

City of Urbandale

Zoning Ordinance

June 26, 2009

**CITY OF URBANDALE
ZONING ORDINANCE**

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**TITLE VII
CHAPTER 2
of the CODE OF ORDINANCES
of the CITY OF URBANDALE, IOWA, 1999**

ZONING ORDINANCE

SECTION 1: INTRODUCTION

1.1 This Ordinance may be referred to as the City of Urbandale Zoning Ordinance, adopted pursuant to the provisions of Chapter 414, Code of Iowa.

1.2 Purpose. It is the purpose of this Ordinance to regulate the use of all structures, lands and waters; regulate lot coverage, population distribution and density, and the size and location of all structures in accordance with the Urbandale Comprehensive Plan so as to lessen congestion in the street, to secure safety from fire, flood, panic and other dangers, to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to preserve the character of the area or neighborhood; to conserve the value of buildings and to encourage the most appropriate use of land throughout Urbandale, Iowa.

1.3 Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.4 Interpretation. The provisions of this Ordinance shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any other power granted by the Code of Iowa.

1.5 Severability. If a section, clause, provision, or portion of this Ordinance is adjudged unconstitutional, or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Ordinance.

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SECTION 2: DEFINITIONS

2.1 For the purpose of this Ordinance, certain words are defined as follows: Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular. The word "building" includes the word "structure", the word "shall" is mandatory and not directory.

1. Accessory Building. A building or portion of a building subordinate to the main building but not part of the main building and used for a purpose customarily incidental to the permitted use of the main building.
2. Adult Entertainment Businesses. Any one of or any combination of the following, which are customarily not open to minors by virtue of age.
 - a. "Adult Bookstore or Video Store". An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas".
 - b. "Adult Motel". A place of lodging wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "sex act(s)" or "specified anatomical areas".
 - c. "Adult Motion Picture Arcade". Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas".
 - d. "Adult Motion Picture Theater". An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "sex act(s)" or "specified anatomical areas" for observation by patrons thereof.
 - e. "Sexual Encounter Center". A place provided by any business, agency or person where, for any form of consideration or gratuity, persons who are not all members of the same household, may congregate, assemble or associate for the purpose of engaging in "sex act(s)" or exposing "specified anatomical areas".

- f. For purposes of the above, the terms "sex act(s)" and specified anatomical areas" shall be defined as follows:
- (1) "Sex Act(s)" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by genitalia contact with the genitalia or anus of another, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with genitalia or anus.
 - (2) "Specified anatomical areas" include the following: human genitalia, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
3. Alley. A street or thoroughfare affording only secondary access to abutting property.
 4. Antenna. An apparatus designed for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
 5. Antenna, Communication. An antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.
 6. Antenna, Directional. An antenna or array of antennas, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.
 7. Antenna, Omni-directional. An antenna that transmits signals in 360 degrees, such as a whip antenna.
 8. Antenna, Satellite Dish. An antenna, usually but not necessarily dish-shaped, used to receive signals transmitted from satellites.
 9. Basement. That portion of any structure located partly below the average adjoining lot grade.

10. Bed and Breakfast. An owner-occupied single-family detached dwelling containing guest rooms, operated by the owner and characterized by the owners' provision of personalized service to the guests in a home-like environment at a higher level of quality than that customary for a hotel or boarding house. (Amended Ord. 2002-07, May 14, 2002)
11. Boarding House. A building containing at least one dwelling unit together with rooms that are rented or designed or intended to be occupied by persons who are not members of the family occupying the dwelling unit, but which do not constitute separate dwelling units either individually or collectively.
12. Building. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons or property.
13. Building, Height of. The vertical distance from the average curb level in front of the lot, or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gable of a gambrel, hip or pitched roof.
14. Co-location. The use of a tower or antenna by more than one provider of an essential utility service or communication service.
15. Conditional Use. A use of land, water or building which is allowable only after the issuance of a special permit by the Board of Adjustment under conditions specified in this Ordinance.
16. Corner Lot. A lot abutting two or more streets at their intersection.
17. Density. Number of living units per acre allowable under the schedule of district regulations.
18. Development. 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.
19. Dwelling Unit. One room or rooms connected together and containing independent cooking, sleeping, and bathroom facilities, constituting a separate, independent housekeeping establishment for one family, for owner occupancy or rental or lease to the same family for a time period of more than 31 consecutive days and physically separated from any other dwelling unit by a wall or yard.
20. Dwelling Unit, Factory-Built. A dwelling unit designed for long-term residential occupancy which is mass-produced in a factory and designed and constructed for transportation to a site for installation and use when connected to required utilities,

either as an independent, individual building or as modules or sections for combination with other elements to form a building on the site. Different types of factory-built dwellings are further defined as follows:

Modular Dwelling: A new factory-built dwelling unit comprised of panelized units, components, sections, modules, or other assemblies of closed construction which are transported to the site for minor and incidental assembly and installation, and which is inspected and certified by the State of Iowa or State-approved third-party agency as complying with all requirements of the Iowa State Building Code for modular factory-built structures.

Manufactured Dwelling: A new factory-built dwelling unit which is inspected and certified by the U.S. Department of Housing and Urban Development (HUD) or HUD-approved third-party agency as complying with all Federal Manufactured Home Construction and Safety Standards in effect on June 15, 1976 or the date of manufacture, whichever is the later date. Such dwelling units are generally, but are not required to be, constructed on a chassis, which may or may not be removed, for transportation to a site for minor assembly.

Mobile Home: A factory-built dwelling unit which has been installed or occupied on a previous site or which does not comply with Federal Manufactured Home Construction and Safety Standards or the Iowa State Building Code for modular housing, as applicable.

21. Dwelling, Single Family Attached. A building containing two or more dwelling units attached side by side by common walls and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance, and in which no dwelling unit has any living space located above any other dwelling unit or space accessory thereto. The term townhouse shall be considered to be synonymous with Single Family Attached Dwelling.
22. Dwelling, Single Family Detached. A detached building designed and constructed as a single dwelling unit occupied exclusively by one family.
23. Dwelling, Multi-family. A building containing two or more dwelling units, at least one of which is located all or in part above another dwelling unit, does not have living space on the ground floor, or does not have a separate ground floor entrance.
24. Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain more than three (3) persons. This shall not be construed to prohibit two single parents from cohabiting together with their minor children, nor to prohibit individual child foster care family homes as defined by and licensed under Chapter 237 of the 1989 Code of Iowa.

25. Farm. A tract of land having an area of ten or more acres devoted to raising of crops or domestic livestock.
26. Flood. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
27. Floodplain. The land adjacent to a body of water which is subject to periodic overflow therefrom.
28. Floodproofing. Any combination of structural or non-structural additions, changes, or adjustments of structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.
29. Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
30. Floodway Fringe. Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
31. Flood Elevation. The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100 year flood elevation is that elevation of floodwaters related to the occurrence of the 100 year flood.
32. Flood Insurance Rate Map. The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
33. Flood Insurance Study. A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a floodplain management program; and establishing actuarial flood insurance rates.
34. Floor Area. Area in square feet of all floors in all buildings including elevators and stairways. Measured from outside of exterior wall to outside of exterior wall and multiplied by the number of floors. Includes basements which are used for habitable space of the building.

35. Floor Area Ratio. The square footage of floor area on all floors divided by the land area within the property lines plus half of any abutting street right-of-way.
36. Frontage. The smallest dimension of a lot abutting a public street measured along the street line.
37. Garage. An accessory building, or an accessory portion of a principal building, designed or used to shelter or store vehicles.
38. Guest Room. A fully furnished room or suite that does not have cooking equipment and is offered for rent for transient occupancy on an overnight basis. (Amended Ord. 2002-07, May 14, 2002)
39. Home occupation. An accessory use of a dwelling unit for gainful employment involving the production, provision, or sale of goods and/or services. (Amended Ord. 2003-26, December 29, 2003)
40. Hotel. A building in which sleeping accommodations are furnished to transient guests for rent, whether with or without meals, and are not rented by the same person for a period of more than thirty-one consecutive days. The term motel shall be considered to be synonymous with hotel.
41. Kenel. Any premises on which four (4) or more dogs, or four (4) or more cats, or any combination thereof exceeding four (4) in number, which are six (6) months or older, are kept; or the keeping of dogs or cats, regardless of number, for sale, breeding, boarding, or treatment purposes.
42. Living Space Ratio. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.
43. Loading Area. A completely off-street space or berth 15 feet minimum by 120 feet minimum on the same lot for the loading or unloading of freight carriers, having adequate ingress to a public street or alley.
44. Lot. A parcel of land on a public street having a width and depth sufficient to provide the space necessary for one main building and its accessory building together with the open space required by this Ordinance.
45. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
46. Lot, Width of. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the front of the required front yard.

47. Lot Lines. The lines bounding lots as defined herein.
48. Lowest Floor. The least elevation of a basement or any other enclosed area of a building.
49. Minor Structures. Any small, movable accessory erection or construction such as birdhouses; tool houses; pet houses; play equipment; arbors; and walls and fences under four (4) feet in height.
50. Non-conforming Use. A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto.
51. One Hundred (100) Year Flood. A flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
52. Open Space. Total area in square feet of all uncovered areas surrounding buildings or housing structures, plus one-half (1/2) of covered open space, such as park shelters and recreation facilities, excluding existing public street right-of-way.
53. Open Space Ratio. The square footage of site "open space" provided for each foot of building floor area.
54. Parking, satellite. Off-street parking spaces located on a separate lot from the principal use for which they are required or associated with, whether in the same ownership as the property occupied by the principal use or leased from a separate owner.
55. Parking Space. An area provided in accordance with the requirements of this Ordinance to park one vehicle.
56. Planned Unit Development (P.U.D.). Any development in which the proposed land use, transportation elements, population densities, building arrangement and types are set out in a unified, contiguous plan.
57. Recreation Space. Total area in square feet which is countable as open space but is not paved in streets, walks or driveways and is suitable for recreational pursuits. The smallest countable recreation area is 1,000 square feet. That part of a recreation area having any dimension of less than twenty (20) feet shall not be included as countable recreation space. Recreation space may include tennis courts, swimming pools, and one-half (1/2) floor area of covered recreation facilities.

58. Recreation Space Ratio. The square footage of space for active recreation provided for each square foot of building floor area.
59. Restaurant, fast-food. An establishment whose principal business is cooking and preparation of food to sell for consumption within a motor vehicle parked on the premises or within the restaurant building, or any combination thereof, and whose principal method of operation includes the following characteristics as contrasted to a standard restaurant; designed to attract and depend upon a large volume of customers; limited, relatively low-cost menu items; quick-order service at a window or counter, from where the customer generally carries the food to another counter or table for consumption; and most food is served in or on paper, plastic or other disposable containers; and any other restaurant not defined as a standard restaurant.
60. Restaurant, standard. An establishment whose principal business is cooking and preparation of food to sell for consumption within the restaurant building and whose principal method of operation is characterized by customers being seated by a restaurant employee and provided with an individual menu, and who are served by a restaurant employee at the same table or counter at which food and beverages are consumed; also including cafeteria line service offering a wide selection of main courses and other menu items, but not including any restaurant offering drive-thru service or service directly to the customer in a motor vehicle. Delicatessens, establishments whose principal business is the sale of pizza or of ice cream, yogurt or milk products are specifically included in the definition.
61. Screen, opaque. A fence, wall, plantings, earthen berm or combination thereof whose vertical surface when viewed at a right angle has openings of less than forty percent (40%) in area which permit transmission of light, air, and vision.
62. Setback. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereto.
63. Sign. Any structure or appurtenance to a structure as defined in the sign ordinance.
64. Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
65. Street. A public or private roadway which affords the principal means of access to abutting property.
66. Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

67. Structure. Anything constructed or erected, the use of which requires permanent location on the ground.
68. Structural Alterations. Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.
69. Substantial Damage. Damage 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, exclusive of the market value of the land, foundations and utility systems, and other similar improvements to the land, and exclusive of the value of any lease or similar interest.
70. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
71. Tower, Communication. A structure supporting one or more communication antennas, whether constructed as a free-standing, ground-mounted structure or attached to a building or other permanent structure.
72. Tower, Lattice. An open, steel frame tower, either guyed or self-supporting, generally but not necessarily having three or four sides.
73. Tower, Monopole. A tower consisting of a single pole, constructed without guy wires and ground anchors.
74. Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof.
75. Vehicle, Commercial. Any vehicle defined as such by Chapter 321.1 of the Code of Iowa, 1995, except farm tractors, implements of husbandry, or recreational vehicles; any stock car or other vehicle designed for racing and not licensed for legal use on a public street; or any equipment customarily used for construction, earth-moving, or landscaping, such as backhoes, graders, cranes, and earth-

moving equipment.

76. Vehicle, Inoperable. Any vehicle that is not licensed for the current year as required by law or which exhibits any of the following characteristics:

cannot legally travel on a public street due to broken, damaged, or missing windshield or other glass customary to the vehicle, fender, door, bumper, hood, wheel, steering wheel, or exhaust system; lacking an engine or other means of power suitable to the design, one or more wheels, or other structural parts which renders the vehicle incapable of both forward and reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; constitutes a threat to the public health and safety because of its defective or obsolete condition; or is otherwise unfit for the use for which it was originally manufactured.

77. Vehicle, Recreational. Self-propelled vehicles or wheeled vehicles capable of being towed, which can be licensed for travel on any public street or highway, or a unit which can be mounted on a pickup or other vehicle designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, and having less than 320 square feet of floor area; boats, and trailers for the transportation thereof; ultra-light aircraft; and snowmobiles. For the purposes of this ordinance, two snowmobiles; small watercraft commonly known as jet skis; other recreational vehicles of similar size; or any combination thereof, together with a trailer of sufficient size to transport same, shall be considered to be a single vehicle.

78. Vision Clearance. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurements from the corner of each street line.

79. Yard. A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. In measuring a yard for the purpose of determining the depth or width, the least distance between the lot line and the main building shall be used.

80. Yard, Front. A yard extending the full width of the lot, between the front lot line and nearest part of the main building, all of which adjoins a public street. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. The narrow frontage on a corner lot.
81. Yard, Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building.
82. Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot lines.

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SECTION 3: ESTABLISHMENT OF DISTRICTS

3.1 Establishment of Districts. The several districts hereby established and into which the City of Urbandale is or will be divided, are designated as follows:

- A-1 Agricultural Reserve District
- A-2 Estate Residential District
- R-1L Low Density Single Family District
- R-1I Intermediate Density Single Family District
- R-1S Suburban Density Single Family District
- R-2 Townhouse Residential District
- R-3 Low Density Multi-Family District
- R-4 Medium Density Multi-Family District
- O-R Transitional Office/Residential District
- C-O Office/Service District
- C-N Neighborhood Convenience District
- C-G General Commercial District
- C-H Highway Commercial District
- C-P Planned Commerce Park District
- M-1 Light Industrial District
- M-2 Medium Industrial District
- M-3 Heavy Industrial District
- F-M Floodplain Management District (Amended Ordinance No. 2009-03,
June 16, 2009)
- PUD Planned Unit Development District

3.2 Area and Dimensional Requirements. Area and dimensional requirements shall be as shown in Table 2 at the end of this section except for the O-R, C-O, C-N, C-G, C-H, and C-P Districts, for which such area and dimensional requirements are listed in and governed by Sections 3.69, 3.71, 3.72, 3.73, 3.74, and 3.75.

Wherever the plat of a land subdivision approved by the City Council and duly recorded shows a building setback line creating a yard setback greater than the setback required by this Ordinance such setback line shall apply.

3.3 Boundaries of these Districts are hereby established as shown on a map entitled "Official Zoning Map, City of Urbandale, Iowa", which is a part of this Ordinance.

3.4 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

Annexations. Annexations to or consolidations with the City shall be placed in the "A-1" Agricultural Reserve District and so regulated until such area is rezoned upon petition or by action initiated by the City Council. The City Council may initiate such action at the same time it approves such annexation or consolidation or at any time subsequent thereto.

3.5 Zoning Map. An Official Zoning Map is hereby adopted and approved with the text of this Ordinance, and by reference is incorporated in and made a part hereof and shall have the full force and effect of this ordinance. The Official Zoning Map shall be so labeled and shall be certified by the Mayor and attested by the City Clerk, and shall be available to the public in the office of the Department of Community Development. Copies of the Official Zoning Map may be produced and used by the City and the public, but in the event of discrepancies the Official Zoning Map shall govern.

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3.6 Agricultural and Reserve

3.60 - A-1 AGRICULTURAL RESERVE DISTRICT

A. Purpose. The purpose of this district is to provide for the protection and preservation of the prime agricultural land resources that are within the sphere of influence of the urbanizing area. This district recognizes the need to establish controls over certain existing agricultural areas in order to prevent the establishment of scattered small lot subdivisions which force the extension of urban services into areas more appropriately suited for non-urban development.

B. Permitted Uses and Structures

1. General farming including poultry and hog farms, excluding farms feeding offal or garbage
2. Specialty farming, including dairying, livestock raising, truck farming and excluding livestock feeding stations or lots, hog farms
3. Accessory uses incidental to and on the same zoning lot as the principal use as follows:
 - (a) A single-family detached home when occupied by the owner or lessee of the principal use
 - (b) Agricultural buildings and structures
 - (c) Garages and carports
 - (d) Private greenhouses
 - (e) Private guest houses
 - (f) Private boat houses
 - (g) Servants quarters
 - (h) Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agricultural
 - (i) Private (non-commercial) stables
 - (j) Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction

C. Conditional Uses (Amended Ordinance No. 2002-70, May 14, 2002)

1. Commercial nurseries
2. Poultry and hog farms, livestock feeding stations or lots including farms feeding offal or garbage
3. Mining, quarrying, or extraction of minerals or soil, or depositing such materials in operations not related to development or construction activity for which plans have been approved in accordance with applicable regulations of the City.
4. Kennel
5. Public utility facilities, including transmission and distribution equipment,

substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.

6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, or on a property designated for commercial or industrial use by the Comprehensive Plan, subject to: being located not less than 300 feet from the boundary of any property zoned for residential use or designated as such by the Comprehensive Plan; the same height and setback requirements as for other structures permitted in this District; and the performance standards in Section 5.436.
7. Bed and Breakfast.
8. Airports, heliports, and landing strips, including those for the private use of an individual and those for ultralight aircraft, together with hangers, terminal facilities, and other auxiliary facilities (45).
9. All other uses of a similar character as may be determined by the Board of Adjustment

3.61 - A-2 ESTATE RESIDENTIAL DISTRICT

- A. Purpose. The purposes of this district are to provide space on the fringes of the developed areas of the City for agriculture and estate single-family development, to promote the economic use of land until it is needed for intensive urban development and to prevent the premature scattering of small lot subdivision development and extending of public facilities and services.
- B. Permitted Uses and Structures
1. Single-family detached dwellings
 2. Parks
 3. Open Spaces
 4. Agriculture
 5. General farming, excluding farms feeding offal or garbage
 6. Specialty farms, including dairying, livestock raising, truck farming, and excluding livestock feeding stations or lots, hog farms
 7. Golf courses
 8. Accessory uses incidental to and on the same zoning lot as the principal use as follows:
 - (a) Agricultural building and structures
 - (b) Club houses and other structures on the grounds of golf courses
 - (c) Garages and carports
 - (d) Private greenhouses
 - (e) Private guest houses
 - (f) Private boat houses
 - (g) Servants quarters
 - (h) Roadside stands for the display and sale of agricultural products on zoning lots where the principal use is agriculture
 - (i) Private (non-commercial) stables
 - (j) Storage of building materials and equipment and temporary buildings for construction purposes for a period not to exceed the duration of such construction
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).

4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
7. Bed and Breakfast
8. Nursery Schools and other child care (8351)
9. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders or persons with past or present drug or alcohol dependence.
10. Recreational vehicle parks and campgrounds.
11. Kennels.
12. Public or private stables.
13. Other uses determined by the Board of Adjustment to be similar in character.

3.63 - R-1L LOW DENSITY SINGLE FAMILY DISTRICT

- A. Purpose. The purpose of this district is to provide space for relatively large lots for single-family living and generally situated in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.
- B. Permitted Uses. Any use permitted in the A-2 District, except livestock raising and stables. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351)
 8. Bed and Breakfast.

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3.64 - R-1I INTERMEDIATE DENSITY SINGLE FAMILY DISTRICT

- A. Purpose. The purpose of this district is to provide space for medium sized lots for single-family living in intermediate locations in the interior of areas planned as neighborhoods that are or soon will be served by a full-range of public services.
- B. Permitted Uses. Any use permitted in the R-1L District. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351)
 8. Bed and Breakfast.

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3.65 - R-1S SUBURBAN DENSITY SINGLE FAMILY DISTRICT

- A. Purpose. The purpose of this district is to provide space for the smallest standard lot for family living near major arterials and shopping facilities on the fringe of neighborhoods that are or soon will be served by a full-range of public services.
- B. Permitted Uses. Any use permitted in the R-1I District. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351).
 8. Bed and Breakfast.

TABLE 1: LAND USE INTENSITY RATIOS

Land Use Intensity Rating	Maximum Floor Area Ratio	Minimum Open Space Ratio	Minimum Living Space Ratio	Minimum Recreation Space Ratio	Land Use Intensity Rating
3.0	.100	8.3	6.5	.25	3.0
3.1	.107	7.4	5.8	.24	3.1
3.2	.115	6.9	5.2	.23	3.2
3.3	.123	6.4	4.7	.23	3.3
3.4	.132	5.9	4.2	.22	3.4
3.5	.141	5.5	3.8	.21	3.5
3.6	.152	5.1	3.5	.20	3.6
3.7	.162	4.8	3.3	.20	3.7
3.8	.174	4.4	3.0	.19	3.8
3.9	.187	4.2	2.8	.19	3.9
4.0	.200	3.8	2.6	.18	4.0
4.1	.214	3.6	2.4	.18	4.1
4.2	.230	3.3	2.2	.17	4.2
4.3	.246	3.0	2.0	.16	4.3
4.4	.264	2.8	1.8	.16	4.4
4.5	.283	2.6	1.7	.15	4.5
4.6	.303	2.4	1.5	.15	4.6
4.7	.325	2.2	1.4	.14	4.7
4.8	.348	2.1	1.3	.14	4.8
4.9	.373	1.9	1.2	.14	4.9
5.0	.400	1.8	1.1	.13	5.0
5.1	.429	1.7	1.0	.13	5.1
5.2	.459	1.6	.91	.12	5.2
5.3	.492	1.5	.84	.12	5.3
5.4	.528	1.4	.77	.12	5.4
5.5	.566	1.3	.71	.11	5.5
5.6	.606	1.2	.66	.11	5.6
5.7	.650	1.1	.61	.10	5.7

3.66 - R-2 TOWNHOUSE RESIDENTIAL DISTRICT

- A. Purpose. The purpose of this district is to provide space for individuals and small families in low-density group housing accommodations with individual or shared parking, open space and other facilities in locations near major arterials and shopping facilities and in neighborhoods that are or soon will be served by a full-range of public services.
- B. Permitted Uses. Any use permitted in and conforming to the minimum and maximum requirements of the R-1S District and multiple family uses. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351)
 8. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
 9. Bed and Breakfast.

- D. Use Intensity Ratios. A maximum land use intensity ratio of 4.0 shall be permitted. Ratios relating to floor area, open space, living space and recreation space shall be coordinated for this and any lesser rating that may be selected to the degree that minimum and maximum requirements indicated in Table 1 for each ratio are observed.

3.67 - R-3 LOW DENSITY MULTI-FAMILY DISTRICT

- A. Purpose. The purpose of this district is to provide space for individuals and small families in medium density group housing accommodations with shared open space, parking and other facilities in neighborhoods that are now or will be served with a full-range of public services, near major arterials and shopping facilities.
- B. Permitted Uses. Any use permitted in and conforming to the minimum and maximum requirements of the R-2 District, multiple-family uses. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351)
 8. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
 9. Bed and Breakfast.

- D. Land Use Intensity Ratios. A maximum land use intensity ratio of 4.8 shall be permitted. Ratios relating to floor area, open space, living space and recreation space shall be coordinated for this and any lesser rating that may be selected to the degree that minimum and maximum requirements indicated in Table 1 for each ratio are observed.

3.68 - R-4 MEDIUM DENSITY MULTI-FAMILY DISTRICT

- A. Purpose. The purpose of this district is to provide space for individuals and small families utilizing dwellings with shared open space, parking and other facilities in neighborhoods that are now or will be served with a full-range of public services, near major arterials and shopping facilities.
- B. Permitted Uses. Any use permitted in and conforming to the minimum and maximum requirements of the R-3 District, multiple-family uses. Accessory uses incidental to and on the same zoning lot as the principal use.
- C. Conditional Uses. The following Conditional Uses may be allowed by the Board of Adjustment subject to the provisions of Section 8, provided such use complies with the requirements of this and all other City ordinances and is in accordance with the Comprehensive Plan of the City. (Amended Ordinance No. 2002-07, May 14, 2002)
1. Public or private elementary, junior high or middle schools, high schools, and similar educational facilities, but not including boarding, rooming, or residential dwelling units.
 2. Cemeteries.
 3. Churches and other religious organizations (8661).
 4. Public or nonprofit museums and historic sites or buildings, including offices and support facilities accessory thereto.
 5. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
 6. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and from any "A-1" or "A-2" property designated for residential use by the Comprehensive Plan; and subject to the performance standards in Section 5.436.
 7. Nursery Schools and other child care (8351)
 8. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
 9. Bed and Breakfast.

- D. Land Use Intensity Ratios. A maximum land use intensity ratio of 5.7 shall be permitted. Ratios relating to floor area, open space, living space and recreation space shall be coordinated for this and any lesser rating that may be selected to the degree that minimum and maximum requirements indicated in Table 1 for each ratio are observed.

3.69 - "O-R" TRANSITIONAL OFFICE/RESIDENTIAL DISTRICT

- A. Purpose. It is the purpose of this district to provide areas where both low-intensity, professional offices and medium density residential development may locate to serve as a buffer or transitional zone. It will include older, established areas where conditions are changing due to proximity to commercial or other nonresidential activities. It may also include areas along major thoroughfares which would be suited to a mixture of office and residential uses, but which are not desirable for certain types of nonresidential development due to parcel size, potential for traffic congestion due to lack of access control or inadequate carrying capacity, adverse impact on nearby residential areas, or other constraints. It is intended that this district generally not be mapped on interior streets but rather be confined to major arterials and along intersecting streets as a transitional area between residential and nonresidential development.

It is further intended that new development or conversion of existing buildings be compatible with neighboring residences by means of landscaping, open space, and architectural treatment as provided by the district standards.

- B. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district. (Amended Ord. 2000-22, October 3, 2000)
1. No new single family detached dwellings shall be permitted, provided that existing dwellings shall be allowed to remain and to expand if such expansion is in conformance with the height and setback standards of this district.
 2. Conversions of existing single family detached dwellings into two attached single family dwellings subject to compliance with all restrictions of this district and all other City ordinances and policies, including but not limited to provision of required private outdoor space, off-street parking, and separate mechanical and utility systems to each unit.
 3. Attached Single Family Dwellings.
 4. Multiple family dwellings.
 5. Churches and other religious organizations (8661).
 6. Banking (60) and Credit Agencies other than Banks (61), but not including drive-up windows.
 7. Security and Commodity Brokers, Dealers, Exchanges, and Services (62).
 8. Insurance Agents, Brokers, and Service (64).
 9. Real Estate (65).
 10. Accounting, Auditing, and Bookkeeping Services (8931).
 11. Legal Services (81).
 12. Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists, and other health practitioners (8011, 8021, 8031, 8041, 8042, 8049).
 13. Management, Consulting, and Public Relations Services (7392).

14. Engineering, Architectural, and Surveying Services (8911), including Landscape Architects.
15. Offices of manufacturers' sales representatives, subject to no on-site sales, display, or storage of a stock in trade.
16. Travel agencies and bureaus.
17. Business associations, professional membership organizations, and other membership organizations (8611, 8621, 8699).
18. Tax Return preparation services.
19. Beauty salons or barber shops, limited to not more than three stylists or barbers.
20. Photographic or artist's studios or galleries, but not including sales of cameras, film, or other supplies.
21. Tailor shops and shoe repair engaged in repair, altering, or storage of clothes for individuals.
22. Nursery schools and other child care (8351).
23. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.

C. ACCESSORY USES.

1. Uses clearly subordinate and customarily incidental to the principal use, but not including storage or display of any stock in trade, or any assembly or manufacturing activities. Total area of all accessory uses shall not exceed 25% of the gross leaseable floor area of the principal use.
2. Any use allowed as a principal permitted use by paragraph B may be allowed as an accessory to a single family dwelling, subject to the following conditions in addition to all other requirements:
 - a. The proprietor of such business shall reside on the premises and not more than two persons other than a member of the immediate family occupying the dwelling shall be employed on the premises.
 - b. No more than one room or twenty-five percent of the gross area of one floor of said dwelling, whichever is less, shall be used for such purpose. Use of accessory buildings for these purposes shall be prohibited.
 - c. There shall not be any outdoor storage or activities of any kind related to the business.
 - d. On-site parking shall be provided in other than a front yard in an amount sufficient to accommodate all clients and all employees who do not reside

on the premises. Such parking shall be in addition to that required by this Ordinance for the dwelling unit.

- e. No repair activities or upholstery shall be allowed.

D. CONDITIONAL USES.

1. Conversion of an existing single family dwelling structure into a use other than two attached single family uses. Such conversion shall be subject to the following requirements in addition to all other requirements, and in no case shall a detached accessory structure be converted to any use other than a permitted accessory use:
 - a. The location of the structure shall not serve as justification for a variance from the requirements for off-street parking, required outdoor space, buffering, landscaping, or the performance standards.
 - b. The structure shall be found structurally sound, and shall be fully refurbished as necessary to meet current code requirements for new structures in respect to all life and safety items, plumbing including disconnection of any downspouts or footing drains from the sanitary service, electrical, mechanical, energy consumption, floor loading, lighting and ventilation, as deemed reasonable by the Building Department and the Board of Appeals after giving due consideration to alternative provisions if existing conditions make certain code requirements very difficult or extremely costly to implement.
2. Mixed use buildings combining residential and commercial uses, which shall exhibit exemplary design and provide a high-quality residential living environment that is not adversely impacted by noise or activities associated with the commercial uses. Such design shall include the following:
 - a. required private outdoor space shall be fully enclosed by a six foot high opaque wood or masonry fence if located on the ground level, and if on an upper floor shall be so located or screened as to not be visible from the parking lot or commercial units.
 - b. commercial and residential uses generally shall not be located on the same level except where it can be demonstrated that the commercial uses will be fully separated from and will not intrude upon the residential uses, as may be possible when commercial usage occurs in the front portion of the lot and residence in the rear; in no case shall commercial uses be located on a level above residential uses.

- c. parking shall be calculated on the basis of commercial floor area plus 1.25 spaces for each residential dwelling unit, which spaces shall be separate and distinguished from the commercial parking area and reserved for the residences.
 - d. residential entrances shall be readily distinguished from commercial entries by reason of separation or design.
3. An accessory business as permitted by Section C, paragraph 2, employing three (3) or more persons who are not members of the immediate family occupying the dwelling. Approval of such use shall consider the following:
- a. Whether all conditions of said paragraph 2, other than the limit on employees, will be complied with;
 - b. That the width and area of the lot approximates that required for a commercial or a mixed use, or that the nature of the business or the duties of the proposed employees are such that the additional employees will not generate a significant increase in the number of customers and clients; and
 - c. Whether improvements or expansions will be necessary to accommodate such increased employees, and which may impair the ability of the property to comply with the requirements of this ordinance pertaining to conversions of existing dwellings and to mixed use buildings.
4. Public utility facilities, including transmission and distribution equipment, substations, regulator stations, and buildings associated therewith, but not including facilities for maintenance or general operations or communication towers. Evidence shall be provided to show such facilities are essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible.
5. Communication towers with a height of 100 feet or less, on a nonresidential property such as a school or church, subject to a minimum setback of 200 feet from the boundary of any property used or expected to be used for residential purposes, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS (Amended Ord. 2000-22, October 3, 2000)

- 1. No stock in trade shall be stored or displayed nor shall any assembly or manufacturing activities be conducted on the premises.
- 2. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees,

shrubs, and other plant material in accordance with Section 4.

3. No parking areas shall be located in the minimum front yard or minimum side yard adjacent to a street as specified by paragraph F.
4. All refuse collection areas shall be fully enclosed by a 6 foot high opaque fence or masonry wall.
5. Where the lot abuts a residential district other than property located in this district, a buffer shall be provided between such use in accordance with Section 4.
6. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. Where such common drive is provided, and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

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

7. All commercial activities, storage, and display shall be contained within a fully enclosed building.
8. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy under normal circumstances.
9. Private open space shall be provided adjacent and accessible to each dwelling unit consisting of balconies, deck, or yard. Required open space for one and two family dwellings shall generally have a minimum dimension of 15 feet and minimum area of 400 square feet, and one-half of the required area shall not exceed a slope of 5 percent. Private open space for dwelling units located in ground level of multiple family or mixed use structures shall have a minimum dimension of 15 feet and minimum area of 250 square feet and such units located entirely above the ground floor shall generally have a minimum dimension of six feet and minimum area of 60 square feet. A minimum separation of 10 feet shall be maintained between any parking lot and ground level private open space.

10. Dwelling units other than single family detached dwellings shall have a minimum finished floor area of 700 square feet exclusive of areas more than 50% below the average finished grade, porches, or garages.
11. In accordance with the purpose of this district to create a zone of transition between commercial and single family residential areas, the architectural design shall facilitate this transition by using facade materials common to residential structures such as wood, face brick, stone or stucco, and generally not metal or concrete or unfinished surfaces; shall have a pitched roof with a minimum 4/12 slope as opposed to a flat roof; attempt to break up large building masses by use of staggered offsets in the front facade, and size and locate windows and doors so the scale will be as residential in character as reasonably practical without substantially compromising commercial needs; screen the parking from view and provide landscaping to further enhance the residential character and reduce the apparent extent of impervious surface and building area; and similar design techniques to enhance the living environment and inhibit the spread of the adverse and blighting affects of more intensive land uses into adjoining residential areas.
12. Stairs shall be enclosed or architecturally integrated, as opposed to being suspended from the building wall or similarly openly visible.
13. Commercial uses shall not have any windows or entrances located in walls less than 15 feet from any side lot line, except as required by the Building or other codes for safe exit or similar purposes.

F. **BULK REQUIREMENTS.** The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6. (Amended Ord. 2000-22, October 3, 2000)

1. Minimum Lot Area:

Detached single family - 8,500 square feet.

Attached single family - 4,000 square feet per dwelling unit.

Multiple Family or Mixed Use - 10,000 square feet or 2,500 square feet per dwelling unit, whichever is greater.

Commercial - 10,000 square feet.

2. Minimum Lot Width:

Detached single family - 60 feet

Attached single family - 30 feet per dwelling unit.

Multiple Family, Commercial, or Mixed Use - 90 feet.

3. Minimum Front Yard: 30 feet.

4. Minimum Side Yards:

Adjacent to a street - 30 feet.

Single Family Attached or Detached - 6 feet.

Multiple Family, Mixed Use, or Commercial - 10 feet, provided that the setback for walls containing windows for a dwelling unit shall be calculated according to the following formula:

Setback in feet = $10 + 2S + L/15$, where S equals the number of stories and L equals the length in feet of said wall.

5. Minimum Rear Yard – 30 feet.

6. Maximum Height - 30 feet, provided that no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located 18 feet above the average elevation of the rear lot line when a residential district lies to the north of the rear yard, or when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north.

7. Maximum Floor Area Ratio (F.A.R.) for commercial or mixed use: .30, provided that in a mixed use structure any area used for residential purposes shall not be counted in calculating the allowable floor area.

TABLE 2: AREA AND DIMENSIONAL REQUIREMENTS BY DISTRICT (Amended Ord. 2000-22, October 3, 2000)

Name of District		Minimum Lot Area*	Minimum Lot Width (feet)	Maximum Building Height (feet)	Minimum Yard Setbacks				Maximum Floor Area Ratio (FAR)
					Front (feet)	Rear (feet)	Interior Side (feet)	Street Side of Corner Lot (feet)	
A-1	Agricultural Reserve	20 acres	300	60	50	35	205 and 30	50	Not Applicable
A-2	Estate Residential	10 acres	300	35	50	35	205 and 30	50	Not Applicable
R-1L	Low Density Single-Family	13,500 sq. ft.	90	35	30	35	12	30	Not Applicable
R-1I	Intermediate Density Single-Family	10,800 sq. ft.	80	35	30	30	10	30	Not Applicable
R-1S	Suburban Density Single-Family	8,500 sq. ft.	70	35	30	30	8	30	Not Applicable
R-2	Townhouse Residential	7,350 sq. ft.	70	35	30	30	10	30	.20
R-3	Low Density Multi-Family	7,350 sq. ft.	70	40	50	30	10	50	.35
R-4	Medium Density Multi-Family	7,350 sq. ft.	70	40	50	30	10	50	.65
O-R	Transitional Office/Residential	See Section 3.69							
C-O	Office/Service	See Section 3.71							
C-N	Neighborhood Convenience	See Section 3.72							
C-G	General Commercial	See Section 3.73							
C-H	Highway Commercial	See Section 3.74							
C-P	Planned Commerce Park	See Section 3.75							
M-1	Light Industrial	40,000 sq. ft.	150	35	50	None	None	50	.500
M-2	Medium Industrial	40,000 sq. ft.	150	35	50	None	None	50	.500
M-3	Heavy Industrial	81,000 sq. ft.	150	35	50	None	None	50	.500
PUD	Planned Unit Development	2 acres	See Section 3.10, Sub-section E						

3.71 - "C-O" OFFICE/SERVICE DISTRICT

- A. Purpose. The purpose of this district is to provide areas for the development of primarily professional and administrative offices, and some service uses. It is intended that this district be mapped primarily along arterial or collector streets in new, developing areas to reduce, limit, and contain strip retail development which has a more dynamic character, thereby enhancing proper movement of traffic, with appropriate setbacks, landscaping, and architecture to make such development reasonably compatible with nearby residential.
- B. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.
1. Banking (60).
 2. Credit agencies other than banks (61).
 3. Security and Commodity Brokers, Dealers, Exchanges, and Services, and Holding and other investment offices (62 and 67).
 4. Insurance (63).
 5. Insurance agents, brokers, and service (64).
 6. Real Estate (65).
 7. Accounting, auditing, and bookkeeping services (8931).
 8. Legal Services (81).
 9. Offices of physicians, dentists, osteopathic physicians, chiropractors, optometrists, and other health practitioners (8011, 8021, 8031, 8041, 8042, 8049).
 10. Medical and dental laboratories (8071 and 8072).
 11. Management, Consulting, and Public Relations Services (7392).
 12. Commercial photography, art, and graphics (7333).
 13. Engineering, Architectural, and Surveying Services (8911), including Landscape Architects.
 14. Advertising agencies and Radio, Television, and Publishers' Advertising representatives (7311 and 7313).
 15. Actuaries, chemists, and other miscellaneous services (8999).
 16. Offices of manufacturers' sales representatives, subject to no on-site sales, display, or storage of stock in trade.
 17. Personnel Supply Services (736).
 18. Noncommercial educational, scientific, and research organizations (8922).
 19. Blueprinting and photocopying services (7332).
 20. Photographic studios, portrait (7221).
 21. Travel agencies and bureaus.
 22. Blood banks.
 23. Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies (7321).
 24. News syndicates (7351).

25. Computer programming and other software services, and data processing services (7372 and 7374).
26. Noncommercial museums and art galleries (8411).
27. Business associations, professional membership associations, and other membership organizations (8611, 8621, 8699).
28. Civic, social, and fraternal associations.
29. Political and religious organizations (8651 and 8661).

C. ACCESSORY USES.

1. Food and beverage services, cocktail lounges, apothecaries, barber shops or beauty salons, drafting or quick printing services, optical shop, recreational facilities primarily for use of employees, or similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this Ordinance:
 - a. Such incidental or accessory use may be a separate tenant but shall be incorporated within the principal building and designed to serve the employees of the principal building or their clientele. Such use shall not have any direct access from the exterior, but shall access through a principal use or from a common enclosed mall or courtyard.
 - b. Total area of all accessory uses shall not exceed 25% of the gross leasable floor area of the building.
 - c. No signage or merchandise shall be displayed as to be visible to the general public from outside the building.

D. CONDITIONAL USES. The following uses may be permitted by the Board of Adjustment subject to conformance with Section 8 (Amended Ord. 2000-22, October 3, 2000).

1. Extended care, intermediate care, or rehabilitation or residential care nursing facilities, but not including care of or homes for the emotionally disturbed, mentally ill, retarded, persons with social or personal problems, delinquents or offenders, or persons with past or present drug or alcohol dependence.
2. General medical and surgical hospitals (8062).
3. Outpatient care facilities (8081).
4. Colleges, universities, and professional schools, junior colleges and technical institutes (8221 and 8222).
5. Business and secretarial schools (8244).
6. Child Day Care Services.
7. Communication towers with a maximum height of 130 feet, located not less

than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS (Amended Ord. 2000-22, October 3, 2000)

1. No stock in trade shall be stored or displayed nor shall any assembly or manufacturing activities be conducted on the premises.
2. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material in accordance with Section 4.
3. Loading areas located in any yard adjacent to a street shall be fully screened from observation by normal traffic on the street.
4. All refuse collection areas shall be fully enclosed by a 6 foot high opaque fence or masonry wall.
5. Where the lot abuts property zoned for residential uses, a buffer shall be provided between such use in accordance with Section 4.
6. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 125 feet from any other drive as measured from centerline to centerline. Where such common drive is provided, and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

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

F. BULK REQUIREMENTS. The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6 (Amended Ord. 2000-22, October 3, 2000).

1. Minimum Lot Area: 20,000 square feet.
2. Minimum Lot Width: 100 feet.
3. Minimum Front Yard: 35 feet.

4. Minimum Side Yards: Adjacent to street or to a residentially zoned property - 35 feet; otherwise none required, but if a setback is provided a minimum of ten feet shall be required.
5. Minimum Rear Yard: Adjacent to residentially zoned property - 30 feet; otherwise none required, but if provided a minimum of ten feet shall be required.
6. Maximum Height - 45 feet, provided that no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen feet above the average elevation of the rear lot line when the rear lot line abuts a residential district, or when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north.
7. Maximum Floor Area Ratio: (F.A.R.): .5.

3.72 - "C-N" NEIGHBORHOOD CONVENIENCE DISTRICT

- A. Purpose. It is the purpose of this district to provide areas for convenient shopping by residents of the adjacent neighborhood, but not of such size and variety as to attract substantial volumes of traffic from outside of the neighborhood. Such areas typically will include a food supermarket as the principal tenant, and other establishments supplying commodities or performing personal services for the daily living needs of the residents of the neighborhood.

It is not intended that any area be mapped of such size as to allow all or a substantial number of the permitted uses to locate within it, but rather to establish a range of individual uses which supply appropriate commodities and services and thereby provide an opportunity to create a suitable mix of specialty shops which will facilitate the economic success of the shopping area, and through normal interaction of the combination allow it to be more successful than might otherwise be probable. Accordingly, it is intended that such areas be mapped in location and of limited size to reflect the neighborhood scale, to encourage a compact design which is oriented to pedestrian as well as vehicular traffic, and further intended to avoid linear retail strips by separating such areas with other types of development.

- B. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.

1. Uses permitted in the "C-O" District.
2. Grocery stores (5411).
3. Meat and seafood markets, but not including slaughtering or carcass meats (5423).
4. Fruit stores and vegetable markets (5431), provided that no outdoor or open-air display, sales or storage shall be permitted.
5. Candy, nut, and confectionery stores (5441).
6. Dairy product stores (5451), retail over-the-counter sales only.
7. Retail bakeries including baking and selling (5462).
8. Health food stores.
9. Drug stores (5912).
10. Variety store, junior department store, or showroom/catalog store, not to exceed 15,000 square feet of gross floor area.
11. Beauty shops (7231) and barber shops (7341), but not including schools.
12. Tailor shops, including clothing alteration and repair shops.
13. Shoe repair shop, shoe shining (7251).
14. Watch, clock, and jewelry repair (7631).
15. Electrical repair shops (7622).
16. Coin operated laundries and dry cleaning establishments using nonflammable solvents.
17. Eating places, including drive-in and carry-out establishments subject to the

- provisions of Section 5, but not including caterers (5812) or live entertainment.
18. Drinking places, but not including discotheques or live entertainment (5813), and not to exceed an occupancy of 125 persons; the area utilized for dancing shall not exceed one-eighth (1/8) of the patron area excluding restrooms and foyers, and dancing shall cease when the bar closes to the public.
 19. Liquor stores (5921).
 20. Hardware stores (5251).
 21. Paint, glass, and wallpaper stores, retail sales to the general public only (5231).
 22. Apparel and accessory stores, including storage and repair of fur garments but not including trading in furs (56).
 23. Sporting goods stores and bicycle shops (5941), but not including sales of motorized vehicles.
 24. Book stores (5942) and stationery stores (5943).
 25. Jewelry stores (5944).
 26. Hobby, toy, and game shops (5945).
 27. Camera and photographic supply stores (5946), including photofinishing services for the general public.
 28. Gift, novelty, and souvenir shops (5947).
 29. Luggage and leather goods (5948).
 30. Sewing, needlework, and piece goods stores (5949).
 31. Formalwear and costume rental, not including used merchandise shops.
 32. Tobacco stores (5993).
 33. Florists (5992), including potted house plants.
 34. Optical goods and hearing aids.
 35. Retail pet food stores and pet grooming, provided that kennels, boarding, and sales of pets other than tropical fish are expressly prohibited as either principal or accessory uses (Amended Ord. 2009-02, June 2, 2009).
 36. Artists' and architectural supply.
 37. Retail coin, philatelist, and autograph shops.
 38. Religious goods.
 39. News dealers and newsstands (5994).
 40. Radio, television, and music stores (573), including home video equipment.
 41. Miscellaneous home furnishings (5719), such as glassware and linens.
 42. Interior decorators, including retail sale of draperies and curtains.
 43. Household appliance stores (5722), but not including cabinets or plumbing fixtures.
 44. Floor covering stores (5713) primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors.
 45. Retail sale of household furniture, but not including cabinets, not to exceed 10,000 square feet in gross floor area.
 46. Health clubs or spas, beauty spas or reducing salons, and similar health and beauty services, but not including lodging.

47. Membership sports and recreation clubs (7997).
48. Retail sales of computer hardware and software, telephones (7379).
49. Antique stores, but not including refinishing or refurbishing.
50. Music or dance schools or studios, including children's or amateur instruction and exercise classes, but not including professional dance schools or production, ballrooms, or dance halls.
51. Automobile parts store not to exceed 4,500 square feet of gross floor area and not including major rebuilding of engines, transmissions, or similar work; machining of parts in such magnitude as to violate the performance standards as measured on the property line; storage of used parts; or installation.
52. Veterinarian clinics for household pets on an out-patient basis only, no overnight boarding or lodging except by conditional use as provided below.
53. Commercial art galleries.
54. Hot tub and sauna sales, but not including swimming pools.
55. Parking lots or structures for the storage of private passenger automobiles.

C. ACCESSORY USES.

1. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in paragraph E.

D. CONDITIONAL USES.

1. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools, but not including power mowers and similar tools.
2. Auditoriums or assembly areas for more than 100 persons as a customary accessory use to a permitted use.
3. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.
4. Gasoline service stations, muffler installation and other routine maintenance, tire dealers, retail sale of gas and oil, filling stations, and car washes subject to the requirements of Section 5.
5. Business and secretarial schools (8244).
6. Outpatient care facilities (8081).
7. General medical and surgical hospitals (8062).
8. Child Day Care Services (8351).
9. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS (Amended Ord. 2000-22, October 3, 2000)

1. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed forty (40) percent of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
2. Certain products such as bakery goods may be produced for retail sale on the premises on which they are produced provided that:
 - a. such production shall be clearly accessory to the retail use of the premises;
 - b. all such products shall be sold at retail on the premises on which they are produced;
3. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
4. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
5. Nothing shall be construed to permit any use of an adult entertainment nature.
6. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.
7. All refuse collection areas shall be fully enclosed by a 6 foot high opaque wood fence or masonry wall.
8. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use in accordance with Section 4.
9. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant materials in accordance with Section 4.
10. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive

as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

One additional drive access may be permitted a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided. The City Council may authorize additional drives in any case upon finding such access will not create congestion or traffic hazards.

F. **BULK REQUIREMENTS.** The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6 (Amended Ord. 2000-22, October 3, 2000).

1. Minimum Lot Area: 20,000 square feet.
2. Minimum Lot Width: 100 feet.
3. Minimum Front Yard: 20 feet.
4. Minimum Side Yards: Adjacent to a street - 20 feet; adjacent to a residentially zoned property - 10 feet; otherwise none required, but if a setback is provided a minimum of ten feet shall be required.
5. Minimum Rear Yard: Adjacent to residentially zoned property - 30 feet; otherwise none required, but if provided a minimum of ten feet shall be required.
6. Maximum Height - Two stories with a maximum total height of 35 feet, provided that no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen feet above the average elevation of the rear lot line when the rear yard abuts a residential district, or when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north.
7. Maximum Floor Area Ratio: (F.A.R.): .35.

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3.73 - "C-G" GENERAL COMMERCIAL DISTRICT

- A. Purpose. The purpose of this district is to provide a complete and intensive commercial center serving the entire community with a broad range of retail, office, and service uses. As such it will attract substantial volumes of traffic, due to its size and the variety of goods offered. It may include supermarkets, department stores, and a large variety of specialty stores.

Since it is intended to draw consumers from a large area this district should not be indiscriminately mapped, but rather centrally located with good access from all parts of the community, typically around the intersection of two arterial streets. Further, because of the substantial volumes of traffic and the necessity of maintaining traffic flow on the arterial streets, access must be carefully controlled.

- B. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district.

1. Uses permitted in the "C-N" District.
2. Department stores (5311), general merchandise stores (5399), and variety stores (5331).
3. Mail order houses (5961).
4. Caterers.
5. Eating and drinking places, including those with live entertainment and dancing (5812 and 5813).
6. Freezer and locker meat providers, meat and seafood markets including butchering or processing for retail sale on the premises or for an individual consumer.
7. Retail bakeries including baking and selling (5462), and including baking for retail outlets in the metropolitan area owned by the same proprietors as an accessory use.
8. Retail pet shops (Amended Ord. 2009-02, June 2, 2009).
9. Furriers, including fur dealing as an accessory to retail sales.
10. Dry cleaning, including processing.
11. Locksmiths, gunsmiths, taxidermists, and other miscellaneous repair shops and related services (7699).
12. Retail sales and repair of lawn and power mowers.
13. Retail sale of nursery stock including outdoor storage and sales of same, seeds and fertilizers, and other garden supplies and tools (5261).
14. Gasoline service stations, tire dealers, retail sale of gas and oil, filling stations, and car washes subject to the requirements of Section 5.
15. Automobile parts store and including installation of mufflers and similar minor equipment, but not including rebuilding of engines, transmissions, or similar work; machining of parts in such magnitude as to violate the performance standards as measured at the property line; or storage of used parts.

16. Custom cabinetry and furniture.
17. Furniture upholstery and repair (7641).
18. Retail sale and repair of office furniture, typewriters, and other office equipment.
19. Retail sale of household furniture.
20. Antique stores.
21. Motion picture theaters (7832).
22. Billiard and pool establishments (7932).
23. Bowling alleys (7933).
25. Dance halls, studios, and schools (7911).
26. Beauty and barber schools.
27. Funeral homes (7261).
28. Business services (73), but not including research and development laboratories (7391), equipment rental and leasing (7394), commercial testing laboratories (7397), or unclassified business services (7399).
29. Labor or trade union halls.
30. Theatrical producers and miscellaneous theatrical services (7922).
31. Bands, orchestras, actors, and other entertainers (7929).
32. Job training and vocational rehabilitation services (833), individual and family social services (832).
33. Outpatient care facilities (8081).

C. ACCESSORY USES.

1. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in paragraph E.

D. CONDITIONAL USES (Amended Ord. 2000-22, October 3, 2000).

1. Auditoriums or assembly areas for more than 100 persons, either as a customary accessory use or a principal use.
2. Outdoor patios or serving areas for eating and drinking places, provided that no amplified sound shall be permitted.
3. Veterinarian clinics or animal hospitals providing overnight boarding or lodging.
4. Business, trade, and secretarial schools (8244).
5. General medical and surgical hospitals (8062).
6. Gambling establishments, and other amusement or recreational services not listed as permitted uses.
7. Consignment shops for retail sale of used clothing and other household items in undamaged, like-new condition.
8. Automotive repair shops (7538 and 7539).
9. Buildings taller than 60 feet in height, subject to solar and fire considerations.

10. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS (Amended Ord. 2000-22, October 3, 2000)

1. Storage shall be limited to those inventories, supplies, and equipment necessary to support the principal use and shall not exceed forty (40) percent of the total gross floor area; further provided that storage shall be wholly contained within the principal building.
2. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material in accordance with Section 4.
3. Certain products such as bakery goods may be produced on the premises provided that:
 - a. such production shall be clearly accessory to the retail use of the premises;
 - b. all such products shall be sold at retail on the premises on which they are produced, provided that such restriction shall not be construed to prohibit operation of a catering service or similar establishment.
4. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
5. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
6. Nothing shall be construed to permit any use of an adult entertainment nature.
7. All activities, storage, and display shall be contained within a fully enclosed building, except for uses such as sale of gasoline which by their nature must be conducted outside.
8. All refuse collection areas shall be fully enclosed by a six (6) foot high opaque wood fence or masonry wall.
9. Where the lot abuts property zoned for residential use, a buffer shall be provided between such use in accordance with Section 4.

- F. BULK REQUIREMENTS. The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6 (Amended Ord. 2000-22, October 3, 2000).
1. Minimum Lot Area: 20,000 sq. ft.
 2. Minimum Lot Width: 100 ft.
 3. Minimum Front Yard: 20 feet.
 4. Minimum Side Yards: Adjacent to a street - 20 feet; adjacent to a residential district – 30 feet; otherwise none required.
 5. Minimum Rear Yard: Adjacent to residentially zoned property – 30 feet; otherwise none required.
 6. Maximum Height: 60 feet, provided that no building immediately south of a residentially zoned property shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen (18) feet above the average elevation of the rear lot line when the rear yard abuts a residential district, or above the average elevation of the front lot line of a residentially zoned parcel immediately across the street from said building.
 7. Maximum Floor Area Ratio: (F.A.R.): .500

3.74 - "C-H" HIGHWAY COMMERCIAL DISTRICT

- A. Purpose. It is the purpose of this district to provide locations primarily on heavily traveled arterial streets for those commercial and service uses which (a) are oriented to the automobile, (b) are uses which may require large land areas and good access, or (c) do not depend upon adjoining uses for reasons of comparison shopping or pedestrian trade. It is recognized that other uses customarily located in other commercial districts may also be found in this district, but it is not intended that major retail centers be developed in this district.

Since such areas will be along major entrances to the City, it is essential to maintain an aesthetically pleasing appearance through proper design, site layout, and landscaping, and to minimize interference with through traffic.

- B. Permitted Uses. Only those uses listed below shall be permitted, in accordance with all of the provisions of this district. (Amended Ordinance No. 2002-07, May 14, 2002)

1. Uses permitted in the "C-G" District, but not grocery stores or supermarkets (5411), department stores (5311), general merchandise stores (5399), or variety stores (5331).
2. Hotels, motels, and tourist courts (7011).
3. Retail lumber and building material dealers (5211).
4. Auto and home supply stores (5531).
5. Gasoline service stations (5541).
6. Convenience or quick stop stores.
7. Car washes (7542).
8. Veterinarian clinics or hospitals, including overnight boarding or lodging.
9. Auction rooms for sale of general merchandise at retail.
10. Consumer retail uses, personal services, or business services not otherwise listed.
11. Equipment rental and leasing services (7394).
12. Car, truck, and trailer rental (7512, 7513, and 7519).
13. Swimming pool sales.
14. Outdoor advertising services (7312) and sign shops.
15. Welding repair (7692).
16. Refrigeration and air conditioning service and repair (7623), electrical and electronic repair shops (7629).
17. Tire retreading and repair shops (7534).
18. Automotive repair shops (7538 and 7539), undercoating, towing services (7549).
19. Body repair shops (7531), including painting (7535).
20. Motor vehicle dealers, new and used (5511 and 5521).
21. Motorcycle dealers (5571) and snowmobiles.

22. Boat dealers (5551).
23. Recreational and utility trailer dealers (5561).
24. Mobile home dealers (5271).
25. Amusement parks (7996) and other amusement and recreation services.
26. Drive-in theaters (7833).
27. Building, electrical, mechanical, plumbing, and landscapers' yards, but not including storage of heavy construction and earth-moving equipment or semi-trailer trucks, provided that not more than two construction trailers may be permitted.

C. ACCESSORY USES

1. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in paragraph E.

D. CONDITIONAL USES. (Amended Ordinance No. 2002-07, May 14, 2002)

1. Outdoor activities other than display and storage.
2. Auditoriums or assembly areas for more than one hundred persons, either as a customary accessory use or a principal use.
3. Business, trade, and secretarial schools (8244).
4. General medical and surgical hospitals (8062).
5. Adult entertainment businesses, subject to the provisions of Section 5.
6. Off-premise signs, as limited by the Sign Ordinance to replacement of existing legally nonconforming off-premise signs.
7. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS (Amended Ord. 2000-22, October 3, 2000)

1. Outdoor activities shall be limited to display of merchandise for retail sale, and storage, provided that such storage shall be fully enclosed and screened from view from adjacent streets and residentially zoned parcels by a six-foot high opaque wood or masonry fence supplemented by coniferous plantings as necessary to further screen such storage; further provided that no display or storage shall be permitted in the required front yard unless expressly allowed. An exception to this standard is hereby granted to sales and storage lots for new and used motor vehicles, which shall be regulated in the same manner as a parking area.
2. Certain products such as bakery goods may be produced on the premises

provided that:

- a. such production shall be clearly accessory to the retail use of the premises;
 - b. all such products shall be sold at retail on the premises on which they are produced, provided that such provision shall not be construed to prohibit operation of a catering service or similar establishment.
3. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electro-magnetic disturbances shall be generated.
 4. No wholesaling shall be permitted, except for certain products such as automotive parts which may be purchased on a largely individual basis for resale as part of a repair service as opposed to bulk shipments and deliveries.
 5. All refuse collection areas shall be fully enclosed by a six (6) foot high opaque wood fence or masonry wall.
 6. Where a lot abuts a property zoned for residential use, a buffer shall be provided between such use in accordance with Section 4.
 7. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant materials in accordance with Section 4.
 8. Lots directly abutting arterial streets shall not exceed one drive access onto each such arterial street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

One additional drive access may be permitted a lot with continuous frontage in excess of 300 feet, or two additional drive accesses for continuous frontage in excess of 600 feet, if proper spacing is provided. The City Council may authorize additional drives in any case upon finding such access will not create congestion or traffic hazards.

F. BULK REQUIREMENTS. The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6 (Amended Ord. 2000-22, October 3, 2000).

1. Minimum Lot Area: 20,000 square feet.
2. Minimum Lot Width: 100 feet.
3. Minimum Front Yard: 30 feet.
4. Minimum Side Yards: Adjacent to a street - 30 feet; adjacent to a residential district - 10 feet; otherwise none required.
5. Minimum Rear Yard: Adjacent to residentially zoned property - 30 feet; otherwise none required.
6. Maximum Height: 35 feet, provided that when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen (18) feet above the average elevation of the rear lot line.
7. Maximum Floor Area Ratio: (F.A.R.): .5.

3.75 - "C-P" PLANNED COMMERCE PARK DISTRICT

- A. Purpose. It is recognized that certain businesses require a restful, pleasant work environment similar in many respects to that found in a residential environment, and would suffer from traffic congestion, nuisances and hazards in much the same manner. Accordingly, it is the intent of this district to provide land in a park-like setting for the orderly and logical development of such management, research, design, marking and other administrative or professional offices and services, and certain limited production, all of which exhibit a high quality of architectural and design quality appropriate to a pleasant, park-like setting. No use is intended to be permitted which exhibits any obnoxious or nuisance characteristics, such as hazard, noise, vibration, smoke or other emissions, odors, glare, congestion, or overtaxing of utility systems. Since the primary emphasis is on design such development will incorporate high-quality materials in unique architectural designs and substantial plantings of trees, shrubs, and other plant materials. Production uses, when permitted, shall not require substantial volumes of truck or rail shipping as would be common to industrial developments.

Such areas will generally be employment centers, as opposed to providing products or services to the general public. It is intended that such areas be mapped to include not less than 15 acres.

- B. Permitted Uses. In accordance with the purpose of this District, it is the intent of this Section to permit any use which complies with the Performance Standards and Bulk Requirements of the District, the General and Special Provisions of this Ordinance, and all other City Codes, Ordinances, or policies, unless expressly prohibited or classified as a conditional use. It is recognized that proper control of design and methods of operation will reduce the importance of what the use is, that spacious site layout with substantial amounts of landscaping; aesthetically pleasing architectural design and materials; non-combustible construction, proper building compartmentalization, and installation of fire sprinklers and other appropriate safety or warning equipment; pollution control; access control and limitations on trucks and other unnecessary traffic; proper subdivision layout; and other considerations will eliminate or substantially mitigate nuisance aspects or hazards of many uses.

Uses considered to have certain inherent characteristics which are incompatible with the purposes and intent of this district, and which are hereby expressly prohibited shall include the following:

1. Uses traditionally supplying goods or services to the traveling public, including but not limited to gasoline service stations, car washes, tire stores and other automotive supply and service, hotels and motels, off-premise advertising signs.
2. Car, truck, mobile home, and trailer rental, lease, repair, or sales.
3. Repair services, except for business machine repair services catering primarily

to the offices in the District.

4. Recreational, health, and entertainment services, except as an accessory use as restricted by paragraph C.
5. Transmitting towers or receiving antennas which cannot be screened from observation by adjoining properties or by normal traffic on public thoroughfares within 1000 feet of the property.
6. Wholesaling or warehousing.
7. Schools, hospitals.
8. Uses generating outgoing shipping in excess of four trucks in any 24 hour period.
9. Uses creating an identifiable nuisance or hazard, including violation of any of the provisions of this District.

The above prohibited uses shall not be construed to include restaurants, nor establishments selling office equipment, stationery and similar supplies, or services primarily to the businesses within the District if they are in compliance with the provisions of this District.

The City shall have broad discretionary powers in the interpretation and administration of this District in determining whether all criteria have been properly complied with. Any use which is not specifically listed as prohibited but is interpreted as such by reason of similarity to a listed prohibited use in the application of such powers is hereby defined to be a conditional use, subject to the same procedures and requirements elsewhere defined.

C. ACCESSORY USES.

1. Restaurants and cafeterias, cocktail lounges, gift shops, florists, apparel stores, tobacco, candy, barber shops and beauty salons, convenience stores, books and stationery, health clubs or recreational facilities, apothecaries, optical shops, and similar uses shall be permitted where it can be demonstrated that the number of employees or clientele of the principal uses on the lot are sufficient to support such uses, subject to the following criteria in addition to all other requirements of this ordinance:
 - a. Such incidental or accessory uses may be separate tenants but shall be incorporated within the principal building, and designed to serve the employees of the principal building or complex or their clientele. Such uses shall not have any direct public access from the exterior, but shall access through a principal use or from a common mall or courtyard.
 - b. Total area of all accessory uses shall not exceed 25% of the gross leasable floor area of the building or complex occupied by office uses.
 - c. No signage or merchandise shall be displayed as to be visible to the general public from off the premises.

- d. Properties which choose not to exercise their right to all or any part of the 25% may transfer such development rights by recorded instrument upon approval by the City Council after recommendation by the Planning and Zoning Commission in order to permit development of a larger aggregation of such accessory use, provided that it can be demonstrated that such aggregation will primarily serve the District and will not draw the general public or otherwise violate the purposes of this District.
 2. Uses clearly subordinate and customarily incidental to the principal use, including storage of merchandise and preparation of certain products, shall be permitted subject to the standards set forth in paragraph E.
- D. CONDITIONAL USES. Conditional uses shall demonstrate that they will not create any adverse impacts.
1. Except as permitted accessory uses as defined and limited by paragraph C above, retail sales or services which normally cater to the general public or residential households shall be permitted only by conditional use approval subject to the following conditions in addition to all other requirements of the District. Such retail sales and services include but are not limited to convenience stores, food, apparel, appliances, television and music, beauty salons and barber shops, furniture, department stores, dry cleaning, tailors, sporting goods, hobby shops, candy, gifts, florists, and similar uses.
 - a. If the City has zoned or planned an area for retail development within one mile of the subject property, as measured by the shortest travel route, wherein a similar business exists or reasonably may be located in the future by virtue of undeveloped or unoccupied building sites, such conditional use shall generally not be permitted unless found to be in the public's best interest by reason of a possible monopolistic situation or other extenuating factors.
 - b. A market study shall be conducted by the applicant and filed with the City identifying the projected trade area, which shall not include a significant amount of residential area; enumerate and locate the projected clientele, and projected capture percentage or market penetration rate; expected sales volume; and a comparison of the projected expenditure per capita to relevant data available from the U.S. Census of Retail Trade, Consumer Expenditure Survey as published by the Bureau of Labor Statistics, or similar indexes.

The market study shall demonstrate that sufficient demand exists within the District to support such use; that it will not generate significant traffic from outside the District by virtue of its trade area; and that no existing or planned

retail district can reasonably be expected to provide such use.

2. Child Day Care Services (8351).
3. Outpatient Care Facilities (8081).
4. Communication towers with a maximum height of 130 feet, located not less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, and subject to the performance standards in Section 5.436.

E. PERFORMANCE STANDARDS

1. All activities, storage, and display shall be wholly contained within the principal building and concealed from public observation.
2. No noise, vibration, hazard, glare, air pollutants such as fumes or dust, odor other than that which might originate from food preparation by a bakery or restaurant, or electromagnetic disturbances shall be generated or allowed to exist. No activity involving the use or storage of flammable or explosive material shall be permitted unless the highest available degree of fire suppression and safety devices is installed and maintained.
3. All refuse collection areas shall be fully enclosed by a 6 foot high opaque wood fence or masonry wall.
4. All parking and loading areas, air handling equipment and similar utility apparatus, shall be fully screened from observation by normal traffic on any and all public thoroughfares within 1000 feet of such areas or apparatus.
5. Buildings shall be designed by an architect licensed in the State of Iowa, and shall emphasize individualized design as opposed to pre-engineered or prefabricated construction or standardized design as customary to many fast-food restaurants or auto service stations; building materials shall be selected for their aesthetic quality and durability, avoiding light metal panels, exposed concrete block or other unfinished surfaces on visible facades, combustible construction, or other materials or treatments which are easily damaged, require a high degree of maintenance, or otherwise lack durability.
6. A minimum of 30% of the lot shall be maintained in open space landscaped with grass, trees, shrubs, and other plant materials in accordance with Section 4.
7. Lots directly abutting arterial streets shall not exceed one drive access onto each street except as provided below. Common drives between adjacent landowners shall be encouraged in lieu of individual drives, recommended to be located with the common property line as the centerline of the drive and required

to be located a minimum of 40 feet from any other drive as measured from centerline to centerline. Where such common drive is provided and joint access easements to parking areas are provided, required parking spaces on each lot may be reduced in number by up to 5 percent.

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

F. **BULK REQUIREMENTS.** The following requirements shall be observed, subject to the provisions of Sections 4, 5, and 6.

1. Minimum Lot Area: 2 acres, provided that more than one principal building or use may occupy a minimum lot if said lot is jointly controlled and maintained by the occupants through establishment of a horizontal property regime or other legally enforceable agreement.
2. Minimum Lot Width: 300 feet.
3. Minimum Front Yard: 50 feet.
4. Minimum Side Yards: 50 feet.
5. Minimum Rear Yard: 50 feet
6. Maximum Height: No maximum, provided that no building shall exceed a bulk plane having a 14 degree altitude calculated from a horizontal plane extending through a line located eighteen feet above the average elevation of the rear lot line when the rear yard abuts a residential district, or when a commercial structure with an existing solar energy device or passive solar energy building design, said design to be previously documented and to include thermal storage, lies to the north.
7. Maximum Floor Area Ratio: (F.A.R.): 4.0.

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3.8 Industrial Districts

3.81 - M-1 LIGHT INDUSTRIAL DISTRICT

- A. Purpose. The purpose of this district is to provide space for modern landscaped industrial and commercial establishments which create limited or no hazards, noise, vibrations, smoke, dust, odors, heat, glare or other objectionable influences which would be offensive beyond the boundaries of the industrially zoned lot.
- B. Permitted Uses. Only those uses providing office or industrial services; manufacturing, processing, or assembly of materials or substances into new products; engaged in wholesale trade; or warehousing that are listed below shall be permitted, subject to compliance with all of the provisions of this District (Amended Ordinance No. 2002-07, May 14, 2002):
1. Uses permitted in the C-O District.
 2. Apparel and finished products made from fabrics.
 3. Printing, publishing and allied industries
 4. Boot and shoe cut stock and findings
 5. Leather gloves and mittens
 6. Glass and plastic products made of purchased glass or plastic
 7. Scientific and research instruments
 8. Measuring and controlling instruments
 9. Optical instruments and equipment
 10. Instruments, surgical, medical and dental
 11. Ophthalmic goods
 12. Photographic equipment (except film and chemicals)
 13. Watches, clocks and parts
 14. Jewelry, silverware and plated ware
 15. Musical instruments and parts
 16. Toys, amusement, sporting and athletic goods (except guns, howitzers, mortars, firearms and related equipment)
 17. Pens, pencils, office and artists supplies
 18. Costume jewelry, miscellaneous notions
 19. Research laboratories
 20. Research agencies
 21. Trade schools
 22. Public utility and service uses
 23. Radio and television stations
 24. Warehousing and truck terminals
 25. Communication towers with a maximum height of 150 feet, subject to the performance standards in Section 5.436.

C. Accessory Uses.

1. Uses clearly subordinate and customarily incidental to the principal use shall be permitted subject to the standards set forth in paragraph E.

D. Conditional Uses (Amended Ordinance No. 2002-07, May 14, 2002).

1. Restaurants and other retail uses.
2. Uses permitted in the M-2 District
3. Airports and heliports, including flying schools, hangers and terminal buildings, and other auxiliary facilities (45)
4. Air, railroad, freight terminals, railroad switching and classification yards, repair shops and roundhouses
5. Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed
6. Penal and correctional institutions
7. Sewage treatment plants
8. Stadiums, auditoriums, and arenas -- open or enclosed
9. Other manufacturing, processing, storage or commercial uses determined by the Planning and Zoning Commission to be of the same general character as the uses permitted in this district and found not to be obnoxious, unhealthful or offensive by reason of the potential omission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, heat, fire or explosive hazards
10. Communication towers with a height of more than 150 feet; towers for micro-wave relay, radio and television transmission, or other purposes; and towers located less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, subject to the performance standards in Section 5.436.
11. Animal shelters and kennels (Amended Ord. 2009-02, June 2, 2009).
12. Off-premise signs, as limited by the Sign Ordinance to replacement of existing legally nonconforming off-premise signs.
13. All other uses of a similar character as may be determined by the Board of Adjustment

E. Performance Standards (Amended Ord. 2000-22, October 3, 2000)

1. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
2. All refuse collection areas shall be fully enclosed by a 6 foot high opaque wood fence or masonry wall.

3. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property in accordance with the requirements of Section 4.3 for properties zoned "C-H".
4. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material in accordance with Section 4.

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3.82 - M-2 MEDIUM INDUSTRIAL DISTRICT

- A. Purpose. The purpose of this district is to provide space for industries that create a substantial nuisance but which do not create noxious nuisances and which are not a hazard to surrounding areas. They normally require heavy trucking in connection with their operations. Such industries should be located adjacent to freeways and highways. Areas set aside for their use should offer a wide selection of sites including some with access to rail transportation. An important consideration is the protection of surrounding residential, commercial and light industrial uses from possible objectionable influences created by this type of industry.
- B. Permitted Uses. Uses permitted in the "M-1" District, and manufacture, storage, assembly, fabrication, and processing of the following:
1. Guns, howitzers, mortars and related equipment
 2. Military tanks and tank components
 3. Sighting and fire control equipment
 4. Small arms
 5. Dairy products
 6. Canning and preserving food
 7. Bakers and baked goods
 8. Confectionery and related products
 9. Tobacco products
 10. Woven goods manufacturing mills (cotton)
 11. Woven goods manufactured (man-made fabrics)
 12. Fabric mills (dyeing and finishing)
 13. Narrow fabrics and small wares mills
 14. Knit goods
 15. Dyeing and finishing textiles (except wool and knit)
 16. Carpet products
 17. Spinning mill
 18. Miscellaneous textile goods (except oil-cloth)
 19. Saw mills and planing mills
 20. Millwork, veneer, plywood and prefab wood structures
 21. Wooden containers
 22. Household furniture
 23. Office furniture
 24. Public building and related furniture
 25. Partitions, shelving lockers, office and store fixtures
 26. Miscellaneous furniture and fixtures
 27. Paper and paperboard products
 28. Paperboard containers and boxes
 29. Drugs

30. Tires and inner tubes
31. Rubber footwear
32. Plastic products
33. Leather (finishing only)
34. Industrial leather belting and packing
35. Luggage
36. Handbags and other personal leather goods
37. Leather goods (not elsewhere classified)
38. Glass (flat)
39. Glass and glassware (pressed or blown)
40. Structural clay products
41. Pottery and related products
42. Cut stone and stone products
43. Iron foundry
44. Rolling, drawing, extruding non-ferrous metals
45. Non-ferrous foundries
46. Metal products fabrication and assembly
47. Machinery (except electrical)
48. Electrical machinery equipment and supplies
49. Motor vehicles and equipment
50. Boat building and repair
51. Railroad equipment
52. Motorcycles, bicycles and parts
53. Miscellaneous manufacturing industries
54. Trucking
55. Quick-freeze plant
56. Special storage (not elsewhere classified)
57. Motor freight terminals and maintenance facilities
58. Metal and minerals wholesaler (non petrol or scrap), automobile, truck and trailer body repair
59. Bus garages and bus lots
60. Off-premise signs having an area of not more than 300 square feet and height of not more than 25 feet.

C. Accessory Uses.

1. Uses clearly subordinate and customarily incidental to the principal use shall be permitted subject to the standards set forth in paragraph E."

D. Conditional Uses.

1. Animal shelters and kennels (Amended Ord. 2009-02, June 2, 2009).
2. Uses permitted in the M-3 District
3. Off-premise signs having an area of more than 300 square feet but not more

than 675 square feet, and a height of not more than 35 feet, as limited by the Sign Ordinance to areas with large-scale development.

4. Communication towers with a height of more than 150 feet; towers for microwave relay, radio and television transmission, or other purposes; and towers located less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, subject to the performance standards in Section 5.436.
5. All other uses of a similar character as may be determined by the Board of Adjustment.

E. Performance Standards (Amended Ord. 2000-22, October 3, 2000).

1. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
2. All refuse collection areas shall be fully enclosed by a 6 foot high opaque wood fence or masonry wall.
3. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property in accordance with the requirements of Section 4.3 for properties zoned "C-H".
4. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material in accordance with Section 4.

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3.83 - M-3 HEAVY INDUSTRIAL DISTRICT

- A. Purpose. The purpose of this district is to provide space for all industries and storage facilities that will, by the nature of their operation, emit odors, gases, dust, noise, smoke, heat, glare or vibrations in sufficient quantities to constitute a hazard to public health, safety or general welfare.
- B. Permitted Uses. Manufacture, storage, assembly, fabrication or processing of the following uses:
1. Meat products.
 2. Grain mill products.
 3. Sugar.
 4. Beverage industries.
 5. Miscellaneous food preparation and kindred products.
 6. Impregnated fabrics and oil-cloth.
 7. Logging and lumber products.
 8. Miscellaneous wood products.
 9. Pulp mills.
 10. Paper mills.
 11. Paper-board mills.
 12. Building paper and building board mills.
 13. Chemicals, industrial (inorganic and organic).
 14. Synthetic materials, plastics and man-made fibers.
 15. Soap, detergents, etc.
 16. Paints, varnishes, enamels, etc.
 17. Gum and wood chemicals.
 18. Agricultural chemicals.
 19. Miscellaneous chemical products.
 20. Petroleum refining and related industries.
 21. Reclaimed rubber.
 22. Fabricated rubber.
 23. Cement.
 24. Asbestos and non-metallic mineral products.
 25. Blast furnaces, steel works, drop hammer forge, rolling and finishing mills.
 26. Smelting and refining (non-ferrous metals).
 27. Secondary smelting and refining (non-ferrous metals).
 28. Miscellaneous primary metal industries.
 29. Photographic film and chemicals.
 30. Linoleum products.
 31. Matches (manufacturing only).
 32. Flour and grain storage elevators.
 33. Stockyards (livestock).
 34. Farm products and livestock (wholesale).

35. Coal and scrap iron (wholesalers).
36. Petroleum bulk stations and terminals.
37. Scrap and waste materials (wholesale).
38. Wholesaling (not elsewhere classified).
39. Leather tanning.
40. Off-premise signs having an area of not more than 300 square feet and height of not more than 25 feet.

C. Accessory Uses.

1. Uses clearly subordinate and customarily incidental to the principal use shall be permitted subject to the standards set forth in paragraph E.

D. Conditional Uses:

1. Sanitary landfill areas for dumping or disposal of garbage, refuse or trash.
2. Junk yards and auto graveyards.
3. Ammunition (manufacturing only), small arms.
4. Concrete, gypsum and plaster products.
5. Refuse systems, incineration and disposal of animals.
6. Off-premise signs having an area of more than 300 square feet but not more than 675 square feet, and a height of not more than 35 feet, as limited by the Sign Ordinance to areas with large-scale development.
7. Communication towers with a height of more than 150 feet; towers for microwave relay, radio and television transmission, or other purposes; and towers located less than 200 feet from the boundary of any property zoned for residential use or designated for such use by the Comprehensive Plan, subject to the performance standards in Section 5.436.
8. All other uses of a similar character as determined by the Board of Adjustment

E. Performance Standards (Amended Ord. 2000-22, October 3, 2000).

1. All outdoor storage of products or materials shall be effectively screened from adjacent streets and properties.
2. All refuse collection areas shall be fully enclosed by a 6 foot high opaque wood fence or masonry wall.
3. Where the lot abuts property zoned for residential use, a buffer shall be provided adjacent to such property in accordance with the requirements of Section 4.3 for properties zoned "C-H".
4. A minimum of 15% of the lot in addition to required landscape setbacks and buffer yards shall be maintained as open space landscaped with grass, trees, shrubs, and other plant material in accordance with Section 4.

3.9 “F-M” FLOODPLAIN MANAGEMENT DISTRICT (Amended Ord. 2009-03, June 16,2009)

3.91 Purpose and Intent. The “F-M” Floodplain Management District shall include and consist of the Floodway and Floodway Fringe Overlay Districts as set forth herein. The principal purpose of this District is to regulate areas of the community that the Federal Emergency Management Agency (FEMA) has determined to be subject to flooding in order to protect property and the public health, safety, and welfare. The regulations established by this District are intended to prevent such hazard areas from being developed or used in any manner that may increase threats of flooding or damages therefrom, and to thereby protect the City and its inhabitants from losses due to flooding and to promote public health, safety and general welfare by:

1. Reserving and restricting sufficient floodplain area to convey flood flows without substantially increasing flood heights or velocities;
2. Restricting or prohibiting uses and activities that are dangerous to health, safety, welfare or to property in times of flood, or which may cause excessive increases in flood heights or velocities;
3. Restricting uses that are vulnerable to floods or flood damage or requiring such uses to be initially designed and constructed to protect against flood damage, including public utilities and infrastructure that serves such uses, and requiring such design and construction to be properly maintained as long as such threats exist;
4. Regulating property located within any flood hazard area to prevent its utilization in any manner for which it is unsuited because of flood hazard; and
5. Assuring that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

The standards required by this District are deemed reasonable for regulatory purposes; their adoption and enforcement shall not be deemed to represent or imply that areas outside the designated special flood hazard areas are or will be free from flooding or flood damages.

3.92 “FW” FLOODWAY (OVERLAY) DISTRICT

- A. Lands to Which This Subsection Applies (Amended Ord. 2000-15, July 11, 2000). The provisions of this Overlay District shall apply to all lands within the jurisdiction of the City of Urbandale which are designated as FLOODWAY on the Flood Insurance Rate Map for Urbandale, Iowa, No. 190230 0010-0010 dated July 19, 2000, and on the Flood Insurance Rate Map for Dallas County, Iowa, No. 19049C0140D dated January 19, 2000, and any revisions to said maps, and those portions of lands

within the approximate 100 year flood boundaries as shown on said maps and determined by the Department of Natural Resources to be floodway, and further detailed through Flood Insurance Studies as conducted by the Federal Emergency Management Agency (FEMA).

B. Permitted Uses. The following uses shall be permitted within the Floodway Overlay District to the extent that they are not prohibited by any underlying zoning district and provided they meet the performance standards set forth in Paragraph D; further provided that placement of structures, factory-built dwelling units, recreational vehicles, fill or other obstruction; the storage of materials or equipment; excavation; or alteration of a watercourse shall not be permitted or allowed.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic ground, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, fishing areas, hiking and horseback riding trails.
3. Residential accessory uses such as lawn, gardens, play areas, and parking areas for single family residential.
4. Other open space uses similar in nature to the above uses.
5. Public storm and sanitary sewer lines, water mains, and underground utility lines subject to the Performance Standards set forth in Paragraph D.

C. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment shall be permitted to the extent that they are not prohibited by any underlying zoning district only upon issuance of a Conditional Use Permit by the Board of Adjustment. Such uses shall also meet the applicable provisions of the Floodway District Performance Standards set forth in Paragraph D.

1. Uses or structures accessory to open space uses
2. Circuses, carnivals, and similar transient amusement enterprises
3. Extraction of sands, gravel, and other materials
4. Marinas, boat rentals, docks, piers, wharves
5. Utility transmission lines, underground pipelines
6. Parking and loading areas for multiple family residential, commercial, or industrial uses
7. Other uses which are consistent with the provisions and the general spirit and purpose of the Floodway District

D. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards:

1. No use or structure shall be permitted in the Floodway District that would result in any increase in the 100 year flood 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. All uses within the Floodway District shall:
 - a. Be consistent with the need to minimize flood damage
 - b. Use construction methods and practices that will minimize flood damage
 - c. Use construction materials and utility equipment that are resistant to flood damage
3. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system
4. Structures, buildings, and sanitary and utility systems, if permitted, shall be constructed or aligned to present the minimum possible resistance to flood flows
5. Buildings, if permitted, shall have a low flood damage potential and shall not be used for human habitation
6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited
7. Watercourse alterations or relocations (channel changes and modifications) shall be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations shall be approved by the Department of Natural Resources
8. Any fill allowed in floodway shall be shown to have some beneficial purpose and shall be limited to the minimum amount necessary
9. Pipeline crossings of rivers or streams shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows
10. Factory-built dwelling units or recreational vehicles shall not be permitted

3.93 “FF” FLOODWAY FRINGE (OVERLAY) DISTRICT

- A. Lands to Which This Subsection Applies (Ord. 2000-15, July 11, 2000). The provisions of this Overlay District shall apply to all lands within the jurisdiction of the City of Urbandale which are designated as FLOODWAY FRINGE on the Flood Insurance Rate Map for Urbandale, Iowa, No. 190230 0001-0010 dated July 19, 2000, and on the Flood Insurance Rate Map for Dallas County, Iowa, No. 19049C0140D dated January 19, 2000, and any revisions to said maps, and those portions of lands within the approximate 100 year flood boundaries as shown on said maps and determined by the Department of Natural Resources to be floodway fringe, and further detailed through the flood insurance studies as conducted by the Federal Emergency Management Agency (FEMA).
- B. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are permitted by any underlying zoning district and provided they meet applicable performance standards of the Floodway Fringe Districts as set forth in Paragraph C below.
- C. Performance Standards. All uses shall be consistent with the need to minimize flood damage and shall meet the following applicable performance standards:
1. All structures and factory-built dwelling units shall:
 - (a) be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) be constructed with mechanical, electrical, utility equipment designed or located to prevent flood waters from entering or accumulating in said equipment; and
 - (c) be constructed by methods and practices and of materials that minimize flood damage.
 2. Residential buildings. All factory-built dwelling units located in other than an approved manufactured dwelling park and new or substantially improved residential buildings, and buildings accessory thereto, shall have the lowest floor, including basements, elevated a minimum of 1.0 foot above the 100 year flood level. Construction or placement shall be upon compacted fill which shall, at all points, be no lower than 1.0 foot above the 100 year flood level and extend at such elevation at least 18 feet beyond the limits of any building or factory-built dwelling unit erected or placed thereon.

Alternate methods of elevating (such as piers) may be allowed, but only if topographic conditions, existing street grades, or other factors preclude elevating by fill to the extent of being deemed confiscatory. In such cases, a professional engineer registered in the State of Iowa shall design and certify that the proposed construction will be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. Not more than 40% of the perimeter of the area below the lowest floor shall be enclosed by supports, walls, screens, louvers, or other devices. Such area shall be unfinished and shall not be used for any purpose except parking of vehicles and access to the building from the exterior. The bottom of all openings shall be no higher than one foot above grade and shall allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces. All materials shall be impervious to water damage.

All new dwelling units shall be provided with a means of access which will be passable by wheeled passenger vehicles during the 100 year flood.

3. Non-residential buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of 1.0 foot above the 100 year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the design and methods of construction 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 watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are floodproofed shall be maintained by the Zoning Administrator.
4. Mechanical equipment, Utility, Water and Sanitary Systems
 - a. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be elevated a minimum of one (1) foot above the 100 year flood level.
 - b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100 year flood elevation.
 - c. On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
 - d. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than

- one (1) foot above the 100 year flood elevation.
- e. 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.
5. 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 (1) foot above the 100 year flood level. Other material and equipment shall either be similarly elevated or not be subject to major flood damage and be anchored to prevent movement due to flood waters.
 6. Flood control structural works such as levees, floodwalls, etc. shall provide, at a minimum, protection from a 100 year flood with a minimum of 3 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
 7. 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.
 8. 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 intended for residential development shall provide all lots with a means of access for wheeled vehicles that will remain dry during occurrence of the 100 year flood.
 9. Factory-built dwelling units which are placed in a manufactured dwelling park and are subject to the stresses of flooding shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that: (a) over-the-top ties be provided at each of the four corners of the factory-built dwelling unit with two (2) additional ties per side at intermediate locations for factory-built dwelling units 50 feet or more in length or one (1) such tie for factory-built dwelling units less than 50 feet in length; (b) frame ties be provided at each corner of the factory-built dwelling units with five (5) additional ties per side at intermediate points for factory-built dwelling units 50 feet or more in length or four (4) such ties for said dwelling units less than 50 feet in length; (c) all components of the anchoring system be capable of carrying a force of 4800 pounds; and (d) any additions to the factory-built dwelling units shall be similarly anchored.
 10. Factory-built dwelling units placed or substantially improved in a manufactured dwelling park, including existing parks, shall be elevated by means of compacted fill or permanently placed reinforced piers or other foundation

elements of at least equivalent strength such that the lowest floor of the unit and any addition thereto is a minimum of one (1) foot above the 100 year flood level.

At a minimum, reinforced piers shall include a footing extending below the frost depth and designed to support the weight of the dwelling under saturated soil conditions, and shall be designed and certified by a professional engineer registered in the State of Iowa as being adequate to withstand the stresses caused by flooding.

11. Recreational vehicle spaces or campsites shall be elevated by means of compacted fill such that the elevation of such pads or campsites is a minimum of one (1.0) foot above the 100 year flood level.

3.94 Administration of Floodplain Management District

A. Duties and Responsibilities of Zoning Administrator

1. It shall be the responsibility of the Zoning Administrator, hereinafter referred to as the Administrator, to administer and enforce the provisions of Subsections 3.92 and 3.93.
2. Duties and responsibilities of the Administrator for said Subsections shall include, but not necessarily be limited to, the following:
 - a. Review all floodplain development permit applications to insure that the provisions of Subsections 3.92 and 3.93 have been satisfied.
 - b. Review all floodplain development permit applications to insure that all necessary permits have been obtained from federal, state or local governmental agencies.
 - c. Record and maintain a record of (1) the elevation (in relation to City datum) of the lowest floor of all new or substantially improved buildings; or (2) the elevation to which new or substantially improved structures have been floodproofed.
 - d. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.
 - e. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of said Subsections 3.92 and 3.93.
 - f. Submit periodic reports as required by the Federal Insurance Administrator concerning the community's participation, utilizing the report form supplied by the Federal Insurance Administrator.
 - g. Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.

- h. Review subdivision proposals to insure such proposals are consistent with the purposes of said Subsections 3.92 and 3.93 and advise the City Council of potential conflicts.
- i. Notify the Department of Natural Resources of any variances applied for from the term of Subsections 3.92 and 3.93 and of the action taken thereon.

B. Floodplain Development Permit

1. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to initiation of any floodplain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations). For any development subject to the requirements of the Site Planning Ordinance, such Permit shall be applied for at or before the time of Site Plan submittal.
2. Application for Permit. Application for a Floodplain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:
 - a. Description of the work to be covered by the permit for which application is to be made.
 - b. Legal description of the land on which the proposed work is to be done that will readily identify and locate the work to be done.
 - c. Indication of the use of occupancy for which the proposed work is intended.
 - d. Elevation of the 100 year flood.
 - e. Elevation (in relation to City and N.G.V.D. datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - g. Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.
3. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for Conditional Uses or variances except as directed by the Board of Adjustment.

4. Construction and Use to be as provided in Application and Plans. Floodplain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 8. The applicant may 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 Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

1. Conditional Uses. Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration in accordance with Section 8.9 of this Ordinance.
2. Variances. The Board of Adjustment may authorize variances requested from the terms of Subsections 3.92 and 3.93 in specific cases that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted shall meet the following applicable standards in addition to all customary standards for the granting of a variance:
 - a. No variance shall be granted for any development within the Floodway District which would result in any increase in floods during the occurrence of the 100 year flood.
 - b. Variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
 - c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Zoning Administrator that (1) the issuance of a variance will result in substantially increased premium rates for flood insurance which may be as high as \$25 for \$100 of insurance coverage and (2) such construction increases risks to life and property.
 - e. Notification of all variances filed for relief from the requirements of Subsection 3.92 and 3.93 shall be forwarded by the Administrator to the

Department of Natural Resources within a reasonable time prior to the hearing; notification of all such variances granted shall be forwarded by the Administrator to the Department of Natural Resources within ten (10) days after the date of the Board's action.

3. Decisions of the Board of Adjustment. In granting a Conditional Use or variance, the Board shall consider such factors as contained in this section and all other relevant sections of this Ordinance and may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
4. Factors Upon Which the Decision of the Board Shall be Based. In passing upon applications for Conditional Uses or requests for variances, the Board shall consider all relevant factors specified in other sections of this ordinance and
 - a. The danger to life and property due to increased flood height or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a floodplain location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

5. Conditions attached to Conditional Uses or Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Conditional Uses or variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:
- a. Modifications of waste disposal and water supply facilities.
 - b. Limitation on periods of use and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Ordinance.
 - e. Provision of floodproofing measures of such design as is 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 Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

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3.10 P.U.D. PLANNED UNIT DEVELOPMENT DISTRICT

- A. PURPOSE. The purpose of this district is to promote and encourage development or redevelopment of tracts of land on a planned, unified basis by allowing greater flexibility and diversification than is normally permitted by conventional single lot development in other zoning districts, because of the substantial public advantages of planned development. Although Planned Unit Developments (P.U.D.'s) may appear to deviate in certain respects from a literal interpretation of the Comprehensive Plan, regulations adapted to such unified planning and development are intended both to accomplish the purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design, and a better living environment.
- B. WHERE PERMITTED. Planned Unit Developments shall be permitted on any two(2) acre or larger tract of land that has been zoned or rezoned for P.U.D. purposes by the City Council. Said P.U.D.'s may consist of residential, commercial, industrial, public, semi-public and/or conservancy land uses.
- C. PROCEDURE.
1. Pre-application conferences. In order to eliminate unnecessary expenditures of time and money, the developer shall first schedule a pre-application conference with the Director of Community Development, who shall involve representatives of other Departments as deemed appropriate. The Director may require submittal of a generalized sketch plan providing such information as follows:
 - a. Location and size of the overall site, and of the individual types of development or uses proposed within the site.
 - b. Existing topography, indicating major earth-work areas, storm water runoff and detention considerations, floodplains, and any problem areas.
 - c. Existing tree masses and other geological and environmentally important characteristics.
 - d. Generalized vehicular and pedestrian systems and parking areas.
 - e. Generalized building locations.
 - f. Approximate gross density, and number and types of dwelling units "in accordance with the Comprehensive Plan"; approximate gross floor areas of commercial and industrial land uses.
 - g. Generalized utility line considerations with sanitary sewer capacity limitations so noted.
 - h. Generalized public and private ownership boundaries, including common ownership areas, if any.

- i. Generalized building locations for small P.U.D. proposals.

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

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

2. Application for Rezoning. Following the pre-application conference the applicant shall submit a petition for rezoning in accordance with standard City procedures for rezoning, accompanied by a Master Plan and related documents containing the information required by other paragraphs of this section, and required fees.

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

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

3. Final Plans. Final plans for the Planned Unit Development shall be comprised of site plans and/or preliminary and final subdivision plats as appropriate to the situation due to requirements of the site planning and subdivision ordinances or specific provisions of the Master Plan. Such site plans and plats shall contain all information and be processed in the manner set forth in said ordinances, in addition to complying with any specific provisions of the Master Plan, and shall generally comply with the development concepts outlined in the Master Plan. No public notice or hearing shall be required for Final Plans unless required by the Master Plan or caused to be required by the Commission or Council as deemed appropriate. Provided that deviation from the Master Plan may be permitted as refinements to the design and planning if not defined by this ordinance as a substantial modification requiring amendment to the Master Plan. Such deviations shall be expressly set out and shall be approved by the Planning and Zoning Commission and City Council.

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

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

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

4. Amendments or Modifications. Substantial modifications to the Master Plan shall be processed in the same manner as a rezoning and additionally shall comply with the provisions of paragraph 2 above. Notice and public hearing requirements, and the effect of a denial shall be the same as for rezoning, provided that the notification area shall be those property owners proximate to the parcel covered by the amendment, as opposed to the entire P.U.D. Further provided that in the event a requested amendment for a portion of the entire

P.U.D. is denied, such action shall not create any limitations under rezoning procedure on the filing of an amendment to another portion of the P.U.D. having a substantially different notification area. Any ambiguities or disputes between this section and procedures for rezoning shall be resolved in favor of the more restrictive requirements.

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

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

D. INFORMATION REQUIRED ON MASTER PLAN. The following information, plans and maps shall be submitted as part of the application for a Planned Unit Development:

1. Names, addresses, and telephone numbers of owners, developer, and designer; name of development, date, north point, and scale;
2. Legal description of the P.U.D., and map of the boundary of the proposed P.U.D. as well as interior boundaries of proposed development phases, and of any existing separate ownerships;
3. Sufficient information on adjacent properties to indicate relationships to the proposed development, including such information as land divisions, land use, pedestrian and vehicular circulation, significant natural features or physical improvements, and drainage pattern;

4. Existing site conditions including contours at intervals sufficient to indicate topographic conditions (generally two feet), drainageways and 100 year flood plains, floodways, heavy woods or other significant natural areas, and existing structures;
5. General locations of proposed lots and attached residential, multiple family, commercial, and industrial structures, and recreation facilities; further delineating areas with different uses or building types, and gross density per acre;
6. General location and size of areas to be dedicated or reserved for common open space, park, schools, recreation area, and similar uses, and how any private facilities are proposed to be maintained;
7. Existing and proposed general circulation systems, including streets, pedestrianways, major off-street parking and loading areas, and major points of access;
8. Existing and proposed general sanitary and storm sewer systems, water mains, and drainageways;
9. Proposed development standards, including uses, density, floor area ratios for nonresidential developments, lot areas and widths, setbacks, and exceptions or variances from general requirements of zoning and other ordinances;
10. Sewer usage computations in accordance with the criteria of the sewer district;
11. Treatment of transitional zones around the perimeter of the project for protection of adjoining properties, including setbacks and buffer areas, landscaping, fences or other screening, height limitations, or other provisions;
12. A narrative or graphic explanation of the planning and design concepts and objectives the owner intends to follow in implementing the proposed development, including a description of the character of the proposed development; the rationale behind the assumptions and choices made; the compatibility with the surrounding area; and design considerations for architecture, engineering, landscaping, open space, and so forth;
13. A statement of intent with regard to selling or leasing all or portions of the proposed development;
14. Proposed energy conservation methods, such as siting or design of structures; and

15. Proposed phasing timetable.

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

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

E. Development controls. Although P.U.D.'s are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this ordinance;

1. Any use that is approved and made a part of the Master Plan, subject to any conditions attached thereto, shall be permitted;
2. Height, setback, bulk, and other requirements set out in the Master Plan shall constitute the basis for and become the zoning requirement for that particular P.U.D., provided that refinements may be made through final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the Master Plan, the requirements of the most proximate zoning district, as defined by use, shall be applied; communication towers may be allowed on nonresidential properties, as either a permitted or conditional use, in accordance with the regulations for the district which the P.U.D. most closely approximates, as determined by the uses permitted and strictly construed to be a conditional use under the more restrictive district in the event of any question as to applicable regulations.
3. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional elements and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this is the most feasible means of developing the property in terms of access, sewer service, or similar

physical constraints, or will permit earlier development of common amenities;

4. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation, and architectural compatibility. It is the intent of this ordinance to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and bulk, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls, and berms will channel access and control visual, sound, and light pollution; proper architectural use of color, bulk, materials, and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrianways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards, and help prevent introduction of noise, pollutants, and other conflicts into areas with less intensive land use. Other techniques may also be used.
5. There shall be a minimum setback of twenty (20) feet for any garage whose opening faces the street.
6. Permanent care and maintenance of open space, recreation amenities, and other common elements shall be provided in a legally binding form. If the common elements are to be maintained by a homeowners' association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following requirements at the time the final plat or site plan is filed;
 - a. Membership shall be mandatory for each home buyer and any successive buyer.
 - b. The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate except by approval of both the homeowners' association and the City of Urbandale.
 - c. The homeowners' association shall be responsible for liability insurance,

local taxes, and the maintenance of recreational and other facilities.

- d. Home owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.
 - e. The association shall be able to adjust the assessment to meet changes needed.
 - f. No change in open space use or dissolution of homeowners' association shall occur without approval by the City of Urbandale.
7. Private open space shall be provided adjacent and accessible to each dwelling consisting of balconies, deck, or yard. Required open space on the ground level shall generally have a minimum dimension of fifteen (15) feet and minimum area of four hundred (400) square feet, and one-half of the required area shall not exceed a slope of five (5) percent. Private open space for dwelling units located entirely above the ground floor shall generally have a minimum dimension of six (6) feet and minimum area of sixty (60) square feet.
8. Performance bonds may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.
9. Except where the City agrees to other arrangements, a P.U.D. shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.
- F. VALIDITY. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the Department of Community Development. The Director shall review the circumstances and prepare a report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning Commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the applied immediately prior to the rezoning to P.U.D. except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

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

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

- G. APPLICATION TO EXISTING P.U.D. DISTRICTS. Existing P.U.D. districts shall comply with the requirements and provisions of this section, provided that no additional filings shall be required to maintain current valid status, and no currently expired approvals shall be deemed to have been reapproved by passage of this ordinance. Validity of existing P.U.D.'s shall be computed according to the time limits set forth herein from the effective date of this ordinance.

- H. FEES. No action shall be taken by the Planning and Zoning Commission on any proceedings unless and until all fees, taxes, and charges have been paid in full in accordance with Section 8.10 of this Ordinance. (Amended Ord. 2009-02, June 2, 2009).

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SECTION 4: GENERAL PROVISIONS (Amended Ord. 2000-22, October 3, 2000)

4.1 General Regulations for Land and Structures.

- A. Corner Lots. For corner lots platted after September 26, 1974, the minimum setback along the longer street frontage shall be equal to or greater than the minimum front yard setback required for that district or classification, depending on paragraph C and other requirements of this section.

Corner lots created after July 1, 2000 shall be a minimum of twenty feet wider than the minimum lot width required by the zoning district the lot is located in, and corner lots with side yards adjoining a municipal arterial or other street carrying higher traffic volumes shall be a minimum of forty feet wider than the minimum lot width required by the district.

On corner lots platted and of record on or before September 26, 1974, the minimum side yard setback shall apply to the longer street frontage of the lot except in the case of reverse frontage lot, defined as a corner lot whose side yard adjoins the street that the lot to the rear fronts on. The minimum setback on the longer street frontage on reverse frontage lots shall be one-half of the minimum front setback required for the lot to the rear of the reverse frontage lot, and accessory buildings on the reverse frontage lot shall not project beyond the minimum front setback of the lot to the rear. However, the setback on the longer street frontage of reverse frontage lots of record on or before September 26, 1974 shall be reduced to the minimum extent necessary to provide a minimum buildable width of twenty-eight feet on said lot, and if necessary so erection of an accessory building is possible.

- B. Accessory Buildings. (Amended Ord. 2009-02, June 2, 2009)

- (1) Detached buildings. No detached accessory building shall be erected within the minimum setback required along any street, or within the minimum side yard setback required for a principal structure. Accessory buildings shall be located a minimum of ten feet from any other building or structure other than a fence on the same property unless fire protection is installed within the accessory building in accordance with the provisions of the Urbandale Building Code for an attached garage, in which case such minimum separation may be reduced to six feet. An accessory building shall not exceed twelve feet in height except as provided herein.

Detached accessory buildings for a single family residence shall not occupy more than thirty percent of the dwelling's rear yard; shall have minimum setbacks of three feet from all property lines if the building's main floor is 720 square feet or less in area; minimum setback of ten feet from the rear property line and comply with the minimum side yard setbacks for the principal structure

if the building's main floor area is more than 720 square feet but less than 1,000 square feet, or if a detached accessory building exceeds 12 feet but is not more than 14 feet in height; and shall comply with all setback requirements for a principal structure if the building's main floor area exceeds 1,000 square feet of floor area or if a detached accessory building has a height of more than fourteen feet.

Detached accessory buildings for multi-family or nonresidential uses shall have minimum setbacks of ten feet from all property lines if the building's main floor has less than 1,000 square feet of area; and shall have minimum setbacks of 25 feet from all property lines if the building's main floor area exceeds 1,000 square feet or if the building has a height of more than twelve feet.

No detached accessory building shall exceed a height of 25 feet in any case.

- (2) Attached and breezeways. Accessory buildings except stables may be erected as part of the principal building, or if separated from the principal building the distance required in paragraph 1 above may be connected to the principal building by a breezeway or similar structure, provided the accessory building complies with all yard requirements for a principal building.
- (3) Principal Use Required. No accessory building shall be constructed upon a lot until the construction of the principal building has been actually commenced, and no accessory building shall be used unless the principal building is also being used.
- (4) Additions creating nonconformity. In the event that a legally existing detached accessory building will be made nonconforming by reason of being placed in a side yard by an addition to a principal building, such existing accessory building may be retained as a legal nonconforming structure provided the following conditions have been met:
 - a) that the existing accessory building and the addition to the principal building comply with all other zoning regulations and the Urbandale Building and Fire Codes including but not limited to separation between principal and accessory structures and other regulations specified by paragraphs 1 and 2 of this subsection.
 - b) the location and design of the addition to the principal building is determined by the Zoning Administrator to be the only reasonable and practical location for the addition.
 - c) the accessory building has been in existence for a minimum of three (3)

years as determined by the date of the certificate of occupancy or other verifiable means.

- d) the Zoning Administrator determines that the nonconformity created does not alter the character of the neighborhood nor impair health, safety, or general welfare.

Such nonconforming accessory building shall not be constructed as part of the principal building nor attached thereto by a breezeway or similar structure.

Such nonconforming accessory building shall be subject to the provisions of Section 7 and shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to be in full compliance with paragraphs 1, 2, and 3 of this subsection and other applicable regulations and requirements of the Zoning Ordinance and other applicable Codes, and if damaged to the extent of more than fifty (50) percent of its assessed value, or is abandoned or becomes obsolete, it shall not be restored except as to comply with the provisions of paragraphs 1, 2, and 3 of this subsection and all other applicable regulations and requirements.

If a building permit is denied by the Zoning Administrator because of failure to meet conditions (a) through (d) above or for other reasons specified by this Ordinance, the applicant may appeal the decision to the Board of Adjustment as provided by Section 8.

- (5) Providing Area for Accessory Structures. Area should be provided for accessory buildings on properties zoned for detached single family residences by preserving an area upon which a twenty-two feet by twenty-two feet detached structure or a twelve by twenty-two feet attached accessory structure can be located in compliance with all applicable regulations. Such area and access thereto shall have a slope of five percent (5%) or less and be suited for the intended purpose. Failure to include such provisions shall be grounds for rejecting plans for a principal structure or additions thereto.

C. Increased Setback Requirements.

- (1) Major Streets. For lots created after July 1, 2000 in the "A-1", "A-2", "R-1L", "R-1I", "R-1S", "R-2", "R-3", and "R-4" Districts, the minimum setback along a street classified as a collector street shall be the minimum required by the zoning district or 35 feet, whichever is more. The minimum setback in said Districts along a street classified as a municipal arterial street or higher traffic volumes shall be the minimum required by the zoning district or 50 feet, whichever is more. The increased setback requirement shall apply regardless of whether the adjoining yard is a front, side, or rear yard.

- (2) Platted Setbacks. If a setback is established on a subdivision plat that is greater than the minimum setbacks otherwise required by the Zoning Ordinance, the platted setback shall be the minimum requirement. Where the setback or minimum lot size of a plat has been approved, the more restrictive requirements shall be observed.
 - (3) Average Front Yards. In the "A-1", "A-2", "R-1L", "R-1I", "R-1S", "R-2", "R-3", and "R-4" Districts, the required front setback shall be increased to the average of the existing front yards of the abutting principal buildings on each side to a maximum setback of fifty feet on a local or collector street and seventy-five feet on an arterial street or other major street with high traffic volumes. Additions in the front yards of existing buildings shall not project beyond the average existing setbacks of the principal buildings on the abutting lots.
 - (4) Full Right-of-Way Not Acquired. If the full right-of-way width has not been acquired for a public street, the minimum setbacks along the side of the street where additional right-of-way is to be acquired shall be increased in the amount specified herein on lots created after July 1, 2000, and the minimum setbacks shall be measured from the centerline of said street. The amount of increase shall be in accordance with the classification of the street by the Comprehensive Plan, as follows: local street classification, 25 feet; collector street, 30 feet; arterial street or any other street, 60 feet.
 - (5) Lots Adjoining More Restrictive Districts. If a lot adjoins the boundary of a more restrictive zoning district, the minimum width of the side yard or rear yard on that side directly abutting the more restrictive district shall equal or exceed the minimum setback of the adjoining yard of the lot in the more restrictive district. If the minimum setback along the street in the less restrictive district is smaller than that of the more restrictive district, said setback shall be increased to equal or exceed the average of the minimum setbacks required along the street in the two districts for a distance of at least one-hundred and fifty feet from the district boundary line."
- D. Minimum Lot Depth. For lots created after July 1, 2000 the minimum lot depth shall be 115 feet as measured at the shallowest point unless the lot backs up to a street classified as a municipal arterial or higher traffic volume, in which case the minimum lot depth shall be 175 feet.
- E. Street Frontage Required. All Lots shall abut upon a public street and each lot shall have a minimum frontage of sixty (60) feet. Except that lots platted after the effective date of this Ordinance shall adhere to the standards and regulations applicable to the district in which they are found.

- F. Lot Required for Each Principal Structure. All Principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot.
- G. Full Right-of-way Width Required. No Zoning Compliance Permit shall be issued for a lot that abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- H. Private Sewage and Water Systems. If public sewage service is not available, the minimum lot width and area shall be 150 feet and one acre respectively, or larger if greater width or area is found to be necessary by the County Health Department or City Engineer to maintain safe and healthy conditions for a private well for domestic water supply or an on-site sewage disposal system.
- I. Paving in Front Yard. Not more than 30 percent of the front yard of any single family residence shall be paved, provided that this shall not be construed to prevent a two-car driveway together with a paved apron leading to parking spaces located behind the minimum setback line.
- J. Hazardous Site Conditions. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Zoning Administrator by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses.

4.2 Use Restrictions. (Amended Ord. 2009-02, June 2, 2009)

The following use restrictions and regulations shall apply:

Principal Permitted Uses. No building, structure, land, or water shall be used for any use not listed as a principal permitted use in the district in which it is located, except for an accessory use customarily incidental and clearly subordinate to a principal permitted use on the same lot. All other uses are expressly prohibited unless judged by the Zoning Administrator to be substantially similar to a listed permitted use.

For the purposes of administering the commercial districts, permitted uses are listed in terminology intended to be consistent with the Standard Industrial Classification Manual, 1972 and the 1977 Supplement thereto, as issued by the U.S. Department of Commerce and on file in the office of the Department of Community Development, said publication hereinafter referred to as the SIC. The SIC classifies uses according to

major groups designated by two-digit numbers, whose characteristics are described. Such group or industry code numbers are listed in parenthesis as appropriate for ease of reference to the SIC, and shall have no other purpose. Where a group or subgroup is listed as a permitted use it is intended that all individual uses listed by the SIC within such group or subgroup be permitted unless otherwise stated, subject to all requirements of this Ordinance. It is further intended that where an individual use is listed as a permitted use only that use shall be permitted and all other uses within the group or subgroup are expressly prohibited.

Accessory Uses and Structures are permitted in any district, but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include but not limited to: minor storage; parking facilities; garages; gardening; fences; servant's, owner's, and watchman's quarters not for rent; the rooming of not more than two (2) persons; private swimming pools; and private emergency shelters.

Conditional Uses and their accessory uses are considered as exceptions requiring review and approval by the Board of Adjustment, in accordance with Section 8.9.

Reduction or Joint Use. No existing lot, yard, parking area, building area, or other space shall be reduced in area or dimension to less than the minimum required by this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be credited towards meeting the minimum requirements for any other structure or use, provided that parking spaces which exceed the minimum required by this Ordinance for the principal usage of one property may be leased as satellite parking to another principal use to comply with the requirements of this Ordinance in the manner permitted and limited by Section 5. The area occupied by such leased parking may be utilized to meet minimum setback requirements of this Ordinance for the property on which it is located, but shall not be counted towards compliance with minimum lot area, open space, or any other requirement of this ordinance, and shall be restricted to usage by the principal use to which it is leased.

4.3 Buffers.

4.31 Purpose. A buffer is a unit of yard together with plantings and other screening designed to create a necessary transition and physical barrier between contrasting land uses, by separating them from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, odor, intrusion on privacy, danger from fires or explosions, and other adverse influences. It shall be recognized that such buffer is necessary to achieve the goals of this Ordinance, and that the creation of Districts in itself does not sufficiently protect adjoining properties from possible harm or detrimental influences.

4.32 Location and Use. Buffers shall be located on the entire common perimeter of the

contrasting uses, and extend to the lot lines. No part of any required buffer shall be used for parking, storage, loading, active recreation, locating refuse containers, or similar activity which may create a nuisance. It may be used for passive recreation.

4.33 Provision of buffer. The burden of provision and selection of the buffer shall be as follows:

- A. If existing properties located in different Districts were fully improved prior to establishment of buffer requirements, partial or total noncompliance with the buffer requirements of this Section shall be deemed a legal nonconformity. Should a buffer be desired where a conforming buffer does not exist, or the requirements are increased because of a zoning change or other reason, the establishment or increase of a buffer shall be by mutual agreement between property owners, by conditions of rezoning, or as otherwise provided by law. However, if an existing improved property is redeveloped, the legal nonconformity for that portion of such property being redeveloped shall be considered to be extinguished, and the land to be vacant land and subject to the buffer requirements.

If a buffer currently exists all or in part, even if not required at the time of initial development, it shall not be reduced or otherwise modified in a manner that creates or increases nonconformity.

- B. Where a residentially zoned area has been subdivided, the developer of a vacant commercial property shall be responsible for providing the buffer; where the commercial buildings exist or are under construction, the developer of a vacant residential area shall provide the buffer.

4.34 Permitted buffer options. Any of the following options may be utilized for the initial development, unless a specific requirement is established by agreement with neighboring property owners; by the Board of Adjustment for a conditional use; or by the City Council as a condition of zoning or site plan approval to mitigate conditions that may otherwise be detrimental to adjoining residential properties. Buffer areas shall be seeded or sodded with turf grass, planted with other approved ground cover, or satisfactorily mulched, and shall not be less than ten (10) feet in width.

Once a buffer has been established, it shall not thereafter be eliminated or reduced to a lower standard except after public hearing and approval by the City Council in accordance with the procedures for a rezoning, and a finding that conditions have changed to such extent that they can be satisfactorily mitigated by lesser, alternative measures. For the purposes hereof, option (1) of the following paragraphs A and B shall be considered to be a lower standard than option (2), and likewise option (2) to be a lower standard than option (3) by reason of greater circulation control, noise attenuation, reduced maintenance, and other mitigation.

- A. Buffers shall be provided for churches and other religious organizations located in the "A-2", "R-1L", "R-1I", "R-1S", "R-3", and "R-4" Districts, commercial "O-R" uses, and properties zoned "C-O", "C-N", or "C-G" that adjoin properties zoned for any residential use, and properties zoned "C-H" that adjoin any properties zoned "O-R", in accordance with any one or approved combination of the following options:
1. A buffer yard of 26 feet or more in width; and 9 coniferous overstory trees, 10 understory trees, and 20 shrubs for each 100 lineal feet; or
 2. A buffer yard of 25 feet or less in width; a 5 foot high earth berm or 6 foot high opaque wood fence; and 3 overstory trees, 6 understory trees, and 9 shrubs for each 100 lineal feet; or
 3. A 6-foot high masonry wall, to be designed with face brick, stucco, or similar finished surface facing towards the residential district.
- B. Buffers shall be provided for properties zoned "C-H", "M-1", "M-2", or "M-3" that adjoin properties zoned for any residential use, in accordance with any one or approved combination of the following options:
1. A buffer yard 35 feet or more in width; 4 foot high earth berm or opaque wood fence; and 4 deciduous overstory trees, 6 understory trees, 6 coniferous overstory trees, and 15 shrubs for each 100 lineal feet.
 2. A buffer yard with a minimum width of 25 feet; 5 foot high earth berm or 6 foot high opaque wood fence; and 9 coniferous trees, 10 understory trees, and 20 shrubs for each 100 lineal feet; or
 3. A 6-foot high masonry wall, to be designed with face brick, stucco, or similar finished surface facing towards the residential district; and 6 coniferous trees for each 100 lineal feet.

4.35 Exceptions and Substitutions.

- A. Blank Wall. Berms or fences otherwise required need not extend along the building, and planting requirements may be reduced by ten percent (10%), if the building is designed to have no windows, or entrances other than minimum required emergency exits, nor to have any other potential source of noise, light, hazard, or other nuisance orienting onto the buffer yard; provided that this shall not be construed to reduce buffer requirements along parking or loading areas and similar areas of activity.
- B. Existing trees. Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements. Oaks, maples, lindens, and similar high quality trees with a diameter of 4" or more, measured at a height of 4 feet, may be credited at a ratio of 2 existing trees for 3 required.

- C. Coniferous or evergreen. Such trees or shrubs may be substituted without limitation for deciduous material.
- D. Solar Access. Where solar access is to be protected on adjoining property, understory trees may be substituted for overstory trees where overstory trees would destroy such access.

4.36 Minimum size and distribution. Buffers shall be designed, and plant material distributed as deemed most appropriate by the Department of Community Development for protection of adjoining properties. Consideration will be given to topography, prevention of prohibited use of the buffer area, preservation of solar access, privacy, and similar concerns.

Plant materials shall not be pruned or otherwise prevented from growing to sufficient size to perform the intended purpose, and shall be so sized at planting to provide the desired buffering within a reasonable time period. Generally, overstory trees shall be 8 feet or taller; understory and coniferous trees 5 feet or taller; and shrubs 18 inches or taller when planted.

Materials shall be properly branched, and shall be of such type as may be approved by the Department of Community Development. Balled in burlap or container stock is preferred, and a maintenance bond shall be provided for a period of one (1) year to guarantee survival of bare-root stock. Performance bonds may also be required in the event buffers have not been completed prior to occupancy.

Buffers shall be properly maintained so as to satisfy the intended purpose in perpetuity.

4.37 Contractual reduction. Where desired, the owner of an existing residence may waive any or all right to protection by buffers required of a proposed commercial development, or to substitute such alternative provisions as may be agreeable to all parties, including the City Council. Such agreement will be kept on file with the City, and may be recorded if deemed appropriate.

4.4 Required Open Space.

4.41 Landscaping Required. When open space is required by this ordinance it shall be unencumbered with any structure or off-street parking and shall be landscaped and well-maintained with grass or other acceptable ground cover, trees and shrubbery, except for areas used as pedestrian walks or courts, and not more than two (2) access drives each 25 feet or less in width.

Trees and shrubbery shall be provided at a minimum ratio of 2 trees and 6 shrubs per 3000 square feet of open space, with a minimum of 2 trees and 6 shrubs, exclusive of buffer plantings.

Permitted species and minimum sizes shall be as specified by Section 4.36.

SECTION 5: SPECIAL PROVISIONS.

5.1 Off-Street Parking

A. Parking Required. Off-street parking areas, consisting of parking spaces and maneuvering aisles or other spaces for traffic circulation, shall be provided in all districts for any use therein. Such parking shall be provided at the time the use is established or enlarged or increased in any way and shall be provided in the same zoning district as the principal use and on the same lot unless satellite parking is expressly permitted by this Ordinance. The minimum number of parking spaces required by Sections 5.11 and 5.12 shall be provided and maintained for operable vehicles owned by residents of the premises and visitors in the case of residential uses, and by employees, visitors, or customers in the case of nonresidential uses, and shall not be occupied by commercial vehicles or inoperable vehicles nor used for storage of any kind.

B. Satellite Parking.

Satellite parking may be permitted for existing structures which were constructed on lots existing prior to May 13, 1963 for a principal use which is required to provide more than five (5) parking spaces per 1,000 square feet of gross floor area, subject to the following:

1. If such parking is leased, the duration of such lease shall be equal to or greater than the duration of such principal use, provided that the parking lease may include a cancellation clause with notification period of not less than sixty (60) days; the Director of Community Development shall also be notified of such cancellation. If the parking lease expires for any reason, such principal use shall immediately be reduced in occupancy to the extent necessary to maintain compliance with this ordinance. Copies of the parking and principal use leases shall be provided to the Director of Community Development, and the principal use's Certificate of Occupancy shall be conditioned on such leases; no modifications shall be permitted to the leases or provisions thereof without the prior approval of the Director.
2. Section 4.1 shall be complied with, and parking shall not be leased if it is required by this ordinance for another use.
3. Such principal use shall provide a minimum of 5 parking spaces per 1000 sq. ft. of gross floor area on the same property as the principal use. Satellite parking shall be permitted only for banquet rooms or similar facilities used on a limited or overflow basis, and in any event shall not exceed 40% of the total parking required. Satellite parking shall be readily identifiable to customers or patrons; fully visible from the street; and located within 300 feet of the use with which it

is associated, as measured along the most practical route for a pedestrian from the property line of the principal use to the middle of the leased parking, provided that if such parking is utilized entirely for employees, such distance may be increased to 600 feet. If traffic volumes or speeds inhibit safe crossing of a street, such distance shall be measured along the route of the nearest safe crossing.

5.11 Residential Uses

5.111 A minimum of three off-street parking spaces shall be provided for each single family detached dwelling. In addition thereto, an additional parking space shall be provided for each commercial and recreational vehicle in accordance with Sections 5.13 and 5.434, if a total of more than three vehicles are customarily kept at the premises by the residents thereof.

Off-street parking shall be provided for each single family attached dwelling unit in the same manner as for detached dwelling units, except that a minimum of two off-street parking spaces shall be provided together with additional parking for each commercial and recreational vehicle.

5.112 Dwellings, multi-family: 2.25 spaces per dwelling unit

- (a) All parking spaces provided (except garages) which are intended to satisfy the ordinance requirements must be provided without charge to the occupants of the dwelling units to which those parking spaces are related.
- (b) Garage space rented separately from the dwelling unit cannot be used to meet minimum requirements of this ordinance.

5.12 Non-Residential Uses. All other uses shall provide five parking spaces per 1,000 square feet of gross floor area except as indicated below for the following uses:

Elementary Schools	2 spaces per employee (15 spaces minimum)
Jr. or Sr. High School	2 spaces per employee, plus 1 space per 10 students (25 spaces minimum)
Libraries	1 space per 500 gross sq. ft (10 spaces minimum)
Auditoriums (school)	1 space per 8 seats (In addition to that required for principal building)
Bowling Alleys	5 spaces per alley plus 1 sp./300 gross sq. ft. used for purposes other than alley space
Dance Hall and Assembly halls without fixed seats, exhibition halls except church	1 space for each 100 sq. ft. of floor area used for assembly or dancing

assembly rooms in conjunction with auditorium	
Medical or Dental Clinic	5 space for each staff doctor or dentist (5 spaces minimum)
Commercial Schools (music, dance, etc.)	1 space/2 employees, plus 1 sp./5 students (5 spaces minimum)
Indoor Theater	1 space/3 seats up to 400 seats, plus 1 space/4 seats over 400
Animal Hospitals and kennels	2 space per employee including doctors or professionals
Car wash	1 space/employee plus 1 space for manager plus spaces equaling 5 times the vehicle capacity of the wash
Cartage and express facilities	1 space/vehicle operated plus 1 sp./2 employees (5 spaces minimum)
Contractor or construction office	1 space per 1 employee (5 spaces minimum)
Laundries	1 space per employee (5 spaces minimum)
Warehousing	1 space per employee (5 spaces minimum)
Wholesaling	1-1/2 spaces per employee (5 spaces minimum)
School gyms, stadiums, etc.	1 space per 2 seats
Institutions for care of the aged	1 space/4 beds, plus 1 space/employee per shift average plus 1 space/doctor on staff
Hospitals	1 space/2 beds plus 1 space/employee per shift average plus 1 space/doctor on staff
Philanthropic and charitable uses	1 space/2 employees, plus 1 space for each 300 sq. ft. of gross floor area
Public utilities and service uses	1 space/2 employees, plus 1 space for each 300 sq. ft. of gross floor area
Private clubs	1 space/lodging room, plus spaces equal to 30 percent of capacity in persons
Non-commercial Community Center	Parking spaces equal to 30 percent of capacity in persons
Radio and TV Stations	1 space per 2 employees (5 spaces minimum)
Churches, etc	1 space per 3 seats in auditorium including balcony
Apartment Hotels	1.5 spaces per dwelling unit
Boarding Houses, etc.	1 sp./3 rooming units, plus 1 sp. for manager (3 spaces minimum) all spaces must be beyond building setback
Taverns and restaurants	Parking spaces equal to 30 percent of capacity in persons

Service Stations	1 sp./2 employees (per regular working shift) plus 1 sp. for manager (3 spaces minimum)
Resorts	1 sp./2 employees plus sp. equal to 20 percent of capacity or 1 sp./rental unit, whichever is greater
Hotels	1 space per 1 unit
Motels	1 space per unit plus 1 space for manager
Riding stables	1 space/1 employee, plus 1 space for each stable
Automobile or machinery sales	1 space/400 sq. ft. of gross floor area
Manufacturing plants, testing laboratories, or bottling plants	1 sp./1.5 plant employees plus 1 sp. for each research or managerial person plus 1 visitor parking space for each 10 managerial personnel or 1 space for each 500 sq. ft. of gross floor area used for manufacturing, whichever is greater

5.13 Standards for Development and Maintenance of Parking Areas.

All area used for or proposed to be used for off-street parking, storage, or display of vehicles, together with circulation and maneuvering aisles and driveways accessing said parking, storage or display, shall meet all of the required development standards set forth by this Ordinance.

- A. Parking Dimensions and Paving Specifications. No part of any parking space, maneuvering aisle, or parked vehicle shall protrude into any public right-of-way, street, or pedestrian way easement, or required landscaped setback. Except as provided below and by Section 5.434 for single family residences, each parking space shall have a minimum width of nine feet and a minimum depth of eighteen feet, and shall be directly accessed by a maneuvering aisle having a minimum width of twenty-four feet if such spaces are arranged at a 90 degree angle. Alternatively, parking arranged at angles other than 90 degrees shall comply with the maneuvering aisle widths and parking dimensions set forth by the specifications of Architectural Graphic Standards, Edition 6 or later editions, published by John Wiley and Sons Inc. Maneuvering aisles and parking spaces shall be located entirely on private property and shall not interfere with traffic movement on public streets.

All such areas, except for single family dwellings and farms, shall be paved with Portland Cement or asphaltic concrete surfacing having a minimum depth of five inches.

Each single family detached dwelling shall have a minimum of two parking spaces located behind the minimum front setback line, and each single family attached dwelling unit shall have at least one parking space located behind the minimum

front setback line. Single family detached dwellings which were in existence prior to January 1, 1997 and which do not conform to this requirement may be permitted an exception in accordance with paragraph F of this section.

Each parking space for a single family dwelling unit shall have a minimum width of eight feet and a minimum depth of eighteen feet. Parking spaces for single family dwelling units may be located in driveways or other maneuvering aisles on the same lot and counted to satisfy the minimum requirements of this ordinance except as otherwise provided by this ordinance, or used as additional parking, even though they may obstruct direct access to other parking spaces provided for the same dwelling unit, provided that said parking does not obstruct access to any other property in any manner and all other requirements of this ordinance are satisfied. All parking spaces provided for any non-farm single family residence shall be located in a carport, garage, or on an unenclosed area paved with Portland Cement or asphaltic concrete surfacing having a nominal depth of four inches, or any combination thereof, except as follows: parking spaces for recreational vehicles may be surfaced with crushed limestone or other material of such quantity, depth, and size as is appropriate to the size and type of said vehicle in lieu of the paving stipulated above, provided that such space is not utilized to park any other vehicle and is maintained as a reasonably smooth and level surface.

- B. Access drives shall not be located in any residential district except where serving a use permitted in said district. Except for access drives, bumper guards, raised curbing, or equivalent wheel barriers shall be installed and maintained along the outside boundaries of any parking area. Parking spaces shall be so arranged and clearly painted or otherwise marked as to provide for orderly and safe parking, storage, and maneuvering.
- C. Any lighting used to illuminate any off-street parking area shall be so arranged and oriented as to reflect the light away from any residential district or public street.
- D. Landscaped Setbacks and Screening. (Amended Ordinance 2000-22, October 3, 2000) A landscaped setback shall be provided along all public streets for parking areas accessory to multi-family residential and nonresidential uses, and for parking which is a principal use. If the lot or parcel on which said parking is located was created after January 1, 1997, said setback shall have a minimum width of twenty feet. In all other cases said setback shall have a minimum width of ten feet, provided that:

nothing in this section shall be construed to be a waiver or reduction of a larger setback required by an existing Condition of Zoning, Planned Unit Development Master Plan, or urban renewal requirement or redevelopment agreement; and

that said setback may be reduced to not less than seven feet on existing

properties developed with a lesser setback if the reduction is found to be necessary to facilitate additions to existing parking areas, or in the case of redevelopment of existing nonresidential or multi-family properties, to maintain conformity to parking requirements or reduce the nonconformity of legally nonconforming parking areas.

Parking areas for church, commercial, or industrial uses shall be separated and screened from properties zoned for residential use, and parking areas for multi-family residences from any property zoned for attached or detached single family residences, by a buffer yard having a minimum width of ten feet and improved in accordance with Section 4.34 of this Ordinance. Curbs shall be installed along the edges of the parking spaces, or where adjacent to a buffer yard or required open space, shall be inset into the parking spaces a minimum of two feet to prevent vehicles from encroaching into the buffer yard or open space. Berms or continuous hedge materials with a minimum height of 3.5 feet shall be provided in the landscape setback along all streets to screen the lower portions of parked vehicles adjoining the landscape setback from view from the adjoining street, provided that this requirement may be waived or reduced if the parking area is three or more feet lower than the street.

- E. When visible from a public street or land zoned for residential use, the interior of such parking areas shall be developed as follows:
1. Not less than five (5) percent shall be landscaped and continuously maintained.
 2. Perimeter Parking. Planting along the perimeter of a parking area, whether required for screening or general beautification will not be considered as part of the five (5) percent interior landscaping except for those setback areas required by paragraph D above. Also, where a parking area is near buildings on the subject property, the border plantings adjacent to those buildings are generally not considered as part of the interior landscaping.
 3. Distribution of Planting Beds. In complying with the five (5) percent landscaping requirement, the planting beds must be distributed throughout the parking area as evenly as possible. Any plot plan showing the entire five (5) percent landscaping in one large planting bed, concentrated on only one portion of the parking area, will not be acceptable.
 4. Planting Beds. Any unused space resulting from the design of the parking spaces may be used for planting purposes. No planting bed shall have a width of less than three (3) feet. The beds shall be protected by curbs not less than six (6) inches in height. The planting beds must be drawn to scale and the plants within clearly located and labeled.

5. Labeling the Planting Material. To facilitate the processing of plot plans, a plant list should be prepared giving the botanical and common names of the plants to be used, the sizes to be planted, i.e. 1, 5, or 15-gallon containers, the quantity of each, and the spacing. The plants should be listed alphabetically and assigned key numbers to be used in locating the plants on the plan.
 6. Choice of Plant Materials. Use should be made mainly of trees and shrubs with ground cover. Ground covers alone are not acceptable. Plants selected for the design will be checked for suitability in regard to eventual size and spread, susceptibility to diseases and pests, and adaptability to existing soil and climatic conditions.
- F. Single family detached dwellings which were in existence prior to January 1, 1997 and which do not conform to this requirement may be permitted an exception from one parking space required to be located behind the front setback line, if it can be shown that the number of vehicles utilized by all persons residing on the property does not exceed the number of available off-street parking spaces.

A parking space can be temporarily obstructed by or used to park a recreational vehicle, if sufficient parking spaces are provided for all vehicles and the parked vehicle conforms to Section 5.434. This exception may be revoked if it is found that the exception is resulting in increased on-street parking.

5.2 Off-Street Loading Facilities.

5.21 Loading and Unloading Berths shall be provided for each commercial, warehousing or industrial use as set forth herein.

5.22 Loading and Unloading Berths shall be paved with either Portland cement or asphalt hard surface of at least 15 feet minimum by 120 feet minimum for each semi-truck trailer loading berth and 15 feet minimum by 60 feet minimum for each straight truck loading berth.

5.23 No Loading and Unloading Berths shall be constructed on any side of a building that is adjacent to a Residential District.

5.24 All loading areas shall be located and configured in a manner to prevent all vehicles from projecting into or obstructing traffic lanes while maneuvering, loading, or unloading. (Amended Ord. No. 2009-02, June 2, 2009)

The following is a schedule of required Loading and Unloading Berths:

<u>Type of Use</u>	<u>Gross Floor Area</u>	Berths Required	
		Semi-Trailer	Straight Truck
Office Bldg. & Hotels, Motor Hotels & Motels	5,000 to 50,000 Sq. Ft.		One
	Over 50,000 Sq. Ft.		Two
Retail or Service Establishments or Wholesale Commercial Use	3,000 to 15,000 Sq. Ft..		One
	Over 15,000 Sq. Ft.	One	One
Wholesaling or Warehousing	3,000 to 15,000 Sq. Ft.		Two
	Over 15,000 Sq. Ft.	One	Two
Manufacturing or Industrial Use	5,000 to 25,000 Sq. Ft.		Two
	For each 75,000 Sq. Ft. of Additional Area or Portion Thereof		Two

5.3. Access Controls. (Amended Ord. No. 2009-02, June 2, 2009) No parcel shall be allowed to have vehicular access to any street or highway unless a permit has issued for said access by the City or by the State or County jurisdiction having control over the street or highway, and all such accesses shall comply with all applicable regulations including but not limited to the following:

- A. Nonresidential and multi-family residential uses, except agricultural uses. All vehicular accesses shall be subject to site plan approval by the City Council in accordance with the City's Site Planning Ordinance. All new vehicular accesses shall align with existing accesses on the opposite side of the street to the extent practical if they comply with the separation requirements herein, unless this requirement is waived by the City Engineer and the City Council approves a site plan with the nonalignment.

Vehicular accesses to City arterial and collector streets shall be located a minimum of 300 feet from all street intersections and other vehicular accesses as measured centerline to centerline, and may be restricted to only right-turn movements if the separation from centerline to centerline is less than 600 feet; provided that a lesser distance may be allowed due to parcel sizes and access locations in existence prior to January 1, 2009, or if the City Engineer determines that less separation is appropriate.

Vehicular accesses onto local City streets shall be located 100 feet or more from all street intersections and other vehicular accesses, subject to the same provisions applicable to arterial and collector streets that allow the separation distance to be reduced in special circumstances.

- B. Residential uses. Single family attached and detached residential parcels shall not have direct access to City arterial streets except in the “A-1” Agricultural Reserve and “A-2” Estate Residential Districts where no other streets are reasonably available to provide access and the location of the access has expressly been approved in writing by the City Engineer, or within subdivision plats approved by the City Council where accesses to such streets have expressly been shown and approved by the City Engineer and City Council.
- C. Agricultural uses. Access shall be allowed to agricultural parcels to the extent necessary to allow access by agricultural equipment and vehicles to such parcels for planting, cultivation, harvesting, and other agricultural activities, and to access farm residences and agricultural buildings, provided that the location of such access shall be reviewed and approved by the City Engineer only after determining that such access will not obstruct drainage or create traffic hazards that could be avoided with a different access location. Such agricultural accesses shall be deemed temporary accesses and shall expire and be removed upon the cessation of the agricultural uses for which they were approved.

The City Engineer shall have the sole authority to establish the classification of a street as an arterial, collector, or local street for the purpose of this Section. The provisions of this Section shall be deemed minimum requirements, and the approval of any access may be subjected to any and all additional conditions that the City Engineer and City Council find to be necessary to protect the public health, safety, and welfare, and such approval may be revoked if revocation is found necessary to ensure such protection.

5.4 Performance Standards and Criteria for Specific Uses and Development. (Amended Ord. No. 2009-02, June 2, 2009)

5.41 Manufactured Dwelling Parks. Manufactured Dwelling Parks are permitted as conditional uses in the A-2 District provided:

- (1) The minimum size of a manufactured dwelling park shall be five (5) acres.
- (2) The maximum number of manufactured dwellings shall be ten (10) per acre.
- (3) Minimum dimensions of a manufactured dwelling site shall be 50 feet wide by 85 feet long.
- (4) All drives, parking areas and walkways shall be hard surfaced.
- (5) There shall be a minimum yard setback of forty (40) feet at all lot lines of the manufactured dwelling park.
- (6) It shall conform to the requirements of any State regulations that may apply.
- (7) No manufactured dwelling site shall be rented for a period of less than thirty (30) days.
- (8) Each manufactured dwelling space shall be separated from other manufactured dwelling spaces by a yard not less than fifteen (15) feet.
- (9) There shall be two (2) surfaced automobile parking spaces for each manufactured

dwelling.

- (10) Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting such as White or Norway Pine, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.
- (11) Each manufactured dwelling permitted in a manufactured dwelling park must be connected to the park's centralized water and sewerage systems. In turn, the manufactured dwelling park sewerage and water systems must be an extension of the municipal water and sewerage systems.
- (12) Mobile homes shall not be placed in such parks unless they were manufactured after June 15, 1976 in accordance with all Federal Manufactured Home Construction and Safety Standards in effect at the time of manufacture; have not been structurally damaged or altered in any manner; and have been visually inspected by the Building Department and found to be properly maintained and in like-new condition.
- (13) Dwellings shall be placed on and anchored to support systems in accordance with the State regulations, provided that support systems which do not extend below the frost line shall not be permitted.
- (14) Approved storm shelters shall be provided having a minimum of 45 square feet per dwelling unit.

5.42 Recreational Vehicle Parks and Campgrounds. Recreational Vehicle parks and campgrounds may be permitted as conditional uses in the A-2 District provided:

- (1) The minimum size of a recreational vehicle park or campground shall be five (5) acre.
- (2) The maximum number of recreational vehicle sites or campsites shall be fifteen (15) per acre.
- (3) Minimum dimensions of a recreational vehicle site or campsite shall be 25 feet wide by 40 feet long.
- (4) Each recreational vehicle space or campsite shall be separated from other recreational vehicle spaces or campsites by a yard not less than fifteen (15) feet wide.
- (5) There shall be one and one-half (1-1/2) automobile parking spaces for each recreational vehicle site and one (1) for each campsite.
- (6) No recreational vehicle shall be occupied by the same family for more than thirty-one (31) days. Each recreational vehicle shall be fully licensed; shall remain on its wheels or jacking system and be attached to the site only by quick disconnect type utilities and security devices; and shall not have any permanently attached additions. No recreational vehicle shall be allowed to remain in the park or campground for more than 31 days unless it is unoccupied and is being stored on

a temporary basis.

5.43 Temporary Uses. (Amended Ord. No. 2009-02, June 2, 2009) Certain uses and activities listed in this Section that may not be a permitted or conditional use within a given zoning district may be allowed on a temporary and limited basis upon issuance of a permit by the Zoning Administrator, subject to the regulations and conditions prescribed by this Section and to any additional conditions imposed on the permit by the Zoning Administrator. Said regulations and conditions shall be the minimum standards deemed necessary to ensure that the public health, safety, welfare, property values, and essential esthetics will be preserved, and no temporary use shall be permitted that may adversely affect any such public interest. This section shall not apply to any use that is accessory to a residential dwelling unit.

- A. Permit Required. A temporary use permit shall be obtained prior to advertising, commencement, or operation of any temporary use allowed by this Section. Applicants are encouraged, but not required, to submit such application at least 30 days prior to the intended date for any temporary use. An application for such permit shall be submitted to the Zoning Administrator on the City form created for such purpose, together with an application fee and all information and documents required to accompany such application. The Zoning Administrator shall distribute copies of such permit and accompanying information to all relevant City Departments for review and comment.

Temporary uses may be subject to additional permits or inspections as required by any applicable law or regulation, including but not limited to permits for liquor or cigarette sales; tents; transient merchants; noise; air quality, erosion control, and other environmental controls; and health and sanitation.

- B. Permissible Temporary Uses. The Zoning Administrator may issue permits for any of the following temporary uses if the Zoning Administrator finds that such use complies with this Section and all other applicable laws and regulations.
1. Seasonal retail sales expressly limited to Christmas trees; pumpkins; and fruits, vegetables, and other food products being sold by a single vendor, as opposed to the multiple vendors and broader range of merchandise that is characteristic of a farmer's market (hereafter "Seasonal Sales" in this Section). Farmers' markets and other seasonal sales such as garden or landscape nursery materials may be approved under other provisions of this Ordinance or the Urbandale Municipal Code, but not administratively under this Section.
 2. Outdoor display and sales of merchandise customarily offered by a retail business on an ongoing basis, generally known as a tent, sidewalk, parking lot, or truckload sale, and expressly prohibiting third-party vendors or transient vendors not conducting an on-going, permanent business on the premises (hereafter "Sales Promotions" in this Section).

3. Real estate administrative and marketing offices; construction field offices, shelters for construction materials and equipment, and construction staging yards; and model homes (hereafter "Marketing and Field Offices" in this Section). Concrete or asphalt batch plants are expressly excluded from this Section.
 4. Events hosted by or for the benefit of nonprofit or charitable organizations that will not have more than 300 persons in attendance at any point in time, and expressly excluding gambling or gaming, or the sale or consumption of alcohol or other intoxicants (hereafter "Charitable Events" in this Section). The Zoning Administrator shall have discretion in determining whether a Charitable Event adequately benefits a qualifying nonprofit or charitable organization, by referring any event or organization that may be in question to the City Council for a legislative determination of whether said event or organization complies with the Council's intent to support bonafide nonprofit or charitable organizations that provide substantial benefits to the public or needy, or alleviate suffering.
- C. Duration. The duration and frequency of the permitted temporary uses listed in paragraph B shall be restricted as follows:
1. Seasonal Sales related to a holiday shall be commence not more than 45 calendar days prior to the holiday and shall cease on the date of the holiday. Seasonal Sales of food products shall be limited to the customary season for such products or between May 15 and October 31, whichever is less.
 2. Sales Promotions shall not exceed 4 consecutive days for each event, and not more than 2 events in any calendar year.
 3. Real estate administrative and marketing offices, and model homes, shall be restricted to a maximum duration of 24 months and to only on-site sales or marketing, "on-site" defined for this temporary use to be only those lots or dwelling units located within the same approved preliminary subdivision plat as said office or model home site or within a specific final plat if so restricted by the Zoning Administrator. Such offices shall not be permitted prior to the approval of a final plat or site plan by the City Council as required to allow construction of a development, and model homes shall not be established until all public and common private infrastructure has been completed to the satisfaction of the City Engineer and Fire Chief.

Construction offices, staging yards, and other permitted temporary construction uses shall only be utilized for construction projects on the same premises; shall not be located on the premises more than 45 days prior to commencement or more than 60 days after completion of the construction for which they were permitted; and only be on the premises for the duration of such construction or a maximum of 24 months, whichever is less. The Zoning Administrator can impose a shorter maximum duration or other limitations at the Administrator's discretion, or allow renewal of a permit for up to one additional year for

construction projects of extraordinary size or complexity.

4. Charitable Events permitted under this Section shall not exceed 3 consecutive calendar days for each event, and not more than 2 events in any calendar year on any premises or for any single charitable or non-profit organization.

D. General Requirements. Every temporary use permitted under this Section shall comply with the following requirements:

1. No temporary use shall be located or conducted on public property or right-of-way unless expressly approved by the City Council; within common access easements or drives essential to traffic circulation on public or private property unless approved in writing by all affected properties; in fire lanes or other emergency access ways; or allowed to obstruct or impede pedestrian or customer access to other businesses or properties unless approved in writing by all affected properties.
2. Seasonal Sales and Sales Promotions shall not be permitted on any residentially-zoned property. Charitable Events shall not be located on any property whose principal use is residential.
3. No temporary use shall be located or conducted within a required landscape setback or buffer yard, nor shall it be located in any handicapped parking space or obstruct handicapped access in any way.
4. Suitable and adequate sanitary facilities, either portable or permanent, shall be made continuously available to all employees, customers, and participants during its hours of operation. If such requirement is proposed to be satisfied by permanent facilities that are not owned or directly controlled by the business or operator of the temporary use, written authorization shall be obtained from the facilities' owner specifically stating that the facilities will be available as required herein.
5. All temporary structures, except fences and similar enclosures and except tents and canopies that are less than 100 square feet in area; trailers having a bed that is more than ten feet in length; and commercial vehicles used for or by the temporary use, shall conform to the setbacks required for a principal structure.
6. Everything associated with the temporary use, including but not limited to temporary structures, vehicles, fixtures and appurtenances, equipment, stands, and signs shall be completely removed and the site restored to its pre-existing condition, and all trash and debris cleaned up, within 5 days after expiration of the temporary use permit.

E. Regulations for Specific Temporary Uses. Temporary uses allowed by this Section shall comply with the following requirements as applicable to the use:

1. Seasonal Sales vendors for fruits, vegetables, and other food products shall post information identifying the general City or County in Iowa where each food item being offered for sale was grown or prepared, or if not Iowa-grown or

produced shall identify the wholesaler or retailer that is supplying such products to the vendor. Such information shall be displayed in English in legible, uniform printed lettering that is between 2 and 5 inches in height, in proximity to the pay station and in clear view of all customers during all hours of operation. Providing false or misleading information shall be grounds for revocation of the temporary permit allowing operation of the Seasonal Sales.

All evidence of Seasonal Sales of fruits, vegetables, and other food products shall be removed from public view between the hours of 8:00 p.m. and 7:00 a.m. the following day or during the time when the vendor is not open for business, whichever is more restrictive.

2. Sales Promotions that are located on or within a parking area shall not occupy more than 5 parking spaces or 20% of parking spaces for the business, whichever is less; provided that the Zoning Administrator may allow a larger area to be occupied by such temporary use if the total number of parking spaces located on the property exceeds the minimum requirement of this ordinance or the property contains more than 300 total parking spaces, and the Zoning Administrator determines that adequate parking will remain. In no case shall any such temporary use occupy more than 3,200 square feet.
3. Marketing and Field Offices, model homes, and construction staging yards and other permitted temporary construction uses shall be located and configured to be compatible with adjacent uses and to mitigate noise, dust, traffic, odor, and other nuisances. Model homes and Marketing Offices for residential developments shall be located on a collector street and on the periphery of the neighborhood to minimize impacts on the neighborhood, unless it can be shown that an alternative location is superior in terms of minimizing neighborhood impacts.

F. Application for Temporary Use Permit. Applications shall be made in writing on the form provided for such purpose by the Zoning Administrator and accompanied by the following documents and information in addition to any listed on the application form. Issuance of a permit shall not be construed to be a waiver of any requirement of this Ordinance or of any permit required by another Ordinance or Code.

1. A written description of all aspects of the proposed temporary use, including but not limited to proposed dates and hours of operation.
2. A site plan depicting the proposed layout of the proposed temporary use and its relationship to existing site improvements and conditions. Depending on the nature of the proposed use the Zoning Administrator may allow such site plan to be hand-drawn to scale, more or less, or may require it to be professionally prepared and to include all of the information customarily required for a site plan filed in accordance with the Urbandale Site Planning Ordinance.
3. Proof of ownership or property owner's written consent to the proposed temporary use; written consent allowing use of sanitary facilities, as applicable;

and evidence that other required permits or approvals have been obtained including but not limited to permits for liquor or cigarette sales; tents; transient merchants; noise; air quality, erosion control, and other environmental controls; and health and sanitation.

- G. Violations and Penalties. The temporary uses listed in this Section are not allowed by right under this Ordinance, and are deemed a restricted privilege that may be allowed by discretion and exception only upon a finding by the Zoning Administrator that the use complies with all regulations and requirements at the time of commencement and on a continual basis.

A permit may be suspended or revoked by the Zoning Administrator if the Zoning Administrator finds that that the permit appears to have been obtained through fraud or misrepresentation, or is in violation of any regulation or requirement, by providing written notice to the applicant at the address provided on the permit application and setting forth the reasons for such suspension or revocation.

Any violation of this Section shall be subject to the same penalties as any other violation of the Zoning Ordinance.

5.44 Residential Swimming Pools. (Amended Ord. No. 2009-02, June 2, 2009) Residential swimming pools as defined by Section 3109.2 of the 2006 Edition of the International Building Code and any successors thereto that may be adopted by the City, shall be allowed as an accessory use to a residential use, provided that the pool shall be solely intended for and used by the occupants of the property on which it is located and their guests. Swimming pools shall be set back a minimum of 10 feet from all property lines, as measured to the closest edge of the water or any structures appurtenant to the pool, and shall not be located within any front setback or street side yard setback that this Ordinance does not allow to be fenced.”

5.45 Kennels. Kennels shall not be permitted in any residential district, either as a principal use, accessory use, or conditional use. Where allowed in noncommercial zoning districts as a conditional use, kennels shall be allowed only by a temporary permit valid for a one (1) to five (5) year period and with conditions attached to the permit at the discretion of the Board of Adjustment. Such permits may be renewable at the option of the Board, after public hearing and upon finding that the area is not becoming predominately residential in character.

Kennels may be included in the normal operating facilities of a veterinary clinic, animal hospital, or pet store unless expressly prohibited, provided that adequate measures and controls have been taken to prevent offensive odor or peak noise levels greater than 50 decibels as measured at the property line.

Outdoor runs and other facilities shall be located not less than 200 feet from the

property line of any property zoned for residential use, or used as a hotel, motel, or restaurant. No incineration of waste or refuse shall be permitted, and animal wastes shall be properly managed to prevent odors from being discernable at the property line.

5.46 Garage Sales. (Amended Ord. No. 2009-02, June 2, 2009) Casual sales of tangible household goods and personal property to the public, generally known as a “garage sale”, “yard sale”, “rummage sale”, or “flea market sale” shall not be conducted on any residentially-zoned property more than twice each calendar year, and each such event shall be limited to not more than 3 consecutive days, unless such sale is being conducted pursuant to a order or process of a court of competent jurisdiction or by persons acting in accordance with their powers and duties as public officials.

Such sales shall occur only between the hours of 8:00 a.m. and 8:00 p.m. and shall not include new merchandise, consignment items, property acquired for the purpose of resale, motor vehicles, or firearms.

5.47. Home Occupations. (Amended Ordinance No. 2003-26, December 29, 2003). The regulations of this ordinance are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities, when properly limited and regulated, can take place in a residential structure without changing the character of either the neighborhood or the residential structure. Any question of whether a particular home occupation is permitted shall be determined by the Zoning Administrator pursuant to the provisions of this ordinance.

A. Performance Standards. In addition to complying with setbacks, height restrictions, parking requirements, and all other regulations of the district in which it is located, no home occupation shall be permitted unless it complies with the following standards and criteria:

1. No person other than members of the immediate family occupying the dwelling unit shall be engaged in the home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit or 500 square feet, whichever is less, shall be used in the conduct of the home occupation.
3. No products, stock, or goods shall be displayed or sold on the premises.
4. There shall be no change in the outside appearance of the dwelling or premises or other visible evidence of the conduct of a home occupation to adjoining residences or to any street other than the display of one non-illuminated sign, not exceeding two square feet in area and mounted flat against the wall of the principal building.
5. No home occupation shall be conducted in any accessory building except an

- attached garage.
6. Equipment and materials used in a home occupation shall not be stored outdoors.
 7. The traffic generated by a home occupation shall not exceed the volume, type, and peaking that would normally be expected in a residential neighborhood.
 8. Any need for parking generated by the conduct of a home occupation shall be met on-site and in a manner that does not create a nonresidential appearance by reason of excessive paving, especially in the front yard and the side yard adjoining the street in the case of a corner lot. It thereby is the intent of this ordinance that not more than one additional parking space generally be permitted in the front yard or street side yard, provided that the Zoning Administrator may allow up to three spaces to be provided in the case of exceptionally large properties that substantially exceed the customary lot size in the neighborhood, or if the property is set back from the street by 40 feet or more. Inability to meet this criterion shall be deemed a finding that the home occupation is too large or unsuited for that specific residential property.
 9. The home occupation shall not cause, involve or result in the use of commercial vehicles for deliveries to or from the premises, excluding a vehicle not to exceed three-quarter (3/4) ton capacity registered to the operator of the home occupation.
 10. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, heat, humidity, fumes, smoke, dust or other particulate matter, or odorous matter that is detectable to the normal senses off the lot if the occupation is conducted in a detached single-family residence, or outside the dwelling unit if conducted in other than a detached single-family residence.
 11. Mechanical, electrical, or other equipment used in the home occupation shall not be permitted to cause visual, electrical, magnetic, or audible interference, or fluctuations in line voltage, to affect any radio, television, computer, or telecommunication equipment on other premises.

B. Permitted Home Occupations. The following home occupations shall be permitted subject to the limitations set forth by this ordinance.

1. Care for six or fewer children by a resident of the dwelling unit who is not the parent, guardian, or custodian of the children, for periods of less than 24 hours per day per child on a regular basis, usually for compensation and that is not required to be licensed by the State of Iowa.
2. Providing instruction to not more than four (4) students at a time. In the case of swimming instruction, instructions may be only given between the hours of nine (9) o'clock A.M. and five (5) o'clock P.M. Monday through Friday and ten (10) o'clock A.M. through four (4) o'clock P.M. on Saturdays, and not more than four (4) students may be on the premises at any one time with a maximum of eight (8) students per hour.
3. Office facilities for accountants, architects, brokers, engineers, lawyers,

physician, surgeon, dentists, engineers, lawyers, and similar professionals including incidental emergency consultation or treatment by medical professionals but not general on-site client services, reception, or meetings by any professional, it being the intent of this ordinance that the professional will meet clients or deliver services at the clients' place of business or some other off-site location and not at the residence.

4. Office facilities for individual insurance and real estate agents but not general on-site client services, reception, or meetings, it being the intent of this ordinance that the agent will meet clients or deliver services at the clients' residence, place of business, or some other off-site location and not at the agent's residence.
5. Office facilities for ministers, priests, rabbis, and other clergy including incidental counseling but not for group sessions or general counseling practice on-site.
6. Office facilities for salespeople, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises, and not including display or storage of any products, stock, or goods.
7. Studio of an artist, sculptor, writer, or composer.
8. Dressmaker or tailor.
9. Any use that is found by the Zoning Administrator to be a use similar to one of the named uses and to conform to the intent of this section.

C. Prohibited Home Occupations. The following uses are specifically prohibited as home occupations.

1. Child care centers for seven or more children or otherwise requiring licensing by the State.
2. Beautician, hair stylist, or barber.
3. Pet boarding, grooming, or training; commercial stables, whether for riding or boarding; or kennels.
4. Repair or maintenance of vehicles, appliances, motorcycles, lawn mowers or garden equipment, snow blowers, small engines, radios, televisions, or other electronics. Rebuilding, repair, or reconstruction of more than two (2) vehicles per year, whether owned by the occupant or not, shall be construed to be an illegal home occupation.
5. Brokerages or offices for multiple insurance and real estate agents, or any office engaging employees who are not family members, that hold meetings on premise, have clients come to the premises, or display or store products, stock, or goods on the premises.
6. Dance instruction.
7. Photographic studios.

5.48 Country Club, Golf Course.

- (1) No building shall be located within one hundred (100) feet of any property line.
- (2) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.
- (3) Swimming pools, tennis courts and the like shall be located not less than twenty-five (25) feet from any property line, and adjoining property in any residential district shall be effectively protected by a wall, hedge and/or screen planting.

5.49 Poultry Farm.

- (1) Any building housing poultry shall be a distance of not less than two hundred (200) feet from every lot line.
- (2) Proponent shall show that odor, dust, noise, drainage, shall not constitute a nuisance or hazard to adjoining property or uses.

5.410 Animal feed yards, animal sales yards, riding academies and public stables shall be located no closer than two hundred (200) feet from any property line, shall provide automobile and truck egress, shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion, and proponent shall show that odor, dust, noise, drainage shall not constitute a nuisance or a hazard to adjoining property or uses.

5.411 Agricultural processing plants in an A-2 District which process agricultural products produced on the premises shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic, shall provide parking and loading spaces, and proponent shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

5.412 Golf driving ranges shall be located on major or secondary thoroughfares or non-residential streets. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf-driving platform shall be not less than two hundred (200) feet from any adjacent residential district or existing dwelling. A temporary certificate may be granted to be in force for one (1) year only, which certificate may be renewed for a period of one (1) year at the expiration of such certificate, provided all requirements of this Ordinance have been and can continue to be complied with.

5.413 Cemetery, crematory, mausoleum, columbarium shall provide entrance on a major street or road with ingress and egress so designed as to minimize traffic congestion, shall provide required off-street parking and shall provide a minimum six (6) foot high wall or minimum three (3) foot thick six (6) foot high evergreen hedge or provide a minimum twenty (20) feet of permanently maintained planting strip on all

property lines abutting any residential district or residential street.

5.414 Airports or heliports or landing strip for aircraft shall be located no closer than six hundred (600) feet from any dwelling; shall provide runways only so oriented that aircraft landing and taking off do not pass directly over dwellings; shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses; proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights; proponents shall show that the field in question comes up to standards of the Federal Aviation Agency for the particular class of field.

5.415 Community Building, Social Hall, Lodges, Fraternal Organizations and Clubs.

- (1) All buildings must be a minimum of twenty (20) feet from the side lot lines and fifty (50) feet from the rear lot line.
- (2) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
- (3) Any such use must be located on a primary or secondary thoroughfare or be able to provide access without causing heavy traffic on local residential streets.

5.416 Private stables and paddocks shall be located on the rear half of the lot and not closer than twenty (20) feet to any property line, nor closer than forty (40) feet from any dwelling on the same or adjoining property. The minimum lot area upon which a horse may be kept is one (1) acre and two horses may be kept on an acre. One additional horse may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds one (1) acre.

5.417 Retail sales for guests only. Community buildings, private clubs, lodges, social or recreational establishments may engage in retail sales for guests only, provided that:

- (1) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
- (2) That there be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances.

5.418 Fertilizer plants and yards shall be no closer than two hundred (200) feet to any residential district, shall provide automobile parking and truck loading areas together with ingress and egress so designed to minimize traffic hazards and congestion, shall show that odor, dust, noise, and drainage shall not constitute a nuisance to surrounding properties.

5.419 Shooting clubs. A shooting club shall not be located within two (2) miles of any developed residential, commercial or industrial area, or place of public assembly. A

temporary certificate will be granted, to be in force for one (1) year only, which certificate may be resumed for a period of one (1) year at the expiration of each temporary certificate, provided above requirements are met.

5.420 Bed and Breakfast. (Amended Ordinance No. 2002-07, May 14, 2002) The primary objective when considering whether such establishments may be allowed in a residential neighborhood shall be to preserve the quality of the residential neighborhood and protect the neighborhood from the commercial and more intensive nature of the establishment. Such establishments, if allowed, shall be integrated into the residential fabric of the neighborhood. At a minimum it shall not adversely affect the integrity or character of the neighborhood, and it should provide an enhancement through facilitating the preservation and revitalization of a structure having unique value to the City, or by adding new construction appearing in all respects to be a single-family dwelling and that is substantially superior to the norm for existing single-family dwellings within its sphere of influence, or in the case of an agricultural area, the median homes of a new Urbandale neighborhood in the "R-1S" District. If the establishment cannot demonstrate an ability to mitigate any and all negative impacts on the neighborhood, or after establishment changes in character so as to violate any of the regulations for the use or otherwise create negative impacts, such use shall cease and the property thereafter limited to use as a single-family residence. A public hearing shall be held by the Board of Adjustment prior to the establishment of any such establishment, and for any appeal of a non-renewal or revocation of any license or permit for such establishment, and notice provided by regular mail to all property owners located within 250 feet of the property, said distance to be measured exclusive of street rights-of-way.

All such establishments shall comply with the following criteria, along with any additional criteria or limitations that may be required by the Board of Adjustment in approving a conditional use or by the City Council in approving a site plan.

A. Design and Development.

1. Such establishments shall only be allowed after approval by the Board of Adjustment as a means of preserving a residence of historic or other unique value to the City's heritage or character, or to facilitate construction of a new single-family residence that demonstrates exemplary architecture and construction substantially exceeding that found in other new construction, in terms of style, size, and overall construction quality. All such establishments shall maintain the appearance and character of a single-family residence in all respects other than a simple sign for identification purposes, co-existing peacefully and harmoniously within the single-family neighborhood. Any new dwelling constructed for such use, and any establishment containing more than two guest rooms, shall be located on an arterial or collector street and a minimum of 1,320 feet from any other such establishment. Establishments shall not have more than five guest rooms in any case. Any property utilized for

such use shall have a minimum width of not less than 100 feet and a minimum lot area of 10,500 square feet plus 2,500 square feet for each guest room.

2. Each guest room shall contain separate bathroom facilities and a minimum floor area of 150 square feet, unless compliance with this requirement would necessitate detrimental alterations to an historic building. Guest rooms shall not include any equipment for cooking within the guest room, but guests may utilize common space and equipment provided for such purposes. No guest rooms, storage, or activity associated with the establishment shall be located in an accessory structure or in a story that is all or partly below grade, other than parking for guest vehicles. A complete fire alarm system shall be provided and maintained throughout the guest rooms and common areas, and two stairway exits shall be available to guest rooms located above the ground floor.
3. One parking space shall be provided for each guest room in addition to the parking spaces required for the single-family residence. Parking shall be located in a garage or in the rear yard if practical, or in a side yard that is not adjacent to a street if the rear yard is not a practical location or if the side yard location would create less impact on neighboring residential properties. All parking and drives shall be paved, including those required for the dwelling unit. Guest parking shall be set back a minimum of 15 feet from adjoining residential properties and screened from such properties and from streets by landscaping, fencing, or a combination thereof so as to maintain the appearance of a single-family residence.
4. Exterior lighting shall not exceed the extent or level customary for the majority of single-family residences within the City, and in all cases prohibited from emitting glare or spilling onto adjoining property.
5. Establishments shall be connected to the City's public water system, and show that the system is capable of providing fire protection flows that comply with City standards for a residential area. Establishments shall be connected to the public sewer if available within 600 feet of the property and if public sewer is not within said distance at the time the establishment is first opened, it shall be connected as soon as possible when it becomes available in the future.
6. Not more than one non-illuminated wall sign shall be permitted, limited to a maximum area of 4 square feet and mounted near the main entry. The sign background shall be wood or other natural material matching the primary exterior material of the dwelling, and colors shall be muted in tone.

B. Operations.

1. The owner shall provide a business plan identifying the intended market for the establishment and nature of guests to the extent that traffic generation, noise, or other potentially negative impacts of the establishment can be identified. The business plan shall be considered part of any approval for an establishment, and thereafter shall not be altered without submittal and approval of a new application.

2. The owner of the property shall reside in the single family dwelling at all times that the establishment is in operation and shall be fully responsible for its operation. All functions and services related to the daily operation of the establishment shall be provided by the owner or members of the owner's immediate family who reside in the single-family dwelling, except for housekeeping services and breakfast meal preparation for overnight guests. For the purposes of these provisions, ownership is defined as being the fee-title holder of a 100% interest in the property, other than for mortgages and similar loans obtained from State or Federally chartered financial institutions for the purpose of acquisition, construction, improvements to, and furnishing the property.
3. A guest room shall not be occupied by more than two adult guests. The maximum length of stay for any guest shall be 14 consecutive days and not more than 30 days in any one-year period.
4. No entertainment or social activities, parties, or other assembly uses shall be offered or allowed to occur, except for business meetings and social gatherings held inside and limited to the establishment's current overnight guests and the guests' invitees of a number not to exceed the number of unoccupied guest rooms, and a breakfast meal included in the cost for the guest room stay and provided only to overnight guests. Establishments shall not provide, facilitate, or permit to be served meals requiring State licensing or commercial-grade kitchen equipment for the premises, or otherwise operate in the manner of a restaurant or caterer. Establishments shall not provide or make alcohol or intoxicants available to guests.
5. The owner shall maintain a guest registry which shall include all guests' names, addresses, license plate number of vehicles, and dates of stay, and shall have such registry available for inspection by City officials at all times. A copy of the registry for the prior year shall be submitted for the City's records annually together with application for the annual inspection required herein.
6. No home occupation or boarders shall be allowed on any property used as a bed and breakfast.

C. Annual Inspection, Licensing, and Termination.

1. Establishments shall be inspected annually in the manner required for a multi-family dwelling, including payment of a minimum annual fee in the amount of \$50 for the common area accessible to guests together with a fee for each guest room equal to the amount charged for a multi-family dwelling unit and an hourly rate for actual time spent by City staff to determine compliance with all criteria herein. The hourly rate shall be established each year in accordance with standard City policy for other services that are billed on an hourly basis to substantially recover the costs of providing such services. The purpose of the annual inspection shall be to determine compliance with all criteria herein and all Building and Fire Code regulations applicable to a boarding house at the

time of the inspection. Any violations or nonconformities shall be corrected promptly. Failure to correct shall be deemed an immediate termination of the license and any and all permission to operate the establishment, and require application to the Board of Adjustment to re-establish the operation under the same process required for an initial application.

2. Permission to operate an establishment shall be deemed a license granted to the owner of the property, and shall not run with the land or be transferable to any other owner or operator. The license shall be renewable annually without public hearing upon payment of required fees and satisfactory completion of the City inspection set forth in paragraph C 1, including a finding that the establishment is in compliance with all regulations. If the guest rooms have not been rented for 30% or more of the establishment's capacity in any one-year period, the establishment shall be considered to be abandoned and all license and permission to operate such establishment extinguished, and the property thereafter used only as a single-family residence.

5.421. Child Care Centers. (Amended Ordinance No. 2003-26, December 29, 2003) Child care centers for seven or more children or otherwise requiring licensing by the State shall be subject to conditional use approval by the Board of Adjustment in those zoning districts where such use is listed as a conditional use. The minimum lot area for such child care center shall be 15,000 square feet lot; it shall be located on a collector or arterial street; all parking requirements shall be met on-site and shall include a minimum of one parking space for each employee and one loading space for every six children; a 15-foot wide landscaped buffer yard including a six (6) foot high solid wood fence combined with a plantings conforming to Section 4.34, A-1, configured with the plantings to the outside and the fence to the interior, shall be provided along all property lines adjoining properties zoned or planned for residential use.

5.422 The extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any district established by the Ordinance unless and until a zoning permit shall first have been secured therefore, except for the following defined extractions and deposits:

- (1) Excavations for the foundation or basement of any building or for a swimming pool for which a zoning permit and a building permit have been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit have been issued.
- (2) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than ten (10) feet in vertical height, or when less than one thousand (1,000) cubic yards of earth is removed from the premises.
- (3) Grading in a subdivision which has been approved by the City in accordance with the Urbandale Subdivision Ordinance and any amendments thereto.
- (4) Excavations by any public agency or public utility for the installation, operation,

inspection, repair or replacement of any of its facilities.

- (5) Any quarry existing and operating as such on the effective date of this section shall obtain a new use permit and conform with the provisions of this Ordinance within one (1) year of the adoption of this Ordinance.

The Board of Adjustment shall have the power to grant conditional zoning permits, revocable and valid for specified periods of time, to permit extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials, as set forth in this Ordinance.

The Zoning Administrator shall make such inspections as he deems necessary or as are required by the Board of Adjustment to ensure that all work is in accordance with the use permit. All inspection services shall be paid for by the applicant at the actual cost to the City.

The conditions under which a use permit for excavation from or depositing on the earth of said materials may be issued, may include but are not limited to any requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare including insurance against liability arising from production or activities or operations incident thereto; completion of the work and cleaning up, filling and planting in accordance with approved plans for general restoration of the area; designation of area in which work may be done; designation of the slope to which excavation may be made or the grade of filling; provisions for controlling dust; hours during which operations may proceed; precautions which must be taken to guide safe traffic movements in and around and by said operation; enclosure by fences of exterior boundaries of property to be used; posting of a good and sufficient bond to assure compliance with the use permit and any other conditions deemed necessary by the Board of Adjustment.

5.423 Convenience Store or Gasoline Service Station.

- A. The proposed site shall not have any accesses adjoining or immediately across the street from a residential district, and shall be screened therefrom.
- B. Uses shall be limited to retail sales of fuel, oil, and small vehicle parts; normal vehicle maintenance excluding engine rebuilding or overhaul, vehicle painting or body work; vehicle washing, drying, cleaning, polishing and waxing; and food, beverages, magazines and similar items otherwise permitted to be sold in the district.
- C. Access shall be so arranged as to avoid creation of undue congestion from vehicles entering and exiting the site.

5.424 Adult Entertainment Business.

- A. No person shall establish or operate any adult entertainment business within one thousand (1,000) feet of any other such business; any school, church, public park or building; or residentially zoned property, provided that such distance may be reduced upon finding by the Board of Adjustment that such reduction will not be contrary to the public interest or injurious to nearby properties. Such distance shall be measured on a straight line from the nearest entrance into such business to the nearest point on the property of any other adult business, or any school, church, public park or building, or residentially zoned property. (Amended Ordinance No. 2002-07, May 14, 2002)
- B. All building entries, windows, or other openings shall be so located or screened as to prevent view into the interior of such building from any street or other public area. Advertisements or promotional displays shall not be visible from any street or other public area, and shall be defined as signs.

5.425 Car Washes, Drive-up or Drive-through facilities. Drive-up facilities shall provide queuing reservoir space of not less than one hundred and fifty (150) feet where one such window or bay is provided, or one hundred (100) feet for each window or bay when more than one is provided, including the space in front of the window or in such bay but exclusive of public right-of-way. Such reservoir space should not interfere with maneuvering space for off-street parking or other traffic flow.

5.426 Restaurants. A minimum buffer of twenty-five (25) feet shall be provided for any restaurant adjacent to residential property, developed to the standards contained in section 4.34, paragraph B.

5.427 Manufactured Dwellings. Nothing in this ordinance shall be construed to allow a manufactured dwelling or mobile home to be located in other than an approved manufactured dwelling park, except as otherwise governed by State Law. Where State Law supersedes the provisions of this or other ordinances or regulations, detached single family manufactured dwellings shall be allowed in any residential district where new single family dwellings are permitted, subject to compliance with the following provisions in addition to all other applicable requirements:

- A. Such dwelling shall comply with the minimum floor area and with requirements of the Urbandale Housing Code.
- B. Such dwelling shall be certified by the Federal Department of Housing and Urban Development, hereinafter referred to as HUD, or HUD-approved third-party agency, as being in compliance with all requirements of the most recent edition of the Federal Manufactured Home Construction and Safety Standards. The HUD certification label shall be placed on each section or module of the dwelling in

accordance with HUD regulations.

- C. Evidence shall be submitted to verify that such dwelling is designed to be placed on, supported by, and attached to a continuous perimeter foundation, which shall be permanent and constructed in accordance with the Urbandale Building Code provisions for site-built housing. Pier or other isolated foundation systems in conjunction with ground anchors, or similar installations, shall not be deemed permanent foundations. The manufacturer shall provide written instructions and plans for the installations and attachment, which shall include certification by a qualified registered professional engineer.
- D. The vehicular frame shall be removed, or if not removable, permanently modified or destroyed to the extent of making the dwelling non-transportable, and the dwelling permanently attached to the foundation.
- E. Such dwelling shall be converted to and taxed as real estate. Evidence shall be provided in the form of an affidavit that any and all indebtedness applicable to the dwelling is secured as a real estate mortgage as opposed to a chattel loan. If no indebtedness exists the owner shall so certify and provide evidence provided that the application for conversion is satisfactory in the form of a certified statement signed by the assessor.

No certificate of occupancy, either permanent or temporary, shall be granted until the assessor has certified that the conversion has been satisfactorily completed and the property entered upon the tax rolls. A bond or other surety may be required to ensure that the conversion is satisfactorily completed.

The dwelling shall be new and undamaged, and shall not have been previously installed or occupied for any purpose as evidenced by the chain of title and certification by the dealer.

- F. Any modifications to the dwelling structure shall be designed and certified by a qualified registered professional engineer. All additions and modifications shall be constructed in accordance with the Urbandale Building Code.
- G. Sewer, water, and utility services, and all other site improvements, shall conform to Urbandale Codes and specifications.

5.428 Recreational Vehicles.

- A. Not more than two recreational vehicles shall be parked on any single family residential lot having an area of one acre or less. No recreational vehicle owned by persons not residing on the property shall be parked on any residential property at any time except for visitors.

- B. Recreational vehicles shall not occupy or obstruct access to any required parking space at any time, except that required for another recreational vehicle and except as otherwise allowed by Section 5.13, paragraph F.
- C. Vehicles may be parked in a front yard if such vehicle is parked on a driveway or on a hard surface having a depth of 4" located adjacent to and parallel with the driveway; and in a required side yard if:
 - 1. a minimum separation of 10 feet, including the side yard setback of the adjoining property, is maintained between the closest point of the vehicle and any other like vehicle or principal building (including attached accessory structures) on an adjoining premises;
 - 2. the Department of Community Development finds that there will not be an adverse impact upon the passage of air or availability of light to adjoining properties, or drainage; and
 - 3. the adjoining property owner does not file a written objection to such parking in the required side yard, in which case such proposal shall be referred to the Board of Adjustment for a determination. The adjoining property owner shall be notified of such proposal and permitted not less than ten days nor more than twenty days to appeal any approval by staff for hearing by the Board of Adjustment.

In determining whether the vehicle may adversely affect the passage of wind and air, the Department or Board shall give consideration to whether increased snow drifting or wind velocity may result to the detriment of adjoining properties to an extent greater than would occur from other activities permitted in the side yard. In determining whether the availability of light will be adversely affected, the presence of doors or windows on adjoining side walls for living or family rooms, kitchen, or bedrooms; and porches or organized outdoor living space such as that provided by a deck or patio, shall be considered together with building orientation, topography, and similar factors.

- D. No recreational vehicle shall be used as a permanent residence, except in a conforming recreational vehicle park or campground.
- E. This section shall become effective upon adoption. Current residents owning recreational vehicles on the effective date shall not be required to conform to the parking provisions of this Section for their current place of residency for the duration that the current resident owns a recreational vehicle or any replacement therefore, provided that no nonconformity shall be created; no exception is permitted for more than two such vehicles; and a surface conforming to this ordinance shall be

provided for the vehicles. Such exemption shall be terminated if the nonconformity is discontinued or ownership is terminated for a period of one year, or upon cessation of residency at the current premises.

5.429 Commercial Vehicles. Commercial vehicles having a gross weight or gross vehicle weight rating of more than 16,500 pounds shall not be parked on any premises having an area of less than one acre and width of less than 130 feet in any agricultural or residential zoning district, except for construction equipment when actively engaged in legal construction work on the premises, for more than two days in any calendar week except within a fully enclosed building, provided that a tank vehicle used in the transportation of flammable or hazardous material of a type or quantity requiring vehicle placarding shall not be parked on any such property at any time.

This section shall become effective upon adoption. Current residents owning commercial vehicles on the effective date shall not be required to conform to the parking provisions of this Section for their current place of residency for the duration that the current resident owns a commercial vehicle or any replacement therefore, provided that no nonconformity shall be created; no exception is permitted for more than two such vehicles; and a surface conforming to this ordinance shall be provided for the vehicles. Such exemption shall be terminated if the nonconformity is discontinued or ownership is terminated for a period of one year, or upon cessation of residency at the current premises.

5.430. Communication Towers. Communication towers are subject to site plan approval, and shall conform with the performance standards outlined below.

- A. Height. Communication towers shall not exceed the maximum height allowed for such towers by the zoning district in which it is located, and in no case a height of 150 feet except in an industrial zoning district upon approval of a Conditional Use permit by the Board of Adjustment or as otherwise provided herein. Towers exceeding a height of 60 feet shall accommodate co-location of one additional provider, at roughly equal or better capacity and position as the applicant's antennas. Additional height to accommodate additional co-location may be approved if the applicant submits information certifying the tower has capacity for at least two (2) additional providers, at least one of which shall provide roughly equal or better capacity and position as the applicant's antennas for a like user. The applicant shall provide a letter indicating their good faith intent to accommodate and encourage co-location on the tower. A lightning rod, not to exceed 10 feet in height, shall not be included within the height limitations.
- B. Setbacks. Towers and accessory buildings shall meet the setbacks of the zoning district in which they are located or those required by Section 6.5, unless greater setbacks are required by the Board of Adjustment.

All communication towers, except those designed as an architecturally compatible element in terms of material, design, and height to the existing or proposed use of the property, shall be setback 200 feet from any property which is zoned for residential development, including Planned Unit Developments, or designated for such use by the Comprehensive Plan. Provided, however, that the distance may be reduced or waived by the Board of Adjustment if the residentially zoned land is used for a nonresidential use or for residential buildings having four or more stories.

- C. Separation Requirements. Communication towers, except those designed as an architecturally compatible element of the existing or proposed use of the property in terms of material, design, and height, shall comply with the following separation requirements, with the separation between towers of differing heights to conform to the requirement for the taller tower:

			<u>More than District, less than 60 ft.</u>	<u>Conform to District</u>
Tower Height	<u>100 ft. or More</u>	<u>60 ft. to 99 ft.</u>	<u>60 ft.</u>	
Spacing	One mile	1,300 ft.	650 ft.	None

- D. Lighting. No lights shall be mounted on a communication tower or antenna, and the tower and antennas shall not be illuminated, unless required by the Federal Communications Commission or the Federal Aviation Administration or expressly permitted by the Board of Adjustment, as may be the case for a multiple-use installation such as a communication tower that is also used as a light standard for an athletic complex. Security lighting may be provided around the base of a tower if zero cut-off luminaires with a maximum mounting height of twelve feet are used to limit such lighting to the tower site.
- E. Color. All towers shall maintain a galvanized finish or light gray color, unless otherwise required by the Federal Aviation Administration, Federal Communications Commission, Board of Adjustment, or City Council, and shall not be painted in a manner which conveys a company identity. No signage shall be permitted except for directional or warning signs, as regulated by the Sign Ordinance.
- F. Landscaping. A landscaping plan shall be provided, and all plant materials shall conform to Section 4. If located in any residential zoning district or area designated for residential use by the Comprehensive Plan or a Planned Unit Development, a continuous landscaped area with a width of not less than 25 feet shall be provided around the perimeter of the communication tower and any accessory buildings or security fencing or walls and planted with a row of coniferous overstory trees at not more than 13 foot spacing between individual trees with a minimum eight-foot height at the time of planting, together with other plant materials as may be required

to effectively screen the installation. Where the visual impact of the tower and any accessory structures would be minimal because of existing vegetation or structures, the landscaping requirement may be reduced or waived by the Board of Adjustment or City Council.

- G. Fencing or screening. The base of the tower shall be screened from view with a solid screening fence a minimum of 6 feet in height, unless waived by the City Council. The City Council shall have the ability to waive the required screening where the design of the accessory building is architecturally compatible with the primary use of the property; the installation is adequately screened by landscaping; or the building and tower base are not visible from other properties or public streets.
- H. Accessory Uses. Accessory uses shall be limited to such structures and equipment that are necessary for transmission functions, and shall not include broadcast studios, offices, vehicle or equipment storage, or other uses not essential to the transmission function.

All accessory buildings shall be constructed of building materials equal to or better than those of the primary building on the site and shall be subject to site plan approval. Where there is no primary use other than the tower, the building materials for the accessory building shall be subject to the review and approval of the City Council.

No equipment shall be stored or parked on the site of the communication tower, unless used in direct support of the antennas or the tower or antennas are being repaired.

- I. Tower design. All communication towers shall be of a monopole design unless another design is required by the Board of Adjustment or City Council to be architecturally compatible to the surrounding development.
- J. Parking areas. All parking areas and drives shall comply with Section 5.13.
- K. Initial approval and renewal. The initial approval of a permit for a tower shall be limited to 5 years unless the tower will be at full capacity at the time of erection due to co-location at such time, or if co-location is not required. The permit may be renewed upon application from the owner at the discretion of the Board of Adjustment, or City Council if Board of Adjustment approval is not required for the tower, for any period of time that is deemed appropriate thereafter, including permanent approval if co-location has occurred to the extent possible or for similar reasons which deem future review unnecessary. A Conditional Use permit shall expire three years after the date of approval if a tower is not erected within said time period.

At the time of renewal, a public hearing shall not be required unless the applicant fails to demonstrate to the satisfaction of the City that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Good-faith effort shall include, but is not limited to, timely response to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. Cause for denial of the request for a renewal shall be limited to: failure to demonstrate that a good-faith effort has been made to accommodate co-location; violations of the performance standards and regulations of this ordinance, or a Conditional Use permit; or existence of unsafe conditions to the detriment of the public.

- L. Exceptions. The Board of Adjustment may grant a variance from the height, setback and separation standards set forth in the zoning district or in this Section, if the applicant submits a technical study acceptable to the City which confirms that the variance is essential to the provision of service and that no alternative is available which conforms to the requirements.
- M. Removal of Abandoned Communication Towers and Antennas. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days after abandonment. If such antenna or tower is not removed, the City shall send a notice to the owner notifying the owner that such abandoned antenna or tower must be removed within ninety (90) days, and the City may thereafter remove such antenna or tower at the expense of the tower or property owner. If there are two or more users on a tower, then the tower shall not be removed unless all users cease using the tower.

SECTION 6: MODIFICATIONS (Amended Ord. 2000-22, October 3, 2000)

6.1 Height. The following architectural projections, structures, and essential services may exceed the district height limitations set forth elsewhere in this Ordinance up to a maximum height of sixty (60) feet, provided all required yards are increased by not less than one foot for each foot the structure exceeds the district's maximum building height. Structures exceeding sixty feet in height may be permitted by the Board of Adjustment if proper measures have been provided to protect the public health, safety, and welfare.

- A. Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.
- B. Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, sub-stations, smoke stacks, flag poles and outdoor theater screens, provided said screens contain no advertising matter.

6.2 Yards. The yard requirements set forth elsewhere in this Ordinance may be modified as follows:

- A. Uncovered Stairs, Landings and Fire Escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- B. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed four (4) feet.
- C. Fences and Walls. On residential lots, fences are permitted in any yard and may be placed on the property line unless limited by easements and except as restricted herein. The maximum height of fences or walls shall not exceed a height of six feet if located in the minimum rear or sideyard setback; shall not exceed a height of four feet in any front yard; and shall not exceed a height of eight feet in any case. Fences and walls shall be setback a minimum of two feet from any public right-of-way. For lots created after July 1, 2000, fences shall not be placed in the minimum setback along any street.
- D. Landscaping and vegetation are exempt from the yard requirements of this Ordinance except as follows: No hedge, landscape planting or other vegetation shall be permitted which materially impedes vision across a front yard between the heights of four (4) feet and ten (10) feet and shall not be closer than two (2) feet to any public right-of-way.

- E. Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire, wrought iron or equivalent fencing.
- F. Farm Fences of any height shall be permitted in connection with any farm use, except that the requirement of traffic visibility at intersection shall be observed.

6.3 Reduced Street Setbacks. If lots platted between the dates of September 10, 1974 and July 1, 2000 were platted with smaller front or street side setbacks than the minimums required by this Ordinance, the platted setback shall prevail and be the minimum requirement for said lots.

6.4 Visibility at Intersections. In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty-five (35) feet from their intersection. Within this triangle no object shall be allowed between the height of two and one-half (2-1/2) feet and ten (10) feet above the streets if it obstructs the view through the triangle.

6.5 Utility Services.

- A. The location of additional communication antenna on a legally existing communication tower, or other antenna on towers previously approved for the purpose of the antenna, shall not require approval by the Board of Adjustment.
- B. Communication antennas may be mounted directly on an existing structure on a nonresidential property, and shall not require approval by the Board of Adjustment if the installation conforms to the height and setback requirements for buildings permitted in the zoning district.
- C. Communication towers that are designed as an architecturally compatible element may be added to an existing nonresidential use, such as a school or church, without approval by the Board of Adjustment, subject to the same height and setback requirements as for other structures permitted in this District, and to the performance standards in Section 5.436 except those pertaining to landscaping, fencing, or screening.
- D. Towers shall not exceed a height that is three times the setback from the nearest property line or the fall zone, whichever is greater. No use shall be permitted inside of the perimeter of the guys, if the tower is guyed, or in the fall zone as certified by a licensed engineer in the case of a monopole, that is not directly accessory to the tower.

- E. Water towers, treatment plants, electrical substations, regulator stations, and similar utility installations except communication towers and facilities for maintenance or general operations, may exceed the maximum allowable height of a zoning district, provided that evidence shall be provided to show that the additional height is essential to service the public; that no reasonable alternative exists; and that all negative impacts, including esthetics, have been mitigated to the extent possible. Such mitigation may include, but are not limited to, requirements for increased setbacks; screening with landscaping, berms, fences, or walls; and architectural treatments.
- F. Overhead electric and communication transmission are exempt from the setback and height regulations of this Ordinance.

6.6 Satellite Dish Antennas. Satellite dish antennas having a dish diameter that is greater than 40 inches, shall not be placed in a front yard or a side yard adjacent to a street unless it can be shown that such size is essential to the reception of transmissions, and that no other viable location exists. In other locations, such antenna shall conform to the setback and height limitations for an accessory structure.

Satellite dish antennas having a dish diameter that is less than 40 inches shall conform to the minimum setbacks, and to the height limitations for an accessory structure.

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SECTION 7: NON-CONFORMING USES, STRUCTURES AND LOTS

7.1 Existing Non-conforming Uses. The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however,

Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

Total Lifetime Structural Repairs or alterations, shall not exceed fifty (50) percent of the City's assessed value of the structure at the time of its becoming a non-conforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.

7.2 Abolishment or Replacement. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

A Current File of all non-conforming uses shall be maintained by the Zoning Administrator listing the following: Owner's name and addresses; use of the structure, land, or water, and assessed value, at the time of its becoming a non-conforming use.

7.3 Existing Non-conforming Structures. A lawful non-conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

7.4 Changes and Substitutions. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board of Adjustment.

7.5 Sub-standard Lots. (Amended Ord. 2000-22, October 3, 2000) In any residential district, a single-family detached dwelling and accessory structures thereto may be erected or enlarged on any lot or parcel of official record in the County Recorder's Office as of September 26, 1974, irrespective of its area or width; provided, however, that if such substandard lot is combined with abutting lands into single ownership the substandard lot or parcel shall not be sold or used except in full compliance with the provisions of this Ordinance. Substandard lots shall comply with all Ordinance requirements insofar as practical, but in any case shall comply with the following minimum standards:

Building Height:	Maximum 30 feet
Rear Yard:	Minimum 25 feet
Front Yard:	As required by District regulations
Side Yards:	The street side yard on corner lots shall not be less than ten feet; each interior side yard shall be ten percent of the lot frontage; but not less than eight feet.

SECTION 8: ADMINISTRATION AND ENFORCEMENT

8.1 Compliance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Zoning Permit and or, a Certificate of Occupancy and without full compliance with the provisions of this Ordinance and all other applicable local, County, and State regulations.

8.2 Duty of Zoning Administrator. The Zoning Administrator shall enforce the provisions of this Ordinance and shall have the following powers and duties in connection therewith:

- (1) To issue all permits and certificates required by this Ordinance.
- (2) To cause any building, structure, land, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of any provision of this Ordinance.
- (3) To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations of such Board.
- (4) It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Board of Adjustment shall be in the courts as provided by law and particularly by Statute.

8.3 Violations. It shall be unlawful to construct any structure or buildings or to use any structure, building, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the City Council, the Zoning Administrator, the Board of Adjustment, the City Planning and Zoning Commission, or any property owner who would specifically be damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Ordinance.

8.4 Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be fined not more than One Hundred Dollars (\$100) and costs of prosecution for each violation or shall be imprisoned for a period not to exceed thirty (30) days, or both.

8.5 Zoning Permit. No structure shall hereafter be erected, reconstructed, structurally altered, enlarged, added to or removed, nor shall an excavation for any such structure be commenced until and unless a zoning permit therefore shall have been issued by the Zoning Administrator, except that no permit is required for an accessory structure less than \$100.00 in value provided that all other provisions of this Ordinance are complied

with.

An application for a zoning permit shall be filed with the Zoning Administrator and shall be accompanied by a drawing or plat, in duplicate drawn to scale and showing: The lot and the proposed building and their dimensions; the exact location of the proposed building on the lot and the use for which such building and any existing building is designed or intended; location, dimension and present use of any existing building on the same lot; and such other information as the Zoning Administrator shall require for the proper enforcement of this Ordinance. All zoning permits issued under this Ordinance shall expire and be null and void on the date which shall be twelve (12) months after issuance, unless work shall have been commenced under such permit prior to such date.

8.6 Certificate of Zoning Compliance. No land shall be occupied or used, and no building hereafter erected or structurally altered, shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrator. No permit shall be issued to make a change unless the change is in conformity with the provisions of this Ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

Certificates of occupancy and compliance shall be applied for coincidentally with the application for a zoning permit, and shall be issued within thirty (30) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

No permits for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of compliance and no building or premises shall be occupied until that certificate and permit is issued.

8.7 Temporary Certificate. A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

8.8 Board of Adjustment - Procedure, Powers and Duties.

- (1) Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members who are residents of the City of Urbandale. The terms of office of the members of the Board and the manner of their appointment shall be as provided by Statute.
- (2) Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the Public. The Board shall keep minutes of its proceedings, showing the vote of each member on questions, 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. The presence of three (3) members shall be necessary to constitute a quorum.
- (3) Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
- (4) Affect of Appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the Zoning Administrator from whom the appeal is taken and due cause shown.
- (5) Fee for Appeal. See section 8.10 for schedule of fees.
- (6) Hearings, Notice. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof in a newspaper of general circulation in the City of Urbandale, Iowa, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person, or by agent, or by attorney. Before an appeal is filed with the Board, the appellant shall pay a fee as provided in Section 8.10 to the City Treasurer to be credited to the general fund of the City.

- (7) Jurisdiction - Powers. The Board of Adjustment shall have the following powers:
- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of Chapter 414 of the Code of Iowa or of any ordinance adopted pursuant thereto.
 - (b) To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, or owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be served and substantial justice done.
 - (c) To hear and decide special exceptions to the terms of the Ordinance upon which such Board is required to pass under such Ordinance.
- (8) Decision on Appeal. In exercising the above mentioned powers such Board may, in conformity with the provisions of Law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.
- (9) Vote Required. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under any such Ordinance or to effect any variance in such Ordinance; provided, however, that the action of the Board, setting forth the full reason of its decision and the vote of each member participating therein, has been spread upon the minutes and a copy of said minutes has been received by the City Council. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board and shall be open to public inspection. Every variance and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted therewith.

8.9 Conditional Uses. (Amended Ord. No. 2009-02, June 2, 2009)

- (1) Permit. The Board of Adjustment may authorize the Zoning Administrator to issue a conditional use permit for conditional uses provided that such conditional uses or structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community.
- (2) Application. Applications for Conditional Use Permits shall be made in duplicate to

the Zoning Administrator on forms provided by his office. Such applications shall be forwarded to the Board of Adjustment on receipt by the Zoning Administrator. Such application shall include where applicable:

Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record. In addition, a map or plat showing the legal description as well as name and address of each opposite and abutting property owner of record, and the date of application, shall also be provided by the applicant.

Description of the Subject Site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

Plat of Survey prepared by a registered land surveyor.

Additional Information as may be required by the Board of Adjustment, City Engineer, Zoning Administrator, Building, Plumbing, or Health Inspectors.

In addition to the above, each application for a Conditional Use Permit for a communication tower shall be accompanied by the following information:

- a. A list of the property owners, and their mailing addresses, of all properties within 300 feet of the property where the tower is proposed to be located but not more than 1,300 feet from the tower site, which shall be the notice area for the Conditional Use application. Preparation of the list shall conform to the procedures required for a rezoning.
- b. Site plan, prepared by a qualified professional such as a civil engineer, architect, landscape architect, or urban designer.
- c. A report and certification from a qualified licensed engineer for the tower's structural design, how it is designed to accommodate antennas; perform in the event of structural failure; and appropriate safety precautions such as a collapse zone.
- d. A report from a qualified certified engineer which describes the intended function of the antennas to be located on the tower; capacity of the tower both initially and at full use, if different, expressed in the number and type of antennas that can be accommodated by the tower and the maximum capacity of each antenna in terms of channel elements or similar measures as may be appropriate to the technology; technically feasible alternatives; and any other information necessary to determine that the installation is essential to the

provision of service, and that the tower is the minimum size necessary.

- e. A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers in excess of 40 feet in height; properties where towers are currently permitted by-right or by Conditional Use permit; and signs or light standards for which a tower might reasonably be substituted. The Director of Community Development or the Board of Adjustment may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site/tower to host a communications facility and the reasons why the site/tower was excluded from consideration. The applicant must demonstrate to the City's satisfaction that an alternative site or tower is not available due to one or more of the following reasons:
 - 1. Unwillingness of the owner to entertain a communications facility proposal.
 - 2. Topographic limitations of the site.
 - 3. Adjacent impediments that would obstruct adequate communication tower transmission.
 - 4. Physical site constraints that would preclude the construction of a communication tower.
 - 5. Technical limitations of the system, specifically set forth by a qualified engineer.
 - 6. The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing and planned uses for those facilities.
 - 7. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - 8. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
 - 9. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - 10. That an existing tower cannot feasibly be replaced with a new tower which can accommodate co-location.

- f. A representative photo simulation of the proposed facility from affected residential properties and public rights-of-way, as coordinated with the staff of the Department of Community Development. The simulation shall avoid the use of perspective or other photographic techniques, such as the inclusion of tall objects in the foreground, that distort the perceived size and impact of the facility.

- g. An explanation of the need for the facility to maintain the integrity of the system. A map showing the service area of the proposed tower and of existing towers, with the proposed service area distinguished from the existing service area, shall be made available to the staff and the Board of Adjustment.
 - h. A signed statement from the applicant indicating their good faith intent to share space on the tower with other providers.
 - i. A copy of a memorandum of lease between the applicant and the landowner containing the following provisions, or an affidavit signed by the applicant and landowner attesting that the lease contains these provisions:
 - 1. The landowner and the applicant shall have the ability to enter into leases with other carriers for co-location.
 - 2. The landowner shall be responsible for the removal of the communications tower or facility in the event the lessee fails to remove it upon abandonment.
- (3) Review and Approval. The Board of Adjustment shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

A public hearing shall be held, and notice of the public hearing shall be published not less than seven (7) nor more than twenty (20) days prior to the date of the hearing in one or more newspapers of general circulation in the City. The applicant shall provide a list of all surrounding property owners in the manner required for a rezoning, and the Zoning Administrator shall use such list to notify such property owners of the application and public hearing.

Standards. No conditional use shall be granted by the Board of Adjustment unless the Board shall find:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood;
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified as provided in Section 6; and
- (g) That the proposed use shall be consistent with the comprehensive plan.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational controls, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Board upon finding that these are necessary to fulfill the purpose and intent of this Ordinance.

8.10 Schedule of Fees. (Amended Ord. No. 2009-02, June 2, 2009) The City Council shall from time to time establish by resolution a schedule of fees and charges for any approximate costs and expenses that may arise from reviewing, processing, and issuing permits, certificates of zoning compliance, appeals, conditional uses, amendments, and other matters or actions pertaining to this Ordinance and for which the City may legally impose fees, taxes, or other charges. All such legally-imposed fees, taxes, and charges shall be paid in full by the applicant at the time of application and prior to the provision of any administrative services; issuance of any permit, certificate, conditional use, or variance; and any proceedings or action being taken by the Planning and Zoning Commission or Board of Adjustment.

No fee, tax, or charge shall be reimbursed in part or full unless the application for which it was paid is withdrawn prior to provision of a service or incurring expenses for which it was paid.

SECTION 9: AMENDMENTS

9.1 The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided herein and after report by the City Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established and such amendment shall not become effective except by a favorable vote of the City Council, as set forth in the Code of Iowa.

9.2 Whenever any person, firm or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the City there shall be presented to the Planning and Zoning Commission a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owner or owners of all real estate included within the boundaries of said tract as described in said petition. It shall be the duty of the Planning and Zoning Commission to vote upon such petition within sixty (60) days after the filing of such petition.

9.3 If a proposed amendment, supplement, change, or repeal of the regulations, restrictions, or boundaries is disapproved by the Planning and Zoning Commission, or a written protest against a change or repeal is filed with the City Clerk and signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, then the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the council. Whenever any petition for an amendment, supplement, change, or repeal of the regulations, restrictions, or boundaries has been denied by the City Council, no new petition covering the same property or a portion thereof, or the same property and additional property, shall be filed or considered until one (1) year shall have elapsed from the date of filing the first petition.

9.4 Before any final action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries, shall deposit with the City Clerk the amount prescribed in Section 8 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

9.5 No regulation, restriction, or boundary shall become effective until after public hearings have been held by the Planning and Zoning Commission and City Council at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearings shall be published in accordance with Section 362.3 of the 1983 Code of Iowa, provided that such notice shall be published not less than seven (7) days nor more than twenty (20) days before the date of the public hearing, and in no case shall the public hearing be held earlier than the next regularly

scheduled Commission or Council meeting following the published notice. If an amendment, change, supplement, or repeal has been requested by petition, property owners within two hundred (200) feet of the exterior boundaries of the property covered by the petition shall be notified by the Department of Community Development in accordance with adopted procedures.