation over the horizontal distance between contour lines on a topographic map with a contour interval of five feet or less.

Story means excluding basements, a portion of a building for living between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

Street Frontage means the width of the lot measured along the line parallel to the street in which the lot is addressed. On corner lots with a curve connecting the intersecting streets, frontage shall be measured along the extended tangent to the point of intersection of the two streets.

Street means a public thoroughfare which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley which is designated or dedicated for public use.

Structural Alteration means any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders.

Structure means anything constructed or erected, the use of which requires location on the premises or which is attached to something having location on the premises. For floodplain management purposes, it shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivider means the person, firm, association, organization, or corporation which holds legal title to land and subdivides it.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, any of which are less than five acres in area for the purpose, whether immediate or future, of sale or of building development. (1) Division of land for agricultural purposes not involving the establishment of a new street or access easement shall be exempt from these regulations. (2) Industrial property shall be developed within the framework of this chapter. (3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- C. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Support Structure means with regard to wireless telecommunications, any structure that may support a wireless telecommunications facility including but not limited to telecommunications towers, alternative support structures, and structures that may be attached to or on top of buildings and other structures.

T

Telecommunications means any transmission, emission or reception of signs, signals, sounds, voice, text, images, video, data, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telecommunications Tower means any structure, except concealed wireless telecommunications facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose of providing and supporting wireless telecommunications services.

Temporary Construction or Field Sales Office means a building or structure that is temporarily placed to aid in the process of managing a construction project.

Temporary Vendor means a use in which a person or persons sell retail goods for the purpose of purchase by consumers, whether immediately or by placing of orders for a limited duration of time.

Temporary Wireless Telecommunications Facility means a readily movable self-contained wireless telecommunications facility used to provide provisional wireless telecommunications services. An example is a cell on wheels (COW).

Traffic Control Device means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Training Facility or Vocational School means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction.

U

Unoccupied means a property on which all buildings are unused or not being used for a permitted activity.

Upper-Story Residential means a dwelling unit located above the first floor of a mixed use building type.

Utilities means a use category containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities include: Electrical substation; Electric or gas generation plant; Solar panel array (wall- or ground-mounted and greater than 850 square feet); Telephone exchange and transformer or substation; Water storage tank; Wireless telecommunications facility; and Water treatment plant and other uses meeting the definition of Major Utilities according to the Zoning Administrator.

Minor Utilities include: Pumping or regulator stations; Small cell facility; Solar panel array (roof-mounted or ground-mounted 850 square feet or less); Stormwater retention or detention facility; Telecommunication antenna collocated on an existing structure; and other uses meeting the definition of Minor Utilities according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures.

V

Vacant means a property on which there is situated no structures.

Variance means a reasonable deviation from the provisions regulating the size, configuration or area of a street or other feature, when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

Vehicle Fuel Station means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any vehicle fuels, oils, or accessories.

Vehicle Repair, Major means premises where mechanical, bodywork, major painting, or other similar work is performed on vehicles.

Vehicle Service, Minor means the replacement or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Examples include dent repair, minor painting, upholstery, brake work, and oil changes.

Vehicle Sales and Service a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include: Car wash; Heavy vehicular equipment sales, service, and repair; Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Personal vehicle repair; Vehicle service; Vehicle fuel station; Vehicle sales, rental, and leasing; and other uses meeting the definition of Vehicle Sales and Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing.

Vehicle Sales means premises where the primary occupation is the sale or rental of any vehicle and can include ancillary service or repair of any vehicle. Such use may include the storage of inoperable vehicles for a period not to exceed 90 days.

Vehicle Use Area means an unenclosed area used by three or more vehicles of any type, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

Vehicle, Inoperable means any vehicle not capable of being used on public streets or roads and/or on which a state inspection and/or license is not displayed or has expired for more than 30 days.

Veterinary Clinic means an animal clinic that provides medical care for small animals, including, but not limited to: dogs, cats, and birds. This definition does not include the veterinary hospital use.

Veterinary Hospital means an animal hospital that provides medical care for large or livestock animals, including, but not limited to: horses, cows, sheep, goats, chickens, turkeys, ducks, and pigs.

This definition does not include the veterinary clinic use.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the community's floodplain management regulations is presumed to be in violation until such time as that documentation is provided.

W

Warehousing and Freight Movement means a use category containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Uses in this use category include: Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, and other retail and wholesale consumer goods sold in person or online; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage; and other uses meeting the definition of Warehousing and Storage according to the Administrator.

Typical accessory uses include: Associated office and storage; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Outdoor storage yard; Recreation facility; and Single attached residential unit for caretaker.

Waste-Related Service means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Animal waste processing; Composting facility; Landfill; Recycling facility; Tire recycling or retreading; and other uses meeting the definition of Waste-Related Use according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Fleet maintenance; Fueling facility; and Repackaging and shipment of byproducts.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Wholesale Trade means a use category containing establishments involved in the sale, lease, or rent of products to industrial, institutional, or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Contractor equipment sales and storage yard; Fuel sales, wholesale; Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and other uses meeting the definition of Wholesale Trade according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Medical clinic for employees; Meeting space; Minor fabrication; Minor utilities; Product repair; Repackaging of goods; and Single residential unit for caretaker.

Wireless Telecommunications Facility means any unmanned facility established for the purpose of providing wireless telecommunications services. Such facilities can consist of one or more antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed wireless telecommunications facilities, distributed antenna systems, industrial microcells, base stations, small cell facilities, or any combinations thereof. This definition does not apply to equipment for radio or television studios, facilities designed for amateur radio use, or for residential or household uses (i.e. consumer microcells, etc.).

Y

Yard means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

Z

Zoning Administrator means see "Administrator."

Zoning District means see "District."