



**North Liberty City Council
Regular Session
February 8, 2022**



City Administrator Memo



To **Mayor and City Council**
From **Ryan Heiar, City Administrator**
Date **February 4, 2022**
Re **City Council Agenda February 8, 2022**

Meeting Note

Tuesday's meeting will be held **in person** as well as live streamed at [Watch Meetings Live](#).

Consent Agenda

The following items are on the consent agenda and included in the packet:

- City Council Minutes (01/25/22)
- Claims
- Pay Application #4, Centennial Park Loop Road Project, All American Concrete, Inc., \$17,161.75
- Change Order #2, Aquatic Center Pool Water Heater Replacement Project, Tricon General Construction, \$12,791.68
- Pay Application #5R, Aquatic Center Pool Water Heater Replacement Project, Tricon General Construction, \$16,736.89

Meetings & Events

Tuesday, Feb 8 at 6:30p.m.
City Council

Thursday, Feb 10 at 5:30p.m.
Business Partnership Banquet

Monday, Feb 21
President's Day – City Offices
Closed

Tuesday, Feb 22 at 6:30p.m.
City Council

Center for Worker Justice Presentation (Wage Theft)

Included in the packet is a proposal from the Center for Worker Justice of Eastern Iowa seeking funds to help combat wage theft in the region. The CWJ is requesting \$7,000/year for 5-years from North Liberty and has made similar requests to neighboring jurisdictions. A representative from the CWJ will be at Tuesday's meeting to formally present their proposal.

City Hall Project Update

Staff has been working with Shive Hattery on the design for a new City Hall since February of 2021. As part of the design process, a third-party estimator recently reviewed the plans and has opined that the current project cost, which was estimated to be \$9 million, is more likely to cost \$10.7 million. Included in the packet is a memo offering more detail about the most recent estimate as well as a recommendation to amend the project budget to \$9.9 million. Staff is seeking consensus from Council to continue to proceed with design, with an anticipated bid date of September 2022.

Colony Annexation

City staff has been working with the Colonys over the past couple of years to facilitate bringing the Colony Pumpkin Patch and family farm into City limits. In consideration of the potential annexation, staff collaborated with the Colonys to write and propose an Agricultural Experience use and regulations in the zoning code, which was approved in July 2021. On Wednesday, the Board of Adjustment unanimously approved a Conditional Use, subject to formal annexation. The Colonys have committed to annexing the remainder of the family farm; however, it will be part of a much larger annexation involving various land owners at a later date. The Colonys are requesting the right to continue hunting on the property, in accordance with DNR regulations, and the depredation agreement on the agenda will allow them to do so. This undertaking highlights the City's approach to collaborate and adapt City regulations to fit the needs and desires of the community. Staff recommends approval of the annexation and related agreement.

Community Center Facility Plan Proposal

As the community center ages, maintenance costs continue to add up year after year. Most notably, the replacement of the indoor pool HVAC unit and pool heaters have totaled over \$1,000,000. In an effort to be more proactive, staff is recommending approval of a proposal from Shive Hattery to evaluate and assess the facility's mechanical, HVAC and electrical systems and various other areas of the building to help determine life expectancies and plan for associated repair/replacement costs.

Community Center Roof Proposal

Several storms over the last couple of years have taken their toll on two large sections of the community center roof. Staff has worked with the City's insurance provider to coordinate temporary repairs and now a larger replacement project is needed. It is anticipated that insurance will cover most if not all the estimated \$700k project. Staff recommends approval of the design proposal from Shive Hattery, which will initiate the roof replacement process.

Watts Group Development (The Preserve) Rezoning, Second Reading

Watts Group Development, Inc. is requesting a zoning map amendment on 3.9 acres from RS-6 Single-Unit Residence District to RD-10 Two-Unit Residence District – south side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue– to facilitate development as single-unit zero lot line dwellings. The applicant indicated that the

requested change will allow them to offer more affordable homes. The property abuts properties zoned RD-10 to the west so the request is compatible with the area. A good neighbor meeting was held on November 29, 2021 and no one outside of the applicant and City staff attended. The Planning Commission unanimously recommended approval of the request at its December 7, 2021 meeting. Staff recommends approval as well.

Zoning Code Ordinance Amendment, Second Reading

This is a substantial amendment to the Zoning Code that City staff has been working on for approximately two years. The overarching goal was to make the Zoning Code more user-friendly and address contemporary trends and best practices. Staff will be prepared to summarize the changes at the meeting (a summary of the changes are contained with the staff report to the Planning Commission). The Planning Commission unanimously recommended approval of the Ordinance at its January 4, 2022 meeting. Staff recommends approval as well.

Update: City staff is requesting an amendment to the sign regulations be included in the overall Zoning Code amendment. While working with representatives from GreenState Credit Union, it was determined that a maximum 240 square foot wall sign could be placed on the west elevation. This is because the sign regulations limit wall sign area on an elevation to a maximum of 3 square feet for each linear foot of building wall. As permitted, a 240 square foot sign would look odd next to the existing 300 square foot sign on the north elevation, which is permissible. Thinking broadly, it is staff's opinion that increased wall area would be appropriate on buildings four-stories in height or greater. A maximum size is being proposed to prevent excessive signage. If Council is agreeable, there would need to be a motion and approval to include the amendment.

Rental Code Ordinance Amendment, Second Reading

This is a companion request to the Zoning Code amendments. It is not a best practice to regulate rental housing in the Zoning Code. The Ordinance proposes relocating relevant rental housing regulations to Chapter 146 (Housing Code). Staff recommends approval of the Ordinance.

Rezoning Ordinance, Second Reading

This is a companion request to the Zoning Code amendment. Three of the rezonings will allow properties to align with the proposed changes in the Zoning Code. The UIHC rezoning is to allow the Zoning Map to better reflect the actual use of the property. All property owners have been contacted and there are no objections to the request. The

Planning Commission unanimously recommended approval of the Ordinance at its January 4, 2022 meeting. Staff recommends approval as well.



Agenda



City Council

February 8, 2022

6:30 p.m.

Regular Session

Council Chambers

1 Quail Creek Circle

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Consent Agenda
 - A. City Council Minutes, Regular Session, January 25, 2022
 - B. Claims
 - C. Centennial Park Loop Road Project, Pay Application Number 4, All American Concrete, Inc., \$17,161.75
 - D. Aquatic Center Pool Water Heater Replacement Project, Pay Application Number 5R, Tricon General Construction, \$16,736.89
 - E. Aquatic Center Pool Water Heater Replacement Project, Change Order Number 2, Tricon General Construction, \$12,791.68
5. Public Comment
6. City Engineer Report
7. City Administrator Report
8. Mayor Report
9. Council Reports
10. Wage Theft Proposal
 - A. Presentation from Center for Worker Justice
 - B. Discussion and possible action regarding proposal
11. City Administration Campus Update
 - A. Presentation of update on City Administration Campus design

12. Colony Annexation
 - A. Staff and Planning Commission recommendations
 - B. Applicant presentation
 - C. Resolution Number 2022-08, A Resolution approving annexation of certain property to the City of North Liberty, Iowa
 - D. Resolution Number 2022-09, A Resolution approving the Wildlife Conservation and Depredation Agreement between the City of North Liberty and Colony 1927, LLC
13. Community Center Facility Plan
 - A. Resolution Number 2022-10, A Resolution approving the Services Agreement between the City of North Liberty and Shive-Hattery, Inc. for the Community Center Facility Plan
14. Community Center Roof Replacement Project
 - A. Resolution Number 2022-11, A Resolution approving the Services Agreement between the City of North Liberty and Shive-Hattery, Inc. for the Community Center Roof Replacement Project
15. Watts Rezoning
 - A. Second consideration of Ordinance Number 2022-01, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property located on the south side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue located in North Liberty, Iowa to those set forth in the Municipal Code for the RD-10 Two Unit Residence District
16. Zoning Code
 - A. Second consideration of Ordinance Number 2022-02, An Ordinance amending Chapters 165 through 170 and 173 of the North Liberty Code of Ordinances, governing the administration, organization, enforcement and definitions of Zoning Districts, development and sign regulations
17. Rental Code
 - A. Second consideration of Ordinance Number 2022-03, An Ordinance amending Chapter 146 of the North Liberty Code of Ordinances, governing rental housing procedures and regulations and structure procedure requirements
18. City Rezoning
 - A. Second consideration of Ordinance Number 2022-04, An Ordinance amending zoning on various properties in the City of North Liberty, Iowa

19. Old Business

20. New Business

21. Adjournment



Consent Agenda



City Council
January 25, 2022
Regular Session

Call to order

Mayor Chris Hoffman called the January 25, 2022 Regular Session of the North Liberty City Council to order at 6:00 p.m. Councilors present: RaQuishia Harrington, Erek Sittig, Brent Smith, Brian Wayson; absent –none.

Others present: Ryan Heiar, Tracey Mulcahey, Ryan Rusnak, Kevin Trom, Grant Lientz, Brian Platz, Guy Goldsmith, Kaila Rome, Michael Pentecost, Andrew Gilpin, Rob Decker, John Marner, Angie Morgan and other interested parties.

Approval of the Agenda

Wayson moved; Smith seconded to approve the agenda. The vote was all ayes. Agenda approved.

Budget Presentation – FY 2023

Heiar presented information on the budget model in the Council Packet. Heiar summarized the take aways from last week's budget discussion.

Capital Improvements planned for FY 2023 were presented. Heiar reported that the Administrative Campus Project update will be on the February 8 City Council agenda.

Fire Projects

Heiar summarized the proposed projects. Chief Brian Platz presented information on the Department's proposed projects. Council discussed the projects with Chief.

Park Projects

Heiar summarized the proposed projects. Guy Goldsmith presented additional details on the proposed Parks projects. Council discussed the projects with Goldsmith.

Street Projects

Heiar presented a summary of the projects. Michael Pentecost offered information on the projects. Council discussed the projects with Pentecost.

Stormwater Project

Heiar presented information on the project. Council discussed the project with Heiar and Pentecost.

After the projects were presented, Heiar offered information on GO borrowing, TIF borrowing and other funding sources for the projects. He presented the tax rate for the upcoming fiscal year. Council discussed the proposed budget.

Council recessed at 6:50 p.m. Council reconvened at 6:55 p.m.

Consent Agenda

Harrington moved, Wayson seconded to approve the Consent Agenda including the City Council Minutes from the Regular Session on January 11, 2022; the City Council Minutes from the Special Session on January 18, 2022; the attached list of Claims; Liquor License Renewal, Urban Fuel; Liquor License Renewal, The Station II; Liquor License Renewal, Walgreens; Liquor License Renewal, Jalapeno; and the Liquor License Update, Kum & Go. The vote was all ayes. Consent Agenda approved.

Public Comment

Andrew Gilpin, 70 Heritage Drive, spoke regarding drainage concerns on his property from Highway 965/Ranshaw Way.

City Engineer Report

City Engineer Trom had no report. Council asked if there have been any traffic issues with new Casey's opening.

City Administrator Report

City Administrator Heiar reported that the February 8 meeting will have an update on City Hall Project. The audit Presentation is tentatively planned for the second meeting in February.

Mayor Report

Mayor Hoffman reported that starting at the first meeting in February, Council Reports will be added to the agenda. The University of Iowa will be installing President Wilson on Friday at Hancher. He is attending Iowa League of Cities Mayor training sessions. He and Councilor Wayson will be attending the MPOJC meeting tomorrow. Councilor Wayson provided information on Beat the Bitter happenings this weekend.

North Liberty Community Pantry

Harrington moved, Smith seconded to approve Resolution Number 2022-04, A Resolution approving the Social Services Funding Agreement between the City of North Liberty and the North Liberty Community Pantry (NLCP), a Division of the North Liberty United Methodist Church. After discussion with Kaila Rome, NLCP Director, the vote was: ayes – Smith, Wayson, Harrington; nays – none; abstain – Sittig. Motion carried.

Field Day Brewing Company Site Plan

Rusnak reported that staff and Planning Commission recommend approval with two conditions listed in the resolution. Council discussed the application with Rusnak.

Rob Decker was present on behalf of the applicant and offered to answer questions. Council discussed the application with the applicant.

Sittig moved, Smith seconded to approve Resolution Number 2022-05, A Resolution approving the Development Site Plan for Lot 7 and Lot 8 of Liberty Centre – Part One, North Liberty, Iowa. The vote was: ayes – Sittig, Smith, Wayson, Harrington; nays – none. Motion carried.

Taco Bell Restaurant Site Plan

Rusnak reported that staff and Planning Commission recommended approval with no conditions.

Angie Morgan was present on behalf of the applicant and offered to answer questions. Council discussed the application with the applicant and Rusnak.

Harrington moved, Wayson seconded to approve Resolution Number 2022-06, A Resolution approving the Development Site Plan for Lot 3 Liberty Centre – Part One, North Liberty, Iowa. The vote was: ayes – Harrington, Smith, Wayson, Sittig; nays – none. Motion carried.

Watts Rezoning

Rusnak reported that staff and Planning Commission recommend approval with no conditions.

John Marner was present on behalf of the applicant and offered additional information. Council discussed the application with Marner.

At 7:28 p.m., Mayor Hoffman opened the public hearing regarding proposed amendment of the Zoning Map. No oral or written comments were received. The public hearing was closed.

Harrington moved, Sittig seconded to approve the first Consideration of Ordinance Number 2022-01, An Ordinance amending Chapter 167 of the North Liberty Code of Ordinances by amending the use regulations on property located on the south side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue located in North Liberty, Iowa to those set forth in the Municipal Code for the RD-10 Two Unit Residence District. The vote was: ayes – Harrington, Wayson, Sittig, Smith; nays – none. Motion carried.

Zoning Code

Rusnak presented information on the Zoning Code amendment process. Council discussed the presentation with Rusnak. He reported that staff and Planning Commission recommended approval with no conditions.

At 7:54 p.m., Mayor Hoffman opened the public hearing regarding proposed amendments to the Zoning Code. John Marner offered positive feedback on the procedural parts of the amendments. The public hearing was closed.

Harrington moved, Smith seconded to approve the first Consideration of Ordinance Number 2022-02, An Ordinance amending Chapters 165 through 170 and 173 of the North Liberty Code of Ordinances, governing the administration, organization, enforcement and definitions of Zoning Districts, development and sign regulations. The vote was: ayes – Sittig, Smith, Wayson, Harrington; nays – none. Motion carried.

Rental Code

Rusnak reported that staff and Planning Commission recommend approval with no conditions.

At 7:56 p.m., Mayor Hoffman opened the public hearing regarding proposed amendments to the Rental Code. No oral or written comments were received. The public hearing was closed.

Harrington moved, Wayson seconded to approve the first Consideration of Ordinance Number 2022-03, An Ordinance amending Chapter 146 of the North Liberty Code of Ordinances, governing rental housing procedures and regulations and structure procedure requirements. The vote was: ayes – Harrington, Sittig, Smith, Wayson; nays – none. Motion carried.

Comprehensive Plan Land Use Map Amendment

Rusnak presented information on the amendment. He reported that staff and Planning Commission recommend approval with no conditions.

Harrington moved, Sittig seconded to approve Resolution Number 2022-07, A Resolution approving the Comprehensive Plan Land Use Map Amendment. The vote was: ayes – Sittig, Harrington, Wayson, Smith; nays -none. Motion carried.

City Rezoning

Rusnak presented information on the application. He reported that staff and Planning Commission recommend approval with no conditions.

At 8:00 p.m., Mayor Hoffman opened the public hearing regarding proposed rezonings. No oral or written comments were received. The public hearing was closed.

Harrington moved, Smith seconded to approve the first consideration of Ordinance Number 2022-04, An Ordinance amending zoning on various properties in the City of North Liberty, Iowa. The vote was: ayes – Smith, Harrington, Wayson, Sittig

Council Vacancy

Council discussed holding a special election versus appointing to fill the vacancy. The earliest an election can be held is March 15. The vote would be canvassed on March 22. Wayson moved to hold a special election. Sittig seconded. After discussion, the vote was: ayes –Harrington, Wayson, Sittig; nays – Smith. Motion carried.

Old Business

No old business was presented.

New Business

Councilor Wayson reported that the Emergency Management meeting is on Thursday.

Adjournment

Smith moved, Sittig seconded to adjourn at 8:35 p.m. The vote was all ayes. Meeting adjourned.

CITY OF NORTH LIBERTY

By: _____
Chris Hoffman, Mayor

Attest: _____
Tracey Mulcahey, City Clerk

PAYMENT APPLICATION

Page 1

TO: City of North Liberty, Iowa 3 Quail Creek Circle North Liberty, Iowa 52317 Attn:	PROJECT NAME AND LOCATION: NL Centennial Park Loop Drive NL Centennial Park Loop Drive Improvements North Liberty, Iowa 52317	APPLICATION # 4 PERIOD THRU: 01/25/2022 PROJECT #s: 1191820 DATE OF CONTRACT: 08/18/2021	Distribution to: <input type="checkbox"/> OWNER <input type="checkbox"/> ARCHITECT <input type="checkbox"/> CONTRACTOR <input type="checkbox"/> <input type="checkbox"/>
FROM: All American Concrete, Inc. 1489 Highway 6 West Liberty, IA. 52776	ARCHITECT: Shive Hattery, Inc. 2839 Northgate Drive Iowa City, Iowa 52245		
FOR: North Liberty Centennial Park Loop Drive Improvements			

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below.
Continuation Page is attached.

1. CONTRACT AMOUNT	\$514,900.00
2. SUM OF ALL CHANGE ORDERS	\$10,019.00
3. CURRENT CONTRACT AMOUNT (Line 1 +/- 2)	\$524,919.00
4. TOTAL COMPLETED AND STORED (Column G on Continuation Page)	\$503,294.00
5. RETAINAGE:	
a. 5.00% of Completed Work (Columns D + E on Continuation Page)	\$25,164.70
b. 0.00% of Material Stored (Column F on Continuation Page)	\$0.00
Total Retainage (Line 5a + 5b or Column I on Continuation Page)	\$25,164.70
6. TOTAL COMPLETED AND STORED LESS RETAINAGE (Line 4 minus Line 5 Total)	\$478,129.30
7. LESS PREVIOUS PAYMENT APPLICATIONS	\$460,967.55
8. PAYMENT DUE	\$17,161.75
9. BALANCE TO COMPLETION (Line 3 minus Line 6)	\$46,789.70

SUMMARY OF CHANGE ORDERS	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$10,019.00	\$0.00
Total approved this month	\$0.00	\$0.00
TOTALS	\$10,019.00	\$0.00
NET CHANGES	\$10,019.00	

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: All American Concrete, Inc.

By: Jodi Simon Date: 1-26-22

State of: Iowa Jodi Simon

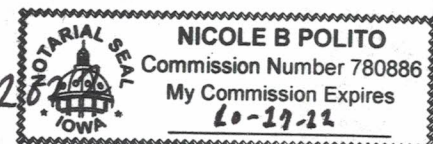
County of: Muscatine

Subscribed and sworn to before

me this 26TH day of January, 2022

Notary Public: Nicole Polito

My Commission Expires: 11-19-22



ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefor, and (4) Architect knows of no reason why payment should not be made.

CERTIFIED AMOUNT.....

\$17,161.75

(If the certified amount is different from the payment due, you should attach an explanation. Initial all the figures that are changed to match the certified amount.)

ARCHITECT:

By: Chris Whitten Date: 01/27/2022

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

APPLICATION AND CERTIFICATE FOR PAYMENT
AIA DOCUMENT G702

PAGE ONE OF THREE PAGES

TO OWNER:

City of North Liberty
 3 Quail Creek Circle
 North Liberty, IA 52317

PROJECT:

North Liberty Aquatic Center Pool
 Water Heater Replacement
 520 West Cherry Street North
 North Liberty, IA 52317

APPLICATION NO: 5R
APPLICATION DATE: 01/31/22
PERIOD TO: 01/31/22
PROJECT NO: 1212150

Distribution to:
 OWNER
 CONSTRUCTION
 MANAGER
 ARCHITECT
 CONTRACTOR
 OTHER
 OTHER

FROM CONTRACTOR:

Tricon General Construction
 1230 East 12th Street
 Dubuque, IA 52001

CONTRACT DATE: 06/09/21

CONTRACT FOR: General Construction

VIA ARCHITECT: Shive-Hatery, Inc 2839 Northgate Drive Iowa City, IA 52245

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$406,000.00
2. Net change by Change Orders	\$2,789.02
3. CONTRACT SUM TO DATE (Line 1 +/- 2)	\$408,789.02
4. TOTAL COMPLETED & STORED TO DATE (Column G on G703)	\$388,482.39
5. RETAINAGE:	
a. 5% of Completed Work (Column D + E on G703)	\$19,424.12
b. 5% of Stored Material (Column F on G703)	\$0.00
TOTAL RETAINAGE	\$19,424.12
(Lines 5a + 5b or Total in Column I of G703)	
6. TOTAL EARNED LESS RETAINAGE	\$369,058.27
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$352,321.38
8. CURRENT PAYMENT DUE	\$16,736.89
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$39,730.75

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months	\$2,789.02	
Total approved this Month		
TOTALS:	\$2,789.02	\$0.00
NET CHANGES by Change Order:	\$2,789.02	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Tricon Construction Group

By: King Stone Date: 2-2-2022

State of: Iowa County of: Dubuque
 Subscribed and sworn to before me this 2nd day of February 2022
 Notary Public:

Mary K. Stone



CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Construction Manager and Architect certify to the Owner that to the best of their knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 16,736.89

(Attach explanation if amount certified differs from amount applied for. Initial all figures on this Application and on the Continuation Sheet that changed to conform to the amount certified.)

ARCHITECT

By: _____ Date: 02/02/2022

This Certificate is not negotiable. the AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AIA DOCUMENT G702 APPLICATION AND CERTIFICATE FOR PAYMENT CONSTRUCTION MANAGER ADVISER 1992 EDITION AIA

THE AMERICAN INSTITUTE OF ARCHITECTS, 1745 NEW YORK AVE. N.W. WASHINGTON, DC 20006-5292

Users may obtain validation of this document by requesting of the license a completed AIA Document D401- Certification of Document's Authenticity



AIA® Document G701™ – 2017

Change Order

PROJECT: *(Name and address)*
North Liberty Aquatic Center
Pool Water Heater Replacement
North Liberty, Iowa

OWNER: *(Name and address)*
City of North Liberty
3 Quail Creek Circle
North Liberty, Iowa 52317

CONTRACT INFORMATION:
Contract For: General Construction

Date: June 09, 2021

ARCHITECT: *(Name and address)*
Shive-Hattery 1212150
2839 Northgate Drive
Iowa City, Iowa 52245

CHANGE ORDER INFORMATION:
Change Order Number: 002

Date: January 25, 2022

CONTRACTOR: *(Name and address)*
Tricon General Contractor
2245 Kerper Blvd. Suite 2
Dubuque, Iowa 52001

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

In-bed beam bearing plate modifications per COR 03 – ADD \$368.83
Additional finishes to Door Opening 112 per COR 4 – ADD \$819.90
Paint the existing east wall of the mechanical room per COR 05 – ADD \$597.08
Laboratory Testing Team Service for September 2021 per COR 06 – ADD \$72.80
Bearing testing per COR 07 – ADD \$7,586.28
Provide Reglet and address exposed concrete per COR 08 – ADD \$300.66
Provide Glycol-Pot feeder per COR 09 – ADD \$3,046.13

The original Contract Sum was	\$	406,000.00
The net change by previously authorized Change Orders	\$	2,789.02
The Contract Sum prior to this Change Order was	\$	408,789.02
The Contract Sum will be increased by this Change Order in the amount of	\$	12,791.68
The new Contract Sum including this Change Order will be	\$	421,580.70

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be the same.

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Shive-Hattery
ARCHITECT *(Firm name)*

Ted Krausman

SIGNATURE

Ted Krausman, PE
PRINTED NAME AND TITLE

January 25, 2022
DATE

Tricon General Contractor
CONTRACTOR *(Firm name)*

SIGNATURE

Ron Richard, President
PRINTED NAME AND TITLE

DATE

City of North Liberty
OWNER *(Firm name)*

SIGNATURE

Ryan Heiar City Administrator
PRINTED NAME AND TITLE

DATE



Wage Theft Proposal



Center for Worker Justice of Eastern Iowa

1556 S. 1st Ave #C, Iowa City, IA 52240 | 319-594-7593 | info@cwjiowa.org

01/21/2022

Dear Mayor Hoffman, Ryan Heiar, and North Liberty Councilors:

As you know, Johnson County is in the process of finalizing ARPA funding that will include support for the Center for Worker Justice to expand its efforts to combat the growing problem of wage theft. This effort has become even more critical under the pandemic and with the precarious and contingent employment that many low wage workers in our communities face. We are requesting the cities in Johnson County to join the county in support of this effort with a multi-year commitment from their available ARPA funds.

The Center for Worker Justice of Eastern Iowa (CWJ) has had a longstanding record of success in resolving cases of wage theft in the community. We know from surveys and our own organizing experience in the community how widespread the problem continues to be. The desperate conditions spawned by pandemic and economic depression have put low-wage workers in an even more vulnerable position, and now as employers and subcontractors seek to cut costs and restructure employment, the problem of wage theft is becoming even more severe.

We have proposed a more systematic and expanded effort to address the problem of wage theft and fair labor standards in the community. This 5-year effort spearheaded by a new CWJ wage theft organizer will help to shape economic recovery in this community toward fairer and more just outcomes. In the process, the whole community, including low-wage workers and responsible employers, will benefit.

We welcome your careful review of the plan and the budget we propose for carrying out this work. We hope that the City of North Liberty can partner with Johnson County to provide funding for this proposal. We will be happy to discuss it with you and answer questions you may have. We look forward to having the support of the county and its municipalities in this campaign for labor fairness.

Sincerely,

Mazahir Salih,
Executive Director
Center for Worker Justice of Eastern Iowa



Center for Worker Justice of Eastern Iowa

1556 S. 1st Ave #C, Iowa City, IA 52240 | 319-594-7593 | info@cwjiowa.org

01/21/22

Proposal: Addressing wage theft and making Johnson County a “fair labor” community

The Center for Worker Justice of Eastern Iowa (CWJ)

Overview

The crisis posed by chronic “wage theft” has compounded the wider economic impact of the COVID-19 pandemic and the human costs of the economic recession it produced, particularly within marginalized communities. Johnson County has not been immune to these costs. Indeed, the local economy—heavily dependent on hard hit economic sectors in leisure/hospitality and construction—has been slow to recover. As low wage workers have desperately sought to find employment, the persistence of wage theft in its various forms has only intensified, with businesses seeking their own paths to recovery by cutting costs, enhancing their competitive position, and restructuring their employment practices, many by making use of subcontractors who flagrantly take advantage of their contingent employees.

Since its founding in 2012, the Center for Worker Justice has been a leading voice for the rights of low wage and immigrant workers seeking a secure footing in the community. Through effective organizing for a community ID, a higher minimum wage, affordable housing, workers’ rights, and pandemic relief for the most marginal, CWJ has earned trust among low wage, immigrant, and refugee workers, as well as respect in the wider community. In no area has its work been more important and stunningly successful than in advocacy for the victims of wage theft. CWJ has helped workers recover more than \$170,000 in wages unfairly denied them in restaurants, on construction sites, in landscaping firms, and in manufacturing enterprises. Through quiet mediation, negotiation, and, when necessary, public pressure, CWJ has helped workers recover the wages they have earned and defend against retribution. These efforts have been a lifeline for workers and their families, boosted the local economy, and helped to define standards of fair employment that have ripple effects in the community.

At this critical moment for low-wage workers in our county, American Rescue Plan funds have the potential to advance a recovery with renewed respect for the dignity of all workers. CWJ proposes to undertake an expanded campaign to confront wage theft and promote worker rights in Johnson County that promises additional economic benefits to the whole community and to essential workers who are subjected to shocking rates of wage theft. This 5-year initiative would build on the successful outreach, education, and empowerment strategies CWJ has developed in the past five years and would launch a new strategic enforcement partnership to make



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Johnson County and its municipalities a “fair labor” community. In doing so, this campaign would promote the collaboration of workers, worker advocacy organizations, attorneys, enforcement agencies, and responsible local employers, and would contribute to making Johnson County a magnet for workers seeking employment where their rights and their earnings are protected.

The wage theft problem and the pandemic

Long before the world came to know COVID-19 and began to understand the devastating economic impact of a pandemic, many low wage workers experienced unfair treatment from employers and the denial, in various ways, of the wages they had earned. Whether they simply saw their earnings confiscated by their employers, were denied overtime or tips, were paid “off the clock” or by debit card without a pay stub, or had unreasonable deductions made, they knew “wage theft” and suffered the consequences of lost income. The data are stunningly revealing. In the most recent survey of 300 workers in Johnson County, 25% reported having experienced some form(s) of wage theft in the previous year. 69 respondents had been denied overtime they were due; 59 reported late or unpaid wages; and 24 had been denied pay altogether for some of their work. Nearly a decade ago, the Iowa Policy Project estimated that Iowa workers lost nearly \$600 million in stolen wages annually with a corresponding shortfall of \$120 million in unpaid state sales, income, and payroll taxes. Individual cases flesh out the human dimensions of these abuses of low wage workers and the wider consequences for the community. (See attachment: “Struggling Just to be Paid: Stories of Wage Theft in Iowa.”)

The pandemic and its economic consequences have only intensified the problems low wage workers face. The labor market has become more casualized, with employers turning increasingly to temporary employment arrangements or staffing subcontractors with widely fluctuating hours of work and high rates of wage theft. A recent National Employment Law Project report highlighted results of a survey of frontline workers in the pandemic. Among workers with the highest level of concern about maintaining steady employment in the next year, 22% were victims of wage theft—versus only 3% of workers with the least concern about potential job loss. Prior to the pandemic, a survey of Johnson County low wage workers found that nearly a quarter worked for subcontracting employment agencies, most in manufacturing. Since the pandemic, CWJ members report an increase in temporary and “gig economy” work in retail, food services, hotels, construction, and delivery and distribution jobs.

During the pandemic, frontline workers from marginalized communities reported high rates of wage theft. According to the National Employment Law Project, “the share of Black workers (14%) who reported that an employer had not paid them at the correct wage rate or for all hours worked, had stolen tips, or had deducted the cost of personal protective equipment from their pay during the pandemic was more than twice that of white workers (6%), and more than the



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8% of workers overall.” Desperate low wage or immigrant workers insecure about their status in the community, or fearing deportation, were hesitant to complain or to quit in the face of employer abuse. Only a small number would take the risk of coming forward to complain.

Seeking solutions

The Center for Worker Justice, with its track record of helping low wage workers win restitution of wages and defending workers against other forms of abuse, is well-positioned to expand its work to address the problems exacerbated by the pandemic. During the past year through its “From My Home to Yours” program CWJ has stepped forward—with funding from its supporters and the county and municipalities—to address the pressing need for material support of over 1,000 local immigrant and low income families excluded from federal aid. This expanded network of relationship enhances CWJ’s ability to educate workers who are statistically most vulnerable to wage theft. State enforcement of labor laws is virtually non-existent with Iowa Workforce Development having a single employee designated to investigate wage theft in all 99 counties, which in turn has led the agency to implement a policy of rejecting all wage theft cases over \$6,500. At the federal Department of Labor, the nomination of David Weil brings new hope and opportunity for CWJ’s ability to collaborate with DOL wage and hour enforcement efforts. Weil has been a leading advocate for increased wage theft enforcement, protections against retaliation for workers regardless of immigration status, and partnerships with local workers’ centers.

CWJ proposes an expanded initiative to address this critical need with support from American Rescue Plan funds designated for Johnson County and its municipalities. CWJ would hire a full-time, experienced organizer who would devote their full energy and expertise for five years to expand existing efforts and pilot a new program to stem the tide of wage theft in this community. A five-year commitment is essential in order to fully expand and build support for this initiative.

Because of the trust, CWJ has won in the community and its reputation for effective organization it is well-positioned to carry this work forward. Its methods are also well-tested and effective: conducting outreach and education that reaches workers in dozens of languages, interviewing workers who report unpaid wages, investigating the details and gathering evidence, contacting and seeking mediation with the employer, and, if necessary, supporting the worker in filing agency complaints, connecting with attorneys, or going public to seek cooperation of intransigent employers. These efforts have provided workers the wages they have earned and which their families need, have put money back into our local economy, have restored unpaid tax revenues, and have protected responsible employers from being



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undercut and underbid by unscrupulous competitors. An expanded program of this sort could become a model for other counties and municipalities going forward.

Plan of work

The CWJ wage theft organizer hired for the position would undertake a series of initiatives laying the groundwork for an expanded campaign against wage theft and other abuses of workers' rights.

Develop and print updated educational materials in English, Spanish, French, and Arabic that address the forms of wage theft most prevalent today.

- Train 20 more CWJ members and allies to assist with wage theft intake in each of the languages listed above.
- Engage in worker outreach and education through community and neighborhood meetings, presentations in churches and English Language Learner classes, phone calls and text messages to CWJ's contact lists, and targeted canvassing in low wage communities.
- Network with other community organizations, small businesses, and cooperatives, neighborhood associations, churches, legal aid lawyers, enforcement agency staff, and unions to build support for the campaign.
- Collaborate with the University of Iowa Labor Center and Common Good Iowa to conduct a new survey of low-wage workers that focuses on wage theft and labor rights.
- Educate the wider community on labor rights by speaking to community groups, writing op-ed pieces, holding media interviews, and disseminating information through social media.
- Seek resolution of wage theft cases that come to light, assess the most prevalent patterns and trends, and publicize the results.
- Recruit key stakeholders to join a local strategic enforcement partnership, modeled from successful initiatives across the country, that brings together workers, worker advocacy organizations, policy analysts, employment lawyers, elected officials and enforcement agency representatives to increase the effectiveness of enforcement efforts and promote fair labor standards.



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In these efforts, the wage theft organizer would have the assistance of other CWJ staff, interns, and volunteers who already have considerable experience in support of resolving past wage-theft cases. Because of its strong base of support in the community, CWJ is well-positioned to make optimal use of a new, funded staff position.

Building a “fair labor” community—the path forward

In the past ten years, a growing number of cities and states have experimented with innovative approaches to protecting and improving labor standards in low-wage industries through a formal partnership involving workers, worker advocacy organizations, responsible business leaders, and governmental enforcement agencies. From an enforcement perspective, this concept is often known as “co-enforcement” or “co-production.” While the statutory landscape in Iowa creates some barriers to this approach, there are elements of these initiatives that could be implemented as a pilot project in Johnson County. This pilot project could build the basis for developing a sustainable and more systemic approach to addressing the root causes of wage theft and workers’ rights abuses in targeted industries.

These community-wide discussions could also be the means for developing “fair labor standards” proposals based on the experiences of low-wage workers, unions, and responsible businesses who seek protection against unfair competition, ensure a healthy more equitable local economy, and promote recruitment and retention in hard-to-fill jobs. By attracting workers seeking jobs where their rights and their earnings are protected, it would also bolster the local labor market and address the shortage of workers faced by many businesses.

Budget

Because continuity and sustained effort are required to meaningfully address the problem of wage theft in our communities, CWJ has proposed a five-year initiative to address the problem. This will require outreach to low-wage workers, building collaborative networks of support with other community organizations, educating the wider community, and directly resolving wage theft cases that arise. The work requires a full-time dedicated community organizer with a competitive salary and full benefits and the support of other CWJ staff, volunteers, and community allies.

The budgeted costs for this position over the 5-year period of the initiative will be \$322,755. The Johnson County Board of Supervisors has tentatively agreed to use \$130,000 of ARPA funds to initiate this program. We expect that with additional support from the municipalities in the county, the county will raise its contribution to \$162,755, or \$32,551 annually for the five years. CWJ asking the City of North Liberty to contribute an additional \$7000 annually, or \$35,000 over five years, and the City of Coralville to commit to \$8000 annually for five years, or a total of \$40,000. Finally, we are asking the city of Iowa City to make a commitment to provide



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\$17,000 annually for five years, for a total commitment of \$85,000. These funds will enable us to fully fund the 5-year program.

This level of support and commitment will enable CWJ and its community allies to make significant progress toward rooting out the problem of wage theft and advancing the objective of making Johnson County and its municipalities “fair labor communities.” Such progress will redound to the benefit of low wage workers seeking better and more secure lives, responsible employers eager to attract more workers to the community, and the overall community and its economic health. These funds will enable us to fully fund the 5-year program.

Five years Budget for a Full-Time Wage Theft Oragnizer																				
Category	Year 1 Budget	Year 2 Budget	Year 3 Budget	Year 4 Budget	Year 5 Budget	Total	Notes													
Staff Salaries	\$41,600.00	\$42,848.00	\$44,133.44	\$45,457.44	\$46,821.16	\$220,860.04	Salary plus 3% increase starting the 2nd year according to the Teamster													
Staff Benefits	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$85,000.00	Teamster Union health Insurance(it vairy with family member, Between \$1700-\$													
SS, Medicare	\$3,182.40	\$3,277.87	\$3,376.20	\$3,477.49	\$3,581.81	\$16,895.77	SS and Medicare Payment by CWJ													
Total	\$61,782.40	\$63,125.87	\$64,509.64	\$65,934.93	\$67,402.97	\$322,755.81	The Yearly cost of the Full-time wage theft orgnizer													

Respectfully,

Mazahir Salih

Executive Director

Center for Worker Justice



City Administration Campus Update



To **North Liberty Mayor and City Council**
From **Ryan Heiar, City Administrator**
Date **February 3, 2022**
Re **City Hall Project Update**

In February of 2021, the City Council approved a contract with Shive Hattery for design and construction administration services for a new City Hall. In June of 2021, the design team presented a concept to the City Council showcasing a two-level, 17,000 square foot facility that included office space for six departments, conference rooms, a community room, a City Council Chambers and an outdoor events plaza. At the time, the estimated project budget was \$9 million.

Since June, staff and Shive Hattery have been advancing the design with the anticipated bid date of fall 2022. As part of this process, the design development plans (approximately 60% complete) were sent to a third-party estimator. This company, Stecker-Harmsen, estimated the project cost at \$10.7 million. Factors that contributed to the higher estimate are material and labor cost increases in 2021 and the unknown and potentially volatile inflation rate between December 2021 and the anticipated bid date of September 2022. Stecker-Harmsen's estimate calculates 7% inflation between now and bid day.

After reviewing the Stecker-Harmsen estimate, I asked Shive Hattery to explore value engineering ideas that would bring the estimate more in line with the original project cost without sacrificing the building footprint. Our team navigated a similar process with the police station project; however, the disadvantage in that case was that the plans and specifications were finalized, and bids received, before we considered any cost reduction options. Cost management has been and will continue to be part of this design process so that adjustments can be made prior to bids being received.

The architects are prepared to complete the design to include changes to the underground piping, various building materials and the generator size, which do not significantly alter the original concept design. In addition, the events plaza will be divided into two phases, both of which will be bid alternates, resulting in a revised cost opinion of \$9.9 million. This new number includes a \$400k construction contingency, a \$520k inflation contingency and \$300k for phase 1 of the plaza project. It should be noted that we are hopeful the bids will come in better than anticipated so that the plaza can be constructed in its entirety; however, phasing and using bid alternates should allow for some flexibility if the bids come in higher than anticipated.

	Original Concept Phase Project Cost	Updated Project Cost	Value Engineered Project Cost
	June 2021	January 2022	February 2022
Expenses			
Building & Site Costs	\$ 5,940,000	\$ 7,670,000	\$ 7,460,000
Contingency	\$ 900,000	\$ 420,000	\$ 400,000
Inflation to bid day	\$ -	\$ 590,000	\$ 520,000
	\$ 6,840,000	\$ 8,680,000	\$ 8,380,000
A/E Fees	\$ 700,000	\$ 826,000	\$ 826,000
Furnishings/Equipment/Appliances	\$ 300,000	\$ 321,000	\$ 321,000
IT Hub	\$ 100,000	\$ 107,000	\$ 107,000
Public Event Plaza	\$ 1,060,000	\$ 750,000	\$ 300,000
	\$ 9,000,000	\$10,684,000	\$9,934,000

From a funding standpoint, the City Council has the authority to borrow \$9 million for the City Hall project. During the FY22 budget process, \$300k from the FY20 general fund balance was allocated to this project. Staff is

currently working with Shive Hattery on a stormwater grant through the State of Iowa in the amount of approximately \$300k to help pay for the underground detention and other storm water quality features required for this project. And finally, staff is recommending that \$300k from the FY21 general fund surplus be allocated to this project. These funding options total \$9.9 million.

Funding	
GO Bond	\$ 9,000,000
FY20 Surplus	\$ 300,000
FY21 Surplus	\$ 300,000
Stormwater Grant	\$ 300,000
	\$9,900,000

At this point, our team believes the project is scaled down as much as possible without jeopardizing the integrity of the project. Any further significant reduction in cost will likely require the footprint to shrink. Given that the programming phase of the design process was comprehensive and well developed, taking into consideration costs, immediate operational needs and modest future growth, staff does not recommend reducing the footprint.

Shive Hattery's team will be at Tuesday meeting and will walk through the revised design. Staff will be seeking consensus from the Council to continue to move ahead with the design and a bid date of September 2022.

If you have any questions or desire further information, please contact me.



Colony Annexation

VOLUNTARY ANNEXATION REQUEST

To: The City of North Liberty, Johnson County, Iowa.

The undersigned owner of land, for which the legal description and map are shown below, hereby voluntarily request annexation thereof by the City of North Liberty, Johnson County, Iowa. It is understood that said land upon annexation shall be zoned pursuant to North Liberty ordinances. Further, the undersigned reserves the right to withdraw the voluntary annexation request at any time until three business days after a public hearing is held on the application by the North Liberty City Council.

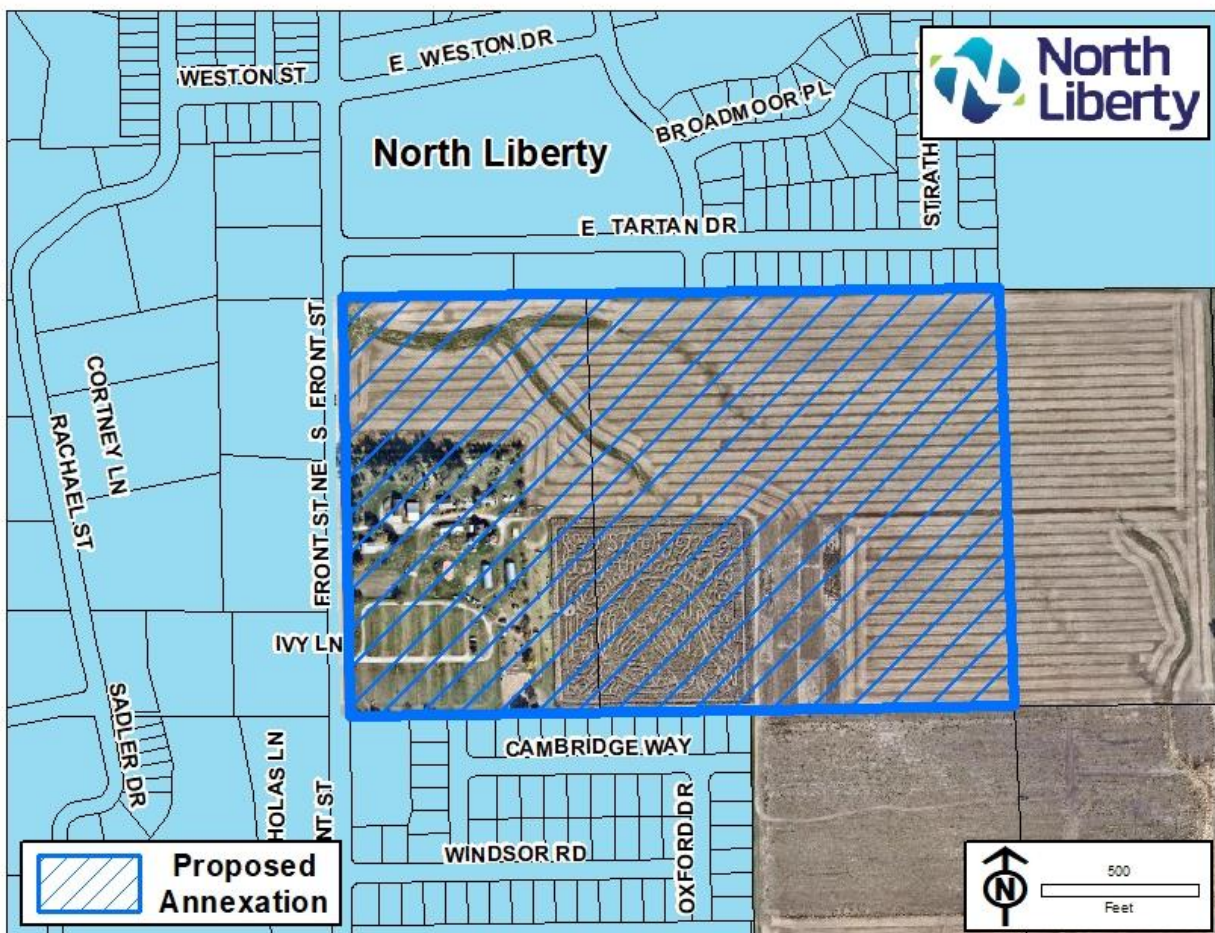
Dean Colony, registered agent and authorized to sign on behalf Colony 1927, LLC.

By: Dean Colony Signed:  Dated: 1/22/2022
Printed name

Legal Description of Property:

The South fractional Half of Southwest Quarter of Section 18, Township 80 North, Range 6 West of the 5th P.M., Johnson County, Iowa.

Map of Property Location:



Resolution No. 2022-08

**A RESOLUTION APPROVING ANNEXATION OF CERTAIN
PROPERTY TO THE CITY OF NORTH LIBERTY, IOWA**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH
LIBERTY, IOWA:**

WHEREAS, the owner of property generally located on the east side of Front Street south of Broadmoor Estates and north of Windsor Farms Subdivision in the southeast part of the City has applied for annexation to the City of North Liberty;

WHEREAS, the total property to be annexed is legally described in Exhibit A, which includes all county roadways adjacent to the annexation area; and

WHEREAS, it is in the best interest of the City of North Liberty that said property be annexed to the City at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of North Liberty, Iowa, that the property referred to herein and shown and mapped in Exhibit A shall hereinafter be and become a part of the City of North Liberty, Iowa.

BE IT FURTHER RESOLVED that the Planning Director is hereby directed to file the appropriate documentation with the City Development Board in order to proceed with the finalization of this annexation.

APPROVED AND ADOPTED this 8th day of February, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

Exhibit A – Legal Description of Property

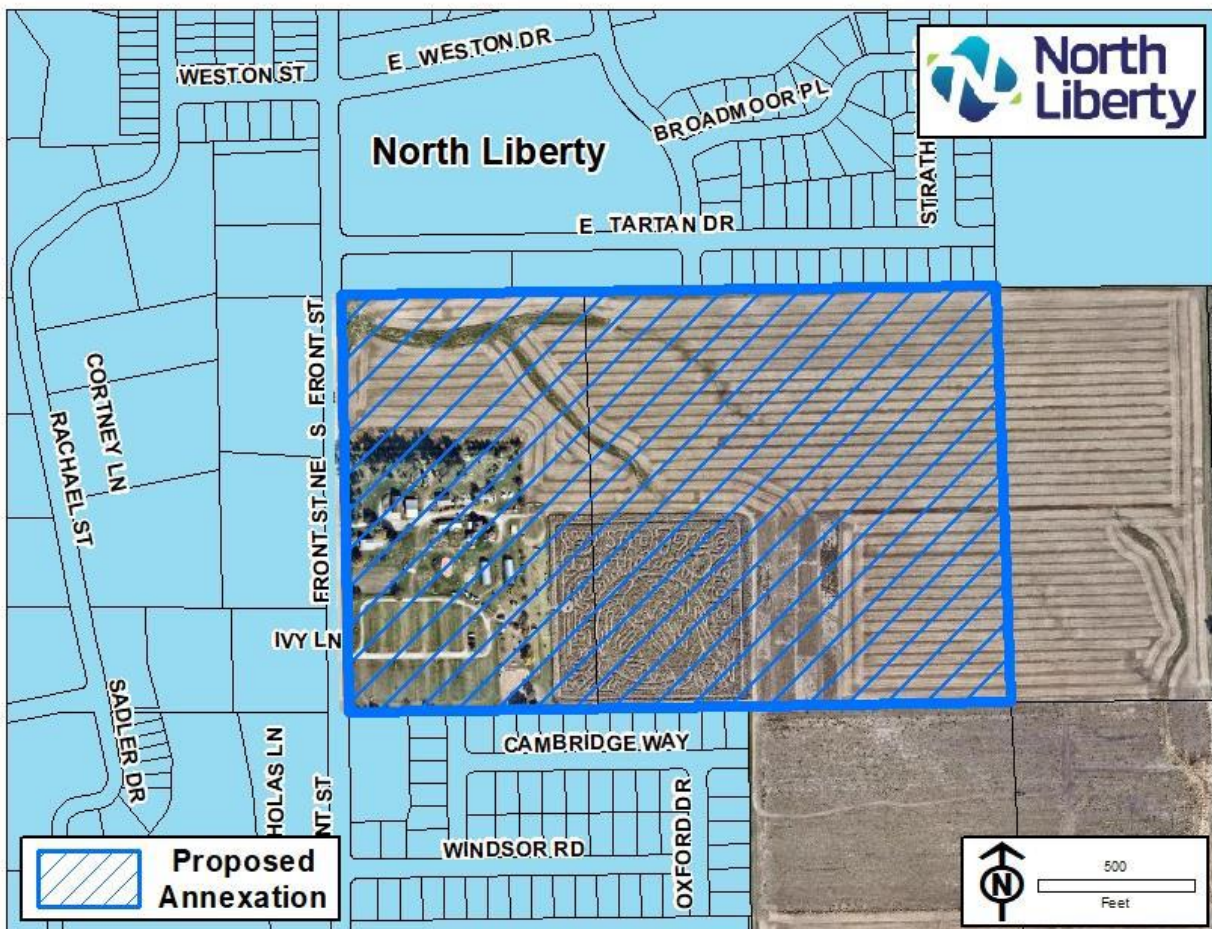
The South fractional Half of Southwest Quarter of Section 18, Township 80 North, Range 6 West of the 5th P.M., Johnson County, Iowa.

AND

The East Half of South Front Street lying contiguous to the South fractional Half of Southwest Quarter of Section 18, Township 80 North, Range 6 West of the 5th P.M., Johnson County, Iowa.

All county roadways adjacent to the annexation area are included in this legal description.

Map of Proposed Annexation:



WILDLIFE CONSERVATION AND DEPREDAATION AGREEMENT

This Wildlife Conservation and Depredation Agreement (“Agreement”) is entered into by and between Colony 1927, LLC, (hereinafter referred to as “Owner,” which expression shall include its, agents, successors and assigns) and the City of North Liberty, Iowa (hereinafter “the City”). Owner and the City are collectively referred to as “the Parties.”

I. RECITALS

A. Owner is the titleholder of agricultural real property in unincorporated Johnson County, adjacent to Front Street in North Liberty, identified as Johnson County Parcel Nos. 0718351001 and 0718376001 (the “Subject Property”).

B. Owner’s agricultural crops on the Subject Property have suffered sufficient damage from deer and other wildlife such that Owner has qualified for and is currently enrolled in the Iowa Department of Natural Resources (“DNR”) Deer Depredation Program.

C. Owner has applied to the City for voluntary annexation of the Subject Property into the City of North Liberty, with such application conditioned upon receiving permission from the City to hunt from time to time on the Subject Property.

D. Chapter 41.05 of the North Liberty Code of Ordinances prohibits discharge of firearms, or the shooting of arrows or similar instruments within City limits, except by written consent of the Council. Iowa Code §481A.123 further prohibits discharging firearms within two hundred yards of a building inhabited by people unless the owner or tenant has given consent to do so.

E. The Parties wish to allow the safe and humane depredation of deer and other wildlife on the Subject Property, consistent with the requirements of the DNR Deer Depredation Program and sound wildlife conservation practices.

II. TERMS

1. **Recitals.** By this reference, the Recitals set forth above are incorporated into and made part of this Agreement.

2. **Consideration.** Owner agrees to voluntarily apply for annexation of the Subject Property into the City of North Liberty as soon as is practicable. In exchange for the successful voluntary annexation of the Subject Property into the City of North Liberty, the City Council consents to the Owner’s use of firearms and arrows or other similar instruments on those portions of the Subject Property depicted in the attached Exhibit A, for the limiting purpose of controlling deer and other wildlife populations which may damage crops on the Subject Property, to the extent such firearms, arrows, or similar instruments are permitted to be used for such purposes by the Iowa DNR Deer Depredation program. Such consent is granted for the term of this Agreement. Consent by the City of North Liberty does not abrogate any of Owner’s other obligations to abide by applicable state and federal laws and regulations.

3. **Term and Renewal.** The term of this Agreement shall be three (3) years from the date the annexation of the Subject Property into the City of North Liberty is finalized in accordance with the provisions of Iowa Code Chapter 368.7 et. seq., after which time the Agreement shall be of no further force or effect, unless renewed by the Parties. The Agreement may be renewed for additional, subsequent terms by written consent of the Owner and an accompanying resolution by the City Council.

4. **Severability.** Should any provision of this Agreement be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of this Agreement.

5. **Entire Agreement.** This Agreement sets forth the entire agreement between the Parties hereto and fully supersedes any and all prior agreements or understanding between the Parties hereto pertaining to the subject matter hereof.

6. **Counterparts.** This Agreement shall be executed in one or more counterparts and by facsimile or other electronic means, each counterpart shall, for all purposes, be deemed an original, and all counterparts shall constitute the same instrument.

7. **Careful Review and Understanding.** All Parties represent and certify they have carefully read and fully understand all of the provisions and effects of this Agreement, that they have had the opportunity to thoroughly discuss all aspects of this Agreement with an attorney, that they are voluntarily entering into this Agreement, and that neither the opposing party nor any agents, representatives, or attorneys made any representations concerning the terms or effects of this Agreement other than those contained herein.

8. **Authority to Sign.** The undersigned individuals represent and warrant that they have authority to execute the Agreement on behalf of their respective parties. The undersigned individuals represent and warrant that all necessary corporate actions or resolutions have been taken to authorize the execution of this Agreement.

9. **Attorney's Fees.** If any dispute arises over this Agreement, including the resort to litigation, the prevailing party shall be entitled to recover the reasonable and necessary attorney's fees and expenses incurred in enforcing this Agreement.

10. **No Assignment.** The Parties warrant and represent that they have not made any assignment or transfer of any contract, right, claim, demand, cause of action, or other matter covered by the releases set forth herein.

11. **Right to Enforce This Agreement.** Notwithstanding any provision set forth in this Agreement, the Parties to this Agreement retain the right to enforce this Agreement.

12. **Drafting.** This Agreement was negotiated at arm's-length and entered into freely by the Parties, who have had opportunity to seek the advice of counsel. In the event an ambiguity exists in any provision of this Agreement, such ambiguity is not to be construed by reference to any doctrine or statute calling for ambiguities to be construed against the drafter of the document.

13. **Captions.** The captions or headings of the sections in this Agreement are for the convenience of reference only and in no way define, limit, or affect the scope or substance of any section of this Agreement.

14. **Scope of Promises, Representations, and Inducements.** Parties acknowledge, warrant and represent that no promises, representation or inducements, except as herein set forth, have been offered or made by a party hereto or to any other party hereto to secure the execution of any provision of this Agreement and that the releases above in this Agreement are executed without reliance on any statements or any representations not contained herein. Each of the Parties knowingly waives:

- a. Any claim that this Agreement was induced by any misrepresentation or nondisclosure, and
- b. Any right to rescind or void this Agreement based upon presently existing facts, known or unknown.

15. **Survival.** The provisions of this Agreement, including without limitation to, the representations, warranties, covenants and releases made herein shall survive the execution of this Agreement and the performances by the Parties of their respective obligations under this Agreement.

16. **Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of each Party's successors and assigns.

17. **Modifications.** No part or provision of this Agreement may be changed, modified, waived, discharged or terminated except by an instrument in writing signed by the Party against whom enforcement of such change, modification, waiver, discharge or termination is sought. The failure of a party to seek redress for violation of, or to insist upon strict performance of, any provision of this Agreement shall not be a waiver of that provision by the party to estop that party from asserting fully any and all of its rights under this Agreement.

18. **Further Assurances.** Each party shall execute such other and further documents, and take such other and further actions as may be reasonably requested by a Party hereto for the purpose effectuating the agreements herein.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement effective on the last date set forth below.

[SIGNATURE PAGE FOLLOWS]

COLONY 1927, LLC

By: _____
Dean Colony, Manager

Date of Signature: _____

THE CITY OF NORTH LIBERTY, IOWA

By: _____
Chris Hoffman, Mayor

Date of Signature: _____

Resolution No. 2022-09

**A RESOLUTION APPROVING THE WILDLIFE CONSERVATION
AND DEPREDATION AGREEMENT BETWEEN THE CITY OF
NORTH LIBERTY AND COLONY 1927, LLC**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the owner, Colony 1927, LLC of property identified as Johnson County Parcel Numbers 0718351001 and 0718376001 that is being annexed to the City of North Liberty is enrolled in the Iowa Department of Natural Resources Deer Depredation Program;

WHEREAS, the North Liberty Code of Ordinances prohibits discharge of firearms, or the shooting of arrows or similar instruments within City limits except by written consent of the City Council;

WHEREAS, the parties wish to allow the safe and humane depredation of deer and other wildlife on the subject property, consistent with the requirements of the DNR Deer Depredation Program and sound wildlife conservation practices; and

WHEREAS, it is the parties' desire to agree and establish, in writing, their understanding regarding depredation as in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED that that Wildlife Conservation and Depredation Agreement between the City of North Liberty and the Colony 1927, LLC is approved for a term of three years from the date the annexation is finalized.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute said agreement.

APPROVED AND ADOPTED this 8th day of February, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK



Community Center Facility Plan

PROFESSIONAL SERVICES AGREEMENT

CLIENT: City of North Liberty

ATTN: Mr. Ryan Heiar, City Administrator
P.O. Box 77
North Liberty, Iowa 52317

PROJECT: NL Community Center Facility Plan

LOCATION: North Liberty, Iowa

DATE: February 2, 2022

PROJECT DESCRIPTION

The scope of the project includes a facility conditions assessment of the North Liberty Community Center. The purpose of the evaluation is to provide a prioritized list of repairs, equipment replacement, and improvements for the building and site as a tool for the City to use to help prepare and plan capital improvement projects.

SCOPE OF SERVICES

A facility assessment and report consisting of architectural, civil, mechanical, and electrical engineering services for the project will be provided. The 2018 IBC and 2010 ADAAG codes will be the referenced baseline codes. Services provided will consist of the following:

1. Visit the project site and building to become familiar with and review conditions of the facility.
2. Meet with operations and maintenance staff to discuss known issues and concerns.
3. Review existing drawings and other documentation to verify existing conditions and confirm age of components.
4. Exterior assessments will be limited to review of the building envelope, condition of parking lots and sidewalks, and review of site drainage.
5. Provide recommendations for repairs, replacement and improvements to the facility including determining the scope of each recommendation as required to provide new, serviceable, and code compliant facilities.
6. Provide guidance on priorities and categories such as, life safety, code, accessibility, equipment life expectancy, condition, cosmetic, etc. of each recommendation.
7. ADA accessibility will consist of a cursory review of visual observations.
8. Develop an opinion of probable construction cost for each recommendation.
9. Meet with city staff to review the report summarizing the recommendations, priorities, and costs.
10. Issue the final report incorporating staff comments.



CLIENT RESPONSIBILITIES

It will be your responsibility to provide the following:

1. Site access for Shive-Hattery personnel.
2. Existing plans, reports, shop drawings, data sheets, and other existing information as is available.
3. Participate with the assessment review meetings.
4. Authorize Johnson Controls to participate with the inventory and assessment related to the controls system and other maintenance procedures for the facility.

SCHEDULE

We will begin our services upon receipt of this Agreement executed by you which will serve as a notice to proceed.

The services will be performed per a mutually agreed upon schedule.

COMPENSATION

Description	Fee	Fee Type
Facility Conditions Assessment	\$23,000.00	Lump Sum
Facility Utilization Assessment	As requested	Hourly
Reimbursable Expenses	\$200.00	As incurred (estimated)
TOTAL		\$23,200.00

Fee Types:

Fixed Fee - We will provide the Scope of Services on a lump sum and hourly basis according to the table above.

Reimbursable Expenses:

Estimated amount - The estimated Reimbursable Expense amount(s) above will be billed as incurred in accordance with our Reimbursable Expense Fee Schedule in effect at the time that the expense is incurred. The expenses include printing costs and mileage.

The terms of this proposal are valid for 30 day(s) from the date of this proposal.

SERVICES NOT INCLUDED

The following are additional services not included in this proposal.

1. Preparation of bid documents for the recommended improvements.
2. Preparation of as-built drawings of existing facilities. As built drawings may be requested as an hourly additional service.

3. Facility utilization assessment; review and evaluation of spaces related to planned/programmed use, size, and growth of the community/services. Assessment could, as requested by the Owner, include feasibility studies for renovation and expansion as applicable. Facility utilization assessment may be requested as an hourly additional service.
4. Structural engineering services.
5. Asbestos and environmental testing.
6. Comprehensive ADA accessibility studies and assessments including measurements, slopes and detailed investigations.
7. Review of site landscaping, drainage, underground utilities, site electrical and site lighting.

STANDARD TERMS AND CONDITIONS

Copyright © Shive-Hattery April 2020

PARTIES

"S-H" or "Shive-Hattery" shall mean Shive-Hattery, Inc. or Shive-Hattery A/E Services, P.C. or Studio951 a Division of Shive-Hattery or EPOCH a Division of Shive-Hattery and "CLIENT" shall mean the person or entity executing this Agreement with "S-H."

LIMITATION OF LIABILITY AND WAIVER OF CERTAIN DAMAGES

The CLIENT agrees, to the fullest extent of the law, to limit the liability of S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them, to the CLIENT and any person or entity claiming by or through the CLIENT, for any and all claims, damages, liabilities, losses, costs, and expenses including reasonable attorneys' fees, experts' fees, or any other legal costs, in any way related to the Project or Agreement from any cause(s) to an amount that shall not exceed Five Million Dollars (\$5,000,000). The parties intend that this limitation of liability apply to any and all liability or cause of action, claim, theory of recovery, or remedy however alleged or arising, including but not limited to negligence, errors or omissions, strict liability, breach of contract or warranty, express, implied or equitable indemnity and all other claims, which except for the limitation of liability above, the CLIENT waives.

CLIENT hereby releases S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them, and none shall be liable to the CLIENT for consequential, special, exemplary, punitive, indirect or incidental losses or damages, including but not limited to loss of use, loss of product, cost of capital, loss of goodwill, lost revenues or loss of profit, interruption of business, down time costs, loss of data, cost of cover, or governmental penalties or fines.

INDEMNIFICATION

Subject to the limitation of liability in this Agreement, S-H agrees to the fullest extent permitted by law, to indemnify and hold harmless the CLIENT, its officers, directors, shareholders, employees, contractors, subcontractors and consultants against all claims, damages, liabilities, losses or costs, including reasonable attorneys' fees, experts' fees, or other legal costs to the extent caused by S-H's negligent performance of service under this Agreement and that of its officers, directors, shareholders, and employees.

The CLIENT agrees to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents,, subconsultants, and affiliated companies against all damages, liabilities, losses, costs, and expenses including, reasonable attorneys' fees, expert's fees, and any other legal costs to the extent caused by the acts or omissions of the CLIENT, its employees, agents, contractors, subcontractors, consultants or anyone for whom the CLIENT is legally liable.

HAZARDOUS MATERIALS - INDEMNIFICATION

To the fullest extent permitted by law, CLIENT agrees to defend, indemnify, and hold S-H, its officers, directors, shareholders, employees, agents, consultants and affiliated companies, and any of them harmless from and against any and all claims, liabilities, losses, costs, or expenses including reasonable attorney's fees, experts' fees and any other legal costs (including without limitation damages to property, injuries or death to persons, fines, or penalties), arising out of, or resulting from the discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acids, alkalies, toxic chemicals, liquids, gases, polychlorinated biphenyl, petroleum contaminants, spores, biological toxins, or any other materials, irritants, contaminants, or pollutants in or into the atmosphere, or on, onto, upon, in, or into the surface or subsurface of soil, water, or watercourses, objects, or any tangible or intangible matter, whether sudden or not.

STANDARD OF CARE

Services provided by S-H under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances on projects of similar size, complexity, and geographic location as that of the Project. Nothing in this Agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other party.

BETTERMENT

The CLIENT recognizes and expects that certain change orders may be required to be issued as the result in whole or part of imprecision, incompleteness, omissions, ambiguities, or inconsistencies in S-H's drawings, specifications, and other design, bidding or construction documentation furnished by S-H or in other professional services performed or furnished by S-H under this Agreement (herein after in this Betterment section referred to as S-H Documentation). If a required item or component of the Project is omitted from S-H's Documentation, the CLIENT is responsible for paying all costs required to add such item or component to the extent that such item or component would have been required and included in the original S-H Documentation. In no event will S-H be responsible for costs or expense that provides betterment or upgrades or enhances the value of the Project.

RIGHT OF ENTRY

The CLIENT shall provide for entry for the employees, agents and subcontractors of S-H and for all necessary equipment. While S-H shall take reasonable precautions to minimize any damage to property, it is understood by the CLIENT that in the normal course of the project some damages may occur, the cost of correction of which is not a part of this Agreement.

PAYMENT

Unless otherwise provided herein, invoices will be prepared in accordance with S-H's standard invoicing practices then in effect and will be submitted to CLIENT each month and at the completion of the work on the project. Invoices are due and payable upon receipt by the CLIENT. If the CLIENT does not make payment within thirty (30) days after the date the invoice was mailed to the CLIENT, then the amount(s) due S-H shall bear interest due from the date of mailing at the lesser interest rate of 1.5% per month compounded or the maximum interest rate allowed by law. In the event that S-H files or takes any action, or incurs any costs, for the collection of amounts due it from the client, S-H shall be entitled to recover its entire cost for attorney fees and other collection expenses related to the collection of amounts due it under this Agreement. Any failure to comply with this term shall be grounds for a default termination.

TERMINATION

Either party may terminate this Agreement for convenience or for default by providing written notice to the other party. If the termination is for default, the non-terminating party may cure the default before the effective date of the termination and the termination for default will not be effective. The termination for convenience and for default, if the default is not cured, shall be effective seven (7) days after receipt of written notice by the non-terminating party. In the event that this Agreement is terminated for the convenience of either party or terminated by S-H for the default of the CLIENT, then S-H shall be paid for services performed to the termination effective date, including reimbursable expenses due, and termination expenses attributable to the termination. In the event the CLIENT terminates the Agreement for the default of S-H and S-H does not cure the default, then S-H shall be paid for services performed to the termination notice date, including reimbursable expenses due, but shall not be paid for services performed after the termination notice date and shall not be paid termination expenses. Termination expenses shall include expenses reasonably incurred by S-H in connection with the termination of the Agreement or services, including, but not limited to, closing out Project records, termination of subconsultants and other persons or entities whose services were retained for the Project, and all other expenses directly resulting from the termination.

INFORMATION PROVIDED BY OTHERS

S-H shall indicate to the CLIENT the information needed for rendering of services hereunder. The CLIENT shall provide to S-H such information, including electronic media, as is available to the CLIENT and the CLIENT's consultants and contractors, and S-H shall be entitled to rely upon the accuracy and completeness thereof. The CLIENT recognizes that it is difficult for S-H to assure the accuracy, completeness and sufficiency of such client-furnished information, either because it is provided by others or because of errors or omissions which may have occurred in assembling the information the CLIENT is providing. Accordingly, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents, subconsultants and affiliated companies, and any of them, from and against any and all claims, liabilities, losses, costs, expenses (including reasonable attorneys' fees, experts' fees, and any other legal costs) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the CLIENT.

UNDERGROUND UTILITIES

Information for location of underground utilities may come from the CLIENT, third parties, and/or research performed by S-H or its subcontractors. S-H will use the standard of care defined in this Agreement in providing this service. The information that S-H must rely on from various utilities and other records may be inaccurate or incomplete. Therefore, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them for all claims, losses, costs and damages arising out of the location of underground utilities provided or any information related to underground utilities by S-H under this Agreement.

CONTRACTOR MATTERS

CLIENT agrees that S-H shall not be responsible for the acts or omissions of the CLIENT's contractor, or subcontractors, their employees, agents, consultants, suppliers or arising from contractor's or subcontractors' work, their employees, agents, consultants, suppliers or other entities that are responsible for performing work that is not in conformance with the construction Contract Documents, if any, prepared by S-H under this Agreement. S-H shall not have responsibility for means, methods, techniques, sequences, and progress of construction of the contractor, subcontractors, agents, employees, agents, consultants, or other entities. In addition, CLIENT agrees that S-H is not responsible for safety at the project site and that safety during construction is for the CLIENT to address in the contract between the CLIENT and contractor.

SHOP DRAWING REVIEW

If, as part of this Agreement S-H reviews and approves Contractor submittals, such as shop drawings, product data, samples and other data, as required by S-H, these reviews and approvals shall be only for the limited purpose of checking for conformance with the design concept and the information expressed in the contract documents. This review shall not include review of the accuracy or completeness of details, such as quantities, dimensions, weights or gauges, fabrication processes, construction means or methods, coordination of the work with other trades or construction safety precautions, all of which are the sole responsibility of the Contractor. S-H's review shall be conducted with reasonable promptness while allowing sufficient time in S-H's judgment to permit adequate review. Review of a specific item shall not indicate that S-H has reviewed the entire assembly of which the item is a component. S-H shall not be responsible for any deviations from the contract documents not brought to the attention of S-H in writing by the Contractor. S-H shall not be required to review partial submissions or those for which submissions of correlated items have not been received.

OPINIONS OF PROBABLE COST

If, as part of this Agreement S-H is providing opinions of probable construction cost, the CLIENT understands that S-H has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that S-H's opinions of probable construction costs are to be made on the basis of S-H's qualifications and experience. S-H makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

CONSTRUCTION OBSERVATION

If, as part of this Agreement S-H is providing construction observation services, S-H shall visit the project at appropriate intervals during construction to become generally familiar with the progress and quality of the contractors' work and to determine if the work is proceeding in general accordance with the Contract Documents. Unless otherwise specified in the Agreement, the CLIENT has not retained S-H to make detailed inspections or to provide exhaustive or continuous project review and observation services. S-H does not guarantee the performance of, and shall have no responsibility for, the acts or omissions of any contractor, its subcontractors, employees, agents, consultants, suppliers or any other entities furnishing materials or performing any work on the project.

S-H shall advise the CLIENT if S-H observes that the contractor is not performing in general conformance of Contract Documents. CLIENT shall determine if work of contractor should be stopped to resolve any problems.

OTHER SERVICES

The CLIENT may direct S-H to provide other services including, but not limited to, any additional services identified in S-H's proposal. If S-H agrees to provide these services, then the schedule shall be reasonably adjusted to allow S-H to provide these services. Compensation for such services shall be at S-H's Standard Hourly Fee Schedule in effect at the time the work is performed unless there is a written Amendment to Agreement that contains an alternative compensation provision.

OWNERSHIP & REUSE OF INSTRUMENTS OF SERVICE

All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by S-H as instruments of service shall remain the property of S-H. The CLIENT shall not reuse or make any modifications to the plans and specifications without the prior written authorization of S-H. The CLIENT agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless S-H its officers, directors, shareholders, employees, agents, subconsultants and affiliated companies, and any of them from any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to any unauthorized reuse or modifications of the construction documents by the CLIENT or any person or entity that acquires or obtains the plans and specifications from or through the CLIENT without the written authorization of S-H.

DISPUTE RESOLUTION

If a dispute arises between S-H and CLIENT, the executives of the parties having authority to resolve the dispute shall meet within thirty (30) days of the notification of the dispute to resolve the dispute. If the dispute is not resolved within such thirty (30) day time period, CLIENT and S-H agree to submit to non-binding mediation prior to commencement of any litigation and that non-binding mediation is a precondition to any litigation. Any costs incurred directly for a mediator, shall be shared equally between the parties involved in the mediation.

EXCUSABLE EVENTS

S-H shall not be responsible or liable to CLIENT or CLIENT's contractors, consultants, or other agents for any of the following events or circumstances, or the resulting delay in S-H's services, additional costs and expenses in S-H's performance of its services, or other effects in S-H's services, stemming in whole or part from such events and circumstances (collectively, "Excusable Events" or, singularly, an "Excusable Event"): a change in law, building code or applicable standards; actions or inactions by a governmental authority; the presence or encounter of hazardous or toxic materials on the Project; war (declared or undeclared) or other armed conflict; terrorism; sabotage; vandalism; riot or other civil disturbance; blockade or embargos; explosion; abnormal weather; unanticipated or unknown site conditions; epidemic or pandemic (including but not limited to COVID-19), delays or other effects arising from government-mandated or government-recommended quarantines, closure of business, access, or travel; strike or labor dispute, lockout, work slowdown or stoppage; accident; act of God; failure of any governmental or other regulatory authority to act in a timely manner; acts or omissions by CLIENT or by any CLIENT's contractors, consultants or agents of any level on the project (including, without limitation, failure of the CLIENT to furnish timely information or approve or disapprove of S-H's services or work product promptly, delays in the work caused by CLIENT, CLIENT's suspension, breach or default of this Agreement, or delays caused by faulty performance by the CLIENT or by CLIENT's contractors, consultants, or agents of any level); or any delays or events outside the reasonable control of S-H. When an Excusable Event occurs, the CLIENT agrees S-H is not responsible for any actual or claimed damages incurred by CLIENT or CLIENT's contractors, consultants, or agents, S-H shall not be deemed to be in default of this Agreement, and S-H shall be entitled to a change order to equitably increase and extend S-H's time for performance of its services, as well as equitably increase the contract sum to compensate S-H for its increased labor, expenses, and other costs to perform its services, due to the Excusable Event.

ASSIGNMENT

Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement (including but not limited to monies that are due or monies that may be due) without the prior written consent of the other party.

SEVERABILITY, SURVIVAL AND WAIVER

Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the CLIENT and S-H shall survive the completion of the services hereunder and the termination of this Agreement. The failure of a party to insist upon strict compliance of any term hereof shall not constitute a waiver by that party of its rights to insist upon strict compliance at a subsequent date.

GOVERNING LAW

This Agreement shall be governed pursuant to the laws in the state of the locale of the S-H office address written in this Agreement.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of S-H to provide equal employment opportunities for all. S-H enforces the following acts and amendments as presented by Federal government or State governments: Title VII of the Civil Rights Act of 1965, Age Discrimination in Employment ACT (ADEA), Americans With Disabilities Act (ADA), Iowa Civil Rights Act of 1965, and Illinois Human Rights Act [775ILCS 5]. S-H will not discriminate against any employee or applicant because of race, creed, color, religion, sex, national origin, gender identity, sexual orientation, marital status, ancestry, veteran status, or physical or mental handicap, unless related to performance of the job with or without accommodation.

COMPLETE AGREEMENT

This Agreement constitutes the entire and integrated agreement between the CLIENT and S-H and supersedes all prior negotiations, representations and agreements, whether oral or written. In the event the CLIENT issues a Purchase Order of which this Agreement becomes a part, or the CLIENT and S-H otherwise execute or enter into a contract into which this Agreement is incorporated, the parties expressly agree that, to the extent the terms of this Agreement conflict with or are otherwise inconsistent with such Purchase Order, or any other contract, this Agreement shall supersede and override the terms of the aforementioned documents, and this Agreement shall solely govern in those regards.

ACCEPTANCE

Wet signatures, digital signatures, electronic signatures or acceptance communicated by mail or e-mail from one party to another, are deemed acceptable for binding the parties to the Agreement. The CLIENT representative accepting this Agreement warrants that he or she is authorized to enter into this Agreement on behalf of the CLIENT.

AGREEMENT

This proposal shall become the Agreement for Services when accepted by both parties. Original, facsimile, electronic signatures or other electronic acceptance by the parties (and returned to Shive-Hattery) are deemed acceptable for binding the parties to the Agreement. The Client representative signing this Agreement warrants that he or she is authorized to enter into this Agreement on behalf of the Client.

Thank you for considering this proposal. We look forward to working with you. If you have any questions concerning this proposal, please contact us.

Sincerely,

SHIVE-HATTERY, INC.



Kevin P. Trom, Project Manager

KPT/bad

Copy: Shelly Simpson, NL Parks & Recreation Director
Kevin Trom, S-H

AGREEMENT ACCEPTED AND SERVICES AUTHORIZED TO PROCEED

CLIENT: CITY OF NORTH LIBERTY

BY: _____
(signature)

TITLE: _____

PRINT NAME: _____

DATE ACCEPTED: _____

Resolution No. 2022-10

**RESOLUTION APPROVING SERVICES AGREEMENT
BETWEEN THE CITY OF NORTH LIBERTY AND SHIVE-
HATTERY, INC. FOR THE COMMUNITY CENTER FACILITY
PLAN**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the City Council desires to conduct a facility assessment of the Community Center for current conditions to use for budgeting and planning purposes;

WHEREAS, Shive-Hattery, Inc. has presented a proposal for services relating to this project; and

NOW, THEREFORE, BE IT RESOLVED that the agreement presented by Shive-Hattery is approved for Assessment services relating to the Community Center Facility Plan at a lump sum fee of \$23,200 plus costs of expenses is hereby approved as set forth therein.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and ordered to execute the agreement with said engineering firm for the scope of work.

APPROVED AND ADOPTED this 8th day of February, 2021.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK



Community Center Roof Replacement Project

PROFESSIONAL SERVICES AGREEMENT

ATTN: Ryan Heiar, City Administrator
CLIENT: City of North Liberty, IA
PO Box 77
North Liberty, IA 52317

PROJECT: City of North Liberty - Community Center Roof

PROJECT LOCATION: North liberty, IA

DATE OF AGREEMENT: February 01, 2022

PROJECT DESCRIPTION

The City of North Liberty, IA requests Shive-Hattery to provide Roof Consulting Services for the City of North Liberty Community Center. The scope will include the replacement of the existing single-ply roof systems on sections A & B (see Exhibit A) of the Community Center located at 520 W Cherry St, North Liberty, IA 52317.

SCOPE OF SERVICES

We will provide the following services for the project:

Roof Consulting Services

These services will consist of the following tasks:

1. **Design Phase:**

- A. Conduct necessary site visits.
- B. Review existing conditions and gather data. Take samples of existing materials and test for asbestos containing materials. Design for abatement of asbestos materials if present.
- C. Prepare drawings and technical specifications suitable for public bidding and construction. The design process/approach will include meetings with City staff to review draft design plans.
- D. We will review final plans and specifications with City staff prior to authorization for public hearing and distribution to bidders.

2. **Bidding Phase:**

- A. Services shall include preparation of bid documents, distribution of documents to potential bidders, provide clarification of documents and answer contractor questions, issue addenda as needed, attend bid opening, prepare tabulation of bids, and provide recommendation to Client regarding award of contract.



3. **Construction Phase:**

- A. Prepare and distribute construction contract and Notice to Proceed.
- B. Review form of contract, bonds, and insurance.
- C. Schedule and facilitate a preconstruction meeting to communicate the schedule and the administrative details of the project.
- D. Participate with construction progress meetings.
- E. Review contractor submittals.
- F. Perform on-site construction observation to observe and provide verbal report on work-in-progress. A minimum of one (1) site visit per five (5) working days will be conducted during the construction period (based on weather and progress).
- G. Review change orders, project submittals, and contractor's pay requests.
- H. Conduct one post-construction review of the work and generate a written punch list of items requiring attention.
- I. Assist in obtaining closeout documents including Record Drawings, as provided by the contractor, to conclude the project.

CLIENT RESPONSIBILITIES

It will be your responsibility to provide the following:

- 1. Identify a Project Representative with full authority to act on behalf of the Client with respect to this project. The Client Project Representative shall render decisions in a timely manner in order to avoid delays of Shive-Hattery's services.
- 2. Legal, accounting, and insurance counseling services or other consultants, including geotechnical, or vendors that may be necessary. The Client shall coordinate these services with those services provided by Shive-Hattery.
- 3. Provide to Shive-Hattery any available drawings, survey plats, testing data and reports related to the project, either hard copy or electronic media. Electronic media is preferred.
- 4. Unless specifically included in the Scope of Services to be provided by Shive-Hattery, the Client shall furnish tests, inspections, permits, and reports required by law, regulation or code including but not limited to hazardous materials, structural, mechanical, chemical, air pollution and water pollution tests.
- 5. Provide Shive-Hattery personnel unlimited access to the site as required.

SCHEDULE

We will begin our services upon receipt of this Agreement executed by you which will serve as a notice to proceed.

- The services shall be performed per a mutually agreed upon schedule.

COMPENSATION

Description	Fee Type	Fee	Estimated Expenses	Total
Roofing Consulting	Fixed Fee	\$31,000	Included	\$31,000
TOTAL		\$31,000	Included	\$31,000

Fee Types:

- Fixed Fee - We will provide the Scope of Services for the fee amounts listed above.

Expenses:

- Included - For Fixed Fee Type, expenses have been included in the Fee amount. For Hourly Fee Types, expenses will be reimbursed in accordance with our Reimbursable Expense Fee Schedule in effect at the time that the expense is incurred.

The terms of this proposal are valid for 30 days from the date of this proposal.

ADDITIONAL SERVICES

Unless specifically stated in the Scope of Services, any resilient design related services including areas of resistance, reliability and redundancy (i.e. flood protection, storm/tornado shelter, emergency generators, utility backup, etc.) are not included in this proposal.

The following are additional services you may require for your project. We can provide these services, but they are not part of this proposal at this time.

The following are additional services you may require for your project. We can provide these services, but they are not part of this proposal at this time.

- Thermal image scan of existing roof system for moisture content.
- Re-design of the project after the initial bid opening.
- Review adjutant roofs for patching and preventive maintenance items and provide a report listing repair items and recommendations.

OTHER TERMS

STANDARD TERMS AND CONDITIONS

Copyright © Shive-Hattery June 2020

PARTIES

"S-H" or "Shive-Hattery" shall mean Shive-Hattery, Inc. or Shive-Hattery A/E Services, P.C. or Studio951 a Division of Shive-Hattery or EPOCH a Division of Shive-Hattery or Shive-Hattery New Jersey, Inc. and "CLIENT" shall mean the person or entity executing this Agreement with "S-H."

LIMITATION OF LIABILITY AND WAIVER OF CERTAIN DAMAGES

The CLIENT agrees, to the fullest extent of the law, to limit the liability of S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them, to the CLIENT and any person or entity claiming by or through the CLIENT, for any and all claims, damages, liabilities, losses, costs, and expenses including reasonable attorneys' fees, experts' fees, or any other legal costs, in any way related to the Project or Agreement from any cause(s) to an amount that shall not exceed five million dollars (\$5,000,000). The parties intend that this limitation of liability apply to any and all liability or cause of action, claim, theory of recovery, or remedy however alleged or arising, including but not limited to negligence, errors or omissions, strict liability, breach of contract or warranty, express, implied or equitable indemnity and all other claims, which except for the limitation of liability above, the CLIENT waives.

CLIENT hereby releases S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them, and none shall be liable to the CLIENT for consequential, special, exemplary, punitive, indirect or incidental losses or damages, including but not limited to loss of use, loss of product, cost of capital, loss of goodwill, lost revenues or loss of profit, interruption of business, down time costs, loss of data, cost of cover, or governmental penalties or fines.

INDEMNIFICATION

Subject to the limitation of liability in this Agreement, S-H agrees to the fullest extent permitted by law, to indemnify and hold harmless the CLIENT, its officers, directors, shareholders, employees, contractors, subcontractors and consultants against all claims, damages, liabilities, losses or costs, including reasonable attorneys' fees, experts' fees, or other legal costs to the extent caused by S-H's negligent performance of service under this Agreement and that of its officers, directors, shareholders, and employees.

The CLIENT agrees to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents, subconsultants, and affiliated companies against all damages, liabilities, losses, costs, and expenses including, reasonable attorneys' fees, expert's fees, and any other legal costs to the extent caused by the acts or omissions of the CLIENT, its employees, agents, contractors, subcontractors, consultants or anyone for whom the CLIENT is legally liable.

HAZARDOUS MATERIALS - INDEMNIFICATION

To the fullest extent permitted by law, CLIENT agrees to defend, indemnify, and hold S-H, its officers, directors, shareholders, employees, agents, consultants and affiliated companies, and any of them harmless from and against any and all claims, liabilities, losses, costs, or expenses including reasonable attorney's fees, experts' fees and any other legal costs (including without limitation damages to property, injuries or death to persons, fines, or penalties), arising out of, or resulting from the discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acids, alkalies, toxic chemicals, liquids, gases, polychlorinated biphenyl, petroleum contaminants spores, biological toxins, or any other materials, irritants, contaminants, or pollutants in or into the atmosphere, or on, onto, upon, in, or into the surface or subsurface of soil, water, or watercourses, objects, or any tangible or intangible matter, whether sudden or not.

STANDARD OF CARE

Services provided by S-H under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances on projects of similar size, complexity, and geographic location as that of the Project. Nothing in this Agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other party.

BETTERMENT

The CLIENT recognizes and expects that certain change orders may be required to be issued as the result in whole or part of imprecision, incompleteness, omissions, ambiguities, or inconsistencies in S-H's drawings, specifications, and other design, bidding or construction documentation furnished by S-H or in other professional services performed or furnished by S-H under this Agreement (herein after in this Betterment section referred to as S-H Documentation). If a required item or component of the Project is omitted from S-H's Documentation, the CLIENT is responsible for paying all costs required to add such item or component to the extent that such item or component would have been required and included in the original S-H Documentation. In no event will S-H be responsible for costs or expense that provides betterment or upgrades or enhances the value of the Project.

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Unless otherwise provided herein, invoices will be prepared in accordance with S-H's standard invoicing practices then in effect and will be submitted to CLIENT each month and at the completion of the work on the project. Invoices are due and payable upon receipt by the CLIENT. If the CLIENT does not make payment within thirty (30) days after the date the invoice was mailed to the

CLIENT, then the amount(s) due S-H shall bear interest due from the date of mailing at the lesser interest rate of 1.5% per month compounded or the maximum interest rate allowed by law. In the event that S-H files or takes any action, or incurs any costs, for the collection of amounts due it from the client, S-H shall be entitled to recover its entire cost for attorney fees and other collection expenses related to the collection of amounts due it under this Agreement. Any failure to comply with this term shall be grounds for a default termination.

TERMINATION

Either party may terminate this Agreement for convenience or for default by providing written notice to the other party. If the termination is for default, the non-terminating party may cure the default before the effective date of the termination and the termination for default will not be effective. The termination for convenience and for default, if the default is not cured, shall be effective seven (7) days after receipt of written notice by the non-terminating party. In the event that this Agreement is terminated for the convenience of either party or terminated by S-H for the default of the CLIENT, then S-H shall be paid for services performed to the termination effective date, including reimbursable expenses due, and termination expenses attributable to the termination. In the event the CLIENT terminates the Agreement for the default of S-H and S-H does not cure the default, then S-H shall be paid for services performed to the termination notice date, including reimbursable expenses due, but shall not be paid for services performed after the termination notice date and shall not be paid termination expenses. Termination expenses shall include expenses reasonably incurred by S-H in connection with the termination of the Agreement or services, including, but not limited to, closing out Project records, termination of subconsultants and other persons or entities whose services were retained for the Project, and all other expenses directly resulting from the termination.

INFORMATION PROVIDED BY OTHERS

S-H shall indicate to the CLIENT the information needed for rendering of services hereunder. The CLIENT shall provide to S-H such information, including electronic media, as is available to the CLIENT and the CLIENT's consultants and contractors, and S-H shall be entitled to rely upon the accuracy and completeness thereof. The CLIENT recognizes that it is difficult for S-H to assure the accuracy, completeness and sufficiency of such client-furnished information, either because it is provided by others or because of errors or omissions which may have occurred in assembling the information the CLIENT is providing. Accordingly, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents, subconsultants and affiliated companies, and any of them, from and against any and all claims, liabilities, losses, costs, expenses (including reasonable attorneys' fees, experts' fees, and any other legal costs) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the CLIENT.

UNDERGROUND UTILITIES

Information for location of underground utilities may come from the CLIENT, third parties, and/or research performed by S-H or its subcontractors. S-H will use the standard of care defined in this Agreement in providing this service. The information that S-H must rely on from various utilities and other records may be inaccurate or incomplete. Therefore, the CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless S-H, its officers, directors, shareholders, employees, agents, subconsultants, affiliated companies, and any of them for all claims, losses, costs and damages arising out of the location of underground utilities provided or any information related to underground utilities by S-H under this Agreement.

CONTRACTOR MATTERS

CLIENT agrees that S-H shall not be responsible for the acts or omissions of the CLIENT's contractor, or subcontractors, their employees, agents, consultants, suppliers or arising from contractor's or subcontractors' work, their employees, agents, consultants, suppliers or other entities that are responsible for performing work that is not in conformance with the construction Contract Documents, if any, prepared by S-H under this Agreement. S-H shall not have responsibility for means, methods, techniques, sequences, and progress of construction of the contractor, subcontractors, agents, employees, agents, consultants, or other entities. In addition, CLIENT agrees that S-H is not responsible for safety at the project site and that safety during construction is for the CLIENT to address in the contract between the CLIENT and contractor.

SHOP DRAWING REVIEW

If, as part of this Agreement S-H reviews and approves Contractor submittals, such as shop drawings, product data, samples and other data, as required by S-H, these reviews and approvals shall be only for the limited purpose of checking for conformance with the design concept and the information expressed in the contract documents. This review shall not include review of the accuracy or completeness of details, such as quantities, dimensions, weights or gauges, fabrication processes, construction means or methods, coordination of the work with other trades or construction safety precautions, all of which are the sole responsibility of the Contractor. S-H's review shall be conducted with reasonable promptness while allowing sufficient time in S-H's judgment to permit adequate review. Review of a specific item shall not indicate that S-H has reviewed the entire assembly of which the item is a component. S-H shall not be responsible for any deviations from the contract documents not brought to the attention of S-H in writing by the Contractor. S-H shall not be required to review partial submissions or those for which submissions of correlated items have not been received.

OPINIONS OF PROBABLE COST

If, as part of this Agreement S-H is providing opinions of probable construction cost, the CLIENT understands that S-H has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that S-H's opinions of probable construction costs are to be made on the basis of S-H's qualifications and experience. S-H makes no warranty,

expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

CONSTRUCTION OBSERVATION

If, as part of this Agreement S-H is providing construction observation services, S-H shall visit the project at appropriate intervals during construction to become generally familiar with the progress and quality of the contractors' work and to determine if the work is proceeding in general accordance with the Contract Documents. Unless otherwise specified in the Agreement, the CLIENT has not retained S-H to make detailed inspections or to provide exhaustive or continuous project review and observation services. S-H does not guarantee the performance of, and shall have no responsibility for, the acts or omissions of any contractor, its subcontractors, employees, agents, consultants, suppliers or any other entities furnishing materials or performing any work on the project.

S-H shall advise the CLIENT if S-H observes that the contractor is not performing in general conformance of Contract Documents. CLIENT shall determine if work of contractor should be stopped to resolve any problems.

OTHER SERVICES

The CLIENT may direct S-H to provide other services including, but not limited to, any additional services identified in S-H's proposal. If S-H agrees to provide these services, then the schedule shall be reasonably adjusted to allow S-H to provide these services. Compensation for such services shall be at S-H's Standard Hourly Fee Schedule in effect at the time the work is performed unless there is a written Amendment to Agreement that contains an alternative compensation provision.

OWNERSHIP & REUSE OF INSTRUMENTS OF SERVICE

All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by S-H as instruments of service shall remain the property of S-H. The CLIENT shall not reuse or make any modifications to the plans and specifications without the prior written authorization of S-H. The CLIENT agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless S-H its officers, directors, shareholders, employees, agents, subconsultants and affiliated companies, and any of them from any and all claims, losses, costs or damages of any nature whatsoever arising out of, resulting from or in any way related to any unauthorized reuse or modifications of the construction documents by the CLIENT or any person or entity that acquires or obtains the plans and specifications from or through the CLIENT without the written authorization of S-H.

DISPUTE RESOLUTION

If a dispute arises between S-H and CLIENT, the executives of the parties having authority to resolve the dispute shall meet within thirty (30) days of the notification of the dispute to resolve the dispute. If the dispute is not resolved within such thirty (30) day time period, CLIENT and S-H agree to submit to non-binding mediation prior to commencement of any litigation and that non-binding mediation is a precondition to any litigation. Any costs incurred directly for a mediator, shall be shared equally between the parties involved in the mediation.

EXCUSABLE EVENTS

S-H shall not be responsible or liable to CLIENT or CLIENT's contractors, consultants, or other agents for any of the following events or circumstances, or the resulting delay in S-H's services, additional costs and expenses in S-H's performance of its services, or other effects in S-H's services, stemming in whole or part from such events and circumstances (collectively, "Excusable Events" or, singularly, an "Excusable Event"): a change in law, building code or applicable standards; actions or inactions by a governmental authority; the presence or encounter of hazardous or toxic materials on the Project; war (declared or undeclared) or other armed conflict; terrorism; sabotage; vandalism; riot or other civil disturbance; blockade or embargos; explosion; abnormal weather; unanticipated or unknown site conditions; epidemic or pandemic (including but not limited to COVID-19), delays or other effects arising from government-mandated or government-recommended quarantines, closure of business, access, or travel; strike or labor dispute, lockout, work slowdown or stoppage; accident; act of God; failure of any governmental or other regulatory authority to act in a timely manner; acts or omissions by CLIENT or by any CLIENT's contractors, consultants or agents of any level on the project (including, without limitation, failure of the CLIENT to furnish timely information or approve or disapprove of S-H's services or work product promptly, delays in the work caused by CLIENT, CLIENT's suspension, breach or default of this Agreement, or delays caused by faulty performance by the CLIENT or by CLIENT's contractors, consultants, or agents of any level); or any delays or events outside the reasonable control of S-H. When an Excusable Event occurs, the CLIENT agrees S-H is not responsible for any actual or claimed damages incurred by CLIENT or CLIENT's contractors, consultants, or agents, S-H shall not be deemed to be in default of this Agreement, and S-H shall be entitled to a change order to equitably increase and extend S-H's time for performance of its services, as well as equitably increase the contract sum to compensate S-H for its increased labor, expenses, and other costs to perform its services, due to the Excusable Event.

ASSIGNMENT

Neither party to this Agreement shall transfer, sublet or assign any rights under or interest in this Agreement (including but not limited to monies that are due or monies that may be due) without the prior written consent of the other party.

SEVERABILITY, SURVIVAL AND WAIVER

Any provision of this Agreement later held to be unenforceable for any reason shall be deemed void, and all remaining provisions shall continue in full force and effect. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating responsibility or liability between the CLIENT and S-H shall survive the completion of the services hereunder.

and the termination of this Agreement. The failure of a party to insist upon strict compliance of any term hereof shall not constitute a waiver by that party of its rights to insist upon strict compliance at a subsequent date.

GOVERNING LAW

This Agreement shall be governed pursuant to the laws in the state of the locale of the S-H office address written in this Agreement.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of S-H to provide equal employment opportunities for all. S-H enforces the following acts and amendments as presented by Federal government or State governments: Title VII of the Civil Rights Act of 1965, Age Discrimination in Employment ACT (ADEA), Americans With Disabilities Act (ADA), Iowa Civil Rights Act of 1965, and Illinois Human Rights Act [775ILCS 5]. S-H will not discriminate against any employee or applicant because of race, creed, color, religion, sex, national origin, gender identity, sexual orientation, marital status, ancestry, veteran status, or physical or mental handicap, unless related to performance of the job with or without accommodation.

COMPLETE AGREEMENT

This Agreement constitutes the entire and integrated agreement between the CLIENT and S-H and supersedes all prior negotiations, representations and agreements, whether oral or written. In the event the CLIENT issues a Purchase Order of which this Agreement becomes a part, or the CLIENT and S-H otherwise execute or enter into a contract into which this Agreement is incorporated, the parties expressly agree that, to the extent the terms of this Agreement conflict with or are otherwise inconsistent with such Purchase Order, or any other contract, this Agreement shall supersede and override the terms of the aforementioned documents, and this Agreement shall solely govern in those regards.

ACCEPTANCE

Wet signatures, digital signatures, electronic signatures or acceptance communicated by mail or e-mail from one party to another, are deemed acceptable for binding the parties to the Agreement. The CLIENT representative accepting this Agreement warrants that he or she is authorized to enter into this Agreement on behalf of the CLIENT.

AGREEMENT

This proposal shall become the Agreement for Services when accepted by both parties. Wet signatures, digital signatures, electronic signatures or acceptance communicated by mail or e-mail from one party to another, are deemed acceptable for binding the parties to the Agreement. The Client representative signing this Agreement warrants that he or she is authorized to enter into this Agreement on behalf of the Client.

Thank you for considering this proposal. We look forward to working with you. If you have any questions concerning this proposal, please contact us.

Sincerely,
SHIVE-HATTERY, INC.



Danielle L. Cavanary, Project Manager
dcavanary@shive-hattery.com

AGREEMENT ACCEPTED AND SERVICES AUTHORIZED TO PROCEED

CLIENT: City of North Liberty, IA

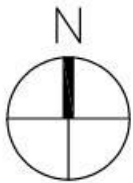
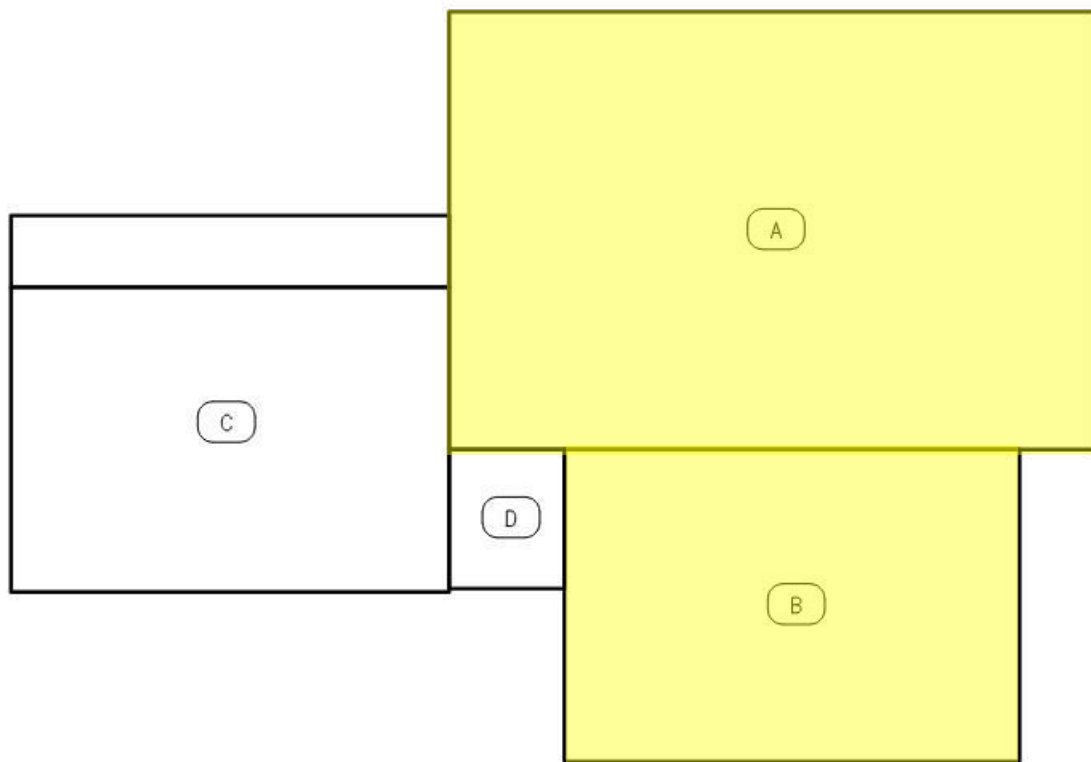
BY: _____ **TITLE:** _____
(signature)

PRINTED NAME: _____ **DATE ACCEPTED:** _____

CC: Shelly Simpson, Parks and Recreation Director
Kevin Trom, S-H
Mike Mollenhauer, S-H
Stephen Stewart, S-H
Carla Hilton, S-H

Site Visit - Field Observation Report

PROJECT: North Liberty Rec Center
DATE: 3/12/2021
VISIT NAME: Site Observation
REPORT NO: 1



ROOF PLAN
NOT TO SCALE

Areas to be Replaced

Resolution No. 2022-11

**RESOLUTION APPROVING SERVICES AGREEMENT
BETWEEN THE CITY OF NORTH LIBERTY AND SHIVE-
HATTERY, INC. FOR THE COMMUNITY CENTER ROOF
REPLACEMENT PROJECT**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

WHEREAS, the Community Center incurred damages during the hailstorm and derecho in 2020;

WHEREAS, the Community Center roof needs to be replaced due to those damages;

WHEREAS, the City has received insurance proceeds toward the replacement of the roof;

WHEREAS, Shive-Hattery, Inc. has presented a proposal for services relating to this project; and

NOW, THEREFORE, BE IT RESOLVED that the agreement presented by Shive-Hattery is approved for Assessment services relating to the Community Center Facility Plan at a lump sum fee of \$31,000 plus costs of expenses is hereby approved as set forth therein.

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized and ordered to execute the agreement with said engineering firm for the scope of work.

APPROVED AND ADOPTED this 8th day of February, 2021.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK



Watts Rezoning



January 3, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of Watts Development for a zoning map amendment (rezoning) from RS-6 Single-Unit Residence District to RD-10 Two-Unit Residence District on 3.90 acres, more or less, on property located on the south side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-reference request at its December 7, 2021 meeting. The Planning Commission took the following action:

Findings:

1. The zoning map amendment would be consistent with the North Liberty Comprehensive Plan Future Land Use Map; and
2. The RD-10 Two-Unit Dwelling District zoning would be compatible with the area.

Recommendation:

The Planning Commission accepted the two listed findings and forwards the request for zoning map amendment from RS-6 – Single-Unit Dwelling District to RD-10 Two-Unit Dwelling District to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Becky Keogh, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **December 2, 2021**
Re **Request the Watts Group Development, Inc. for a zoning map amendment (rezoning) on 3.69 acres, more or less, from RS-6 Single-Unit Residence District to RD-10 Two-Unit Residence District on property located on the south side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

Request Summary:

This rezoning request is to facilitate development of the property with single-family zero lot line homes.

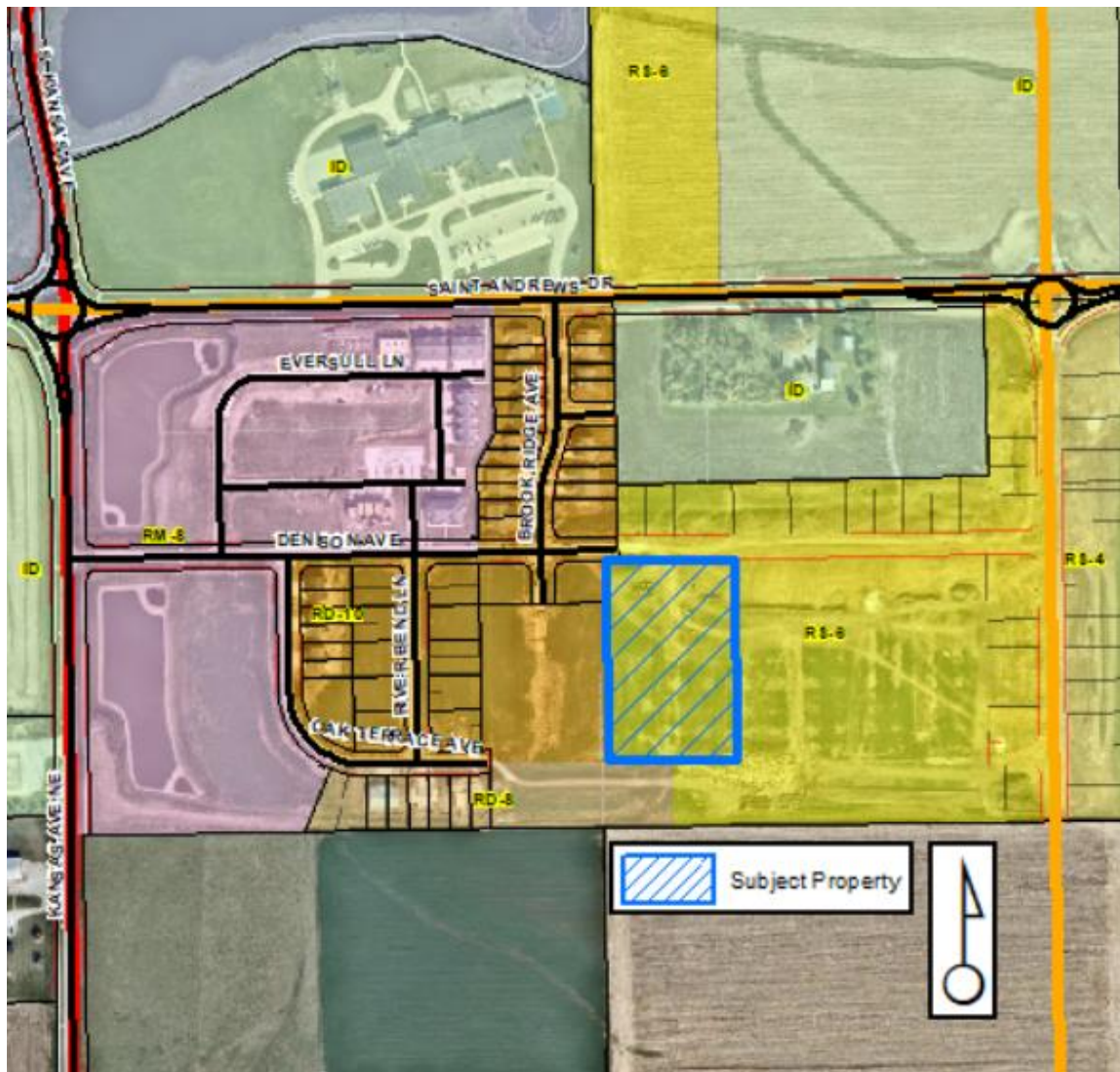


Current Zoning:

The property is currently zoned RS-6 Single-Unit Dwelling District.

RS-6 Description:

RS-6 Single-Unit Residence District. The RS-6 Single-Unit Residence District is intended to provide for and maintain moderate density single-unit residential neighborhoods with a minimum lot size of 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.



Proposed Zoning:

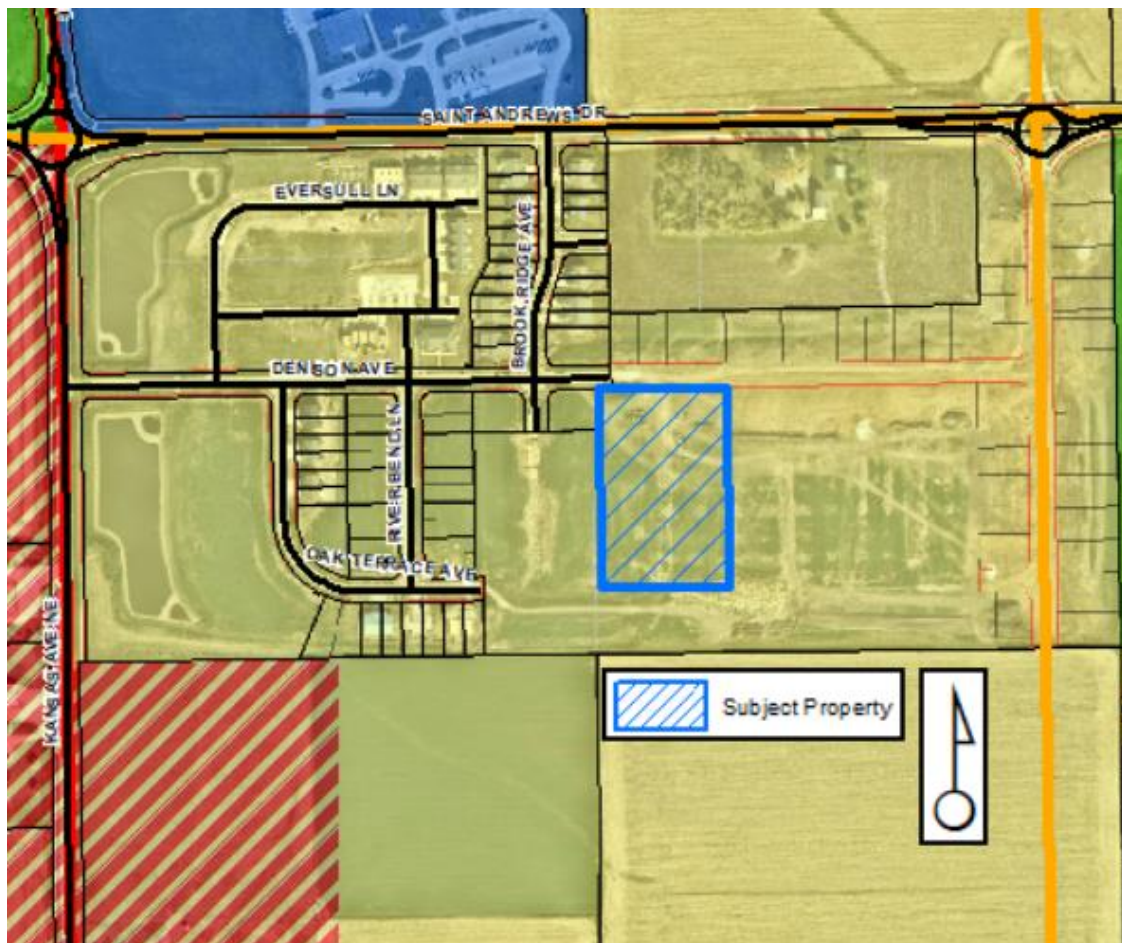
RD-10 Two-Unit Dwelling District.

RD-10 Description

The RD-10 Two-Unit District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 9,000 square feet with a minimum of 4,500 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations.

Consistency with Comprehensive Plan:

Land Use Plan designation: Residential.



Public Input:

A good neighbor meeting was held on November 29, 2021. No one outside of City staff and the applicant attended. To date, staff has not received any formal objection to the request.

Staff Recommendation:**Findings:**

1. The zoning map amendment would be consistent with the North Liberty Comprehensive Plan Future Land Use Map;
2. The RD-10 Two-Unit Dwelling District zoning would be compatible with the area.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the request for zoning map amendment from RS-6 – Single-Unit Dwelling District to RD-10 Two-Unit Dwelling District to the City Council with a recommendation for approval.

Suggested motion:

I move that the Planning Commission accept the two listed findings and forward the zoning map amendment to the City Council with a recommendation for approval.

Ordinance No. 2022-01

AN ORDINANCE AMENDING CHAPTER 167 OF THE NORTH LIBERTY CODE OF ORDINANCES BY AMENDING THE USE REGULATIONS ON PROPERTY LOCATED ON THE SOUTH SIDE OF DENISON AVENUE APPROXIMATELY 130 FEET EAST OF BROOK RIDGE AVENUE LOCATED IN NORTH LIBERTY, IOWA TO THOSE SET FORTH IN THE MUNICIPAL CODE FOR THE RD-10 TWO UNIT RESIDENCE DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 167 of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning for the property located on the northeast corner of South side of Denison Avenue approximately 130 feet east of Brook Ridge Avenue. The property is more particularly described as follows:

A portion of the Northeast Quarter of the Southwest Quarter of Section 14, Township 80 North, Range 7 West of the Fifth Principal Meridian, North Liberty, Iowa, described as follows: Commencing at the Southeast Corner of the Preserve, Part One, to the North Liberty, Iowa, in accordance with the Plat thereof, Recorded in Plat Book 63, Page 170 of the records of the Johnson County Recorder's Office, thence N89°15'31"E along the North Line of Auditor's Parcel 2019013, in accordance with the Plat thereof recorded in Plat Book 63, Page 61 of the records of the Johnson County Recorder's Office 103.71 feet, thence N88°44'24"E along said North Line 207.43, thence N89°08'16"E along said North Line 178.71 feet, thence 89°08'16"E along said North Line 161.33 feet, thence N00°51'44"W 530.65 feet, thence N89°08'16"E 320 feet, thence S00°51'44"E 530.65 feet to the Point of Beginning. Said property contains 3.90 acres, more or less.

This property shall be rezoned from RS-6 Single Unit Residence District to RD-10 Two Unit Residence District.

SECTION 2. CONDITIONS IMPOSED. At the December 7, 2021 meeting the Planning Commission accepted the two listed findings (The zoning map amendment would be consistent with the North Liberty Comprehensive Plan Future Land Use Map; and the RD-10 Two-Unit Dwelling District zoning would be compatible with the area.) and forwards the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

SECTION 3. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

SECTION 4. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

SECTION 5. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 7. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on January 25, 2022.

Second reading on _____.

Third and final reading on _____.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the *North Liberty Leader* on the ____ of ____, 2022.

TRACEY MULCAHEY, CITY CLERK



Zoning Code



January 4, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of the City of North Liberty for an Ordinance amending Chapters 165 through 170 and Chapter 173 of the North Liberty Code of Ordinances, governing the administration, organization, enforcement, requirements and definitions of the zoning districts, development and sign regulations.

Mayor Hoffman:

The North Liberty Planning Commission considered the above-reference request at its January 4, 2022 meeting. The Planning Commission took the following action:

Finding:

1. The proposed Ordinance would modernize the Zoning Code, make it more user friendly, and revise outdated and/or antiquated language.

Recommendation:

The Planning Commission accepted the listed finding and forwards the Ordinance amending several chapters of the Zoning Code to the City Council with a recommendation for approval subject to the following condition:

1. That the following uses be prohibited within the Villas at Liberty Executive Park – Parts One, Two, Three and Four:
 - A. Heavy Retail Establishment.
 - B. Enclosed Self-Storage Facility.
 - C. Outdoor Self-Storage Facility.
 - D. Vehicle Dealership, New and Used.

The vote for approval was 5-0.

Becky Keogh, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **December 29, 2021**
Re **Request of the City of North Liberty for an Ordinance amending Chapters 165 through 170 and Chapter 173 of the North Liberty Code of Ordinances, governing the administration, organization, enforcement, requirements and definitions of the zoning districts, development and sign regulations.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

Request Summary:

This Ordinance reorganizes and substantially revises several chapters of the Zoning Code.

1. Use Table, Uses Defined and Use Standards.

The primary goal of the Ordinance was to create a contemporary, easy to read use table, define every use and provide use standards, when necessary. This is opposed to uses being listed in every zoning district. This format also allows consistent nomenclature and makes it much easier for City staff to recommend amendments when new uses or changes to uses arise. One example of a use not previously defined is a micro-fulfillment center. This is an e-commerce center that is by definition retail. While e-commerce will continue to be an element of modern society, it could have a dramatic impact on community character.

2. Antiquated Nomenclature.

Some examples of antiquated nomenclature include "dry good/notion stores", "tea rooms, "boot and shoe cut stock and findings" "ophthalmic goods", and "taverns."

In some instances the proposed Ordinance consolidates several previously defined uses into one. Some examples include "live performance venue", which includes musical acts and DJs, theatrical plays, and stand-up comedy and "personal service establishment", which includes beauty shops, barbershops, tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

3. Confusing Nomenclature.

One big challenge of this Ordinance was to eradicate confusing nomenclature. For example is “automotive repair, major” and automotive repair, minor” are defined in the current definition section. However, C-2-A lists “auto repair shop” and “auto service” as permitted uses. I-1 lists “auto body repair” as a permitted use. Additionally, Section 170.05 allows auto franchise dealerships to perform major and minor automotive repair even though it conflicts with the allowable C-2-A uses.

4. Revised Requirements for Site Plan Approval.

Currently, the site plan ordinance requires a fully engineered site plan to be considered by the Planning Commission and approved by City Council. This is likely a holdover when the City was much smaller and did not have the administrative staff to perform in depth reviews. Notably, there is a financial risk because an applicant has to spend a lot of money just to see if they can build something.

The proposed Ordinance splits the process into preliminary site plan approval and construction site plan approval. The former requires much less detail (but likely everything that is currently reviewed) and would continue to be reviewed by the Planning Commission and approved by City Council. The latter requires all the engineering detail and would be reviewed and approved by City staff.

5. Revised Off-Street Parking Standards

The off-street parking ordinance has been completely rewritten. This in part addresses the excessive parking requirements in the current Zoning Code. It is staff’s opinion that minimum parking standards should be the minimum a use requires to prevent congestion on a public street. There are several examples in North Liberty where is excessive, unused parking simply because the Zoning Code required it.

City staff recently analyzed required parking for a large manufacturing facility and found that the code currently requires more than three times as many spaces as were contemplated by a concept plan.

6. Rental Housing Regulations.

City staff is aware that rental housing regulations were recently adopted. While staff agrees that rental housing should be regulated, regulations are not normally contained the Zoning Code. It is staff’s opinion that a “single-unit residence” is a use whether it is owner occupied or rented. The City already contains rental housing regulations in Chapter 146 entitled “Housing Code”. Any relevant rental regulations in the Zoning Code will be relocated to the City’s Housing Code and presented to the

City Council with the proposed Ordinance. These amendments would not subject to the Planning Commission's review since they are not contained within the Zoning Code.

7. Floodplain Overlay District.

The Floodplain Overlay District, which was adopted in 2006 is proposed to be deleted from the Zoning Code. Paradoxically, it did not replace the current Floodplain Development Permit regulations, which will remain in the Zoning Code. It is staff's opinion that since there are not many properties located in the special hazard flood area, there is no need for excessive regulation. Any relevant language should be included in a revision to the Floodplain Development Permit regulations, which will be undertaken at a future date.

8. Design Standards.

Currently, Sections 169.12 and 169.13 appear to have been a relatively simple "add-ons" to codify desired design standards. It is staff's opinion the current built environment is a reflection of these standards, however, staff contends that several sections are not properly placed. Examples include regulations pertains to signs and landscaping, which would be located in their respective chapters/sections.

9. Sign Regulations.

Staff is proposing to remove the allowance for pole signs entirely. Current Zoning Code language is monument signs are preferred, but pole signs are allowed with Council approval. Zoning Code language, which allows for the modification of existing pole signs will remain unchanged. Additional changes include specifying width requirements for the base of monuments signs and extending the time period new businesses may have a temporary sign from 10 to 30 days.

10. Zoning District Changes.

Staff is proposing to delete RM-4 and RM-6 from the Zoning Code because they are not utilized and underutilized respectively. Additionally, staff is modifying the C-3 District to a higher Intensity Commercial District. There are only four parcels zoned C-3 in the City and the property owner asked staff to address the limited number of permitted uses and the 90% masonry requirement. Staff is recommending that certain uses be prohibited on these properties because they are part of a broader vision for the area. Last, a Special Purpose District section is being created for the Interim Development District, Professional Office Overlay District and Planned Area Development District. This is largely a reorganization by grouping these districts in their own category because they are unique. Notably, the Professional Office Overlay

District is currently a standalone district, while the regulations are more suited as an overlay. For example, the current RS-O district does not articulate any dimensional standards (lot size, setbacks, building height, etc).

Future Amendments.

This is a big ordinance and City staff had to stop somewhere. However, staff is committed to the long-term effort of modernizing the Zoning Code. Contemplated future amendments include:

1. Decreasing the number of commercial districts. For example C-1-A to C-1, C-1B, C-2A and C-2-B to C-2. C-1 would facilitate (neo)traditional neighborhood scale commercial development.
2. Move district specific design standards to its district regulations.
3. Adopt bicycle parking regulations.
4. Rewrite the sign regulations.

Public Input:

No public input has been received. However, staff has been working on this Ordinance for two years. During that time period there have been several conversations with developers, realtors, property/business owners and citizens on how to modernize the Zoning Code make it more user friendly.

Staff Recommendation:

Finding:

1. The proposed Ordinance would modernize the Zoning Code, make it more user friendly, and revise outdated and/or antiquated language.

Recommendation:

Staff recommends the Planning Commission accept the listed finding and forward the Ordinance amending several chapters of the Zoning Code to the City Council with a recommendation for approval subject to the following condition:

1. That the following uses be prohibited within the Villas at Liberty Executive Park – Parts One, Two, Three and Four:
 - A. Heavy Retail Establishment.
 - B. Enclosed Self-Storage Facility.
 - C. Outdoor Self-Storage Facility.
 - D. Vehicle Dealership, New and Used.

Suggested amendments for City Council (This will require a separate motion)

Section 173.07(2)(2)

- (2) In the C-1-B, C-2-A and C-3 zone districts, for buildings fewer than four-story in height, two square feet for each lineal foot of building wall when viewed in elevation, not to exceed 300 square feet. For buildings four-stories in height or greater, the total area of wall signage shall not exceed four square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 400 square feet provided that the wall sign be mounted at or above the fourth-story.

Section 173.08(3)(A)

- A. Maximum Wall Sign Area. For buildings fewer than four-story in height, Thethe total area of wall signage shall not exceed three square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 300 square feet. For buildings four-stories in height or greater, the total area of wall signage shall not exceed four square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 400 square feet provided that the wall sign be mounted at or above the fourth-story.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 165 THROUGH 170 AND 173
OF THE NORTH LIBERTY CODE OF ORDINANCES, GOVERNING THE
ADMINISTRATION, ORGANIZATION, ENFORCEMENT AND
DEFINITIONS OF ZONING DISTRICTS, DEVELOPMENT AND SIGN
REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF CHAPTER 165. Chapter 165 of the Code of Ordinances is amended to read as follows:

CHAPTER 165
ZONING CODE – ADMINISTRATIVE

165.01 Title	165.06 165.07 Flood Plain Development Permit
165.02 Purpose	165.07 165.08 Fees
165.03 Scope	165.08165.09 Zoning Text and Map Amendments
165.04 Annexed Land	165.09 Good Neighbor Meeting
165.04165.05 Permit Requirements	165.10 Uses Not Listed
165.05 165.06 Certificates of Occupancy and Zoning Compliance	

165.01 TITLE. The regulations contained in Chapters 165 through 173 of this Code of Ordinances shall be known as the City of North Liberty Zoning Code, may be cited as such, and are referred to herein as “this code.”

165.02 PURPOSE. The purpose of this code is to safeguard the health, property, and public welfare by controlling the design, location, use, or occupancy of all buildings through the regulated and orderly development of land and land uses within this jurisdiction.

165.03 SCOPE. The provisions of this code shall apply to the construction, alteration, moving, repair, and use of any building, structure, parcel of land, sign, or fence within the jurisdiction, except:

- ~~1. Work located primarily in a public rights-of-way;~~
- ~~2. Public utility poles, and public utilities unless specifically mentioned in this code.~~
~~Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. In fulfilling these purposes, this code is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration, and enforcement of this code, benefits and~~

~~detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community; therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort structures, such as transformers, pedestals, cabinets, poles, wires, cables, conduits, vaults, laterals, pipes, mains, hydrants and valves. Public utility structures for the purpose of this exemption do not include wireless telecommunications, amateur HAM radio towers, solar panels, wind turbines, and/or utility (sub)stations.~~

165.04 ANNEXED LAND. Any territory annexed into the City is automatically, upon annexation, zoned ID Interim Development District.

~~165.04~~165.05 PERMIT REQUIREMENTS.

1. Plot Plans to Accompany Building Permit Application. Each application for a building permit shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot to be ~~built~~built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this code. A record of applications and plans shall be kept ~~in the on file with the~~ Code Official's office.
2. ~~Preliminary Site Plan Requirements Review.~~ Site plans, which are required for review and approval for any use in any district or elsewhere by this code, shall comply with and illustrate the following:
All site plans shall be drawn at a scale not less than one inch to one hundred feet (1"=100'). Ten (10) copies shall be submitted for a preliminary staff review. The preliminary site plan review process promotes orderly development and redevelopment in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City.
 - A. Upon making any modifications required by staff, 22 copies folded to no larger than 8½ inches by 14 inches shall be submitted with the zoning permit application. In addition there shall be submitted three copies of a reproducible quality photo reduction of the site plan, each page of a multiple sheet submittal, on paper no larger than 8½ inches by 11 inches.Authority. The City Council, after receiving a recommendation from the Planning Commission, will take formal action on requests for preliminary site plan review.
 - B. All site plans shall clearly illustrate the general methods of development, design, special distribution, location, topography (both existing and proposed), soil erosion control measures, relationship to flood overlay zones, and such other information as necessary to show compliance with the requirements of this code. A preliminary site plan may be submitted for preliminary land use approval; however, the final site plan required by this code shall be submitted, reviewed, and approved prior to the issuance of building or construction permits.Procedure. All applications shall be filed with the Code Official. The

Code Official may convene a technical review group comprised of City staff to review the application. The application must include all information, plans, and data as specified in Paragraph D, below.

- C. The site plan shall include the following legal information Required Preliminary Site Plan Review. Preliminary site plan approval is required for the following developments:

- (1) Legal property owner's name and description of property New townhouse, multi-unit residence, manufactured home park, nonresidential, and mixed-use development, including construction of additional principal buildings on a developed site.
- (2) Applicant's name, requested land use, and zoning Additions to townhouse, multi-unit residence, nonresidential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
- (3) If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to appeal shall be certified Parking lots of 15 or more spaces.

- D. The site plan shall clearly illustrate in color perspective and enumerate the following information Preliminary Site Plan Submittal Requirements. All applications for preliminary site plan review shall include the following:

- (1) Property boundary lines, dimensions, and total area The completed application form.
- (2) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the final site plan. A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.
 - (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
 - (g) The total square feet of building floor area, both individually and collectively.
 - (h) Total number of dwelling units and the density of the development.

- (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
- (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
- (k) Pedestrian walkways with special consideration given to pedestrian safety.
- (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
- (m) Walls, fences or other artificial features.
- (n) Trash and refuse enclosures.
- (o) The general drainage pattern and location of storm water detention features.
- (p) The general location, type and size of landscaping and ground cover illustrated in color perspective.
- (q) A rendering, elevation or photo of the proposed development.
- (r) Other information deemed necessary by the Code Official due to the scale of the development.
- (3) ~~The availability and location of existing utilities.~~
- (4) ~~The proposed location, size, shape, color, and material type of all buildings or structures.~~
- (5) ~~The total square feet of building floor area, both individually and collectively.~~
- (6) ~~The number of dwelling units, bedrooms, offices, etc., as required to determine special compliance.~~
- (7) ~~The proposed location of identification signs. An identification sign is defined as a sign displaying the name, address, insignia or trademark, and occupant of a building or the name of any building on the premises. Installation shall be in accordance with the Chapter 173 of this code.~~
- (8) ~~A vicinity sketch showing detailed adjacent land uses within 500 feet of the property and general existing land uses within 1,000 feet of the property.~~
- (9) ~~Existing buildings, right of way, street improvements, utilities (overhead or underground), easements, drainage courses, vegetation and large trees, etc.~~
- (10) ~~Parking areas, number of parking spaces proposed, number of parking spaces required by this code, type of surfacing to be used, etc.~~
- (11) ~~Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other manmade features to be used in the landscape.~~

- (12) Location and type of all plants, grass, trees, or ground cover to be used in the landscape. Landscaping shall be illustrated in elevation and color perspective with the size and exact names of plants, shrubs, or trees to be planted clearly indicated.
- (13) Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and color perspective with proposed height and structural material to be used indicated. See Section 169.02 for the guidelines concerning landscaping.
- (14) Traffic considerations, architectural themes, pedestrian movement, etc., and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.
- (15) The methods of compliance with all applicable flood plain development standards and flood (overlay) districts as contained in this code.

E. Modifications. The development shall be substantially in conformance with the approved preliminary site plan. Amended preliminary site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council. In determining whether the amendment qualifies for administrative or Planning Commission review/City Council approval, the Code Official shall use the criteria in Table 165.05-A. Under no circumstance shall any such amendment conflict with any minimum or dimensional standard and/or requirement in this code.

Table 165.05-A Preliminary Site Plan Amendments		
Amendment	Administrative	Planning Commission review/ City Council approval
Land Use	Any decrease. Any increase of less than 10% of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area	Increase of 10% or more of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area
Project Scale	Any decrease. Any increase in density or intensity of use of less than: - 10% gross floor area - 5% of the number of dwelling units	Increase in density or intensity of use as follows: - 10% or greater usable floor area - 5% or greater of the number of dwelling units
Open Space/ Recreation Area	Any increase. Less than 10% size reduction or change in location or characteristics	10% or more size reduction or change in location or characteristics
Setbacks	Any increase. Any decrease of less than 10%, or any increase	Decrease of 10% or more
Height	Decrease in height or number of stories	Increase in height greater than/equal to 20% or an increase of one story
Parking Spaces	Increase or decrease of less than 10%	Increase or decrease of 10% or more

F. Timing. Once a preliminary site plan is approved, the petitioner has eighteen (18) months to obtain construction site plan approval. In the event that the

petitioner fails to obtain construction site plan approval within the specified timeframe, the petitioner shall be required to seek reauthorization and approval of the preliminary site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

3. Construction Site Plans Required Review. The construction site plan review process ensures consistency with the approved preliminary site plan and all applicable municipal regulations
 - A. Site plans are required for all new property development or redevelopment. All such site plans except those for stand-alone single-family homes and zero-lot duplex homes shall be reviewed by the Commission and approved by the Council. Single-family and zero-lot site plans are reviewed for code conformance and approved by the City Building Official, except for site plans for homes in the RS-9 district. In the RS-9 district, the lots are small and design considerations are critical; therefore, all building elevations shall be submitted to the City Planner for review and approval prior to issuance of a building permit. Said review is intended to ensure that identical or near-identical homes are not built throughout an RS-9 district. Authority. The Code Official reviews and issues final approval of construction site plans.
 - B. An approved site plan may be amended with respect to location, size, design, and conformity of buildings and other improvements, provided that the amended site plan conforms to the general use regulations, performance standards, and provisions of the district in which located. Amended site plans shall be reviewed by the Commission and approved by the Council unless the changes to said amended plan are judged by the Zoning Administrator to be minor in nature or unless the changes have the effect of surpassing City standards, such as larger setbacks or enhanced building design. In such cases, the amendment may be administratively approved by City Administrator.Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval and utility (sub)stations.
 - C. The petitioner may, as part of the final site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed plan. Where required as part of a site plan approval, utilities shall be constructed in accordance with City construction standards as referred to in the subdivisions ordinance for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

D. ~~Once a site plan is approved, the petitioner has eighteen (18) months to apply for permits and commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty-six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.~~

C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:

- (1) The completed application form.
- (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.
 - (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
 - (g) The total square feet of building floor area, both individually and collectively.
 - (h) Total number of dwelling units and the density of the development.
 - (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
 - (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
 - (k) Pedestrian walkways with special consideration given to pedestrian safety.

- (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
- (m) Walls, fences or other artificial features.
- (n) Trash and refuse enclosures.
- (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
- (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
- (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
- (r) The location, type and size of all plants, shrubs, trees, and ground cover.

D. Extension of public utilities. The petitioner may, as part of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development. Where required as part of a construction site plan approval, utilities shall be constructed in accordance with City construction standards as referred to in the subdivisions ordinance for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

E. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(F).

F. Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon

updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

165.05165.06 CERTIFICATES OF OCCUPANCY AND 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 Code Official stating that the building and use comply with the provisions of this code and the building and health ordinances of the City. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without the issuance of a permit certificate of zoning compliance therefor by the Code Official. No permit certificate of zoning compliance shall be issued to make for a change of use unless the changes are in conformity with the provisions of this code. Nothing in this code shall prevent the continuance of a legally established nonconforming use, unless discontinuance is necessary for the safety of life or property. A Certificates for occupancy and of zoning compliance shall be applied for coincidentally with the application for a building permit and shall be approved for final inspection within ten (10) days after the lawful erection or alteration of the building is completed issued prior to the issuance of a certificate of occupancy. A record of all certificates shall be kept on file in the office of with the Code Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No permit for excavation or for the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy and compliance, and no building or premises shall be occupied until the permit and certificate are issued. A certificate of occupancy shall be required of all nonconforming uses. Application for certificate of occupancy for nonconforming uses shall be filed within 12 months after the effective date hereof, accompanied by affidavits of proof that such nonconforming use was not established in violation of this code or any amendments hereto.

Commented [RR1]: Eliminating most language pertaining to Certificate of Occupancy as it is located in the Building Code.

~~165.06~~165.07 FLOOD PLAIN DEVELOPMENT PERMIT.

1. Permit Required. A flood plain development permit issued by the Code Official shall be secured prior to the initiation of any flood plain development, including (but not limited to) buildings or other structures, mining, filling, grading, paving, excavation, drilling, or any other manmade change to improved or unimproved real estate.
2. Application for a Permit. ~~Application~~ All applications for a flood plain development permit ~~shall be made on forms supplied by the Department of Building Safety and~~ shall include the following information:
 - A. ~~The completed application form.~~
 - A.B. Description of work to be covered by the permit for which application is made.
 - B.C. A plat map, in triplicate, drawn to scale, giving the description of the land on which the work is to be performed. The plat map shall include the complete legal description of the property plus such other information as deemed necessary by the Code Official to readily identify the property.
 - C.D. Indication of the use or occupancy for which the proposed work is intended.
 - D.E. Elevation of the 100-year flood with respect to the property, and such topographic information on the property itself as to allow the Code Official to ascertain the level of potential flooding prior to the permit application.
 - E.F. Elevation (NL datum) of the lowest habitable floor (including basement) of buildings and the level to which any building is to be flood- proofed. For any building being improved or rebuilt, the estimated cost of improvements and the market value of the building prior to the improvements shall be noted, as well as such other information as the Code Official deems reasonably necessary for the purpose of this code.
 - F.G. The "A" Zone classification on the FIRM for the parcel and the elevation of the crown of the nearest street.
 - G.H. Signed approval of the Iowa Department of Natural Resources if, within the flood plain or watercourse under its jurisdiction, any stream straightening or a variance is proposed.
 - H.I. Certification from a registered engineer or architect that the methods and/or materials for structural flood proofing shall meet the requirements of this code.
 - I.J. Plans for the flood proofing and protection of all sanitary sewer and water lines serving the development for which the permit is sought. New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters, and on-site waste disposal systems shall be located so as to avoid impairment or contamination.
3. Action on Permit Application. Upon receipt of the application, the Code Official shall forward copies of the plat map and application to the Building Official and City Engineer ~~and to the Commission~~. Both the Building Official and City Engineer ~~and Commission~~ shall review and make recommendation to the Code Official as to whether the proposed development complies with the applicable standards and provisions of this code and good engineering and design practices. The Code Official

shall review all comments and recommendations and shall ascertain whether the proposed development meets the applicable provisions and standards of this code, and such official shall approve or disapprove the application. In the case of disapproval, the Code Official shall, in writing, supply the petitioner the specific reasons for denial. In the review process, should information not be supplied within the original request sufficient for the Code Official to render an accurate opinion, the petitioner shall forthwith provide such additional information as is necessary to properly evaluate the permit application. ~~In the case of conditional use permits in Flood (Overlay) Districts, no permit shall be issued except as directed by the Council. Prior to any proposed alteration or relocation of any portion of Muddy Creek, the Code Official shall notify all adjacent governmental jurisdictions, the Iowa Department of Natural Resources, and the Federal Insurance Administration, and maintain a record of such notification.~~ Flood plain 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 code and shall be punishable as provided in this code. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, and/or other flood protection measures were accomplished in compliance with the provisions of this code prior to the use of any ground or issuance of an occupancy permit for any structure.

4. Records. The Code Official shall maintain the following records with respect to flood plain development permit applications:
 - A. A record of all development permit applications, together with all-pertinent ancillary documents and data submitted, including permits obtained from Federal, State, or other local government agencies as necessary.
 - B. A record of the elevation (in relation to mean sea level) of the lowest habitable floor of all new or substantially improved structures, or the elevation to which new or substantially improved structures have been flood proofed.
 - C. A record of all approved permits, appeals, and variances, together with all other transactions and correspondence pertaining to the administration of this code.Annually, or as ~~may otherwise be~~ required ~~by law~~, the Code Official shall prepare, file, and maintain records of all reports for the Federal Insurance Administration.

~~165.07~~**165.08 FEES.** ~~A fee~~**Fees** for services shall be set by resolution of the City Council.

~~165.08~~**165.09 ZONING TEXT AND MAP AMENDMENTS.** ~~The Council may, from time to time on its own action or on petition, after public notice and hearing as provided by law and after report by the Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council.~~

1. ~~Purpose. The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending~~

the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party. Zoning map amendments are also called rezonings.

2. Initiation. The City or a property owner in the City, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.

3. Authority. The City Council, after receiving a recommendation from the Planning Commission, will take formal action on requests for zoning text or map amendments.

4. Procedure. All applications must be filed with the Code Official. The Code Official will schedule the consideration of the completed by the Planning Commission. Amendments initiated by the City Council also require an application, but are exempt from fees.

A. Good Neighbor Meeting. Good neighbor meetings are intended to allow an applicant to share the details of the application, answer questions, and receive feedback prior to formal consideration by the Planning Commission.

(1) Requirement. Good Neighbor meetings are required to be held for all rezoning applications filed by private property owners. In the event that a proposed subdivision is dependent upon the property first being rezoned, the requirements of the good neighbor meeting in accordance with Chapter 180 shall be fulfilled as long as the notice and presentation include both requests.

(2) Meeting Notice and Conduct.

(a) The City shall mail notification of the meeting to all property owners within the 200 feet of the subject property. The City may expand the notification of the neighborhood meeting if it deems warranted. The City is not required to be notified by mail of the Good Neighbor Meeting.

(b) The City shall post notice of the meeting on the City's website.

(c) The meeting will be moderated by City staff.

(3) Meeting Notice Content.

(a) The notifications will include the time, date and location of the meeting, and a brief description of the proposed rezoning. Other information or material such as a map of the area may be included to clarify the notice.

(4) Timing.

(a) The Good Neighbor meeting shall be held a minimum of 14 days prior to the Planning Commission's consideration of the application.

(b) Notifications shall be sent, delivered and/or posted no later than ten (10) days prior to the Good Neighbor meeting.

B. Action by the Planning Commission.

(1) The Planning Commission must recommend approval, approval with conditions, or denial of the application.

(2) The Planning Commission must evaluate the application in accordance with the approval standards of this section and evidence and/or testimony provided at the public hearing.

(2) The Planning Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission.

C. Action by the City Council.

(1) The City Council must hold a public hearing on the application within 60 days of receipt of the Planning Commission recommendation.

(2) Following the public hearing, the City Council must take action in the form of approval, approval with conditions, or denial of applications. The City Council may also refer the application back to the Planning Commission for further consideration if it has deemed there are substantive changes and/or new relevant evidence and/or testimony has been provided.

(3) If the Planning Commission recommends denial of the application or if a protest against the rezoning is signed by 20% or more of the area of the lots included in such proposed change or by owners within 200 feet of the exterior boundaries of such proposed map amendment, it may only be approved by a favorable 3/4 vote of the City Council.

D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

(1) Map Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

(b) The compatibility with the zoning of nearby property

(c) The compatibility with established neighborhood character.

(d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

(e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

(f) The extent to which the proposed amendment creates nonconformities.

(2) Zoning Text Amendments.

(a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

- (b) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
- (c) The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- (d) Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
- (e) The extent to which the proposed amendment creates nonconformities.

165.09 GOOD NEIGHBOR MEETING: Good Neighbor meetings are intended to allow public comment on potential rezoning cases prior to the cases being formally submitted to the City. Such comments will alert city staff and the owner to neighborhood issues and may lead the owner to modify the intended application for rezoning.

1. Application: Good Neighbor meetings are required to be held for all rezoning applications filed by private property owners.
2. Arrangements for the Meeting:
 - A. City staff will make the applicant aware of Good Neighbor meeting scheduling arrangements, and a date and location will be mutually agreed upon.
 - B. City staff will identify all property owners within two hundred (200) feet of the boundaries of the property proposed to be rezoned and prepare a mailing list of those property owners. The City is not required to be notified by mail of the Good Neighbor Meeting.
 - C. City staff will prepare two notices: one for mailing to the owners identified above and one for publication. The notices will be made available to the applicant for review and comment prior to mailing.
 - D. City staff will complete the following notifications:
 - (1) Send by regular mail the notice to owners identified above.
 - (2) Post notification of the meeting on the City website.
 - (3) Notify the Commission, Council and Mayor of the meeting.
 - E. The Good Neighbor meeting will be moderated by City staff.
3. Notifications Content: The notifications will include the time, date and location of the meeting, and a brief plain language description of the proposed rezoning. Other information or material such as a map of the area may be included to clarify the notice.
4. Timing:
 - A. The Good Neighbor meeting shall be held prior to submission of the rezoning application on the required submission deadline.
 - B. Notifications shall be sent, delivered and/or posted no later than ten (10) days prior to the Good Neighbor meeting.
5. In the event that a proposed subdivision is dependent upon the property first being rezoned, the requirements of this section may be fulfilled by the Good Neighbor meeting including a presentation on both the proposed rezoning and subdivision requests.

Commented [RR2]: This section relocated and revised to newly created 165.09.

6. Printing and mailing costs shall be reimbursed to the City by the applicant.

165.10 USES NOT LISTED: In the event any use is not listed in a specific district use table within this ordinance, the use is considered not permitted in North Liberty in that district. Upon request, the Zoning Administrator may consider the following characteristics and reach a determination that such a use is permitted in that or any other district, or determine that the use is not similar to other uses and therefore not permitted in that or any other district:

1. Characteristics or specific requirements of the use and how those compare with characteristics and requirements of listed uses within the zoning districts;
2. Potential impacts of the use on potential neighboring uses and the City in general; and
3. Consequences of determining that the use is allowed in one or more district.

If a determination is made that the use is not permitted in a specific district, the Zoning Administrator shall notify any applicant for said use in writing, citing the reasons for that determination. An applicant so notified may appeal the decision to the Board of Adjustment.

Commented [RR3]: This section relocated and revised to newly created 168.06

SECTION 2. AMENDMENT OF CHAPTER 166. Chapter 166 of the Code of Ordinances is amended to read as follows:

CHAPTER 166 ZONING CODE – ORGANIZATION AND ENFORCEMENT

166.01 Powers and Duties of the Zoning Code Official	166.04 Violations
166.02 Planning Commission	166.05 Licensing
166.03 Board of Adjustment	166.06 Penalties

166.01 POWERS AND DUTIES OF THE ZONING CODE OFFICIAL.

1. General. This section establishes the duties and responsibilities for the Zoning Code Official and other officials and agencies, with respect to the administration of this code. The Zoning Code Official shall be referred to hereinafter as “the Code Official.”
2. Deputies. The Code Official may appoint such number of technical officers and other employees as may be necessary to carry out the functions of the code enforcement agency.
3. Reviews and Approvals. The Code Official shall be authorized to undertake reviews, make recommendations, and grant approvals as set forth in this code.
4. Comprehensive Plan. The Code Official shall assist the Commission in the development and implementation of the comprehensive plan.
5. Administrative Reviews and Permits.
 - A. Review of Building Permits. All applications for building permits shall be submitted to the Code Official for review and shall be approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.
 - B. Site Plan Reviews. The Code Official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.
 - C. Conditional Use ~~Permits~~. The Code Official shall receive all applications for conditional use, review for completeness, and prepare submittals for review by the appropriate body.
 - D. Amendments. All requests for amendments or changes to the ~~Zoning Code zoning text~~ or map shall be submitted to the Code Official for processing.
 - E. Enforcement. The Code Official shall be empowered to take such steps as are necessary and permitted by law to enforce the provisions of this Code.
6. Interpretations. The interpretation and application of the provisions of this code shall be by the Code Official. ~~The decision of the Code Official may be appealed to the Board of Adjustment, however, such appeal must be made within 30 days of a written decision. An appeal of an interpretation by the Code Official shall be submitted to the Board of Adjustment and such interpretation shall be considered final. The Board of Adjustment will take formal action on appeals.~~
7. Liability. The Code Official, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that

may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Code Official or other employee because such act or omission performed by the Code Official or employee in the enforcement of any provision of this code or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or the City be held as assuming any such liability by reason of the reviews or permits issued under this code.

8. Cooperation of Other Officials and Officers. The Code Official may request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the City.
9. Applicant Standing.
 - A. All applicants are presumed to be in good standing with the City and therefore have a right to submit applications in accordance with the processes and standards set forth in this chapter. However, the City Administrator has the authority to place any application, including (but not limited to) a rezoning application, a conditional use application, or a site plan application, on hold indefinitely or to withdraw any permit at any stage in the respective process by providing written notice of the same by regular mail, in the event the applicant has not fulfilled any significant obligations to the City with respect to current or previous development activities within the City. For the purposes of this section, "development activities" include activities and actions related to ~~preliminary plats~~, construction plans, developer's agreements, ~~final~~ plats, and preliminary and construction site plans.
 - B. For the purposes of this section, "applicant" means any individual, firm, corporation, association, partnership, limited liability company, or any other business entity or proprietor of land. Any individual person or business entity with a 5% interest or more in the ownership or development of any particular property, whether previously approved or currently proposed, is an "applicant" for the purpose of enforcement of this section.
 - C. In the event the City Administrator exercises the discretion and authority set forth in this section by placing an application on hold or withdrawing a permit, any applicant may appeal that decision to the Council within 10 days of the date of the notice. The Council shall hear and decide the appeal of the City Administrator's decision within 30 days after the applicant provides written notice of appeal to the City Administrator. If the Council decides the appeal in favor of the applicant, the City Administrator shall immediately lift the administrative hold and ensure that the application is processed or the permit is reissued in accordance with the City's ordinances, processes, and procedures.

166.02 PLANNING COMMISSION.

1. General. This section addresses the duties and responsibilities of a Planning Commission, herein referred to as the "Commission," and other officials and agencies with respect to the administration of this code.
2. Establishment of the Commission. The establishment of the Commission shall be in accordance with the policies and procedures as set forth in State law. The Commission shall consist of seven members. Additionally, one member of the Council may be appointed as liaison to the Commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on Commission decisions.
3. Terms for Members. ~~Of the seven members first appointed, two shall be appointed for one year, two shall be appointed for two years, and three shall be appointed for three years; thereafter, all~~ All appointments shall be for three years.
4. Selection of Members. All members shall be appointed by the Mayor, subject to the approval of the Council. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the Commission shall be at least eighteen years of age and legal residents of the City. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved.
5. Chairperson Election and Rules Adoption. The Commission shall elect from its membership a Chairperson. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.
6. Commission Secretary. A Secretary to assist the Commission shall be appointed by the City Administrator. The Secretary shall keep minutes of the Commission meetings for public record and conduct all correspondence, including the notification of decisions. The Secretary shall also certify records. The Secretary shall prepare and submit the minutes of Commission meetings to the Chairperson and the Commission.
7. Duties and Powers.
 - A. Comprehensive Plan. It shall be the duty of the Commission, after holding public hearings, to create and recommend to the Council a comprehensive plan for the physical development of its jurisdiction, which may include areas outside of the City's boundaries which bear consideration to the planning of the jurisdiction. The comprehensive plan shall include at least the following elements:
 - Official Maps
 - Growth and Land Use
 - Commercial/Industrial Uses
 - Transportation and Utilities
 - Community Facilities
 - Housing
 - Environmental
 - Geologic/Natural Hazards

The Commission may also recommend amendments to the comprehensive plan.

- B. Zoning Code. It shall be the duty of the Commission to create, adopt, and recommend to the Council a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regard to the character of each district and the most appropriate use of land within the City's jurisdiction. The Commission shall make periodic reports and recommendations to the Council.
- C. Division of Land Regulations. It shall be the duty of the Commission to create, adopt, and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.
- D. Conditional Use ~~s~~Permits. It shall be the duty of the Commission to review and comment on conditional use ~~permit~~ applications. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional use ~~permit~~ shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

166.03 BOARD OF ADJUSTMENT.

1. General. This section addresses the duties and responsibilities of a Board of Adjustment, hereafter referred to as the "Board," and other officials and agencies with respect to the administration of this code.
2. Establishment of the Board. The establishment of the Board shall be in accordance with the procedures and policies set forth in State law. The Board shall consist of five members. All members of the Board shall be at least eighteen years of age and legal residents of the City.
3. Terms for Members. The terms of office for the members of the Board shall be staggered five-year terms as set forth in State law, such that only one regular term expires each year so as to provide continuity in policy and personnel.
4. Selection of Members. All members shall be appointed by the Mayor, subject to the approval of the Council. Any vacancy for an unexpired term shall be filled for the remainder of that term upon mayoral appointment and council approval of a successor member.
5. Chairperson Election and Rules Adoption. The Board shall elect from its membership a Chairperson. It shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceeding.
6. Board Secretary. A Secretary to assist the Board shall be appointed by the City Administrator. The Secretary shall keep minutes of the Board meetings for public record and conduct all correspondence, including the notification of decisions. The Secretary shall also certify records. The Secretary shall prepare and submit the minutes of Board meetings to the Chairperson and the Board.
7. Duties and Powers.

- A. Errors. The Board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation by the Code Official.
- B. Variances. The Board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the Board's authorization shall be as set forth in this code.
- C. Conditional Uses. The Board shall review and act upon a conditional use application based on the criteria established in Section 171.02 of this code and in conformance with the applicable regulations in this Zoning Code.
- D. Decisions. The Zoning Ordinance is a document that lays out very specific requirements deemed to be in the best interest of the City by the Planning ~~and~~ ~~Zoning~~ Commission and the Council. In most cases, those requirements must be met by property owners and developers; however, in some rare cases the enforcement of those requirements may be found to cause extreme hardship for an individual, and a variance may be granted. Variances shall not be granted by the Board simply because no one objects, or because it seems harmless in an isolated circumstance. Any variance granted shall reflect the spirit and intent of the code and shall not constitute the granting of a special privilege. The following variance criteria shall be utilized by the Board in hearing variance requests. No variance shall be granted by the Board unless affirmative findings can be made for each of the applicable following criteria:
 - (1) Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of:
 - (a) Irregularity,
 - (b) Narrowness,
 - (c) Shallowness,
 - (d) Substandard or marginal size;
 - (e) Exceptional topographical features; or
 - (f) Other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.
 - (2) Not Exclusively for Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it – or that it could be used more profitably if not subject to such regulations – should not in itself justify granting a variance.
 - (3) Hardship Not Self-Created. The unique or special condition referenced in subsection (1) above existed at the time of the enactment of the provisions of this code that affect it, or was the result of government action (other than adoption of the Zoning Ordinance) for which no

compensation was paid, and has not been created by any persons presently having an interest in the property.

- (4) Substantial Rights Denied. Carrying out the strict letter of the provisions of the Zoning Ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.
- (5) Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.
- (6) Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, or increase the danger of flood or fire, or endanger the public safety, or substantially diminish or impair property values in the vicinity.
- (7) No Other Remedy. There is no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Written findings citing each of these criteria shall be made for each case to document the process and decision of the Board.

166.04 VIOLATIONS. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the Code Official may order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Code Official after receipt of such notice to make the structure, parcel of land, or portions thereof, comply with the requirements of this code.

166.05 LICENSING.

1. General. All departments, officials, and employees charged with the duty or authority to issue permits or licenses shall issue no permit or license for uses or purposes where the same would be in conflict with this code. Any permit or license, if issued in conflict with this code, shall be null and void.
2. Expiration or Cancellation. Each license, permit, or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration.
3. Failure to Comply. Failure to comply with the terms of any permit, license, or approval may be grounds for cancellation or revocation. Action to cancel any license, permit, or approval may be taken on proper grounds by the Code Official. Cancellation of a permit or approval by the Commission or Board may be appealed in the same manner as its original action.
4. Validity of Licenses, Permits, and Approvals. For the issuance of any license, permit, or approval for which the Commission or Board is responsible, the Code Official shall require that the development or use in question proceed only in accordance with the terms of such license, permit, or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

166.06 PENALTIES. The owner or agent of a building or premises in or upon which a violation of any provision of this code has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part in, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, or who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this code shall be subject, upon conviction, to the provisions of Section 1.14 of this Code of Ordinances. Each day that a violation is permitted to exist after proper notice shall constitute a separate offense.

SECTION 3. AMENDMENT OF CHAPTER 167. Chapter 167 of the Code of Ordinances is amended to read as follows:

CHAPTER 167 ZONING CODE – DEFINITIONS

167.01 GENERAL DEFINITIONS. For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's *Third New International Dictionary of the English Language*, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. The following are definitions of general terms used throughout this Ordinance with the exception of use definitions, which are defined in Section 168.07.

"Accessory building" means a subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

"Accessory living quarters" means an accessory building used solely as the temporary dwelling of guests of the occupants of the premises, such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

"Accessory use" means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with, such primary use.

"Acreage, gross" means the overall total area.

"Acreage, net" means the remaining area after all deductions are made; with deductions including streets, easements for access, and street dedications.

~~"Agriculture" means the use of land and associated structures dedicated to the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock and bee keeping.~~

~~"Agriculture Experience" means any agriculture related activity, as a secondary use in conjunction with a permitted agricultural use, which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. An activity is an agriculture experience activity whether or not the participant paid to participate in the activity. The sale of merchandise and service and/or sale of food and drinks, including alcoholic beverages, is permitted as an accessory use to activities sponsored by the organization.~~

Commented [RR4]: Relocated to Section 168.07.

"Alley" means any public or private way which affords only a secondary means of access to abutting property.

"Alteration" means any change, addition, or modification in construction, occupancy, or use.

~~"Amusement center" means an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games, and similar recreational diversions within an enclosed building;~~

Commented [RR5]: Revised definition for "amusement facility – indoor" has been added to Section 168.07.

~~"Automotive repair, major" means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, provided such work is conducted within a completely enclosed building;~~

Commented [RR6]: Revised definition for "vehicle repair – major" has been added to Section 168.07.

~~"Automotive repair, minor" means an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups and transmission work, provided such work is conducted within a completely enclosed building;~~

Commented [RR7]: Revised definition for "vehicle repair – minor" has been added to Section 168.07.

~~"Automotive self-service station" means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a freestanding automatic car wash;~~

~~"Automotive service station" means that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and food sales;~~

Commented [RR8]: Revised definition for "fueling station" has been added to Section 168.07.

"Awning" means a shelter supported entirely from the exterior wall of a building.

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

~~"Bed and breakfast facility" means a limited commercial activity, occurring within any zone, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short term guest lodging;~~

Commented [RR9]: Revised definition for "bed and breakfast home" has been added to Section 168.07.

"Block" means land or a group of lots surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

~~"Board" means the Board of Adjustment established pursuant to Section 166.03 of this code;~~

Commented [RR10]: This definition is being removed as it is redundant. Defined in Section 166.03.

"Boarding house" means a dwelling containing a single dwelling unit and not more than 10 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.

Commented [RR11]: This use is antiquated and is being removed from the Zoning Code.

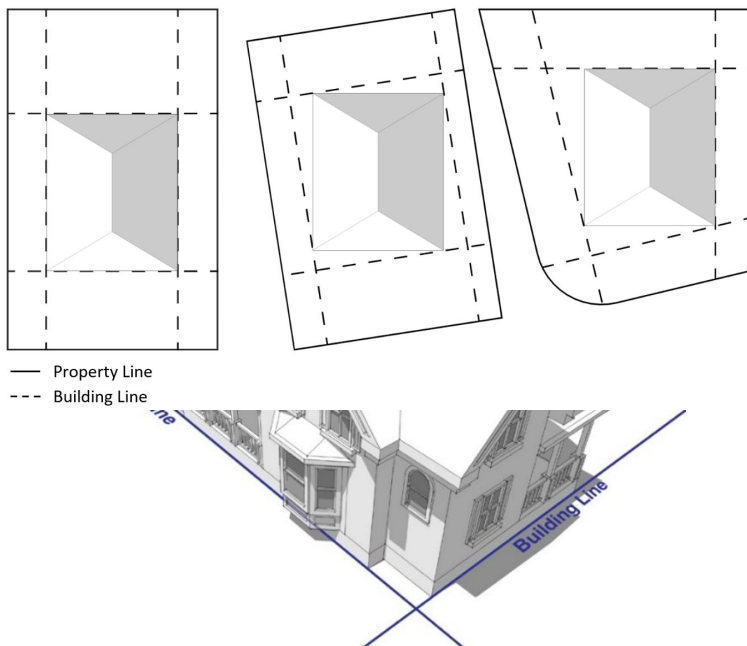
"Build" means to construct, assemble, erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

"Buildable area" means the portion of a lot, excluding required yards, where a structure or building improvements may be erected.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, and gambrel roofs.

"Building line" means the perimeter of that portion of a building or structure measured parallel to the lot line. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.



"Building, main" means a building in which the principal use of the site is conducted.

"Building, temporary" means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

~~"Business or financial services" means an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service;~~

Commented [RR12]: Revised definition for "financial institution" has been added to Section 168.07.

"Canopy" means a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.

"Carport" means a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

~~"Clinic" means an establishment occupied by one or more members of the healing profession. Clinics shall not be construed to include hospitals, nursing homes, sanitariums, or similar institutions;~~

Commented [RR13]: Revised definition for "medical/dental office" has been added to Section 168.07.

~~"Clinic, small animal" means an establishment where the prevention and treatment of diseases and injuries in small domestic animals is carried out by a licensed veterinarian. For the purpose of this chapter, this does not include a kennel or any establishment in which animals are boarded, except for emergency treatment not to exceed 48 hours;~~

Commented [RR14]: Revised definition for "animal care facility" has been added to Section 168.07.

~~"Code Official" means the official designated by the Council to enforce this code or any designated representative of the Code Official;~~

Commented [RR15]: This definition is being removed as it is redundant. Defined in Section 166.01.

~~"Commercial parking garage" means a building, other than a private garage, used for the parking of automobiles with or without a fee;~~

Commented [RR16]: Revised definitions for "parking lot" and "parking structure" have been added to Section 168.07.

~~"Commercial retail sales and services" means establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions) and specializing in the sale of either general merchandise or convenience goods;~~

Commented [RR17]: Revised definition for "retail good establishment" has been added to Section 168.07.

~~"Commercial school" means a school establishment to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school);~~

Commented [RR18]: Revised definition for "educational facility – vocational" has been added to Section 168.07.

~~"Commission" means the Planning and Zoning Commission of the City.~~

Commented [RR19]: This definition is being removed as it is redundant. Defined in Section 166.02.

"Community signs" means temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive, and/or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based, non-profit organization.

"Comprehensive plan" means the declaration of purposes, policies, and programs for the development of the jurisdiction, and may also be referred to as the general plan.

"Conditional use" means a use which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

"Condominium" means a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

~~"Convalescent center" means a facility that is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.~~

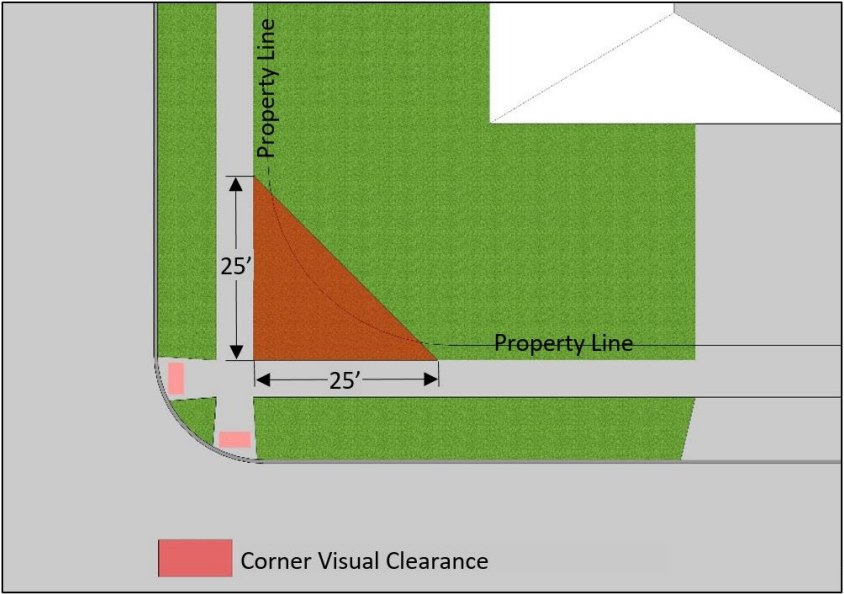
Commented [RR20]: Revised definition for "residential care facility" has been added to Section 168.07.

~~"Corn wet milling process" means the method of producing unmodified corn starch by separating the corn kernel by use of a process which takes place when the corn is in a water suspension, known as steeping, as distinguished from the dry process where the corn is ground into meal prior to the fermentation process.~~

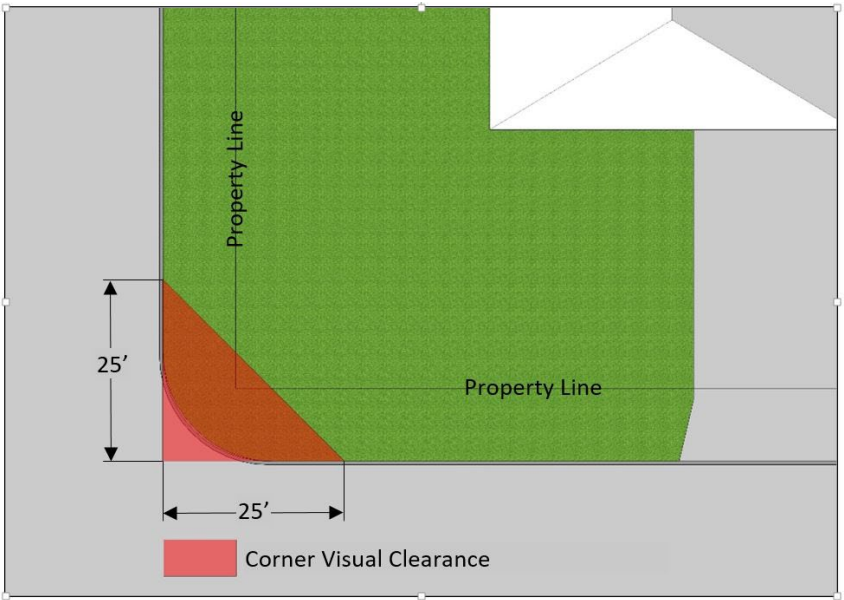
Commented [RR21]: Revised definition for "agriculture" has been added to Section 168.07.

"Corner visual clearance" means the requirement that in all districts nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision between a height of three feet above the grades of the area measured as follows: that triangular-shaped area bounded by sidewalks adjacent to a corner lot and a straight line joining points on said sidewalks, 25 feet from said corner. Where no sidewalk(s) exist, the area shall be measured along the back of curb or edge of roadway pavement, as applicable.

Corner Visual Clearance



Corner Visual Clearance



"Court" means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

~~"Custodial home" means any institution, place, building, or agency providing for a period exceeding 24 consecutive hours' accommodation, board, personal assistance, and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.~~

~~"Dance hall, discotheque" means an establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.~~

Commented [RR22]: Revised definition for "live performance venue" has been added to Section 168.07.

~~"Daycare, family" means the keeping for part time care and/or instruction, whether or not for compensation, of five or fewer persons at any one time within a dwelling, not including members of the family residing on the premises.~~

Commented [RR23]: Revised definition for "child care home" has been added to Section 168.07.

~~"Daycare, group" means an establishment for the care and/or instruction, whether or not for compensation, of six or more persons at any one time. Child nurseries and preschool facilities are included in this definition.~~

Commented [RR24]: Revised definition for "child development home" has been added to Section 168.07.

"Density" means the number of dwelling units which are allowed on an area of land, which area of land may include dedicated streets contained within the development.

"District" means a part, zone, or geographic area within the City or under its extraterritorial jurisdiction within which certain zoning or development regulations apply.

"Driveway" means a private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

~~"Dwelling, duplex" means a building designed or arranged to be occupied as two dwelling units.~~

Commented [RR25]: Revised definition for "dwelling, duplex" has been added to Section 168.07.

~~"Dwelling, multiple unit" means a building or portion thereof designed for occupancy as three or more independent units in which units may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums or offered for rent.~~

Commented [RR26]: Revised definition for "dwelling, multiple-unit" has been added to Section 168.07.

~~"Dwelling, single unit" means a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy as one dwelling unit.~~

Commented [RR27]: Revised definition for "dwelling, single-unit" has been added to Section 168.07.

"Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code. ~~A dwelling unit shall have a minimum width of 20 feet over 75 percent of its length and a minimum roof pitch of 4:12. Also see definition of "Dwelling Unit, Rental" and occupancy limitations of rental housing units in Chapter 169.~~

~~"Dwelling Unit, Rental" means any "Dwelling Unit" as defined herein for which the owner permits, provides or offers possession or occupancy by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land. Occupancy requirements for Rental Dwelling Units are different from non-rental Dwelling Units, and those requirements are found in Chapter 169.15.~~

Commented [RR28]: "Rental" use is being removed from the Zoning Code.

"Easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owners of the property. The easement may be for use under, on, or above said lot or lots.

~~"Elevation, building means the flat representation of a building seen from one side.~~

~~"Façade" means the vertical face of a building, including any insets and protrusions facing a street or open space, which contributes to the aesthetic and/or structural design of the building.~~

Commented [RR29]: New definition. Replaces "primary face of building".

~~"Face of building, primary" means the wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations.~~

Commented [RR30]: Deleted definition. Being replaced by "façade".

~~"Factory built home park" means a site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses or mobile homes and that may include services and facilities for the residents. The conversion of said mobile home park to a manufactured housing subdivision is not specifically precluded by this code, provided that all mobile home units either be relocated or converted to manufactured housing as real property.~~

Commented [RR31]: Revised definition for "manufactured home park" has been added to Section 168.07.

~~"Factory built structure" means any structure which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site.~~

Commented [RR32]: Revised definition for "dwelling, manufactured home" has been added to Section 168.07.

~~"Family home" means a community-based home which is licensed as a residential care facility or as a child foster care facility under chapters 135C and 237, respectively, of the Code of Iowa, to provide services including, but not limited to, room and board, personal assistance, training, treatment, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, a new family home shall not be located within one-fourth of a mile from another family home.~~

Commented [RR33]: Revised definition for "group home" has been added to Section 168.07.

"Farm" means an area with a minimum size of ten acres which is used for the growing of the usual farm products as vegetables, fruits, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.

"Farm animals" means animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals (e.g., horses and cattle); medium animals (e.g., sheep, goats); or small animals (e.g., rabbits, chinchilla, chickens, turkeys, pheasants, geese, ducks and pigeons).

"Farming" includes the operation of such farm area for ~~one or more of the uses provided in Section 168.01~~ the purpose of growing farm products and raising farm animals, as defined in this section, with the necessary accessory uses for treating or storing the food produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals.

"Floor area, gross" means the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

"Floor area, net" means the gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

"Floor area, ratio" means is the numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

~~"Food pantry" means a public or private nonprofit establishment that distributes food, clothing, household supplies, personal care items and other related items to needy households.~~

Commented [RR34]: Revised definition for "community pantry" has been added to Section 168.07.

"Frontage" means the distance along a street line from one intersecting street to another, or from one intersecting street to the end of a dead-end street.

"Garage, private" means a structure, either attached or detached, designed and/or used for the parking and storage of vehicles as an accessory structure to a residence.

~~"Garage, public" means any building or premises used for equipping, repairing, hiring, selling, or storing motor driven vehicles, and at which motor vehicle fuels, oils, tires, and supplies may be sold.~~

Commented [RR35]: Revised definition for "vehicle repair/service - minor" and "vehicle repair/service – major" has been added to Section 168.07

~~"General plan" means the declaration of purposes, policies, and programs for the development of the jurisdiction, and may also be referred to as the comprehensive plan.~~

Commented [RR36]: This definition is being removed due to redundancy.

"Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of those buildings more than five feet from a street line. For buildings closer than five feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the City shall establish the grade.

"Graffiti" means unauthorized marking on a structure.

"Gross leasable area" (GLA) is the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet (m2), as measured from the centerline of joint partitions and from outside wall faces.

Commented [RR37]: Deleted as this does not correlate to anything in the Zoning Code.

"Group care facility" means a facility, required to be licensed by the State, which provides training, care, supervision, treatment, and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include daycare centers, family daycare homes, foster homes, schools, hospitals, jails, or prisons.

Commented [RR38]: This is being removed as it does not correlate to anything in the Zoning Code. Contemporary uses include halfway houses, drug/alcohol treatment facilities and drug treatment clinics.

"Guestroom" means any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet (9.3 m2) of superficial floor area in a dormitory shall be considered to be a guestroom.

Commented [RR39]: This is being removed as it does not correlate to anything in the Zoning Code.

"Habitable space" (room) means space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage, or utility space, and similar areas are not considered habitable space.

Commented [RR40]: This is being removed as it does not correlate to anything in the Zoning Code.

"Home occupation" is an occupation or a profession which is conducted in a dwelling unit or in a conforming accessory building to a dwelling unit; and which is conducted by a member of the family residing in the dwelling unit, with no more than two employees; and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

"Hospital" means an institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities, and staff offices, but not including clinics or health care centers.

Commented [RR41]: Revised definition for "healthcare institution" has been added to Section 168.07.

"Household pets" means dogs, cats, rabbits, and birds, for family use only (noncommercial) with cages, pens, etc.

"Industrial or research park" means a tract of land developed according to a master site plan for the use of a subdivision of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

Commented [RR42]: Revised definition for "research and development" has been added to Section 168.07.

~~"Junkyard" means an area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or assembled, stored, or handled, including places for the dismantling or "wrecking" of vehicles or machinery, house wrecking yards, used lumberyards, and places for storage of salvaged house wrecking and structural steel materials and equipment.~~

Commented [RR43]: Revised definition for "salvage yard" has been added to Section 168.07.

~~"Kennel" means an establishment where dogs and/or cats are boarded for compensation or where dogs and/or cats are bred or raised for sale purposes.~~

Commented [RR44]: Revised definition for "animal care facility" has been added to Section 168.07.

"Kitchen" means any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

"Landscaping" means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features, and contouring of the earth.

~~"Limousine" means a motor vehicle with a passenger rated capacity of more than three, exclusive of the driver, and not regulated by the Office of Motor and Carrier Services of the Iowa Department of Transportation, including but not limited to standard size limo, and stretch limos or a motor vehicle, with a passenger rate capacity of more than 16, including the driver, and regulated by the Office of Motor and Carrier Services of the Iowa Department of Transportation to include only stretch limos. The vehicle and driver are engaged in transportation of passengers for hire in a limousine service. The vehicle shall be operated on a fixed route or have reservations 24 hours in advance for their service, operate without a meter installed in the vehicle, and charge for services on an hourly basis or longer periods of time with a minimum of one hour requirement.~~

Commented [RR45]: Revised definition for "vehicle operations facility" has been added to Section 168.07.

"Livestock" means one or more domestic animals of species bred or kept for production of food or fiber, for use as draft animals, or for riding.

~~"Lodging house" means a dwelling containing not more than one living unit, where lodging with or without meals is provided for compensation to one or more persons, but not more than 30 persons at one time.~~

Commented [RR46]: This use is antiquated and is being removed from the Zoning Code.

"Lot" means a parcel of land, adequate for occupancy by a use permitted under this chapter, which provides the yards, area, and off-street parking required under this code and which fronts directly upon a public street or upon an officially approved place.

"Lot area" means the total area within the boundaries of a lot, excluding any street right-of-way, usually defined in square footage.

"Lot, corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

"Lot, depth" means the mean horizontal distance between the front and rear lot line.

"Lot, flag" means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

"Lot, interior" means a lot other than a corner lot.

"Lot line" means a line of record that separates one tract from another or from a public or private right of way, as indicated on an approved, filed, and recorded plat or other legal instrument deemed acceptable by the City.

"Lot width" is the horizontal distance between the side lot lines at the required front yard measured along a straight line parallel to the front lot line.

"Masonry" means the bonding of units of various natural or artificial materials used by masons, such as stone, brick, split-faced concrete, or other materials of similar appearance approved by the Code Official. Masonry does not include stucco or exterior insulation finishing system (EIFS).

Commented [RR47]: New Definition. Relocated from Section 169.12 and revised.

"Masonry, required" means the total area of a building elevation measured between grade and the highest point of the coping of a flat roof or the eaves for gable, hip, gambrel or mansard roof. Windows and doors may be subtracted out of the total area with the exception of overhead doors in non-residential (including mixed use) buildings.

Commented [RR48]: New Definition. Relocated from Section 169.12 and revised

"Main building" means the building occupied by the primary use.

Commented [RR49]: This definition is being removed as it is redundant.

"Manufactured home" means a factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of this code, a manufactured home is considered the same as any site-built, single-family detached dwelling.

"Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive

~~power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.~~

Commented [RR50]: Revised definition for "dwelling – manufactured home" has been added to Section 168.07.

"Modular home" means a factory-built home, other than a manufactured home, which meets all of the following requirements:

Is designed only for erection or installation on a site-built permanent foundation;

Is not designed to be moved once so erected or installed;

Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing; or

To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation.

~~"Mortuary" (funeral home) means an establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.~~

Commented [RR51]: Revised definition for "funeral home" has been added to Section 168.07.

~~"Motel" (hotel) means any building containing six or more guestrooms intended or designed to be used or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.~~

Commented [RR52]: Revised definition for "funeral home" has been added to Section 168.07.

"Natural waterways" means those areas, varying in width along streams, creeks, springs, gullies, or washes, which are natural drainage channels as determined and identified by the City.

"Nonconforming building" means a building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected, or structurally altered for a use that does not conform to the zoning regulations of the district in which it is located.

"Nonconforming lot" means a lot whose width, area, or other dimension did not conform to the regulations when this code became effective.

"Nonconforming sign" means a sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

"Nonconforming use" ~~—see "use, nonconforming."~~ means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

~~"Nursery farm" means an area used for the growing and handling of nursery stock for resale.~~

Commented [RR53]: Revised definition for "greenhouse/nursery – retail" has been added to Section 168.07.

"Occupancy" means the fact or condition of holding, possessing, or residing in or on a property.

"Open space" means land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

"Outdoor eating accessory use" is an area containing tables, benches, counters, equipment for food and beverage preparation, serving and dispensing, and any similar facilities as an integral part of a permanent and full-time restaurant or other business that includes inside restaurant facilities, and is under common ownership with the principle business. Outdoor eating accessory uses are considered for approval through the conditional use and site plan processes. An outdoor eating accessory use is distinguished from an outdoor eating temporary use by its permanent nature and its common ownership with the associated restaurant.

Commented [RR54]: Revised definition for "outdoor dining" has been added to Section 168.07.

"Owner" means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Outdoor storage" means the storage of merchandise, goods, inventory, materials, equipment, vehicles, trailers, or other items which are not intended for immediate sale, by locating them outside. Outdoor storage does not include company vehicles, short-term resident, customer and/or staff parking within off-street parking areas pursuant to Section 169.01.

Commented [RR55]: New definition.

"Park" means a public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Commented [RR56]: Revised definition for "park, private" and "park, public" has been added to Section 168.07.

"Park and ride facilities" means parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

"Parking lot" means an open area, other than a street, used for the parking of vehicles in accordance with Chapter 169.

Commented [RR57]: Revised definition for "parking lot" and "parking structure" have been added to Section 168.07.

"Parking space" means a space which is intended for off-street vehicular parking and is constructed in accordance with Chapter 169.

"Person" means a natural person, heirs, executors, administrators, or assigns, and also includes a firm, partnership, corporation or association, its or their successors or assigns, or the agent of any of the aforesaid.

"Pet animal boarding facilities" means a facility that cares for or houses pet animals such as dogs, cats, and similar small animals in the absence of the owner and receives compensation

for said services. It includes animal shelters, pet hotels, dog daycare centers, obedience school training, sitting services, pet clipping and pedicure, but not veterinary services. Some activities are anticipated to occur outdoors.

Commented [RR58]: Revised definition for "animal care facility - small" has been added to Section 168.07.

"Place of worship" means a building, structure, or group of buildings which by design and construction are primarily intended for the conducting of formal religious services by an organization having been granted an exemption from Federal tax as a nonprofit religious organization.

Commented [RR59]: Revised definition for "place of worship" has been added to Section 168.07.

"Planned area development" (PAD) means a development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

Commented [RR60]: This is being removed as it is already defined in revised section 168.05.

"Plot plan" means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

"Premises" means the land, together with any buildings or structures thereon.

"Principal use" means the primary use of the premises or the primary use of the main building.

"Public dump grounds" means areas owned and operated by the City for disposal of waste matter and related material.

Commented [RR61]: This use is being removed from the Zoning Code.

"Public improvement" means work within dedicated rights-of-way or easements.

"Public services" means uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

Commented [RR62]: Revised definitions for "public safety facility" and "public works facility" have been added to Section 168.07.

"Public utility station" means a structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste, or hazardous waste.

Commented [RR63]: Revised definition for "utility (sub)station" has been added to Section 168.07.

"Public way" means any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

"Quasi-public" essentially means a public use, although under private ownership or control.

"Quorum" means a majority of the authorized members of a board or commission.

"Radio and television stations" means and includes any transmitting or receiving station including a cable communications system as defined in Chapter 116 of this Code of Ordinances.

Commented [RR64]: Revised definition for broadcast facility has been added to Section 168.07.

"Recreation, indoor" means an establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition are bowling, roller skating or ice skating, billiards, pool, motion picture theaters, and related amusements.

Commented [RR65]: Revised definition for "amusement facility - indoor" has been added to Section 168.07

"Recreation, outdoor" means an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open air pavilions, and similar structures, used primarily for recreational activities.

Commented [RR66]: Revised definition for "amusement facility - outdoor" has been added to Section 168.07

"Recreational vehicle" means a vehicular unit which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled or mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, or van any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

"Recreational vehicle park" means any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy for a fee by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Commented [RR67]: This use is being removed from the Zoning Ordinance.

"Recycling facility" means any use whose primary use is the operation, sorting, and disposing of recycling materials in a fully enclosed structure, whose materials are stored, brought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, tin, aluminum, paper, plastic, glass and other such materials. The facility may not store materials outside, except in compliance with this code.

Commented [RR68]: Revised definition for "salvage yard" has been added to Section 168.07.

"Rehabilitation center" (halfway house) means an establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

Commented [RR69]: This is being removed as it does not correlate to anything in the Zoning Code. Contemporary uses include halfway houses, drug/alcohol treatment facilities and drug treatment clinics.

"Religious, cultural and fraternal activity" means a use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic, or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

Commented [RR70]: Revised definition for "private club" has been added to Section 168.07.

"Renovation" means interior or exterior remodeling of a structure, other than ordinary repair.

~~"Restaurant" means an establishment which provides food for on-premises consumption;~~

~~"Restaurant, drive-in" means a restaurant which serves food to customers seated in vehicles;~~

Commented [RR71]: Revised definition for "restaurant" has been added to Section 168.07.

~~"Retail sales" means establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods;~~

Commented [RR72]: Revised definition for "retail goods establishment" has been added to Section 168.07.

~~"Salvage yard" means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including (but not limited to) materials such as scrap metals, paper, rags, tires, and bottles;~~

Commented [RR73]: Revised definition for "salvage yard" has been added to Section 168.07.

"Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on June 5, 1967.

~~"Separation Distance" means the distance measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line where the other use or district is located;~~

Commented [RR74]: New definition.

~~"Service establishment" means any establishment whose primary activity is the provision of assistance (as opposed to products) to individuals, business, industry, government, and other enterprises;~~

Commented [RR75]: Revised definition for "personal service establishment" has been added to Section 168.07.

"Setback" means the minimum required distance between the lot line and the building line.

"Site plan" means a plan which outlines the use and development of any tract of land.

~~"Story" means the part of a building included between the surface of any floor and the surface of the next floor above it, or to a ceiling above it, if there is no floor above;~~

~~"Story, half" means a space under a sloping roof all of which space must be at least three feet high, but not more than 60 percent of which floor area may be finished off for use;~~

Commented [RR76]: These definitions are being removed as building height would no longer be measured in "stories".

"Street" means any vehicular way that: (i) is an existing State, County, or municipal roadway; (ii) is shown upon a plat approved pursuant to law; (iii) is approved by other official action; or (iv) is shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats. A street includes the land between the street lines whether improved or unimproved.

"Street, private" means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means the division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

"Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas.

~~"Tattoo establishment" means the permanent building where tattooing is practiced.~~

~~"Tattooing" means to puncture the skin of a person with a needle and insert indelible permanent colors through the puncture to leave permanent marks or designs.~~

Commented [RR77]: Revised definition for "body modification establishment" has been added to Section 168.07.

"Temporary portable storage container" is a large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and "POD-type" boxes that can be transported on a flatbed or other truck, but do not include prefabricated sheds that are not designed for transport after erection or commercial trailers used by construction companies or other uses in the regular performance of their businesses. Temporary portable storage containers, except those included in temporary construction permits, are subject to the provisions of Section 171.03 – Temporary Use Permit.

~~"Theater" means a building used primarily for the presentation of live stage productions, performances, or motion pictures.~~

Commented [RR78]: Revised definition for "amusement facility - indoor" has been added to Section 168.07.

"Use" means the activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

"Use, change of" means the change within the classified use of a structure or premises.

~~"Use, nonconforming" means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.~~

Commented [RR79]: This definition is being removed due to redundancy.

"Use, temporary" means a use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

~~"Utility and service uses" means essential services necessary to protect the public safety and welfare, including public and private utilities, railroads, and other similar uses that because of operational characteristics are required to be located within various areas of the community; but not including sanitary landfills, transfer facilities, composting facilities, or any type of power generating stations regardless of size. Establishment of utility and service uses requires approval of a site plan, which may be approved subject to buffer yard, screening, or other compatibility requirements in addition to those found in the underlying zoning district.~~

Commented [RR80]: This definition is being removed from the Zoning Code as certain utilities are exempt from zoning per 165.03. Revised definition for "utility (sub)station has been added to Section 168.07.

"Variance" means the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

~~"Warehouse, wholesale or storage" means a building or premises in which merchandise, equipment, or goods are stored for eventual distribution.~~

Commented [RR81]: Revised definitions for "warehouse" and "wholesale establishment" have been added to Section 168.07.

~~"Wrecking yard" means any place where damaged, inoperable, or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled, or handled.~~

Commented [RR82]: Revised definition for "salvage yard" has been added to Section 168.07.

"Yard" means the open space area between the building line of a principal building and the adjacent lot lines, exclusive of facade articulation, such as window or wall recesses and projections.

~~"Yard, required corner side" means the required minimum distance per the zoning district that a principal building must be located from the corner side lot line between required front yard and the rear lot line, measured perpendicular to the corner side lot line.~~

Commented [RR83]: New definition. Previously "required front yard", which is confusing to the public.

"Yard, required front" means the required minimum distance per the zoning district that a principal building must be located from the front lot line measured perpendicular to the front lot line.

"Yard, required rear" means the required minimum distance per the zoning district that a principal building must be located from the rear lot line measured perpendicular to the rear lot line.

"Yard, required side" means the required minimum distance per the zoning district that a principal building must be located from the side lot line measured perpendicular to the interior side lot line.

"Zone" means a section or sections of the City in which the regulations set out in this code are uniform. See specific district regulations (Chapter 168) for the use of land and buildings within, above, or below the zone.

Commented [RR85]: This is being removed from the Zoning Code due to redundancy. See definition for "district".

"Zoning map" means the map delineating the boundaries of ~~zones~~all zoning districts which, along with the zoning text, comprises the zoning ordinance.

SECTION 4. AMENDMENT OF CHAPTER 168. Chapter 168 of the Code of Ordinances is amended to read as follows:

CHAPTER 168 ZONING CODE – ZONING DISTRICT REGULATIONS

~~168.01 Zoning ID Zone—Interim Development Districts Established~~

~~168.02 RS Zones—Single-Unit Residential Districts~~

~~168.03 RD Zones—Two-Unit Residence Districts~~

~~168.04 RM Zones—Multi-Unit Residence Districts~~

~~168.05 R-FB Zones—Residential Factory-Built Housing Park Special Purpose Districts~~

~~168.06 C Zones—Commercial Districts Principal and Conditional Uses~~

~~168.07 O/RP Zones—Office and Research Park Districts Uses Defined and Use Standards~~

~~168.08 C-RV Zones—Commercial Recreational Vehicle District~~

~~168.09 I Zones—Industrial Districts~~

~~168.10 P Zones—Public Use Districts~~

~~168.11 OFP Zone—Floodplain Overlay District~~

~~168.12 PAD Zone—Planned Area Development Overlay District~~

~~168.13 OPS Zone—Penn Street Overlay District~~

168.01 ID ZONE—INTERIM DEVELOPMENT ZONING DISTRICTS ESTABLISHED. The Interim Development District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses, and to help guide urban growth into suitable areas:

1. Use Regulations Zoning Districts. Principal, accessory, and conditional uses permitted in the ID Zone—Interim Development District are as prescribed in Table 168.01-A. In order to carry out the purpose and intent of this Ordinance, the City is divided into the following zoning districts:

A. Residential Districts

- (1) RS-3 Single-Family Residence District.
- (2) RS-4 Single-Unit Residence District.
- (3) RS-6 Single-Unit Residence District.
- (4) RS-7 Single-Unit Residence District.
- (5) RS-8 Single-Unit Residence District.
- (6) RS-9 Single-Unit Residence District.
- (7) RD-8 Two-Unit Residence District.
- (8) RD-10 Two-Unit Residence District.
- (9) RM-8 Multi-Unit Residence District.
- (10) RM-12 Multi-Unit Residence District.
- (11) RM-21 Multi-Unit Residence District.
- (12) R-MH Residential Manufactured Home Park District.

B. Commercial Districts

- (1) C-1-A Central Commercial District.
- (2) C-1-B General Commercial District.

- (3) C-2-A Highway Commercial District.
- (4) C-2-B Highway Commercial District.
- (5) C-3 Higher-Intensity Commercial District.
- (6) O/RP Office and Research Park District

C. Industrial Districts

- (1) I-1 Light Industrial District.
- (2) I-2 Heavy Industrial District.
- (3) I-P Industrial Park District.

D. Special Purpose Districts.

- (1) ID Interim Development District.
- (2) P – Public Use District.
- (3) PO – Professional Office Overlay District.
- (4) PAD – Planned Area Development Overlay District.

TABLE 168.01-A – ID ZONE USES

P = Permitted, C = Conditional, A = Accessory, N/A = Not Allowed

Land Use		Notes
Animal Feeding Operations, Non-confinement	P	See definition of "Animal Feeding Operations, Confinement"
Animal Feeding Operations, Confinement	C	Confined animal feeding operation is a lot or facility, together with any associated treatment works, where animals are raised within buildings, corrals, or pens during all stages of production, and without significant time grazing on natural vegetation.
Communications Towers	A	45 feet maximum height
Community Buildings	P	-
Country Clubs	P	Except miniature golf courses and commercial driving ranges
Keeping of Small Animals Directly Related to Agricultural Operations	P	Maximum four animals
Emergency Shelters	A	-
Family Homes	P	-
Farming	P	The business of cultivating soil, producing crops, and raising animals.
Farm Buildings on Lots Over 3 Acres Only	P	Outbuildings, including barns, sheds, and other structures directly related to the residential or agricultural use of the property. No such buildings may be used for commercial or warehouse operations. Wind turbines or other wind-powered generators are not included in this classification. Confinement buildings are considered under "Animal Feeding Operations, Confinement"

Land Use	-	Notes
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Golf Courses	P	Except miniature golf courses and commercial driving ranges
Home Occupations	A	
Kennels	C	-
Nurseries/Daycare	P	-
Parks	P	-
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	-
Private Garages, Detached	A	See Section 169.06
Private Swimming Pools	A	
Public Schools	P	-
Single Dwelling Unit Buildings	P	Owner-occupied
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions
Temporary Construction Buildings	A	
Tennis Courts	A	-
Utility and Service Uses	P	-

2. Bulk Regulations Location of Zoning Districts. The minimum area, setbacks, density, and maximum height are as prescribed in Table 168.01 B. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map, and all the notations, references and other information shown thereon are incorporated into, and made part of, this Ordinance.

TABLE 168.01-B – ID-ZONE BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Family Dwellings; Family Homes	150-feet	150-feet	1-acre	50-feet	10-feet	50-feet	35-feet or 2½-stories
Public Building; Place of Worship; School; Community Buildings; Country Clubs	150-feet	150-feet	3-acres	75-feet	20-feet	50-feet	70-feet

All other uses with buildings and/or livestock	200-feet	200-feet	5-acres	100-feet	50-feet	100-feet	35-feet or 2½-stories
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3. Accessory Uses Use Regulations. Accessory uses are permitted subject to the provisions of Section 169.06. Principal and conditional use regulations for each such district are governed by Sections 168.06 and 168.07. Chapter 169 contains development regulations applicable to each district, such as accessory uses, off-street parking, landscaping and exterior lighting requirements. Chapter 173 contains regulations concerning the usage and display of signs in each zoning district.
4. ~~Home Occupations~~. Home occupations are permitted subject to the provisions of Section 170.01.
5. ~~Conditional Uses~~. Conditional uses are permitted subject to the provisions of Section 171.02.
6. ~~Off-Street Parking~~. Off-street parking shall be provided according to the provisions of Section 169.01.
7. ~~Stockyard Operation; License Required~~. It is unlawful for any person to locate, build, construct, use, operate, or maintain a stockyard, animal enclosure, animal feeding operation, open feed lot, or confinement feeding operation as a principal, accessory, or conditional use in any ID District within the corporate limits of the City without having obtained a license therefor as provided in this zoning ordinance.
8. ~~Kennels; License Required~~. It is unlawful for any person to locate, build, construct, use, operate, or maintain a kennel in any ID District within the corporate limits of the City without having obtained a license therefor as provided in this zoning ordinance.
9. ~~Signs~~. Signs shall be permitted according to the provisions of Chapter 173.

168.02 ~~RS ZONES~~ — ~~SINGLE-UNIT RESIDENCE RESIDENTIAL~~ DISTRICTS.

1. RS Districts Defined. Allowable RS Zone uses are:
 - A. RS-3 Single-Family Residence District. The RS-3 ~~Single-Family Residence~~ District is intended to provide and maintain low-density single-family residential neighborhoods with a minimum lot size of 15,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-3 District.
 - B. RS-4 Single-Unit Residence District. The RS-4 ~~Single-Unit Residence~~ District is intended to provide and maintain low-density single-unit residential neighborhoods with a minimum lot size of 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that

are compatible with the surrounding residential neighborhoods may be permitted in the RS-4 District.

- C. RS-6 Single-Unit Residence District. The RS-6 ~~Single-Unit Residence~~ District is intended to provide for and maintain moderate density single-unit residential neighborhoods ~~with a minimum lot size of 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-6 District.~~

- D. RS-7 Single-Unit Residence District. The RS-7 ~~Single-Unit Residence~~ District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods ~~with a minimum lot size of 6,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-7 District.~~

(1) ~~The following conditions are required for a development consisting solely of RS-7 zoning:~~

- ~~(a) Planned Area Development submittal;~~
- ~~(b) A variety of housing designs are required. A Planning Commission subcommittee will be created to review all elevations of proposed home design before building permits are issued. If the subcommittee does not approve of an elevation, the applicant may appeal to the Commission for final approval;~~
- ~~(c) Alleys are preferred. A homeowners association will be responsible for maintenance of alleys;~~
- ~~(d) One two-inch caliper tree will be required in the front yard of each lot within the RS-7 District;~~
- ~~(e) One two-inch caliper tree will be required in the front yard of each lot within the RS-7 District;~~
- ~~(f) A minimum of 25 percent of the development will be reserved as open space;~~

(2) ~~The following conditions are required for a development consisting of RS-7 combined with other RS zoning:~~

- ~~(a) A maximum of 10 percent of the area of the Single-Family Residential District may be zoned RS-7. The development must be a minimum of 40 acres for the inclusion of the RS-7 Zoning.~~

~~(b) It is preferred to have a transition of RS-6 Single-Family Residential District adjoining the RS-7 zoned lots to serve as a buffer between RS-3 and RS-4 zoned lots.~~

Commented [RR86]: Relocated to district specific design standards.

- E. RS-8 Single-Unit Residence District. The RS-8 ~~Single-Unit Residence~~ District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods ~~with a minimum lot size of 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-8 District.~~ The use of the RS-8; ~~Single-Unit Residence~~ District shall be limited to the existing RS-8 ~~Zones~~ Districts within the City, primarily designated as the original town of North Liberty bounded by Zeller Street, Dubuque Street, Penn Street, and Stewart Street. The use of the RS-8 Zoning District for any new development within the City is discouraged as being incompatible with the desired design standards for the City.
- F. RS-9 Single-Unit Residence District. The RS-9 ~~Single-Unit Residence~~ District is intended to provide for and maintain high-density single-unit residential neighborhoods ~~with a minimum size of 4,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-8 District.~~
- G. ~~RS-O, Single-Unit Residential Special Use District. The RS-O, Single-Unit Residential Special Use District is intended to be limited in use and will only be used for those special situations where the establishment of this district will not alter the essential character of any residential district in which it could be placed, and will, in addition, require that any land owner desiring to establish this district shall enter into a written agreement with the City to abide by such terms and conditions as required by the City.~~
- (1) ~~Use Regulations. An existing single-Unit dwelling in the RS-O District will be permitted to be used as a professional office in said dwelling.~~
- (2) ~~Written Agreement. An applicant shall enter into a written agreement with the City agreeing to abide by any restrictions or conditions set forth by the Council as a condition of the rezoning, including:~~
- (a) ~~No more than seven full-time employees will be allowed on said premises, including the owner, during normal working hours.~~

- ~~(b) Adequate off-street parking for each employee, up to a maximum of seven parking places, shall be provided. All employees shall park in designated off-street parking spaces.~~
- ~~(c) There shall be no exterior display, no exterior sign, and no exterior storage of materials which would indicate the nature of the use of the dwelling.~~
- ~~(d) There will be no walk-in or retail business conducted on the premises.~~
- ~~(e) The use will be subject to an annual inspection and renewal by the City.~~
- ~~(f) The dwelling will maintain a residential character both on the interior and exterior.~~
- ~~(g) At such time as the business use terminates in the premises or ceases to be used as a business use for six months in any 12-month period, the owner will consent to the City's rezoning the property for residential use only.~~

Commented [RR87]: Relocated to revised Section 168.05.

2. ~~RS Use Regulations. Principal and accessory uses permitted in the RS Zone District shall be prescribed in Table 168.02-ARD Districts Defined.~~
 - ~~A. RD-8 Two-Unit Residence District. The RD-8 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-8 District.~~
 - ~~B. RD-10 Two-Unit Residence District. The RD-10 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-10 District.~~
3. ~~Bulk Regulations~~RM Districts Defined. ~~The minimum area, setback, density, and maximum height requirements shall be as prescribed in the following Tables:~~
 - ~~RS-3 Table 168.02-B~~
 - ~~RS-4 Table 168.02-C~~
 - ~~RS-6 Table 168.02-D~~
 - ~~RS-7 Table 168.02-E~~
 - ~~RS-8 Table 168.02-F~~
 - ~~RS-9 Table 168.02-G~~
 - ~~A. RM-8 Multi-Unit Residence District. The RM-8 District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-8 District.~~

Commented [RR88]: RM-4 and RM-6 are being eliminated from the Zoning Code. No properties are zoned RM-4. Only one property (Front Street Condominiums – Jaro Way) is zoned RM-6. This will be zoned RM-8

- B. RM-12 Multi-Unit Residence District. The RM-12 District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-12 District.
- C. RM-21 Multi-Unit Residence District. The RM-21 District is intended to provide and maintain high-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-21 District.
4. Accessory UsesR-MH Residential Manufactured Home Park District Defined.
Accessory uses are permitted subject to the provisions of Section 169.06The R-MHP District is intended to accommodate manufactured home parks, which are areas containing manufactured home sites arranged on a large tract, typically under single ownership, and designed to accommodate manufactured homes. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MH District.
5. Home Occupations. Home occupations are permitted subject to the provisions of SectionDimensional Standards.
- A. RS Districts.

Table 168.02-A Dimensional Standards SF = Square Feet, ' = Feet						
	RS-3	RS-4	RS-6	RS-7	RS-8	RS-9
Bulk						
Minimum Lot Area	15,000 SF	10,000 SF	7,000 SF	6,000 SF	5,000 SF	4,500 SF
Minimum Frontage	50'	40'	35'	35'	35'	35'
Minimum Lot Width	100'	80'	70'	60'	60'	40'
Maximum Building Height	35'	35'	35'	35'	35'	35'
Setbacks						
Minimum Required Front Yard	25'	25'	25'	20'	20'	25'
Minimum Required Corner Side Yard	25'	25'	25'	20'	20'	25'
Minimum Required Side Yard	10'	10'	8'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	25'	25'	25'

B. RD and RM Districts

Table 168.02-B Dimensional Standards SF = Square Feet, DU = Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
Bulk					
Minimum Lot Area	10,000 SF 5,000 SF/DU	9,000 SF 4,500 SF/DU	21,780 SF 5,000 SF/DU	21,780 SF 3,500 SF/DU	21,780 SF 2,000 SF/DU
Minimum Frontage	40'	35'	75'	50'	50'
Minimum Lot Width	100'	80'	100'	80'	80'
Maximum Building Height	35'	35'	40'	40'	65'
Setbacks					
Minimum Required Front Yard	25'	25'	25'	25'	25'
Minimum Required Corner Side Yard	25'	25'	25'	25'	25'
Minimum Required Side Yard	10'	10'	15'	15'	10'
Minimum Required Rear Yard	30'	30'	30'	30'	30'
*An additional foot of setback is required for every foot of building height over 45'					

Commented [RR89]: Setback reduction from 45'.

Commented [RR90]: Setback reduction from 35'.

Commented [RR91]: Setback reduction from 45'.

Commented [RR92]: Setback reduction from 35'.

Commented [RR93]: Setback reduction from 20'.

Commented [RR94]: Setback reduction from 35'.

Commented [RR95]: Setback reduction from 35'.

C. R-MH District

Table 168.02-C Dimensional Standards SF = Square Feet, ' = Feet		
	Manufactured Home Park	Manufactured Home Site
Bulk		
Minimum Lot Area	10 acres	5,500 SF
Minimum Frontage	400'	35'
Minimum Lot Width	500'	50'
Maximum Building Height	Not Applicable	35'
Minimum Separation Distance	Not Applicable	15' as measured between the walls of manufactured homes
Setbacks		
Minimum Required Front Yard	25'	20'
Minimum Required Corner Side Yard	25'	20'
Minimum Required Side Yard	25'	Not Applicable
Minimum Required Rear Yard	25'	25'

6. ~~Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01 District Specific Design Standards.~~

A. ~~RS-7 Single-Unit Resident District. The RS-7 District shall be subject to the following:~~

- ~~(1) Planned Area Development submittal.~~
- ~~(2) A variety of housing designs are required. A Planning Commission subcommittee will be created to review all elevations of proposed home design before building permits are issued. If the subcommittee does not approve of an elevation, the applicant may appeal to the Commission for final approval.~~
- ~~(3) Alleys are preferred. A homeowners association will be responsible for maintenance of alleys.~~
- ~~(4) One two-inch caliper tree will be required in the front yard of each lot within the RS-7 District.~~
- ~~(5) One two-inch caliper tree will be required in the corner side yard of each lot within the RS-7 District.~~
- ~~(6) A minimum of 25 percent of the development shall be reserved as open space.~~

~~7. Signs. Signs shall be permitted according to the provisions of Chapter 173.~~

TABLE 168.02-A—RS ZONES USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Uses		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Emergency Shelters	A	
Family Homes	P	Minimum separation of ¼ mile between family homes.
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.
Home Occupations	A	
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.
Parks	P	Owned or operated by public or private agencies or organizations. Not Commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Greenhouses/Plant Nurseries	A	See Section 169.01
Private Swimming Pools	A	
Public Schools	P	
Single-Dwelling Unit Buildings	P	Owner-occupied
Single Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	

Land Uses		Notes
Tennis Courts	P	
Utility and Service Uses	P	

TABLE 168.02-B—RS-3 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	50-feet	100-feet	15,000 square-feet	25-feet	10-feet	30-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	100-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	50-feet	100-feet	15,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.02-C—RS-4 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	40-feet	80-feet	10,000 square-feet	25-feet	10-feet	30-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	50-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.02-D—RS-6 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	35-feet	70-feet	7,000 square-feet	25-feet	8-feet	30-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	30-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	40-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.02-E—RS-7 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	35-feet	60-feet	6,000 square-feet	20-feet	5-feet	25-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	40-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.02-F—RS-8 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	35-feet	60-feet	5,000 square-feet	20-feet	5-feet	25-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	40-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.02-G—RS-9 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Dwelling Unit Buildings; Family Homes	35-feet	40-feet	4,500 square-feet	25-feet	5-feet	25-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	40-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

168.03 ~~RD ZONES—TWO-UNIT RESIDENCE~~COMMERCIAL DISTRICTS.

1. Defined. Allowable RD Zone uses are:

- A. ~~RD-8 Two-Unit Residence District. The RD-8 Two-Unit Residence district is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 10,000 square feet with a minimum of 5,000 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations~~C-1-A Central Commercial District. The C-1-A District is intended to provide a traditional central setting oriented toward pedestrians as well as automobiles. It is typified by high-density commercial development with minimal setback requirements.
- B. ~~RD-10 Two-Unit Residence District. The RD-10 Two-Unit District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Minimum lot size is 9,000 square feet with a minimum of 4,500 square feet per unit. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses. Commercial uses are limited to allowable home occupations~~C-1-B General Commercial District. The C-1-B District is intended to provide for the uses established under the C-1-A Central Commercial District and other commercial uses which due to space requirements and the nature of operations are not suitable for location within a compact central commercial center. Setback and yard requirements are greater than under the C-1-A District.
- C. ~~C-2-A Highway Commercial District. The C-2-A District is intended to provide for those commercial uses which may take particular advantage of a highway location and/or due to size or other nuisance constraints may be incompatible with the predominantly retail uses permitted in the C-1-A and C-1-B Commercial Districts, and whose service area is not confined to any one neighborhood or community.~~
- D. ~~C-2-B Highway Commercial District. The C-2-B District is intended to provide for those commercial uses which may take advantage of a highway location and are compatible with second story residential uses. This district will be used sparingly after initial passage of the City zoning map.~~
- E. ~~C-3 Higher-Intensity Commercial District. The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires~~

Commented [RR96]: This is a change. C-3 was previously "Concept Commercial District". The only C-3 zoning is located at Villas at Liberty Executive Park – Landon Road.

significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

F. ~~O-RP Office and Research Park District. The O/RP District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.~~

2. ~~Use Regulations. Principal and accessory uses permitted in the RD Zone—Two Unit Residence Districts are prescribed in Table 168.03-A Dimensional Standards.~~

Table 168.03 Dimensional Standards SF = Square Feet, ' = Feet						
	C-1-A	C-1-B	C-2-A	C-2-B	C-3	O-RP
Bulk						
Minimum Lot Area	None	None	None	None	20,000 SF	1.5 acres
Minimum Frontage	35'	35'	35'	35'	35	100'
Minimum Lot Width	35'	35'	35'	35'	35'	150'
Maximum Building Height	45'	45'	35'	35'	75'	75'
Setbacks						
Minimum Required Front Yard	0'	25'	25'	25'	25'	50'
Minimum Required Corner Side Yard	0'	25'	25'	25'	25'	50'
Minimum Required Side Yard	0'	10'	10'	10'	10', unless abutting a residential district then 20'	20'
Minimum Required Rear Yard	10'	20'	20'	20'	10' unless abutting a residential district then 25'	50'

3. ~~Bulk Regulations. The minimum area, setback, density, and maximum height restrictions are as prescribed in the following Tables:
RD-8 Table 168.03-B
RD-10 Table 168.03-C~~
4. ~~Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06.~~
5. ~~Home Occupations. Home occupations are permitted subject to the provisions of Section 170.01.~~
6. ~~Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.~~
7. ~~Signs. Signs shall be permitted according to the provisions of Chapter 173.~~

TABLE 168.03-A—RD ZONE USES

P=Permitted, C=Conditional, A=Accessory, N=Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Dog Runs, Keeping of Small Animals	A	See Section 169.06
Duplex	P	-
Emergency Shelters	A	See Section 169.06
Family Homes	P	Minimum separation of ¼ mile between family homes
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garden Houses	A	See Section 169.06
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Group Daycare Homes	P	Subject to annual licensing. See specific code section.
Home Occupations	A	See Section 170.01
Home Occupation Daycares	P	Subject to issuance of a zoning certificate. See specific code section.
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding
Places of Worship	P	-
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	C	Must provide a minimum of 100 square feet of open play space per child
Private Garages	A	See Section 169.06
Private Greenhouses / Plant Nurseries	A	See Section 169.06
Public Schools	P	-
Storage Shed	A	See Section 169.06

Land Use	-	Notes
Temporary Construction Buildings	A	See Section 169.06
Tennis Courts	A	See Section 169.06
Two-Dwelling Unit Buildings	P	Owner-occupied
Two-Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit
Utility and Service Uses	P	

TABLE 168.03-B – RD-8 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two-Dwelling Unit Buildings	40-feet	100-feet	10,000 square-feet; 5,000-per dwelling-unit	25-feet	10-feet	30-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	35-feet	100-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.03-C—RD-10 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Two Dwelling Unit Buildings	35-feet	80-feet	9,000 square-feet; 4,500-per dwelling-unit	25-feet	10-feet	30-feet	35-feet or 2½-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	40-feet	80-feet	10,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

168.04 RM ZONES—MULTI-UNIT RESIDENCE INDUSTRIAL DISTRICTS.

1. Defined. Allowable RM Zone uses are:

- A. ~~RM-4 Multi-Unit Residence District. The RM-4 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately four (4) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 10,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.~~ I-1 Light Industrial District. The I-1 District is intended to provide for the development of modern landscaped light-industrial and commercial establishments which have negligible impacts upon areas outside of the zoned district, and seek a hazard- and nuisance-free environment. The district is intended to provide for manufacture, assembly, fabrication, storage, and/or processing of goods listed for the location of compatible uses.
- B. ~~RM-6 Multi-Unit Residence District. The RM-6 Multi-Unit Residence District is intended to provide and maintain low-density, multiple-unit housing residential neighborhoods with a maximum density of approximately six (6) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 7,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.~~ I-2 Heavy Industrial District. The I-2 District is intended to provide for the development of industrial establishments that may require special conditions applied to the use to prevent negative impacts upon areas outside of the zoned district, and seek a hazard- and nuisance-free environment.
- C. ~~RM-8 Multi-Unit Residence District. The RM-8 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of eight (8) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 5,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.~~ I-P Industrial Park. The I-P District is intended to accommodate larger office developments, office parks, and research and development facilities, which may include limited indoor light industrial uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of campus-like environments, and include provisions for orientation of structures around plazas or public spaces, and the creation of a cohesive appearance.

Commented [RR97]: This is a new zoning district.

D. ~~RM-12 Multi-Unit Residence District. The RM-12 Multi-Unit Residence District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods with a maximum density of twelve (12) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 3,500 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is to protect these residential areas from encroachment of incompatible uses.~~

E. ~~RM-21 Multi-Unit Residence District. The RM-21 Multi-Unit Residence District is intended to provide and maintain high-density, multiple-unit housing residential neighborhoods with a maximum density of twenty-one (21) units per acre. The minimum lot size is 21,780 square feet and the minimum lot area per dwelling unit is 2,000 square feet. The district shall include appropriate neighborhood facilities such as public parks, libraries, schools, churches, and recreational facilities, and is intended to protect these residential areas from encroachment of incompatible uses.~~

2. ~~Use Regulations. Principal and accessory uses permitted in the RM Zone—Multi-Unit Residence Districts are prescribed in Table 168.04 A Dimensional Standards.~~

Table 168.09 Dimensional Standards ' = Feet			
	I-1	I-2	I-P
Bulk			
Minimum Lot Area	None	None	1 acre
Minimum Frontage	35'	35'	100'
Minimum Lot Width	25'	25'	150'
Maximum Building Height	45'	45'	75'
Setbacks			
Minimum Required Front Yard	25'	25'	50'
Minimum Required Corner Side Yard	25'	25'	50'
Minimum Required Side Yard	20'	20'	20'
Minimum Required Rear Yard	20'	20'	50'

3. ~~Bulk Regulations. The minimum area, setback, density and maximum height restrictions shall be as prescribed in the following Tables:~~

~~RM-4 Table 168.04 B~~

~~RM-6 Table 168.04 C~~

~~RM-8 Table 168.04 D~~

~~RM-12 Table 168.04 E~~

RM-21—Table 168.04-F

4. ~~Accessory Uses.~~ Accessory uses are permitted subject to the provisions of Section 169.06.
5. ~~Home Occupations.~~ Home occupations are permitted subject to the provisions of Section 170.01.
6. ~~Off-Street Parking.~~ Off-street parking shall be provided according to the provisions of Section 169.01.
7. ~~Signs.~~ Signs shall be permitted according to the provisions of Chapter 173.

TABLE 168.04-A—RM ZONE USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Country Clubs	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child.
Emergency Shelters	A	
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Golf Courses	P	Except miniature golf courses and commercial driving ranges. No parking allowed in required front yard.
Multiple Dwelling Unit Buildings	P	Owner-occupied units
Multiple Rental Dwelling Unit Buildings	P	See Chapter 169.15 for restrictions pertaining to each unit
Nursing Homes	P	
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Parochial or Private Schools	P	Curricula similar to public schools; no boarding.
Places of Worship	P	-
Playgrounds	P	Owned or operated by public or private agencies or organizations. Not commercial.
Pre-School	P	Must provide a minimum of 100 square feet of open play space per child.
Private Garages	A	See Section 169.06
Private Swimming Pools	A	See Section 169.06
Public Schools	P	-

Land Use	-	Notes
Public Swimming Pool	P	Owned or operated by public or private agencies or organizations. Not commercial.
Recreation Buildings	A	-
Storage Shed	A	See Section 169.06
Temporary Construction Buildings	A	
Tennis Courts	P	Owned or operated by public or private agencies or organizations. Not commercial.
Utility and Service Uses	P	

TABLE 168.04-B—RM-4 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	75-feet	100-feet	21,780 square-feet; 10,000-per dwelling-unit	45-feet	20-feet	35-feet	40-feet or 3-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	100-feet	100-feet	20,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.04-C—RM-6 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple-Dwelling Unit Buildings	75-feet	100-feet	21,780 square-feet; 7,000-per dwelling-unit	45-feet	20-feet	35-feet	40-feet or 3-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	100-feet	100-feet	20,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

TABLE 168.04-D—RM-8 BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple-Dwelling Unit Buildings	75-feet	100-feet	21,780 square-feet; 5,000-per dwelling-unit	45-feet	20-feet	35-feet	40-feet or 3-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000 square-feet	50-feet	20-feet	50-feet	35-feet or 2½-stories
Tennis Courts; Parks	100-feet	100-feet	20,000 square-feet	30-feet	20-feet	30-feet	35-feet or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

~~TABLE 168.04-E-RM-12 BULK REGULATIONS~~

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	50-foot	80-foot	21,780-square feet; 3,500-per dwelling unit	35-foot	15-foot	35-foot	40-feet or 3-stories
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-foot	100-foot	20,000-square feet	50-foot	20-foot	50-foot	35-foot or 2½-stories
Tennis Courts; Parks	100-foot	100-foot	14,000-square feet	30-foot	20-foot	30-foot	35-foot or 2½-stories
Golf Courses	300-foot	300-foot	65 acres	NA	NA	NA	

~~TABLE 168.04 F – RM-21 BULK REGULATIONS~~

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each-Side Yard Width	Rear Yard Depth	Maximum Height
Multiple Dwelling Unit Buildings	50-feet	80-feet	21,780-square feet; 2,000-per dwelling-unit	25-feet*	10-feet*	30-feet	65-feet-or 5-stories*
Community Buildings; Country Clubs; Public; Parochial or Private Schools; Places of Worship; Nurseries; Daycare; Pre-School	50-feet	100-feet	20,000-square feet	50-feet	20-feet	50-feet	35-feet-or 2½-stories
Tennis Courts; Parks	100-feet	100-feet	14,000-square feet	30-feet	20-feet	30-feet	35-feet-or 2½-stories
Golf Courses	300-feet	300-feet	65-acres	NA	NA	NA	

*-An additional foot of front yard depth and side yard width is required for every foot of building height over 45 feet.

**168.05 ~~R-FB ZONES—RESIDENTIAL FACTORY-BUILT HOUSING PARKS~~ SPECIAL PURPOSE
AND OVERLAY DISTRICTS.**

1. ~~Defined. The R-FB Residential Factory-Built Housing Park District is intended to provide for the placement of manufactured homes and modular homes within factory-built housing parks. The district is intended to provide and maintain for the operation of facilities to be used by manufactured home park residents including laundry, recreational facilities, and other structures or features for the safety and welfare of park residents. The minimum lot size for a manufactured home is 5,500 square feet.~~
 - ~~A. ID Interim Development District. The ID District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses, and to help guide urban growth into suitable areas.~~
 - ~~B. P Public Use District. The P District is intended to provide space for public safety, administration, recreational, and community facilities.~~
 - ~~C. PO Professional Office Overlay District. The PO District is intended to be limited in use and will only be used for those special situations where the establishment of this district will not alter the essential character of any residential district in which it could be placed, and will, in addition, require that any land owner desiring to establish this district shall enter into a written agreement with the City to abide by such terms and conditions as required by the City.~~
 - ~~D. PAD Planned Area Development Overlay District. The PAD District is intended to encourage innovation and flexibility in planning the development of land so development is compatible with the site's physical and environmental characteristics. This district allows for flexibility in district requirements. The Planned Area Development District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The intent of the underlying district shall guide the development. It is incumbent upon the person proposing the PAD to justify the project, and any variations from the underlying zone district.~~
2. ~~Use Regulations. Principal and accessory uses permitted in the R-FB Zone—Residential Factory-Built Housing Park Districts are prescribed in Table 168.05—A Dimensional Standards.~~

Table 168.10 Dimensional Standards ' = Feet				
	ID	P	PO	PAD
Bulk				
Minimum Lot Area	1 acre	None	**	**
Minimum Frontage	150'	35'	**	**
Minimum Lot Width	150'	35'	**	**
Maximum Building Height	35'	45'	**	**
Setbacks				
Minimum Required Front Yard	50'	*	**	**
Minimum Required Corner Side Yard	50'	*	**	**
Minimum Required Side Yard	10'	*	**	**
Minimum Required Rear Yard	50'	*	**	**
* Required yards are contextual based on adjacent lots. The required yard shall be equal to the adjoining zone district or the actual yard of the main building on the adjacent lot, whichever is less.				
** Same as the underlying district.				

3. Bulk Regulations. The minimum area, setback, density and maximum height restrictions are as prescribed in the Table 168.05-B District Specific Design Standards.
- A. PO Professional Office Overlay District.
- (1) Use Restrictions. An existing single-unit dwelling in the RS District will be permitted to be used as a professional office in said dwelling.
 - (2) Locational Criteria. The property shall be located on an arterial street or at the intersection of two collector streets.
 - (3) The professional office use shall be subject to the following:
 - (a) No more than seven full-time employees will be allowed on said premises, including the owner, during normal working hours.
 - (b) Adequate off-street parking for each employee, up to a maximum of seven parking places, shall be provided. All employees shall park in designated off-street parking spaces.
 - (c) There shall be no exterior display, and no exterior storage of materials which would indicate the nature of the use of the dwelling.
 - (d) One non-illuminated sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs shall be a maximum six feet in height and must be a minimum of five feet from any lot line.

- (e) There will be no walk-in or retail business conducted on the premises.
- (f) The use will be subject to an annual inspection and renewal by the City.
- (g) The dwelling will maintain a residential character both on the interior and exterior.
- (h) At such time as the business use terminates in the premises or ceases to be used as a business use for six months in any 12-month period, the City may initiate a zoning map amendment to remove the overlay district.

B. PAD Planned Area Development Overlay District

- (1) General. Planned area developments may be allowed by Council approval in any zoning district. No such planned area development permit shall be granted unless such development either meets the use limitations of the zoning district in which it is located and the density and other limitations of such district, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this section in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned area development.
- (2) Conditions.
 - (a) Area. No planned area development shall have area less than that approved by the Council as adequate for the proposed development.
 - (b) Uses. A planned area development that will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use and shall be governed by density, design and other requirements of the planned area development permit.
 - (c) Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
 - (d) Design. The Commission and Council shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.
 - (i) Density. Density of land use shall in no case be more than 25 percent higher than allowed in the zoning district, except not more than 10 percent higher in residential districts.

- (ii) Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.
 - (iii) Specific Regulations. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the preliminary site plan, which shall accompany the application.
 - (e) Open Spaces. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:
 - (i) Dedication of land as a public park or parkway system, or
 - (ii) Granting to the jurisdiction a permanent, open space easement on and over the said private open space to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the Council.
 - (f) Landscaping. Landscaping, fencing, and screening related to the uses within the site and as means of integrating the proposed development into its surroundings shall be planned and presented to the Commission and Council for approval.
 - (g) Signs. The size, location, design, and nature of signs, if any, and the intensity and direction of floodlighting shall be detailed in the application.
 - (h) Exterior Lighting. The size, material type, location, and intensity of all exterior lighting shall be detailed in the application.
 - (i) Desirability. The proposed use of the particular location shall be shown, as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the planned area development.
- (3) Commission and Council Determination. In carrying out the intent of this section, the Commission and Council shall consider the following principles:
- (a) It is the intent of this section that site and building plans for a planned area development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission and Council may require the applicant to engage such expertise as a qualified designer or designer team.

(b) ~~The Council may approve or disapprove an application for a planned area development. In approval, the Council may attach such conditions as it may deem necessary to secure compliance with the purpose set forth in this chapter.~~

~~(4) Commission and Council Action.~~

(a) ~~Approval. In order that it may approve a planned area development, the Council shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:~~

(i) ~~The proponents of the planned area development shall demonstrate to the satisfaction of the Council that they are financially able to carry out the proposed project.~~

(ii) ~~The proponents intend to start construction within one year of either approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four years from the date construction begins.~~

~~(b) Limitations on Application.~~

(i) ~~Upon approval of a planned area development, construction shall proceed only in accordance with the plans and specifications approved by the Council, and in conformity with any conditions attached by the jurisdiction as to its approval.~~

(ii) ~~Amendment to approved plans and specifications to a planned area development shall be obtained only by following procedures here outlined for first approval.~~

(iii) ~~The Code Official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.~~

~~4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06~~

~~5. Home Occupations. Home occupations are permitted subject to the provisions of Section 170.01.~~

~~6. Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.~~

~~7. Signs. Signs shall be permitted according to the provisions of Chapter 173.~~

~~8. Factory-Built Housing Park Layout Standards. The following standards are the minimum requirements for the layout of factory-built home parks:~~

~~A. Minimum Area. The minimum gross area for a park is 10 acres.~~

~~B. Maximum Density. Maximum density shall not exceed seven factory-built homes per gross acre.~~

- C. ~~Minimum Lot Size.~~ Each factory-built home space shall contain a minimum area of 5,500 square feet and shall have a minimum width of 50 feet.
- D. ~~Entrance.~~ Stairs servicing the main entrance of the factory-built home shall be a minimum of 36 inches in width and shall comply with all other requirements of the Building Code regarding guardrails, handrails, and dimensions of treads. All stairs and entrance landings shall be secured to the factory-built home and the ground surface. The stairs shall be placed on a level, solid surface.
- E. ~~Clearance Between Homes.~~ No factory-built home shall be located within eight feet of the side yard lot line for the space. In determining the clearance requirements, an annex shall be considered an integral part of the factory-built home. No factory-built home shall be located closer than 20 feet from the front yard lot line or 25 feet from the rear yard lot line for the space.
- F. ~~Yards.~~ Each factory-built home park shall provide a yard of not less than 50 feet along each boundary abutting a public right-of-way. Such yards shall be landscaped to screen the park from the right-of-way, except for those portions used for ingress and egress.
- G. ~~Access.~~
- (1) ~~Entrance/Exit Roadways.~~ Each factory-built home park shall have at least two separate entrance and exit roadways and shall connect to a dedicated public right-of-way not less than 50 feet in width.
 - (2) ~~Private Streets.~~ All factory-built home park spaces shall abut a private street of not less than 24 feet in width and with a minimum right-of-way of 40 feet.
 - (3) ~~Cul-de-Sac Requirements.~~ All dead-end private streets over 400 feet shall include adequate space for a cul-de-sac with a diameter of 100 feet.
 - (4) ~~Surfacing.~~ Private streets shall be constructed of a six-inch Portland concrete cement with a rollover curb.
 - (5) ~~On-Street Parking.~~ Parking shall only be allowed on one side of a private street, provided the street is a minimum width of 29 feet and provides a minimum 45-foot right-of-way, and shall be marked accordingly with signs designating parking.
- H. ~~Sidewalks.~~ Sidewalks not less than four feet in width shall be provided from factory-built home spaces to service buildings on both sides of all streets within a factory-built home park. Sidewalks shall be located one foot outside the lot line of the factory-built home space and shall be constructed of a thickness of no less than four-inch Portland concrete cement, except six-inch is required through drives.
- I. ~~Private Lighting.~~ Sidewalks and driveways shall be properly maintained and shall be lighted at night with a minimum illumination of at least six tenths foot-candle. Forty-watt lamps at intervals of not more than 50 feet shall meet the illumination requirements.
- J. ~~Off-Street Parking.~~ Two off-street parking spaces shall be provided on each factory-built home site and shall be located entirely on the factory-built home

- space. Each such parking space shall measure not less than 9 by 18 feet and shall comply with surface and location requirements of Chapter 169.
- K. ~~Storage Shed. A maximum of one storage shed per lot, no greater than 12 x 12 feet, may be located as an accessory use to the factory-built home, provided the shed is located on the same space as the factory-built home. The storage shed shall not be located in the front yard setback area of the factory-built home space. The exterior wall and roof covering material shall match the wall and roof covering material of the dwelling unit for which it serves.~~
- L. ~~Storage Area. Enclosed storage facilities in clusters throughout the R-FB park, shall be provided in an amount equal to 100 square feet per mobile factory-built home space. The area shall be for the residents of the park to store trailers of all types, boats, detached pickup campers, motor homes, etc. Such storage area shall be topped with a dust- and growth-free surface facilitating drainage and shall be screened on all four sides by a solid fence not less than eight feet in height. Access streets to the storage area shall comply with hard surfacing requirements of Chapter 169.~~
- M. ~~Recreation Area. A general area or areas amounting to not less than five percent of the gross area of the factory-built home park, excluding any area dedicated as public right-of-way, shall be provided for recreation use. Such areas shall not include any area designated as a factory-built home space, storage area, or required yard.~~
- N. ~~Fences. All fences erected or placed with a factory-built home park shall comply with Section 169.05 of this code.~~
- O. ~~Storm Shelters. Storm shelters shall be provided. Size and design shall be reviewed by the Commission and approved by the Council during the site plan approval process. An architect or engineer, as defined in the Iowa Architectural and Engineering Laws, shall prepare the structural plans for the storm shelters.~~
9. ~~Factory-Built Home Park Standards for Utilities and Services. Design of improvements shall be in accordance with the *North Liberty Municipal Design Standards and Amendments*:~~
- A. ~~Drainage. The park shall be located on a well-drained site, properly graded to insure drainage and proper retention where required.~~
- B. ~~Health Regulations. All factory-built homes and factory-built home parks shall comply with all City, County, and State health regulations applicable to other rental properties or owner-occupied housing within the City.~~
- C. ~~Underground Utilities. All public utilities within the factory-built home park shall be underground.~~
- D. ~~Water Supply. The water supply for the factory-built home park shall be a system which is owned and operated by the City.~~
- (1) ~~An adequate supply of pure water for drinking and domestic purposes shall be supplied to all buildings and factory-built home spaces within the park to meet the requirements of the park. Each factory-built home space shall be provided with a cold-water tap of no less than ¾-inch pipe above the ground.~~

~~(2) The park shall provide a complete water main supply system, including hydrants, valves, and other appurtenances, which shall be extended into and through the park to the boundary line and shall connect to the municipal water system when installed. The water system for the factory-built home park shall be installed in accordance with the *North Liberty Municipal Design Standards*.~~

~~(3) Standard fire hydrants shall be located within 300 feet of each factory-built home.~~

~~E. Sewer System. The sewage disposal system for the park shall connect to the system owned and operated by the City.~~

~~(1) All plumbing in the factory-built home park, including (but not limited to) waste from laundry facilities, showers, bathtubs, flush toilets, urinals, lavatories, and kitchen sinks in service and other buildings within the park, shall be discharged into the public sanitary sewer system in compliance with the plumbing laws and health regulations of the State, County, and City.~~

~~(2) Each factory-built home space shall be provided with a sanitary sewer of at least four-inch diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, and kitchen sink of the mobile home. The sanitary sewer pipe in each space shall be connected to discharge the waste into the public sewer system in compliance with applicable City ordinances and specifications.~~

~~F. Electricity and Natural Gas. Electric outlet supplying 240 volts-100 amperes of service shall be provided for each factory-built home space. The installation shall comply with all State and local electrical codes and ordinances. Such electrical outlets shall be weatherproof. Street and yard lights shall be provided in such number and intensity as to ensure the safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of the service buildings, which shall be kept lighted during the hours of darkness. Where natural gas is provided, installation shall comply with all applicable code regulations.~~

~~G. Service Buildings. Accessory uses are permitted subject to the following provisions:~~

~~(1) Standards. Service buildings shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, plumbing, and sanitary systems.~~

~~(2) Maintenance. All service buildings in the grounds of the park shall be maintained in a clean, safe condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.~~

~~H. Open Fires. No open fires or burning shall be permitted at any time or place within a factory-built home park, unless specifically authorized by the Council. If burning is authorized under certain circumstances, it shall~~

be limited to containers that are carefully controlled and monitored; and will be allowed only during the daytime and when individuals are actually supervising the burning. Charcoal burning in a charcoal broiler or grill for the purpose of cooking food shall be allowed, provided there is adequate supervision.

- I. ~~Tie-Downs and Base.~~ All factory-built homes located within the City limits shall have an approved tie-down system in order to secure and maintain in position all mobile homes, annexes thereto, and auxiliary buildings. Said approved tie-down system shall be in compliance with all applicable rules and regulations contained in the Building Code as to factory-built home construction.
- J. ~~Animals.~~ No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or constitute a nuisance within the limits of any factory-built home park. The owner or person in charge of any pet shall comply with all applicable sections of Chapter 55 of this Code of Ordinances.

TABLE 168.05-A-R-FB ZONE USES

P= Permitted, C= Conditional, A= Accessory, N= Not Allowed

Land Use		Notes
Coin-Operated Laundries	A	
Community Buildings	P	Owned or operated by public or private agencies or organizations. Not commercial.
Day-Care, Group	P	-
Emergency Shelters	P	Required
Family Homes	P	Minimum 12-foot wide and 4:12 roof pitch
Factory-Built Home Sales	A	
Factory-Built Home Park	P	-
Private Garage	A	See Section 169.06 (One per lot)
Home Occupations	A	See Section 170.01
Maintenance Building	A	
Manufactured Housing	P	Minimum structure width 14 feet; minimum roof pitch 4:12
Modular Housing	P	Minimum structure width 14 feet; minimum roof pitch 4:12
Parks	P	Owned or operated by public or private agencies or organizations. Not commercial.
Playgrounds	A	
Private Swimming pools	A	

Land Use		Notes
Recreation Buildings	A	
Storage Shed	A	1 per lot. Maximum size 144 square feet
Temporary Construction Buildings	A	
Tennis Courts	A	
Utility and Service Uses	P	

TABLE 168.05-B—R-FB BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
Single-Family Dwellings; Family Homes; Manufactured Homes; Modular Homes	35-feet	50-feet	5,500 square-feet	20-feet [‡]	8-feet [‡]	25-feet	35-feet or 2½-stories
Factory-Built Housing Park	400-feet	500-feet	10-acres	25-feet [‡]	20-feet [‡]	30-feet	35-feet or 2½-stories
[‡] 50-feet if adjacent to a public right-of-way. [‡] 25-feet if adjacent to a public right-of-way.							

168.06 C ZONES—COMMERCIAL DISTRICTS PRINCIPAL AND CONDITIONAL USES.

1. Defined. Allowable C-Zone uses are; Table 168.06 lists principal and conditional uses.
 - A. ~~C-1-A Central Commercial District. The C-1-A Central Commercial District is intended to provide a traditional central setting oriented toward pedestrians as well as automobiles. It is typified by high-density commercial development with minimal setback requirements. Residential development is excluded except where located above a commercial unit "P" in a cell indicates that the use is permitted in that district.~~
 - B. ~~C-1-B General Commercial District. The C-1-B General Commercial District is intended to provide for the uses established under the C-1-A Central Commercial District and other commercial uses which due to space requirements and the nature of operations are not suitable for location within a compact central commercial center. Setback and yard requirements are greater than under the C-1-A Central Commercial District "C" in a cell indicates that the use is permitted in that district only if reviewed and approved as a conditional use in accordance with the procedures of Section 171.02 and subject to any use standards set forth in Section 168.07.~~
 - C. ~~C-2-A Highway Commercial District. The C-2-A Highway Commercial District is intended to provide for those commercial uses which may take particular advantage of a highway location and/or due to size or other nuisance constraints may be incompatible with the predominantly retail uses permitted in the C-1-A and C-1-B Commercial Districts, and whose service area is not confined to any one neighborhood or community. A blank cell indicates that the use is prohibited in that district.~~
 - D. ~~C-2-B Highway Commercial District. The C-2-B Highway Commercial District is intended to provide for those commercial uses which may take advantage of a highway location and are compatible with second-story residential uses. This district will be used sparingly after initial passage of the City zoning map.~~

E. ~~C-3 Concept Commercial District.~~ The C-3 Concept Commercial District is intended to accommodate office, commercial, medical and associated uses in an environment of high-quality pedestrian-oriented design with uses limited to those typically found in destination areas offering services and uses to local and regional residents. C-3 districts are anticipated to be located on or near major streets and to be made up of large or multiple lots that can be developed with an overall concept anticipated to be controlled through the use of a Planned Area Development (PAD) overlay district. Design, construction materials, lighting, landscaping, paving, and other characteristics will be designed to create a sense of place and memorable environment. Businesses that emit offensive odors, fumes, dust or loud noise are generally disallowed in this district.

2. ~~Use Regulations.~~ Principal and accessory uses permitted in the C-Zone—Commercial Districts shall be as prescribed in the following tables:

~~C-1 A—Table 168.06-A~~

~~C-1 B—Table 168.06-B~~

~~C-2 A—Table 168.06-C~~

~~C-2 B—Table 168.06-D~~

~~C-3—Table 168.06-E~~

Any use that is not included in the use matrix and is not interpreted by the Code Official to be part of a use included within the matrix is prohibited in all districts. The Code Official may consider the following characteristics and reach a determination that such a use is permitted in that or any other district, or determine that the use is not similar to other uses and therefore not permitted in that or any other district:

A. Characteristics or specific requirements of the use and how those compare with characteristics and requirements of listed uses within the zoning districts;

B. Potential impacts of the use on potential neighboring uses and the City in general; and

C. Consequences of determining that the use is allowed in one or more district.

3. ~~Bulk Regulations.~~ The minimum area, setback, density and maximum height restrictions shall be as prescribed in Table 168.06-F. A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support and/or are functionally integrated into the principal use.
4. ~~Accessory Uses.~~ Accessory uses are permitted subject to the provisions of Section 169.06. All uses must comply with the use standards of Section 168.07, as applicable, as well as all other regulations of the North Liberty Code of Ordinances.
5. ~~Off-Street Parking.~~ Off-street parking shall be provided according to the provisions of Section 169.01.
6. ~~Signs.~~ Signs shall be permitted according to the provisions of Chapter 173.
7. ~~Conditional Uses.~~ Outdoor display uses are permitted subject to the provisions of Section 171.02.

TABLE 168.06-A-C-1-A ZONE USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	-
Banks	P	-
Barbershops or Beauty Parlors	P	-
Bicycle Shops	P	Sales, repair and service
Boardinghouses	C	-
Book or Stationery Stores	P	-
Cabinetry Sales, kitchen, bath, etc.	P	-
Cafés	P	-
Clinics	P	
Clothing or Wearing Apparel and Accessory Stores	P	-
Coffee Houses	P	-
Coin-Operated Laundries	P	-
Community Buildings	P	-
Confectionery/Candy Stores	P	-
Craft Stores	P	-
Custodial Homes	P	-
Daycare, Group	P	Must provide a minimum of 100 square feet of open play space per child
Department Stores	P	-
Dressmaking, Tailoring, Alterations	P	-
Drugstores	P	-
Dry Cleaning and Laundry Collection	P	-
Dry Cleaning and Laundry Processing	C	-
Dry Goods / Notions Stores	P	-
Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	Owner occupied: 600 square foot minimum per unit
Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in	P	See Chapter 169.15 for restrictions: 600 square foot minimum per unit

Land Use	-	Notes
a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)		
Emergency Shelters	A	
Fabric/Dry Goods/Notions Stores	P	-
Farmers Market	P	-
Florist	P	-
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garages, Public	P	-
Gift and Accessory Shops	-P	
Grocery, Fruit, Vegetables Stores	P	-
Hair Styling Establishments	P	-
Hardware Stores	P	-
Hospitals	P	Except mental hospitals
Hotels	C	-
Institutions	P	Except penal institutions
Jewelry Stores	P	-
Laundromats and Dry Cleaning Machines, Coin Operated	P	-
Meat Markets or Delicatessen	P	-
Nursing Homes	P	-
Office Buildings	P	-
Office Equipment Stores	P	-
Parking Lots, Commercial	P	-
Parks	P	-
Parochial or Private Schools	P	-
Photographers	P	-
Places of Worship	P	-
Playgrounds	P	-
Pre-School	P	-
Print Shops	P	-
Public Libraries	P	-
Public Schools	P	-
Radio Stations	P	-

Land Use	-	Notes
Recreation Buildings	P	-
Restaurants	P	-
Retail Stores/ Other	P	-
Shoe Stores	P	-
Tea Rooms	P	-
Temporary Construction Buildings	A	
Tennis Courts	P	-
Theaters	P	-
Utility and Service Uses	P	

TABLE 168.06-B—C-1-B ZONE USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use	-	Notes
Appliance Stores	P	Sales, repair and service
Bakery Goods Shops	P	-
Banks	P	-
Barbershops	P	-
Bed and Breakfast	P	-
Bicycle Shops	P	Sales, repair and service
Boardinghouses	P	-
Book or Stationery Stores	P	-
Bowling Alleys	P	-
Cabinetry Sales, kitchen, bath, etc.	P	-
Cable Communication Stations	P	-
Cafes	P	-
Clinics, Health	P	-
Clothing or Wearing Apparel and Accessory Stores	P	-
Coffee Houses	P	-
Coin-Operated Laundries	P	-
Community Buildings	P	-
Confectionery/Candy Stores	P	-
Contractor Sales and Service	P	-
Convenience Stores with Gas Pumps	P	-
Country Clubs	P	-
Craft and Hobby Stores	P	-
Custodial Homes	P	-
Daycare, Group	P	-
Department Stores	P	-
Dressmaking, Tailoring, Alterations	P	-
Drugstores	P	-
Dry Cleaning and Laundry Collection	P	-
Dry Cleaning and Laundry Processing	P	-
Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial	P	Owner occupied. 600 square foot minimum per dwelling unit

Land Use	-	Notes
building containing more than 4 and less than 13 dwelling units above the commercial units.)		
Rental Dwelling Unit Above Commercial (Exception: One handicapped accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	P	See Chapter 169.15 for restrictions: 600 square foot minimum per unit
Emergency Shelters	A	
Fabric/Dry Goods/Notions Stores	P	-
Farmers Market	P	-
Florist	P	-
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.
Garages, for dwellings over commercial	A	-
Garden Houses	C	See Section 171.02
Gas Stations w/ Auto Service	P	-
Gifts and Accessories	P	-
Golf Courses	P	-
Grocery, Fruit, Vegetables Stores	P	-
Guard Dogs and Runs	C	See Section 171.02
Hair Styling Establishments	P	-
Hardware Stores	P	-
Home Appliance Service Shops	P	-
Home Improvement Stores	P	-
Hospitals	P	
Hotels	P	-
Institutions	P	-
Jewelry Stores	P	-
Laundromats and Dry Cleaning Machines, Coin Operated	P	-
Locksmith/ Key Service Shops	P	-
Meat Markets or Delicatessen	P	-
Motels	P	-
Motor Vehicle Washes	C	See Section 171.02
Nursing Homes	P	-

Land Use	-	Notes
Outdoor Display (100 square feet or less)	P	-
Outdoor Display	G	See Section 171.02
Outdoor Storage	A	Requires City permit — see Section 169.13(6)
Office Buildings	P	-
Office Equipment Stores	P	-
Parking Lots, Commercial	P	-
Parks	P	-
Parochial or Private Schools	P	-
Photographers	P	-
Places of Worship	P	-
Playgrounds	P	-
Pre-School	P	-
Print Shops	P	-
Public Libraries	P	-
Public Schools	P	-
Public Swimming Pool	P	-
Radio Stations	P	-
Recreation Buildings	P	-
Restaurants	P	-
Shoe Repair Shops	P	-
Shoe Stores	P	-
Small Animal Clinics	P	Including small animal; no outside kennels; interior boarding limited to hospitalization for emergency treatment for no more than 48 hours
Taverns	P	-
Tea Rooms	P	-
Television Stations	P	-
Temporary Construction Buildings	A	-
Tennis Courts	P	-
Theaters	P	-
Tire Sales and Service	G	See Section 171.02
Trade Schools	G	See Section 171.02
Utility and Service Uses	P	-

TABLE 168.06-C—C-2-A ZONE USES

P= Permitted, C= Conditional, A = Accessory, N= Not Allowed

Land Use	-	Notes
Animal Hospitals	P	-
Appliance Stores	P	Sales, repair and service
Auto Dealerships—New	C	See Section 171.02
Auto Repair Shop	P	
Auto Sales—Used	C	See Section 171.02
Auto Service	P	-
Bakery Goods Shops	P	-
Banks	P	-
Barbershops	P	-
Bicycle Shops	P	Sales, repair and service
Book or Stationary Stores	P	-
Bowling Alleys	P	-
Cabinet Shops	A	Accessory use to cabinetry sales
Cabinetry Sales	P	-
Cable Communication Stations	P	-
Cafes	P	-
Clinics, Health	P	-
Clothing or Wearing Apparel and Accessory Stores	P	-
Coffee Houses	P	-
Coin Operated Laundries	P	-
Commercial Schools	P	-
Community Buildings	P	-
Confectionery Candy Stores	P	-
Contractor Sales and Service	P	-
Convenience Stores with Gas Pumps	P	-
Country Clubs	P	-
Craft and Hobby Stores	P	-
Custodial Homes	P	-

Land Use	-	Notes
Daycare, Group; Nursing Homes and Assisted Living Facilities	P	
Department Stores	P	-
Dressmaking, Tailoring and Alterations	P	-
Drugstores	P	-
Dry Cleaning and Laundry Collection	P	-
Dry Cleaning and Laundry Processing	P	-
Educational Research Development and Service Facilities	P	-
Electrical Research Development and Service Facilities	P	-
Emergency Shelters	A	
Fabric/Dry Goods/Notions Stores	P	-
Farmers Market	P	-
Florist	P	-
Food Pantry	G	Only if accessory to places of worship. See Section 169.06 of this code.
Gas Stations w/ Auto Service	P	-
Gifts and Accessories	P	-
Golf Courses	P	-
Grocery, Fruit, Vegetables Stores	P	-
Guard Dogs and Runs	G	See Section 171.02
Hair Styling Establishments	P	-
Hardware Stores	P	-
Heating / Air Conditioning Establishments	P	-
Home Appliance Service and Shops	P	-
Home Improvement Stores	P	-
Hospitals and Institutions	P	-
Hotels	P	-
Implement Stores	P	See Section 171.02
Jewelry Stores	P	-
Laundromats and Dry Cleaning Machines, Coin Operated	P	-

Land Use	-	Notes
Limousine	P	
Locksmith/Key Service Shops	P	
Lumber Yards	-C	See Section 171.02
Meat Markets or Delicatessen	P	-
Mini Storage	C	See Section 171.02
Motels	P	-
Motor Vehicle Washes	P	-
Nurseries/Day Care	P	-
Outdoor Display (100 square feet or less)	P	-
Outdoor Display	C	See Section 171.02
Outdoor Storage	A	Requires City permit – see Section 169.13(6)
Office Buildings	P	-
Office Supply and Equipment Stores	P	-
Parking Lots, Commercial	P	-
Parks	P	-
Photographers	P	-
Places of Worship	P	-
Playgrounds	P	-
Pre-School	P	-
Print Shops	P	-
Private Greenhouses/Plant Nurseries	P	-
Public Libraries	P	-
Public Swimming Pool	P	-
Radio Stations	P	-
Recreation Buildings	P	-
Restaurants	P	
Sheet Metal Shops	A	
Shoe Repair Shops	P	-
Shoe Stores	P	-
Small Animal Clinics	P	-

Land Use	-	Notes
Tattoo Establishments	P	Needles and pigments shall be disposed of as medical waste after each use. Needles may not be reused. See State Code requirements for tattooing.
Taverns	P	
Tea Rooms	P	-
Television Stations	P	-
Temporary Construction Buildings	A	
Tennis Courts	A	
Theaters	P	-
Tire Sales and Service	P	-
Towers and Antennas		Subject to approval as provided in Chapter 172
Trade Schools	C	See Section 171.02
Truck Terminals	C	See Section 171.02
Undertaking Establishments	P	-
Utility and Service Uses	P	

TABLE 168.06-D—C-2-B ZONE USES

P=Permitted, C=Conditional, A=Accessory, N=Not Allowed

Land Use	-	Notes
Animal Hospitals	P	-
Appliance Stores	P	Sales, repair and service
Auto Dealerships-New	C	See Section 171.02
Auto Repair Shop	P	-
Auto Sales—Used	C	See Section 171.02
Auto Service	P	-
Bakery Goods Shops	P	-
Banks	P	-
Barbershops	P	-
Bicycle Shops	P	Sales, repair and service
Book or Stationary Stores	P	-
Bowling Alleys	P	-
Cabinet Shops	A	Accessory use to cabinetry sales
Cabinetry Sales	P	-

Land Use	-	Notes
Cable Communication Stations	P	-
Cafes	P	-
Clinics, Health	P	-
Clothing or Wearing Apparel and Accessory Stores	P	-
Coffee Houses	P	-
Coin-Operated Laundries	P	-
Commercial Schools	P	-
Community Buildings	P	-
Confectionery-Candy Stores	P	-
Contractor Sales and Service	P	-
Convenience Stores with Gas Pumps	P	-
Country Clubs	P	-
Craft and Hobby Stores	P	-
Gustodial Homes	P	-
Daycare, Group; Nursing Homes and Assisted Living Facilities	P	-
Department Stores	P	-
Dressmaking, Tailoring and Alterations	P	-
Drugstores	P	-
Dry-Cleaning and Laundry Collection	P	-
Dry-Cleaning and Laundry Processing	P	-
Dwelling Above Commercial (Exception: One handicapped-accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 units above the commercial units.)	P	600-square-foot minimum per unit, and 900 square-foot maximum per unit.
Educational Research Development and Service Facilities	P	-
Electrical Research Development and Service Facilities	P	-
Emergency Shelters	A	-
Fabric/Dry Goods/Notions Stores	P	-
Farmers Market	P	-
Florist	P	-
Food Pantry	C	Only if accessory to places of worship. See Section 169.06 of this code.

Land Use	-	Notes
Gas Stations w/ Auto Service	P	-
Gifts and Accessories	P	-
Golf Courses	P	-
Grocery, Fruit, Vegetables Stores	P	-
Guard Dogs and Runs	G	See Section 171.02
Hair Styling Establishments	P	-
Hardware Stores	P	-
Heating / Air Conditioning Establishments	P	-
Home Appliance Service and Shops	P	-
Home Improvement Stores	P	-
Hospitals and Institutions	P	-
Hotels	P	-
Implement Stores	P	See Section 171.02
Jewelry Stores	P	-
Laundromats and Dry Cleaning Machines, Coin Operated	P	-
Limousine	G	
Locksmith / Key Service Shops	P	-
Lumber Yards	G	See Section 171.02
Meat Markets or Delicatessen	P	
Mini Storage	-G	See Section 171.02
Motels	P	-
Motor Vehicle Washes	P	-
Nurseries / Daycare	P	-
Outdoor Display (100 square feet or less)	P	-
Outdoor Display	G	See Section 171.02
Outdoor Storage	A	Requires City permit – see Section 169.13(6)
Office Buildings	P	-
Office Supply and Equipment Stores	P	-
Parking Lots, Commercial	P	-
Parks	P	-
Photographers	P	-
Places of Worship	P	-
Playgrounds	P	-

Land Use	-	Notes
Pre-School	P	-
Print Shops	P	-
Private Greenhouses / Plant Nurseries	P	-
Public Libraries	P	-
Public Swimming Pool	P	-
Radio Stations	P	-
Recreation Buildings	P	-
Restaurants	P	-
Sheet Metal Shops	A	-
Shoe Repair Shops	P	-
Shoe Stores	P	-
Small Animal Clinics	P	-
Tattoo Establishment	P	Needles and pigments shall be disposed of as medical waste after each use. Needles may not be reused. See State Code requirements for tattooing.
Taverns	P	-
Tea Rooms	P	-
Television Stations	P	-
Temporary Construction Buildings	A	
Tennis Courts	A	-
Theaters	P	-
Tire Sales and Service	P	-
Towers and Antennas		Subject to approval as provided in Chapter 172
Trade Schools	C	See Section 171.02
Truck Terminals	C	See Section 171.02
Undertaking Establishments	P	-
Utility and Service Uses	P	

TABLE 168.06 E—C-3 ZONE USES

P = Permitted, C = Conditional, A = Accessory

Land Use		Notes
Bakery-Goods Shops	P	
Banks; Credit Unions and other financial institutions	P	-
Barbershops; Beauty Salons; Hairstyling Establishments	P	-
Bicycle Shops	P	-
Book and Stationery Stores	P	
Cafés	P	
Clinics; Health	P	-
Clothing or Wearing Apparel and Accessory Stores	P	
Coffee Houses	P	-
Community Buildings	P	
Confectionery and Candy Stores	P	-
Craft and Hobby Stores	P	-
Day-Care, Group	C	
Department Stores	P	-
Dressmaking; Tailoring; Alterations Shops	P	-
Drug Stores	P	-
Dry-Cleaning and Laundry Establishments	P	
Dwelling Above Commercial	C	Owner occupied: 1,000-square-foot minimum per dwelling unit
Rental Dwelling Unit Above Commercial (Exception: One handicapped-accessible dwelling unit is permitted on the ground floor in a commercial building containing more than 4 and less than 13 dwelling units above the commercial units.)	C	See Chapter 169.15 for restrictions: 600-square-foot minimum per unit
Fabric/Dry-Goods/Notions Stores	P	-
Farmers Market	C	-
Florists	P	-
General Office	P	-
Gift and Accessory Shops	P	
Grocery; Fruit; Vegetables Stores	P	-
Hardware Stores	P	

Table 168.06: Use Matrix
 See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	Q/R/P	I-1	I-2	I-P	P
1. <u>Adult Entertainment</u>													C		
2. <u>Agricultural Experience</u>	C														
3. <u>Agriculture</u>	P														
4. <u>Amusement Facility – Indoor</u>						C	P	P	P	P					
5. <u>Amusement Facility – Outdoor</u>										C					
6. <u>Animal Care Facility</u>						P	P	P	P			P			
7. <u>Animal Shelter</u>												C			C
8. <u>Art Gallery</u>						P	P	P	P	P					
9. <u>Arts and Fitness Studio</u>						P	P	P	P	P					
10. <u>Bar</u>						P	P	P	P	P		P		P	
11. <u>Bed and Breakfast Home</u>		C													
12. <u>Body Modification Establishment</u>								P	P						
13. <u>Brewery-Micro</u>						P	P	P	P	P				P	
14. <u>Broadcasting Studio</u>								P	P	P				P	P
15. <u>Car Wash</u>								P	P						
16. <u>Child Care Center</u>						P	P	P	P	P	P			P	P
17. <u>Child Care Home</u>		P			P										
18. <u>Child Development Home</u>		P													
19. <u>Community Center</u>						P	P	P	P	P					P
20. <u>Community Pantry</u>	C	C	C	C		C	P	P	P						
21. <u>Cultural Facility</u>						P	P	P	P	P					P
22. <u>Distillery, Micro</u>						P	P	P	P	P				P	
23. <u>Drive-Through Facility</u>						C	P	P	P	P	P			P	
24. <u>Dwelling – Manufactured Home</u>					P										
25. <u>Dwelling – Mixed Use</u>						P	P	P	P	P					
26. <u>Dwelling – Multiple-Unit</u>				P						P					

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	Q R/P	I-1	I-2	I-P	P
<u>27. Dwelling – Single-Unit</u>	P	P													
<u>28. Dwelling – Single-Unit Zero Lot Line</u>			P												
<u>29. Dwelling – Townhouse</u>				P											
<u>30. Dwelling – Two Unit</u>			P	P											
<u>31. Educational Facility – Primary</u>	P	P	P	P		P	P	P	P	P					P
<u>32. Educational Facility – Secondary</u>	P	P	P	P		P	P	P	P	P					P
<u>33. Educational Facility – University or College</u>											P			P	P
<u>34. Educational Facility – Vocational</u>						C	P	P	P	P		P		P	
<u>35. Financial Institution</u>						P	P	P	P	P				P	
<u>36. Fireworks, Retail Sales of</u>												P			
<u>37. Food Bank</u>												P			
<u>38. Fueling Station</u>							P	P	P			P		P	
<u>39. Fulfillment Center, Micro</u>								C	C	C		P			
<u>40. Funeral Home</u>								P	P						
<u>41. Golf Course/Driving Range</u>							P								P
<u>42. Greenhouse/Nursery - Retail</u>												P			
<u>43. Group Home</u>	P	P	P		P										
<u>44. Healthcare Institution</u>										P				P	P
<u>45. Heavy Rental and Service Establishment</u>												P			
<u>46. Heavy Retail Establishment</u>										P		P			
<u>47. Hotel</u>						C	P	P	P	P	P			P	
<u>48. Industrial – General</u>												P	P		
<u>49. Industrial – Light</u>												P	P	P	

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	Q/R/P	I-1	I-2	I-P	P
<u>50. Industrial Design</u>							P	P	P	P		P		P	
<u>51. Live Performance Venue</u>						P	P	P	P	P					
<u>52. Manufactured Home Park</u>					P										
<u>53. Medical/Dental Office</u>						P	P	P	P	P		P			
<u>54. Office</u>						P	P	P	P	P	P			P	P
<u>55. Outdoor Seating</u>						P	P	P	P	P				P	P
<u>56. Park, Private</u>	P	P	P	P	P	P	P	P	P	P	P			P	
<u>57. Park, Public</u>															P
<u>58. Parking Lot (Principal Use)</u>						C	P	P	P	P		P		P	P
<u>59. Parking Structure (Principal Use)</u>						C	P	P	P	P		P		P	P
<u>60. Personal Services Establishment</u>						P	P	P	P	P					
<u>61. Place of Worship</u>	P	P	P	P		P	P	P	P	P					
<u>62. Private Club</u>						P	P	P	P	P					
<u>63. Public Safety Facility</u>															P
<u>64. Public Works Facility</u>															P
<u>65. Research and Development</u>											P	P		P	
<u>66. Residential Care Facility</u>				P			P	P	P	P					
<u>67. Restaurant</u>						P	P	P	P	P		P		P	P
<u>68. Retail Good Establishment</u>						P	P	P	P	P		P		P	
<u>69. Salvage Yard</u>													C		
<u>70. Self-Storage – Enclosed</u>								P	P	P		P			
<u>71. Self-Storage – Outdoor</u>								C	C	C		P			
<u>72. Specialty Food Service</u>						P	P	P	P	P		P		P	
<u>73. Storage – Outdoor (Principal Use)</u>												C	P		
<u>74. Truck Stop</u>												C	P		

Table 168.06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	Q R/P	I-1	I-2	I-P	P
<u>75. Utility (Sub)Stations</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<u>76. Vehicle Dealership, New and Used</u>								P	P	P					
<u>77. Vehicle Dealership, Used</u>								C	C						
<u>78. Vehicle Operations Facility</u>												P			P
<u>79. Vehicle Rental</u>												P			
<u>80. Vehicle Repair - Major</u>								C	C			P			
<u>81. Vehicle Repair - Minor</u>								P	P			P			
<u>82. Warehouse</u>												P			
<u>83. Wholesale Establishment</u>												P			
<u>84. Winery, Micro</u>						P	P	P	P	P				P	

168.07 O/RP ZONES—OFFICE AND RESEARCH PARK DISTRICTS USES DEFINED AND USE STANDARDS. All uses within Table 168.06 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category. Where applicable, uses are required to comply with all use standards of this section, whether a permitted or conditional use, in addition to all other regulations of this Ordinance.

1. Defined. The O/RP Office and Research Park District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.

- A. Defined. Adult Entertainment means adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult theaters, adult artist-body painting studios, adult modeling studios, adult sexual encounter centers, adult cabaret and all other adult entertainment establishments catering or appealing to prurient interests.

Commented [RR98]: New definition. Not previously defined. Previously conditional use in I-2. Proposed conditional use in I-2.

- B. Use Standards.

Commented [RR99]: Use standards relocated from Section 170.04 and revised.

- (1) An adult entertainment establishment must be a minimum of 1,000 feet from any of the following:
 - (a) A residential district.
 - (b) A primary and/or secondary educational facility.
 - (c) A day care center.
 - (d) A place of worship.
 - (e) A park.
 - (f) A cemetery.
 - (g) A library.
 - (2) An adult entertainment establishment must be a minimum of 500 feet from any other adult use.
 - (3) The adult use owner must provide the Zoning Administrator with a survey acceptable and satisfactory to the City that demonstrates the establishment meets the separation requirements of this section.
 - (4) Signs for adult entertainment establishments are subject to the following:
 - (a) Signage is limited to wall sign(s).
 - (b) Each wall sign shall not exceed 10 square feet.
 - (c) One wall sign is permitted for each street frontage.
 - (d) Temporary signs are prohibited.

2. ~~Use Regulations. Principal and accessory uses permitted in the O/RP Zone—Office and Research Park Districts are prescribed in Table 168.07—Agricultural Experience.~~

A. ~~Defined. Agriculture Experience means any agriculture-related activity, as a secondary use in conjunction with a permitted agricultural use, which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. An activity is an agriculture experience activity whether or not the participant paid to participate in the activity. The sale of merchandise and service and/or sale of food and drinks, including alcoholic beverages, is permitted as an accessory use to activities sponsored by the organization.~~

Commented [RR100]: Relocated from Section 167.01. Previously conditional use in ID. Proposed conditional use in ID.

B. ~~Use Standards.~~

Commented [RR101]: Use standards relocated from Section 170.07.

- (1) ~~Uses permitted in conjunction with an agricultural experience.~~
 - (a) ~~Agriculturally related seasonal festivals including crop mazes or hayrides.~~
 - (b) ~~You-pick operations, including, but not limited to vegetable and berry picking, pumpkin patches and similar uses.~~
 - (c) ~~Direct sale of agricultural products grown and/or produced on or off-site. Examples of agricultural products grown and/or produced off-site include, but are not limited to, fruits and vegetables and seasonal flowers and trees.~~
 - (d) ~~Value-added (other than alcohol products) processing of produce and fruit grown on the farm.~~
 - (e) ~~Agricultural clinics and tours, seminars or classes and organized agricultural related group activities with no overnight accommodations.~~
 - (f) ~~On-the-farm weddings and wedding receptions.~~
 - (g) ~~On-the-farm events sponsored by the City of North Liberty.~~
 - (h) ~~Up to twelve non-agricultural related events may occur within a calendar year. The event shall be described in a permit issued by the Code Official prior to the commencement of the event. The Zoning Code Official may impose such conditions on the event as are necessary to protect the public health, safety and welfare, and adjacent uses. No fee is required for this permit.~~
- (2) ~~Dimensional standards (applies to buildings, structures and livestock enclosures.~~
 - (a) ~~Minimum frontage: 400 feet.~~
 - (b) ~~Minimum lot width: 400 feet.~~
 - (c) ~~Minimum lot area: 10 acres.~~
 - (d) ~~Maximum building height: 35 feet.~~
 - (e) ~~Required front yard: 100 feet.~~

(f) Required corner side yard: 100 feet.

(g) Required side yard: 50 feet.

(h) Required rear yard: 100 feet.

(3) Design standards.

(a) The area devoted to the agricultural experience shall only have direct access to roadway classified as a collector or arterial roadway.

(b) In order to maintain the rural theme, agricultural experience uses shall not be subject to any of the provisions of Section 169.10. Rather, building style and design standards shall be subject to the following:

(i) Buildings and structures shall have color schemes primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. White or off-white is also acceptable. Earth tone and white colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors.

(ii) Buildings and structures shall have the eaves of roof extend a minimum of one foot past the outside walls.

(iii) Buildings and structures shall have a minimum 5/12 roof pitch.

(iv) Exterior wall coverings shall be wood vertical or horizontal grooved or lapped siding. Substitute materials achieving a similar appearance may be utilized.

(v) No building shall exceed 6,000 square feet in area.

(vi) Design standards do not apply to buildings or structures under 200 square feet in area, playground equipment or other similar structures. Existing buildings or structures 200 square feet in area or greater not meeting design standards may be permitted if identified in the Conditional Use.

(c) Off-street parking. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.01. Rather, safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public streets or cause congestion on public streets. The use of gravel is limited to primary and secondary driveway isles. Off-street parking areas shall be located outside of public rights-of-way and shall be maintained in such a manner to allow access to the site by emergency vehicles.

- (d) Lighting. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.06. Rather, any exterior lighting shall be appropriately shielded and/or directed away from adjacent properties and public rights-of-way.
- (e) Sign regulations. Signs shall be subject to the provisions of Chapter 173, except where it conflicts with the exception of the following:
 - (i) One non-internally illuminated sign is permitted per public street access. The surface area for each sign shall not exceed 32 square feet and the height shall not exceed 12 feet. Sign shall be designed with one or more wooden posts that are part of the overall sign structure and sign design. Signs may be externally illuminated.
 - (ii) Electronic message signs are prohibited. Mobile signs are prohibited, but a message board sign may be incorporated in the permanent sign.
 - (iii) Two seasonal event temporary signs are permitted per calendar year. Such signs shall be the only sail-shaped vertical flag signs and shall be removed immediately upon termination of the special event or at the end of 60 days, whichever comes first.
 - (iv) There are no restrictions for signs not visible from the boundary of the property.
- (f) Landscaping requirements. Landscaping shall be subject to the provisions of Chapter 169.02, with the exception of where it conflicts with the following:
 - (i) Along a street frontage. 10 foot wide landscape area.
 - (ii) Adjacent to a residential zone. 25 foot wide landscape area.
 - (iii) Tree planting is encouraged within landscape areas.
- (g) Temporary restroom facilities. Temporary restroom facilities may be provided, but shall not supplant permanent restroom facilities, when required.
- (h) Maximum capacity. The Fire Marshall and Building Official shall establish the maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of capacity in buildings, parking areas and sanitation limitations of the site.

3. Bulk Regulations. The minimum area, setback, density and maximum height restrictions are prescribed in Table 168.07-B Agriculture.

A. Defined. Agriculture means the use of land and associated structures dedicated to the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock and bee keeping.

Commented [RR102]: Relocated from Section 167.01. Previously permitted use in ID. Proposed permitted use in ID.

B. Use Standards.

Commented [RR103]: Relocated from Section 168.01 and revised.

(1) Dimensional Standards for all Agriculture Establishments.

(a) Minimum frontage: 200 feet.

(b) Minimum lot width: 200 feet.

(c) Minimum lot area: 5 acres.

(d) Maximum building height: 35 feet.

(2) Dimensional Standards for all Agricultural Buildings, Structures and Livestock Enclosures.

(a) Required front yard: 100 feet.

(b) Required corner side yard: 100 feet.

(c) Required side yard: 50 feet.

(d) Required rear yard: 100 feet.

(3) Animal feed operations are prohibited.

4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06 Amusement Facility - Indoor.

A. Defined. Indoor Amusement Facility means a facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses. Indoor amusement facility does not include an adult entertainment establishment, live performance venues, or private recreational facilities.

Commented [RR104]: Relocated from Section 167.01 and revised. Previously "amusement center" and "recreation, indoor", but not listed in any districts. "Bowling alley" previously permitted use in C-1-B, C-2-A and C-2-B, and "theater" previously permitted use in C-1-A, C-1-B, C-2-A, C-2-B and C-3. Proposed conditional use in C-1-A and permitted use in C-1-B C-2-A, C-2-B and C-3.

B. Use Standards. None.

5. ~~Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.~~ Amusement Facility - Outdoor.

A. Defined. Outdoor Amusement Facility means a facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.

Commented [RR105]: Relocated from Section 167.01 and revised. Previously "recreation, outdoor", but not listed in any districts. Proposed conditional use in C-3.

B. Use Standards. None.

6. ~~Signs. Signs shall be permitted according to the provisions of Chapter 173.~~ Animal Care Facility.

A. Defined. Animal Care Facility means an establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, pet grooming facilities and animal training centers and clubs. The boarding of animals is limited. Animal care facilities do not include animal breeders or animal shelters.

Commented [RR106]: Relocated from Section 167.01 and revised. Previously "small animal clinic" permitted use in C-1-B, C-2-A, C-2-B, "animal hospitals" previously permitted use in C-2-A, C-2-B, I-1 and I-2 and "pet animal boarding facilities" previously conditional use in I-1 and I-2. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B and I-1.

B. Use Standards.

Commented [RR107]: New use standards.

(1) Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.

(2) Animal care facilities must locate all overnight boarding facilities indoors. Overnight boarding is not permitted in the C-1-B, C-2-A Districts and C-2-B Districts unless short-term boarding is incidental to the veterinary treatment of animals.

(3) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

7. ~~Conditional Uses. Outdoor display uses are permitted subject to the provisions of Section 171.02.~~ Animal Shelter.

A. Defined. Animal Shelter means a facility where stray, lost, abandoned, sick, wounded, or surrendered animals are kept and rehabilitated.

Commented [RR108]: New definition. Not previously defined. Proposed permitted use in I-1 and P.

B. Use Standards.

Commented [RR109]: New use standards.

(1) Animal shelter facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.

(2) Animal shelter facilities must locate all overnight boarding facilities indoors. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

8. Art Gallery.

A. Defined. Art Gallery means an establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

B. Use Standards. None.

Commented [RR110]: New definition and use. Proposed permitted use in C-1-A, C-2-B, C-2-A, C-2-B and C-3.

9. Arts and Fitness Studio.

A. Defined. Arts and Fitness Studio means an establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but rather a personal service establishment. Arts and fitness studio do not include a private recreational facility.

B. Use Standards. None.

Commented [RR111]: New definition and use. Proposed permitted use in C-1-A, C-2-B, C-2-A, C-2-B and C-3.

10. Bar

A. Defined. Bar means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Wine bars are allowed to sell bottles for off-premise consumption of the wines they serve.

B. Use Standards. None.

Commented [RR112]: Relocated from Section 167.01 and revised. Previously "tavern" permitted use in C-1-A, C-1-B, C-2-A, C-2-B, I-1 and I-2). Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, I-1 and I-OP.

11. Bed and Breakfast.

A. Defined. Bed and Breakfast means a single-unit dwelling where a resident/owner provides lodging for a daily fee and prepares meals for guests. A bed and breakfast may include dining facilities.

B. Use Standards.

Commented [RR113]: Relocated from Section 167.01 and revised. Previously "bed and breakfast facility" permitted use in C-1-B. Proposed conditional use in RS, removed from C-1-B.

(1) Bed and breakfasts shall only be located in single-unit, owner-occupied dwellings.

(2) A bed and breakfast must be a minimum of 1,200 feet from any other bed and breakfast.

(3) The exterior of a bed and breakfast must maintain its original appearance as a single-unit dwelling. No parking shall be permitted in the front or corner side yard.

(4) Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.

(5) Retail sales are limited to items such as souvenirs, postcards, and snacks.

(6) No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.

One non-illuminated sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs shall be a maximum six feet in height and must be a minimum of five feet from any lot line.

Commented [RR114]: Use standards relocated from Section 170.03 and revised.

12. Body Art Establishment.

A. Defined. Body Modification Establishment means an establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

Commented [RR115]: Relocated from Section 167.01 and revised. Previously "tattoo establishment" and "tattooing" permitted use in C-2-A and C-2-B. Proposed permitted use in C-2-A and C-2-B.

B. Use Standards.

13. Brewery, Micro.

A. Defined. A Micro Brewery means a facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light or general industrial uses.

Commented [RR116]: New definition and use. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3 and I-P.

B. Use Standards. None.

14. Broadcasting Studio.

A. Defined. A Broadcasting Studio means an indoor facility engaged in over-the-air, cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video recording or filming with or without live audiences of musical performances, radio or television programs, or motion pictures. Towers and antenna shall be subject to the provisions of Chapter 173.

Commented [RR117]: Relocated from Section 167.01 and revised. Previously "radio stations" permitted use in C-1-A, C-1-B, C-2-A and C-2-B and conditional use in O/RP and "television stations" permitted use in C-1-A, C-1-B, C-2-A, C-2-B, I-1 and I-2 and conditional use in O/RP. Proposed permitted use in C-2-A, C-2-B, C-3, O/RP, I-P and P.

B. Use Standards. None.

15. Car Wash.

A. Defined. Car Wash means an establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

Commented [RR118]: New definition. Previously "motor vehicle washes" conditional use in C-1-B and permitted use in C-2-A, C-2-B, I-1 and I-2. Proposed: permitted use in C-2-A and C-2 B.

B. Use Standards. None.

16. Child Care Center.

A. Defined. Child Care Center means a facility where, for a portion of a day, care and supervision is provided for children in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

Commented [RR119]: New definition. Previously "nurseries/day care" permitted use in C-2-A, C-2-B, C-3, O/RP, I-1 and I-2. Proposed permitted use in C-2-A, C-2-B and C-3, O/RP, I-P and P.

B. Use Standards.

Commented [RR120]: Relocated from 170.02 and revised.

(1) The facility shall be approved and licensed by the state.

(2) A child care center must provide a pickup/drop off area. When a child care center is part of a multi-tenant retail center, the pickup/drop off area shall not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

17. Child Care Home.

A. Defined. Child Care Home means a residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for five or fewer children in a protective setting for a portion of a day, where no state registration is required.

Commented [RR121]: Relocated from Section 167.01 and revised. Previously "home daycare" permitted use in ID, RS, RD, RM and R-FB. Proposed permitted use in RS and R-FB.

B. Use Standards.

Commented [RR122]: Relocated from 170.02 and revised.

(1) The resident occupant shall be the principal child care home provider, and shall be present during operating hours.

- (2) The exterior of a child care home shall not be altered in any way which alters the residential character of an existing structure.
- (3) A child care home must provide an off-street pickup/drop off area which achieves consistency with Section 169.01.
- (4) No signs are permitted for a child care home.
- (5) A child care home is permitted to have only one employee which is over the age of 14. One off-street parking area shall be provided for the employee. Family members are not considered employees for the purpose of this section.
- (6) A child care home shall be subject to the provisions of 169.06(6).

18. Child Development Home.

A. Defined Child Development Home means a residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for 6 to 12 or fewer children in a protective setting that are not related to the owner or operator of the facility for a portion of a day.

B. Use Standards.

- (1) The resident occupant shall be the principal child development home provider, shall have a state license and/or registration as set forth by the Iowa Department of Human Services.
- (2) When there are more than 8 children are present for more than 2 hours, an assistant 14 years or older needs to be present.
- (3) The exterior of a child development home shall not be altered in any way which alters the residential character of an existing structure.
- (4) Any exterior play areas shall be effectively screened from adjacent residential uses.
- (5) A child development home must provide an off street pickup/drop off area which achieves consistency with Section 169.01.
- (6) No signs are permitted for a family day care home.
- (7) A child development home is permitted to have only one employee which must be over the age of 14. One off-street parking area shall be provided for the employee. Family members are not considered employees for the purpose of this section.
- A child development home shall obtain an annual license approved by the City Council. A fee for services shall be set by resolution of the City Council.

Commented [RR123]: Relocated from Section 167.01 and revised. Previously "group daycare" permitted use in ID, RS, RD, RM and R-FB. Proposed permitted use in RS. It is staff's opinion that

Commented [RR124]: Relocated from 170.02 and revised. It appears that the "group daycare" use was altered at some point. Section 170.02 refers to "group day care homes" and "commercial daycares"

19. Community Center.

A. Defined. Community Center means a facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational, fitness and community service activities.

B. Use Standards. None.

Commented [RR125]: New definition. Previously "community building" permitted use in ID, RS, RD, RM, R-FB, C-1-A, C-2-A, C-2-B, C-3, I-1, I-2 and P. Proposed permitted use in ID, RS, RD, RM, R-FB, C-1-A, C-2-A, C-2-B, C-3 and P.

20. Community Pantry.

A. Defined. Community Pantry means a non-profit organization that receives/buys, stores, and distributes food, clothing, household supplies, personal care items and other related items directly to those in need. Community pantries may also have community gardens and prepare meals to be served at no cost to those who receive them.

B. Use Standards.

(1) Non-residential districts. None.

(2) ID, RS RD and RM districts.

(a) Permitted only as an ancillary use for a non-profit principal use on the same lot. The community pantry shall also be operated as a non-profit.

(b) Maximum building size is to be 2,500 square feet, but in no case larger than the square foot total of the principal structure. Additionally, the use may occupy up to 50% of a separate storage building or garage.

(c) Maximum building height is 15 feet.

(d) Zoning district design standards shall apply to the building(s) being utilized by the community pantry.

(e) Signage. Limited to one ground and one wall sign with a maximum sign area of 8 square feet. Ground signs are limited to 5 feet in height.

Commented [RR126]: Relocated from Section 167.01 and revised. Previously "food pantry" conditional use in ID, RS, RD, RM, C-1-A, C-1-B, C-2-A and C-2-B. Proposed conditional use in ID, RS, RD, RM and C-1-A and permitted use in C-1-B, C-2-A, C-2-B and C-3.

21. Cultural Facility.

A. Defined. Cultural Facility means a facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

B. Use Standards. None.

Commented [RR127]: Staff Note: New definition and use. Proposed permitted use in C-1-A, C-2-A, C-2-B, C-3, O/RP and P.

22. Distillery, Micro.

A. Defined. Micro Distillery means a facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light or general industrial uses.

B. Use Standards. None.

Commented [RR128]: New definition and use. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3 and I-P.

23. Drive-Through Facility.

- A. Defined. Drive-Through Facility means that portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal uses such as restaurants and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.
- B. Use Standards.

Commented [RR129]: New definition and use. Previously permitted use in conjunction with "restaurant" in C-1-A, C-1-B, C-2-A and C-2-B. Previously permitted use in conjunction with "Bank" in C-1-A, C-1-B, C-2-A, C-2-B, O/RP and I-1. Proposed conditional use in C-1-A, permitted is C-1-B, C-2-A, C-2-B, C-3 and I-P.

- (1) All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must:
- (i) Be a minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
- (ii) Begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
- (2) All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets.

Commented [RR130]: New use standards.

24. Dwelling – Manufactured Home.

- A. Defined. Manufactured Home Dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction. When a manufactured home meets all the requirements for a single-family dwelling, including the definition of a dwelling unit, and is located and installed to the same standards as a single-unit dwelling, such manufactured home is considered a single-unit dwelling, subject to any additional requirements or specific exceptions of Iowa State Code Section 414.28.
- B. Use Standards. None.

Commented [RR131]: Relocated from Section 167.01 and revised. Previously "manufactured home" permitted use in R-FB. Proposed permitted use in R-FB.

25. Dwelling – Mixed Use.

- A. Defined. Dwelling – Mixed use. Mixed Use Dwelling means a structure containing a mix of residential and non-residential uses where non-residential uses account for at least 50% of the ground floor area of the building. Non-residential uses are limited to permitted and conditional uses in the underlying zoning district.
- B. Use Standards. None.

Commented [RR132]: New definition. Previously “dwelling unit above commercial” permitted use in C-1-A, C-1-B, C-2-B and C-3. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B and C-3.

26. Dwelling – Multiple-Unit.

- A. Defined. Multiple-Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple-unit dwelling does not include a townhouse dwelling.

Commented [RR133]: Relocated from Section 167.01 and revised. Previously permitted use in RM. Proposed permitted use in RM.

- B. Use Standards.

Commented [RR134]: New use standards

- (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi-unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
- (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
- (3) Minimum required masonry on front and corner side yard building elevations is 25%.
- (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.

27. Dwelling – Single-Unit.

- A. Defined. Single-Unit Dwelling means a structure containing only one dwelling unit on a single lot.

Commented [RR135]: Relocated from Section 167.01 and revised. Previously permitted use in ID and RS. Proposed permitted use in ID and RS.

- B. Use Standards.

Commented [RR136]: Relocated from Section 169.10 and revised. New standards include 5% transparency, off-set for a three car garage and maximum width of a front-facing garage.

- (1) The structure must contain 24 feet of width at its largest dimension.
- (2) The structure must contain a minimum living area of 660 square feet.
- (3) The structure must be located on a frost-protected perimeter foundation.
- (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
- (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS-7 and RS-8 districts.
 - (b) In lieu of the required masonry on the facade facing the corner side yard, one of the two following options may be selected:

- (i) Two, two-inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.
 - (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
- (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset one foot from the other garages.
- (9) Front-facing garages shall not exceed 16' or 50% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

28. Dwelling – Single-Unit Zero Lot Line.

- A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
- B. Use Standards.
 - (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
 - (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (4) Minimum required masonry on front and corner side yard building elevations is 25%.
 - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

Commented [RR137]: Relocated from Section 167.01 and revised. Previously "zero lot line development" permitted use in RD. Proposed permitted use in RD.

29. Dwelling – Townhouse.

A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling.

Commented [RR138]: New definition and use. Proposed permitted use in RM.

B. Use Standards.

Commented [RR139]: New use standards.

- (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
- (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
- (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (4) Minimum required masonry on front and corner side yard building elevations is 25%.
- (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

30. Dwelling – Two-Unit.

A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot.

Commented [RR140]: Relocated from Section 167.01 and revised. Previously “duplex dwelling” permitted use in RD. Proposed permitted use in RD and RM.

B. Use Standards.

- (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
- (2) Minimum required masonry on front and corner side yard building elevations is 25%.
- (3) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.

31. Educational Facility – Primary.

A. Defined. Primary Educational Facility means a public, private, or parochial facility that offers instruction at the elementary and/or junior high school levels.

Commented [RR141]: New definition. Previously “parochial or private schools” listed as permitted use in ID, RS, RD, RM, C-1-A, C-1-B and C-3. Previously “public schools” listed as a permitted use in ID, RS, RD, RM, C-1-A C-1-B and P. Proposed permitted use in RS, RD, RM, C-1-A, C-1-B, C-2-A, C-2-B, C-3 and P.

B. Use Standards.

Commented [RR142]: New use standards.

- (1) Dimensional standards
 - (a) Minimum frontage: 150 feet.

- (b) Minimum lot width: 300 feet.
- (c) Minimum lot area: 5 acres.
- (d) Maximum building height: 35 feet.
- (e) Required front yard: 50 feet.
- (f) Required corner side yard: 50 feet.
- (g) Required side yard: 50 feet.
- (h) Required rear yard: 50 feet.

32. Educational Facility – Secondary.

A. Defined. Secondary Educational Facility means a public, private, or parochial facility that offers instruction at the high school level.

B. Use Standards. None.

- (1) Dimensional standards.
- (2) Minimum frontage: 300 feet.
- (3) Minimum lot width: 600 feet.
- (4) Minimum lot area: 20 acres.
- (5) Maximum building height: 55 feet.
- (6) Required front yard: 100 feet.
- (7) Required corner side yard: 100 feet.
- (8) Required side yard: 50 feet.
- (8) Required rear yard: 100 feet.

33. Educational Facility – University or College.

A. Defined. University or College Educational Facility means a facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

B. Use Standards. None.

34. Educational Facility – Vocational.

A. Defined. Vocational Educational Facility means a facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility – vocational also applies to privately operated schools that do not offer a complete educational curriculum.

B. Use Standards. None.

Commented [RR143]: New definition. Previously “parochial or private schools” listed as permitted use in ID, RS, RD, RM, C-1-A, C-1-B and C-3. Previously “public schools” listed as a permitted use in ID, RS, RD, RM, C-1-A C-1-B and P. Proposed permitted use in RS, RD, RM, C-1-A, C-1-B, C-2-A, C-2-B, C-3 and P

Commented [RR144]: New use standards.

Commented [RR145]: New definition and use. Proposed permitted use in C-3, I-P and P.

Commented [RR146]: Relocated from Section 167.01 and revised. Previously “commercial school”. Previously permitted use in C-1-B, C-2-A, C-2-B, O/RP and I-1. Proposed conditional use in C-1-A and permitted use in C-1-B, C-2-A, C-2-B, C-3, O/RP and I-P.

35. Financial Institution.

A. Defined. Financial Institution means a bank, savings and loan, credit union, or mortgage office.

B. Use Standards. None.

Commented [RR147]: Relocated from Section 167.01 and revised. Previously "business or financial services". "Banks" previously permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP and I-1. Proposed permitted C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP and I-P.

36. Fireworks, Retail Sales of.

A. Defined. Retail Sales of Fireworks means the sale of consumer fireworks as defined by the Iowa State Code.

B. Use Standards. None.

Commented [RR148]: New definition. Previously "consumer firework sales" permitted use in I-1 and I-2. Proposed permitted use in I-1.

37. Food Bank

A. Defined. Food Bank means a non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

B. Use Standards. None.

Commented [RR149]: New definition and use. Proposed permitted use in I-1.

38. Fueling Station.

A. Defined. Fueling Station means an establishment where fuel for vehicles is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A fueling station may also include ancillary car wash bays.

B. Use Standards. None.

Commented [RR150]: Relocated from Section 167.01 and revised. Previously "automotive self-service station" and "automotive service station. "Convenience store with gas pumps" and "gas stations with auto service" previously listed as permitted use in C-1-B, C-2-A and I-1. Proposed permitted C-1-B, C-2-A, C-2-B, I-1 and I-P.

39. Fulfillment Center, Micro.

A. Defined. Micro-fulfillment center means an establishment not exceeding 20,000 square feet that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for purchase over the internet or through mobile applications and either delivered to the purchaser or made available for pickup. Fulfillment facilities that exceed this capacity are considered light industrial uses.

B. Use Standards. None.

Commented [RR151]: New definition and use. Proposed conditional use in C-2-A and C-3 and permitted use in I-1.

40. Funeral Home.

A. Defined. Funeral Home means an establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

B. Use Standards. None.

Commented [RR152]: Relocated from Section 167.01 and revised. Previously "mortuary (funeral home)". "Undertaking establishment" listed as a permitted use in C-2-A and C-2-B. Proposed permitted use in C-2-A and C-2-B.

41. Golf Course/Driving Range.

A. Defined. Golf Course/Driving Range means a tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

B. Use Standards. None.

Commented [RR153]: New definition. "country clubs" permitted use in ID, RS, RD, RM, C-1-B, C-2-A, C-2-B and "golf courses" permitted use in ID, RS, RD, RM, C-1-B, C-2-A, C-2-B, I-1 and I-2 and conditional use is O/RP. Proposed permitted use in C-1-B and P.

42. Greenhouse/Nursery - Retail.

A. Defined. Retail Greenhouse/Nursery means an establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Commented [RR154]: New definition. "Private greenhouses/plant nurseries" permitted use in C-2-A, C-2-B, and I-1. Proposed permitted use in I-1.

B. Use Standards.

- (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

43. Group Home.

A. Defined. Group Home means a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision. Group homes include facilities for drug and alcohol rehabilitation, excluding medical detoxification services. Group home does not include facilities for adults or minors that function as a court ordered alternative to incarceration. Group home does not include group living facilities for persons who have been institutionalized for criminal conduct.

Commented [RR155]: Relocated from Section 167.01 and revised. Previously "family home" permitted use in ID, RS, RD and R-FB. Proposed permitted use in ID, RS, RD and R-FB.

B. Use Standards.

- (1) Group homes must be licensed by the state.
- (2) When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

44. Healthcare Institution.

A. Defined. Healthcare Institution means facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

Commented [RR156]: Relocated from Section 167.01 and revised. Previously "hospital" permitted use in C-1-A, C-1-B, C-2-A, C-2-B, O/RP and I-1. Proposed permitted use in C-3 and O/RP.

B. Use Standards. None.

45. Heavy Rental and Service Establishment.

A. Defined. Heavy Rental and Service Establishment means rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, amusement equipment rental, and sales, rental, and repair of heavy equipment.

Commented [RR157]: New definition and use. Proposed permitted use in I-1.

B. Use Standards.

Commented [RR158]: New use standards.

- (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

46. Heavy Retail Establishment.

A. Defined. Heavy Retail Establishment means retail centers of a heavier and larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are not considered heavy retail establishments if there is no outdoor storage and/or display. Equipment rental is permitted if conducted solely inside the principal structure.

Commented [RR159]: New definition and use. Proposed permitted use in C-3 and I-1.

B. Use Standards.

- (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen
- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

47. Hotel.

A. Defined. Hotel means a commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

B. Use Standards. None.

Commented [RR160]: Relocated from Section 167.01 and revised. Previously "motel (hotel)". Hotel previously conditional use in C-1-A and permitted use in C-1B, C-2-A, C-2-B and O/RP. Proposed conditional use in C-1-A and permitted use in C-1B, C-2-A, C-2-B, C-3, O/RP and I-P.

48. Industrial - General.

A. Defined. General Industrial means the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

B. Use Standards. None.

Commented [RR161]: New definition. Consolidates several current uses in the Zoning Code. Proposed permitted use in I-2.

49. Industrial - Light.

A. Defined. Light Industrial means research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

B. Use Standards.

(1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.

(2) Outdoor service or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

(3) See Section 169.05(B) for outdoor storage areas as an accessory use.

Commented [RR162]: New definition. Consolidates several current uses in the Zoning Code. Proposed permitted use in I-1, I-2 and I-P.

50. Industrial Design.

A. Defined. Industrial Design means an establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but may not mass manufacture products from the premises.

B. Use Standards. None.

Commented [RR163]: New definition and use. Proposed permitted use in C-1-B, C-2-A, C-2-B, C-3, I-1 and I-P.

51. Live Performance Venue.

A. Defined. Live Performance Venue means the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances within a fully enclosed building. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include adult entertainment establishments.

B. Use Standards. None.

Commented [RR164]: New definition. Previously "dance hall, discotheque". Previously not listed as a use in any zoning district, therefore, it appears to have been defined to be exclusionary. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B and C-3, I-1.

52. Manufactured Home Park.

A. Defined. Manufactured Home Park means a parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

B. Use Standards.

(1) The perimeter yard of a manufactured home park shall have a landscape area 15 feet in width at the furthest point in the required yard containing the following:

(a) A mix of shade and evergreen trees planted at an average of one tree for every 50 linear feet of yard width. These shade and evergreen trees may be clustered to allow for access points or to maximize the screening effect.

(b) Two ornamental trees may be substituted for one shade tree for up to 25% of required trees.

(c) The remainder of the buffer area must be planted with low groundcover, seed, or sod.

This landscape area is not required along any portion of a perimeter that abuts a manufactured home park.

(2) All manufactured home parks shall have a recreation area not less than five percent of the total manufactured home park area shall be provided. Recreation areas may be provided in one or more areas, but each area shall be no less than one acre. Recreation areas shall be open and planted with low groundcover, which may or may not contain playgrounds and other recreational amenities. Storm shelters may be placed within recreation areas.

(3) All manufactured home parks shall have enclosed or outdoor storage areas for the use of the manufactured home park residents. Storage

Commented [RR165]: Relocated from Section 167.01 and revised. Previously "factory-built home park". Previously permitted use in R-FB. Proposed permitted use in R-MP.

areas shall be a minimum of 100 square feet per manufactured home space/lot. Storage areas may be provided in one or more areas, but each area shall be no less than one-half acre. Outdoor storage areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

(4) All manufactured home parks shall have storm shelters. Storm shelters may be in one or more buildings but the total area shall be a minimum of seven square feet per manufactured home space/lot.

(5) Manufactured home parks may have a maintenance facility and/or an office. All maintenance facilities shall be maintained in a clean condition.

53. Medical/Dental Office.

A. ~~Defined.~~ Medical/dental office means a facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

B. Use Standards. None.

54. Office.

A. ~~Defined.~~ Office means an establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, or industrial design.

B. Use Standards. None.

Commented [RR166]: Relocated from Section 167.01 and revised. Previously "clinic". Previously permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3 and O/RP. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3 and O/RP.

Commented [RR167]: New definition. "Professional office" is currently listed as a use in the Zoning Ordinance. Previously permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP, I-1, I-2 and P. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP, I-P and P.

55. Outdoor Seating.

A. Defined. Outdoor seating means an area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

Commented [RR168]: Relocated from Section 167.01 and revised. Previously "outdoor eating accessory use". Restaurants previously permitted use in C-1-A, C-1-B, C-2-A, C-2-B and C-3. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3, I-P and P

B. Use Standards.

Commented [RR169]: Relocated from Section 170.06 and revised.

- (1) Outdoor seating may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
- (2) Outdoor seating areas must be located on private property. Outdoor seating on public property is not controlled by the Zoning Code.
- (3) Outdoor seating areas must be paved with concrete or other suitable permanent materials and the area must be clearly delineated by fencing, plant materials or other landscaping.
- (4) Outdoor seating areas must not interfere with any pedestrian access or parking spaces and aisles.
- (5) When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.

56. Park, Private.

A. Defined. Private park means a privately-owned area of land that serves recreational needs of residents and visitors, which may or may not have limited access. Private park includes, but is not limited to, playgrounds, basketball courts, volleyball courts, tennis and pickle ball courts and passive recreation areas. Private parks shall not be used for commercial use.

Commented [RR170]: New definition. "Park" previously listed as permitted use in ID, RS, RD, RM, R-FB, C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP, I-1, I-2 and P. Proposed permitted use in ID, RS, RD, RM, R-FB, C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP and IP.

B. Use Standards. None.

57. Park, Public.

A. Defined. Public parks means a publically owned area of land that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, volleyball courts, tennis and pickle ball courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor recreation facilities, amphitheaters, as well as ancillary uses such as, but not limited to, restroom facilities, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.

Commented [RR171]: New definition. "Park" previously permitted use in ID, RS, RD, RM, R-FB, C-1-A, C-1-B, C-2-A, C-2-B, C-3, O/RP, I-1, I-2 and P. Proposed permitted use in P.

B. Use Standards. None.

58. Parking Lot (Principal Use).

- A. Defined. Parking lot/structure means an open, hard-surfaced area, excluding a street or public way, or structure, used for the storage of operable vehicles, whether for compensation or at no charge.
- B. Use Standards. None.

Commented [RR172]: Relocated from Section 167.01 and revised. Previously "park and ride facilities" and "parking lot" listed as permitted use in C-1-B, C-2-A, C-2-B, C-3, I-1 and I-2. Proposed conditional use in C-1-A and permitted use in C-1-B, C-2-A, C-2-B, C-3, I-1, I-P and P.

59. Parking Structure (Principal Use).

- A. Defined. A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.
- B. Use Standards.
- (1) Parking structures must be designed to minimize blank facades through architectural detail and landscape.
 - (2) On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
 - (3) For parking structures with rooftop open-air parking, a four-foot parapet wall is required for screening.
 - (4) A vehicular clear sight zone must be included at vehicular exit areas as follows:
 - (a) Vehicular exit areas must be set back from any pedestrian walkway along that building elevation a minimum of eight feet for the portion of the building that includes the vehicle exit area and eight feet on each side of the exit opening.
 - (b) A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
 - (c) In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.
 - (d) The upper story building elevations of the parking structure may overhang the vehicular clear sight zone.

Commented [RR173]: New definition. Proposed conditional use in C-1-A and permitted use in C-1-B, C-2-A, C-2-B, C-3, I-1 and I-2. Proposed conditional use in C-1-A and permitted use in C-1-B, C-2-A, C-2-B, C-3, I-1, I-P and P.

Commented [RR174]: New use standards.

60. Personal Service Establishment.

- A. Defined. Personal service establishment means an establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. Personal service establishment does not include a private recreational facility.
- B. Use Standards. None.

Commented [RR175]: New definition. Consolidates several current uses in the Zoning Ordinance.

61. Place of Worship.

A. Defined. Place of worship means a facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

B. Use Standards. None.

Commented [RR176]: Relocated from Section 167.01 and revised. Previously permitted use in ID, RS, RD, RM, C-1-A, C-1-B, C-2-A and C-2-B. Proposed permitted use in ID, RS, RD, RM, C-1-A, C-1-B, C-2-A and C-2-B and C-3.

62. Private Club.

A. Defined. Private club means an establishment open to members, their families, and invited guests organized and operated for a common purpose, including a meeting hall for a fraternal or social organization or a union hall and/or a facility which has indoor and/or outdoor recreation facilities. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

B. Use Standards.

Commented [RR177]: New definition. Previously "religious, cultural and fraternal activity". Previously not listed as a use in any zoning district. Proposed permitted use in C-1-A, C-1-A, C-1-B, C-2-A, C-2-B and C-3.

63. Public Safety Facility.

A. Defined. Public safety facility means an establishment operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities.

B. Use Standards. None.

Commented [RR178]: New definition and use. Proposed permitted use in P.

64. Public Works Facility.

A. Defined. A facility operated by a municipal department providing municipal services, including water and wastewater treatment plants, dispatch, storage, and maintenance of municipal vehicles and the storage and maintenance of municipal materials.

B. Use Standards. None.

Commented [RR179]: New definition and use. Proposed permitted use in P.

65. Research and Development Facility.

A. Defined. Research and development facility means an establishment where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

B. Use Standards. None.

Commented [RR180]: Consolidates several current uses in the Zoning Code. Previously permitted use in O/RP, I-1 and I-2. Proposed permitted use in O/RP, I-P and I-1.

66. Residential Care Facility.

- A. Defined. Residential care facility means a licensed establishment that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. This includes institutions that are located in one or more buildings on contiguous property with one administrative body. Residential care facility does not include a residential drug/alcohol treatment facility.
- B. Use Standards. None.

Commented [RR181]: Relocated from Section 167.01 and revised. Previously "convalescent center". "Nursing homes" permitted use in RM, C-1-A, C-1-B, C-2-A and C-2B. Proposed permitted use in RM, C-1-A, C-1-B, C-2-A, C-2B and C-3.

67. Restaurant.

- A. Defined. Restaurant means an establishment where food and drinks, including alcoholic beverages, are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.
- B. Use Standards.

Commented [RR182]: Relocated from Section 167.01 and revised. Previously "restaurant" and "restaurant, drive in" permitted use in C-1-A, C-1-B, C-2-A, C-2B and C-3. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2B, C-3 and I-P.

68. Retail Goods Establishment.

- A. Defined. Means an establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment does not include micro fulfillment center.
- B. Use Standards. None.

Commented [RR183]: Relocated from Section 167.01 and revised. Consolidates several current uses in the Zoning Code. Previously permitted use in C-1-A, C-1-B, C-2-A, C-2B, C-3 and I-1. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2B and C-3.

69. Salvage Yard

- A. Defined. Salvage yard mean an establishment where vehicles or other machinery is broken up and the parts saved and processed for resale.
- B. Use Standards.
- (1) Outdoor service or storage areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (2) Outdoor service or storage areas shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

Commented [RR184]: Relocated from Section 167.01 and revised. Previously "recycling facility", "salvage yard" and "wrecking yard". Previously conditional use in I-1 and I-2. Proposed conditional use in I-2.

70. Self-Storage Facility: Enclosed.

A. Defined. Enclosed self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

B. Use Standards.

- (1) Storage units cannot be used for residential occupancy or business.
- (2) No plumbing connections are permitted in self-storage units.
- (3) All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units shall be accessed from inside the building only.
- (4) The building shall be designed in such a way that none of the storage units located on the first floor are visible from any public right-of-way.

Commented [RR185]: New definition and use. Proposed permitted use in C-2-A, C-2-B, C-3 and I-1.

71. Self-Storage Facility: Outdoor.

A. Defined. Outdoor self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

B. Use Standards.

- (1) Storage units cannot be used for residential occupancy or business.
- (2) No plumbing connections are permitted in self-storage units.
- (3) Outdoor self-storage facilities shall be oriented to the best extent possible so that storage unit access doors do not face the public right-of-way.

Commented [RR186]: New definition. "Mini storage" previously listed as a conditional use in C-2-A and C-2B and a permitted use in I-1 and I-2. Proposed conditional use in C-2-A, C-2B and C-3 and permitted use in I-1.

72. Specialty Food Service.

- A. Defined. Specialty food service means an establishment that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.
- B. Use Standards. None.

Commented [RR187]: New definition. Consolidates several current uses in the Zoning Code. Proposed permitted use in C-1-A, C-1-B, C-2-A, C-2-B, C-3, I-1 and I-P.

73. Storage Yard – Outdoor (Principal Use).

- A. Defined. Outdoor storage means the storage of material outdoors as a principal use of land for more than 24 hours.
- B. Use Standards.
- (1) Outdoor storage areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

Commented [RR188]: New definition use. Previously regulated as an accessory use. Proposed conditional use in I-1 and a permitted use in I-2.

74. Truck Stop

- A. Defined. Truck stop means an establishment where fuel for semi-trucks and other large trucks is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A truck stop may also include ancillary (overnight) truck parking and truck wash bays.
- B. Use Standards. None.

Commented [RR189]: New definition. "Truck terminals" previously a conditional use in C-2-A, C-2-B and a permitted use in I-1 and I-2. Proposed conditional use in I-1 and a permitted use in I-2.

75. Utility (Sub)Station

- A. Defined. Utility (sub)station means a structure or facility used by a public or quasi-public utility agency to store and/or distribute public utilities. Utility (sub)stations does not include outdoor storage or maintenance facilities.
- B. Use Standards.
- (1) Utility (sub)stations, shall to the greatest degree possible, be located so as to minimize impacts on surrounding properties and public infrastructure.
 - (2) No setbacks are required, however, utility (sub)stations shall not block visibility or create traffic hazards.
 - (3) Minimum required masonry on all building elevations is 60%.
 - (3) Utility (sub)stations shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area

shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of a landscape area, a masonry wall may be used as a screen.

76. Vehicle Dealership, New and Used

A. Defined. New and Used Vehicle dealership means an establishment that sells or leases new or primarily new automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. Vehicle dealerships do not include medium duty trucks (with the exception of pickup trucks), heavy duty trucks, trailers, boats, or heavy equipment sales, which are considered heavy retail, rental, and service. A dealership may provide ancillary on-site facilities for the repair (minor or major) and service of the vehicles sold or leased by the dealership.

Commented [RR190]: New definition. "Auto dealership" previously a conditional use in C-2-A, C-2-B and a permitted use in I-1 and I-2. Proposed permitted use in C-2-A, C-2-B and C-3.

B. Use Standards.

- (1) The number and location of vehicles shall be designated on an approved site plan. The vehicle display area shall be designed in accordance with the provisions of Section 169.01 and 169.13 with the exception that display areas do not need to be delineated with paint or other permanent materials.
- (2) All vehicles offered for sale shall be operational and roadworthy as provided in the applicable sections of the Code of Iowa and the Iowa Administrative Code.

Commented [RR191]: Relocated from Section 170.05 and revised.

77. Vehicle Dealership, Used.

A. Defined. Used Vehicle dealership means an establishment that sells or leases used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. Vehicle dealerships do not include medium duty trucks (with the exception of pickup trucks), heavy duty trucks, trailers, boats, or heavy equipment sales, which are considered heavy retail, rental, and service. A dealership may provide ancillary on-site facilities for the minor repair and service of the vehicles sold or leased by the dealership.

Commented [RR192]: New definition. "Auto sales - used" previously a conditional use in C-2-A, C-2-B and a permitted use in I-1 and I-2. Proposed conditional use in C-2-A and C-2-B.

B. Use Standards.

- (1) The number and location of vehicles shall be designated on an approved site plan. The vehicle display area shall be designed in accordance with the provisions of Section 169.01 and 169.13 with the exception that display areas do not need to be delineated with paint or other permanent materials.
- (2) All vehicles offered for sale shall be operational and roadworthy as provided in the applicable sections of the Code of Iowa and the Iowa Administrative Code.

Commented [RR193]: Relocated from Section 170.05 and revised.

78. Vehicle Operations Facility.

A. Defined. Vehicle operations facility means an establishment for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles.

Commented [RR194]: Relocated from Section 167.01 and revised. Previously "limousine" a permitted use in C-2-A, I-1 and I-2 and a conditional use in C-2-B. Proposed permitted use in I-1 and P.

B. Use Standards. None.

79. Vehicle Rental.

A. Defined. Vehicle rental means an establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include the rental of medium duty trucks, with the exception of pickup trucks, heavy duty trucks, or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

Commented [RR195]: New definition and use. Proposed permitted use in I-1.

B. Use Standards. None.

80. Vehicle Repair - Major.

A. Defined. Major vehicle repair means an establishment that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

Commented [RR196]: Relocated from Section 167.01 and revised. "Body shop" previously listed as a permitted use in I-1 and I-2. Proposed conditional use in C-2-A and C-2-B and permitted use in I-1.

B. Use Standards.

- (1) Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
- (2) Vehicles may not be stored outdoors on the premises for longer than 15 days once repair is complete.
- (3) No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises unless these vehicles are waiting repair. All such open storage of these types of vehicles awaiting repair shall be subject to the following:
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.

- (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

81. Vehicle Repair – Minor.

A. Defined. Minor vehicle repair means an establishment that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including, but not limited to, repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining, and repairs, wheel servicing, alignment, and balancing, repair and replacement of shock absorbers, engine rebuilding, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.

Commented [RR197]: Relocated from Section 167.01 and revised. "Auto repair shop" listed as a permitted use in C-2-A, C-2-B, I-1 and I-2. Proposed permitted use in C-2-A, C-2-B and I-1.

B. Use Standards.

- (1) Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
- (2) Vehicles may not be stored outdoors on the premises for longer than 15 days once repair is complete.
- (3) No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises.

82. Warehouse.

A. Defined. Warehouse means an establishment for the indoor storage and distribution of manufactured products, supplies, and/or equipment.

Commented [RR198]: Relocated from Section 167.01 and revised. Previously "warehousing storage" listed as a permitted use in I-1 and I-2. Proposed permitted use in I-1.

B. Use Standards. None.

83. Wholesale Facility.

A. Defined. Wholesale facility means an establishment that sells goods to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Commented [RR199]: New definition. Appears to have been previously defined with "warehouse." Proposed permitted use in I-1.

B. Use Standards. None.

84. Winery, Micro.

A. Defined. A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits, vegetables, and/or honey, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light or general industrial uses.

Commented [RR200]: New definition and use. Proposed permitted use in C-2-A, C-2-B, C-3 and I-P.

B. Use Standards. None.

TABLE 168.07-A—O/RP ZONE USES

P = Permitted, C = Conditional, A = Accessory, N = Not Allowed

Land Use		Notes
Banks, Credit Unions and Other Financial Institutions	P	-
Cable Communication Stations	C	-
Clinics, Health	P	-
Country Club	C	-
Educational Research Development and Service Facilities	P	-
Electrical Research Development and Service Facilities	P	-
Golf Courses	C	-
Hospitals and Institutions	P	-
Hotels	P	-
Libraries	P	-
Nurseries/Day Care	A	-
Office Uses Related to Medical, Educational, Financial, Research, Utility, Government, Nonprofit and Similar Operations	P	-
Office—Related Accessory Uses	A	-
Parks	P	-
Playgrounds	A	-
Print Shops	C	-
Radio Stations	C	Towers or large dish antennae not allowed
Research Laboratories	P	-
Television Stations	C	Towers or large dish antennae not allowed
Temporary Construction Buildings	A	
Trade Schools	P	-
Utility and Service Uses	P	

TABLE 168.07-B—O/RP ZONE BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
All Uses	100 feet	150 feet	1.5 acres	50 feet	20 feet	50 feet	75 feet

~~168.08 (Repealed by Ord. 2019-03)~~**~~168.09 I ZONES—INDUSTRIAL DISTRICTS:~~**

- ~~1. Defined. Allowable I Zone uses are:

 - ~~A. I-1 Industrial District. The I-1 Industrial District is intended to provide for the development of modern landscaped light industrial and commercial establishments which have negligible impacts upon areas outside of the zoned district, and seek a hazard and nuisance free environment. The district is intended to provide for manufacture, assembly, fabrication, storage, and/or processing of goods listed for the location of compatible uses.~~
 - ~~B. I-2 Industrial District. The I-2 Industrial District is intended to provide for the development of industrial establishments that may require special conditions applied to the use to prevent negative impacts upon areas outside of the zoned district, and seek a hazard and nuisance free environment.~~~~
- ~~2. Use Regulations. Principal and accessory uses permitted in the I-Zone Industrial Districts shall be as prescribed in the following Tables:

 - ~~I-1 Table 168.09-A:~~
 - ~~I-2 Table 168.09-B:~~~~
- ~~3. Bulk Regulations. The minimum area, setback, density and maximum height restrictions are as prescribed in Table 168.09-C.~~
- ~~4. Accessory Uses. Accessory uses are permitted subject to the provisions of Section 169.06~~
- ~~5. Off-Street Parking. Off-street parking shall be provided according to the provisions of Section 169.01.~~
- ~~6. Signs. Signs shall be permitted according to the provisions of Chapter 173.~~
- ~~7. Conditional Uses. Outdoor display uses are permitted subject to the provisions of Section 171.02.~~

TABLE 168.09-A—I-1 ZONE USES

P = Permitted, C = Conditional, A = Accessory, NA = Not Allowed

Land Use		Notes
Animal Hospitals	P	-
Apparel, and Finished Products made from Fabrics	P	-
Appliance Stores	P	

Land Use	-	Notes
Auto-Body-Repair	P	-
Auto-Repair Shop	P	-
Auto-Sales—Used	P	-
Auto-Service	P	-
Bakery-Goods-Shops	P	
Banks	P	-
Barbershops	P	-
Bicycle-Shops	P	-
Boot-and-Shoe-Cut-Stock-and-Findings	P	-
Bottling-Plants	P	-
Cabinet-Shops	P	-
Cable-Stations	P	-
Cafes	P	
Coin-Operated-Laundries	P	
Commercial-Grain-Storage	NA	-
Commercial-Parking-Lots	P	-
Commercial-Schools	P	-
Community-Buildings	P	-
Consumer-Firework-Sales	P	
Contractor-Sales-and-Service	P	-
Convenience-Stores-with-Gas-Pumps	P	-
Corn-Wet-Milling-Process	NA	-
Custodial-Homes	P	-
Dairies	P	-
Dry-Cleaning-and-Laundry-Processing	P	-
Educational-Research-Development-and-Service-Facilities	P	-
Electrical-Research-Development-and-Service-Facilities	P	-
Emergency-Shelters	P	
Ethyl-Alcohol-and-Derivatives-Production	NA	-
Gas-Stations-w/-Auto-Service	P	-
Glass-and-Plastic-Products	P	-
Golf-Courses	P	-

Land Use	-	Notes
Guard Dogs and Runs	A	
Guns, Howitzers, Mortars, Firearms, and Related Equipment	NA	-
Hairstyling Establishments	P	-
Hardware Stores	P	
Heating / Air-Conditioning Establishments	P	-
Home Appliance Service Shops	P	-
Home Improvement Stores	P	-
Hospitals and Institutions	P	-
Implement Stores	P	-
Jewelry, Silverware, and Plated Ware	P	-
Limousine	P	
Locksmith / Key Service Shops	P	-
Lumber Yards	P	-
Manufactured Home Sales	P	-
Measuring and Controlling Instruments	P	-
Mini Storage	P	-
Miscellaneous Notions	P	-
Motor Vehicle Washes	P	-
Multiple-Family Dwelling	NA	-
Musical Instruments and Parts	P	-
Nurseries / Daycare	P	-
Office Buildings	P	
Office Equipment Stores	P	
Ophthalmic Goods	P	-
Optical Instruments and Equipment	P	-
Outdoor Display (100 S.F. or less)	-	-
Outdoor Display	C	See Section 171.02
Outdoor Storage	A	Requires City permit—see Section 169.13(6)
Parks	P	
Pens, Pencils, Office and Artists Supplies	P	-
Pet Animal Boarding Facilities	C	
Photographic Equipment	P	-
Photographic Film and Chemicals	NA	-

Land Use	-	Notes
Playgrounds	P	-
Pre-School	P	-
Print Shops	P	
Printing, Publishing and Allied Industries	P	-
Private Greenhouses/ Plant Nurseries	P	-
Radio Stations	P	-
Recycling Facility	C	
Research Agencies	P	-
Research Laboratories	P	-
Scientific and Research Instruments	P	-
Sheet Metal Shops	P	-
Single Family Dwellings	NA	-
Small Animal Clinics	P	-
Small Leather Goods	P	-
Sporting and Athletic Goods	P	-
Surgical, Medical, and Dental Instruments	P	-
Taverns	P	-
Temporary Construction Buildings	A	
Tire Sales and Service	P	-
Towers and Antennas		Subject to approval as provided in Chapter 172
Toys	P	-
Trade Schools	P	-
Truck Terminals	P	-
Utility and Service Uses	P	
Warehousing Storage	P	-
Watches, Clocks, and Parts	P	-

TABLE 168.09-B—I-2 ZONE USES

P= Permitted, C= Conditional, A= Accessory, NA= Not Allowed

Land Use	-	Notes
Animal Hospitals	P	-
Apparel, and Finished Products made from Fabrics	P	-
Appliance Stores	P	-
Auto-Body Repair	P	-
Auto-Repair Shop	P	-
Auto Sales—Used	P	-
Auto Service	P	-
Boot and Shoe Cut Stock and Findings	P	-
Bottling Plants	P	-
Cabinet Shops	P	-
Cable Stations	P	-
Commercial Grain Storage	C	-
Commercial Parking Lots	P	-
Consumer Firework Sales	P	-
Contractor Sales and Service	P	-
Convenience Stores with Gas Pumps	P	-
Corn Wet Milling Process	C	-
Dairies	P	-
Dry Cleaning and Laundry Processing	P	-
Educational Research Development and Service Facilities	P	-
Electrical Research Development and Service Facilities	P	-
Emergency Shelters	P	-
Ethyl Alcohol and Derivatives Production	C	-
Gas Stations w/ Auto Service	P	-
Glass and Plastic Products	P	-
Golf Courses	P	-
Guard Dogs and Runs	A	-
Guns, Howitzers, Mortars, Firearms, and Related Equipment	C	-
Heating / Air-Conditioning Establishments	P	-

Land Use	-	Notes
Implement Stores	P	-
Limousine	P	
Locksmith/ Key Service Shops	P	-
Lumber Yards	P	-
Manufactured Home Sales	P	-
Measuring and Controlling Instruments	P	-
Mini Storage	P	-
Miscellaneous Notions	P	-
Motor Vehicle Washes	P	-
Multiple-Family Dwelling	NA	-
Musical Instruments and Parts	P	-
Nurseries/ Daycare	A	-
Office Buildings	P	
Office Equipment Stores	P	
Ophthalmic Goods	P	-
Optical Instruments and Equipment	P	-
Outdoor Storage	A	Requires City permit -- see Section 169.13(6)
Parks	P	
Pens, Pencils, Office and Artists Supplies	P	-
Pet Animal Boarding Facilities	C	
Photographic Equipment	P	-
Photographic Film and Chemicals	C	-
Playgrounds	A	-
Pre-School	A	-
Print Shops	P	-
Printing, Publishing and Allied Industries	P	-
Private Greenhouses/ Plant Nurseries	P	-
Radio Stations	P	-
Recycling Facility	C	
Research Agencies	P	-
Research Laboratories	P	-
Scientific and Research Instruments	P	-
Sheet Metal Shops	P	-

Land Use	-	Notes
Single-Family Dwellings	NA	-
Small Animal Clinics	P	-
Small Leather Goods	P	-
Sporting and Athletic Goods	P	-
Surgical, Medical, and Dental Instruments	P	-
Taverns	P	-
Temporary Construction Buildings	A	
Tire Sales and Service	P	-
Towers and Antennas		Subject to approval as provided in Chapter 172
Toys	P	-
Trade Schools	P	
Truck Terminals	P	
Utility and Service Uses	P	
Warehousing Storage	P	-
Watches, Clocks, and Parts	P	-

TABLE 168.09-C—P ZONE BULK REGULATIONS

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
All	35 feet	35 feet	0	25 feet	20 feet	20 feet	45 feet or 3 stories

168.10 P ZONES—PUBLIC USE DISTRICTS.

1. ~~Defined.~~ The P Zone—Public Use District is intended to provide space for public safety, administration, recreational, and community facilities.
2. ~~Use Regulations.~~ Principal and accessory uses permitted in the P Zone—Public Use Districts are as prescribed in Table 168.10-A.
3. ~~Bulk Regulations.~~ The minimum area, setback, density and maximum height restrictions are as prescribed in Table 168.10-B.
4. ~~Accessory Uses.~~ Accessory uses are permitted subject to the provisions of Section 169.06.
5. ~~Off-Street Parking.~~ Off-street parking shall be provided according to the provisions of Section 169.01.
6. ~~Signs.~~ Signs shall be permitted according to the provisions of Chapter 173.
7. ~~Conditional Uses.~~ Outdoor display and storage uses are permitted subject to the provisions of Section 171.02.

~~P = Permitted, C = Conditional, A = Accessory, NA = Not Allowed~~

Principal Permitted Uses	Minimum Lot Size Requirement			Minimum Yard Requirement			
	Frontage	Width	Area	Front Yard Depth	Each Side Yard Width	Rear Yard Depth	Maximum Height
All	35 feet	35 feet		5	5	5	45 feet or 3½ stories
*Equal to adjoining zone district							

~~*Equal to adjoining zone district~~

168.11 OFF ZONE—FLOODPLAIN OVERLAY DISTRICT.

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

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year. (See 100-year flood).

"Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

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

"Existing construction" means any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. (May also be referred to as "existing structure.")

"Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.

"Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.)

"Factory-built home" means any structure designed for residential use which is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation—or assembly and installation—on a building site. For the purpose of this section, factory-built homes include mobile homes, manufactured homes, and modular homes and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

"Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

"Flood" means 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.

"Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

"Flood insurance rate map" (FIRM) means 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.

"Flood plain" means any land area susceptible to being inundated by water as a result of a flood.

"Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains; including (but not limited to) emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

"Floodway" means the channel of a river or stream and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

"Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- ~~(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or~~
- ~~(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.~~

~~“Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:~~

- ~~(1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection (11)(B)(4)(a) of this section; and~~
- ~~(2) The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and~~
- ~~(3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and~~
- ~~(4) The enclosed area is not a “basement” as defined in this section.~~
~~In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.~~

~~“New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.~~

~~“New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.~~

~~“100-year flood” means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year, or which, on the average, will be equaled or exceeded at least once every 100 years.~~

~~“Recreational vehicle” means a vehicle which is:~~

- ~~(1) Built on a single chassis;~~
- ~~(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;~~
- ~~(3) Designed to be self-propelled or permanently towable by a light-duty truck;~~
~~and~~

- (4) — Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special flood hazard area" means the land within a community subject to the 100-year flood. This land is identified as Zone A on the Flood Insurance Rate Map.

"Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

- (1) — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either: (i) before the "start of construction" of the improvement; or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. 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 conditions for the existing use. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."
- (2) — Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after February 16, 2007, shall be added to

any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

"Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

"Violation" means the failure of a structure or other development to be fully compliant with this section.

2. ~~Lands to Which Section Applies. The provisions of this section shall apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding Overlay Districts, as established subsection 9 of this section.~~
3. ~~Establishment of Official Flood Plain Zoning Overlay Map. The Flood Insurance Rate Map (FIRM), Panels 045, 065, 160, and 180, prepared as part of the Flood Insurance Study for the City, dated February 16, 2007, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this section.~~
4. ~~Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Overlay Map. When an interpretation is needed as to the exact location of a boundary, the City Engineer shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Code Official in the enforcement or administration of this section.~~
5. ~~Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section.~~
6. ~~Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.~~
7. ~~Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.~~
8. ~~Warning and Disclaimer of Liability. The standards required by this section are considered reasonable for regulatory purposes. This section does not imply that areas outside the designated Flood Plain Overlay District areas will be free from flooding or flood damages. This section shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.~~
9. ~~Establishment of Zoning Overlay Districts. The flood plain areas within the jurisdiction of this section are hereby divided into the following districts: Floodway District (FW);~~

Floodway Fringe District (FF), General Flood Plain District (FP), and Shallow Flooding District (SF). The boundaries shall be as shown on the Official Flood Plain Zoning Map. Within these districts, all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this section is granted after due consideration by the Board of Adjustment.

10. Floodway Overlay District (FW):

A. Permitted Uses. The following uses are permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory built homes, fill or other obstruction, the storage of material or equipment, excavation, or alteration of a watercourse:

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (2) Industrial commercial uses such as loading areas, parking areas, airport landing strips.
- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (4) Residential uses such as lawns, gardens, parking areas, and play areas.
- (5) Such other open space uses similar in nature to the above uses.

B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 16 of this section. Such uses must also meet the applicable provisions of the Floodway District Performance Standards:

- (1) Uses or structures accessory to open space uses.
- (2) Circuses, carnivals, and similar transient amusement enterprises.
- (3) Drive-in theaters, new and used car lots, roadside stands, signs, and billboards
- (4) Extraction of sands, gravel, and other materials.
- (5) Marinas, boat rentals, docks, piers and wharves.
- (6) Utility transmission lines and underground pipelines.
- (7) Other uses similar in nature to uses described in subsection A and in this subsection B which are consistent with the provisions of subsection C and the general spirit and purpose of this section.

C. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:

- (1) No use 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 of 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 meet the applicable performance standards of the Floodway Fringe District and 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 for human habitation.
 - (6) Storage of equipment or materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - (7) Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood-carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
 - (8) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - (9) Pipeline, river, or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.
11. Floodway Fringe (Overlay) District (FF):
- A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
 - B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards:
 - (1) All Structures. All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.

- (c) — Use construction equipment and materials that are resistant to flood damage.
- (2) — Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
- (3) — Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level or, together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.
- (4) — All New and Substantially Improved Structures. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (a) — A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) — The bottom of all openings shall be no higher than one foot above grade.

- (c) — Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low-damage potential storage. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) — **Factory-Built Homes:**

- (a) — All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
- (b) — All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(6) — **Utility and Sanitary Systems:**

- (a) — On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- (b) — All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
- (c) — New or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.
- (d) — Utilities such as gas or 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.

- (7) ~~Flammable or Explosive Materials. Storage of materials and equipment that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.~~
- (8) ~~Levees and Floodwalls. Flood control structural works such as levees, flood walls, etc, shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.~~
- (9) ~~Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.~~
- (10) ~~Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this section. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.~~
- (11) ~~Accessory Structures. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:~~
- ~~(a) The structure shall not be used for human habitation.~~
 - ~~(b) The structure shall be designed to have low flood damage potential~~
 - ~~(c) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.~~
 - ~~(d) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.~~
 - ~~(e) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the 100-year flood level.~~

Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents:

- (12) ~~Recreational Vehicles.~~ Recreational vehicles are exempt from the requirements of subsection (5) of these performance standards regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
 - (a) ~~The recreational vehicle shall be located on the site for less than 180 consecutive days.~~
 - (b) ~~The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, and is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.~~

~~Recreational vehicles that are located on the site for more than 180 consecutive days or that are not ready for highway use must satisfy requirements of said subsection (5) of these performance standards regarding anchoring and elevation of factory-built homes.~~

- (13) ~~Pipelines.~~ Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

12. ~~General Flood Plain (Overlay) District (FP):~~

A. ~~Permitted Uses.~~ The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse:

- (1) ~~Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.~~
- (2) ~~Industrial-commercial uses such as loading areas, parking areas, airport landing strips.~~
- (3) ~~Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.~~
- (4) ~~Residential uses such as lawns, gardens, parking areas and play areas.~~

- B. ~~Conditional Uses.~~ Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in subsection 16 of this section. All such uses shall be reviewed by the Department of Natural Resources to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. ~~Performance Standards.~~
- (1) ~~All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 10 of this section):~~
 - (2) ~~All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 11 of this section):~~
13. ~~Shallow Flooding (Overlay) District (SF):~~
- A. ~~Permitted Uses.~~ All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. ~~Performance Standards.~~ The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
- (1) ~~In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of two feet if no number is specified) above the highest natural grade adjacent to the structure:~~
 - (2) ~~In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the elevation as specified on the FIRM:~~
14. ~~Appointment, Duties and Responsibilities of Zoning Administrator.~~
- A. ~~The Code Official is hereby appointed to implement and administer the provisions of this section and will herein be referred to as the Administrator.~~
- B. ~~Duties and responsibilities of the Administrator include (but are not necessarily limited to) the following:~~
- (1) ~~Review all flood plain development permit applications to assure that the provisions of this section will be satisfied.~~
 - (2) ~~Review flood plain development applications to assure that all necessary permits have been obtained from Federal, State, and local~~

governmental agencies including approval when required from the Department of Natural Resources for flood plain construction:

- (3) Record and maintain a record of: (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor, including basement, of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been flood-proofed.
- (4) Notify adjacent communities/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 Emergency Management Agency.
- (5) Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this section.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- (7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposals to insure such proposals are consistent with the purpose of this section and advise the Council of potential conflict.

15. ~~Flood Plain Development Permit.~~

- A. ~~Permit Required.~~ A flood plain development permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
- B. ~~Application for Permit.~~ Application shall be made on forms furnished by the Administrator and shall include the following:
 - (1) Description of the work to be covered by the permit for which application is to be made.
 - (2) Description of the land on which the proposed work is to be done (e.g., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
 - (3) Indication of the use or occupancy for which the proposed work is intended.
 - (4) Elevation of the 100-year flood.
 - (5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor, including basement of buildings or of the level to which a building is to be flood-proofed.
 - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

- (7) — Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this section:
- C. — Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this section and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- D. — Construction and Use to be as Provided in Application and Plans. Flood plain development permits based 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 chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this section, prior to the use or occupancy of any structure.
16. — Conditional Uses, Appeals and Variances:
- A. — Duties of Board of Adjustment. A Board of Adjustment shall hear and decide: (i) applications for conditional uses upon which the Board is authorized to pass under this section; (ii) appeals; and (iii) requests for variances to the provisions of this section, and shall take any other action which is required of the Board.
- B. — Conditional Uses. Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- C. — Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- D. — Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this section that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship. Variances granted must meet the following applicable standards:
- (1) — Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance

would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. 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.
- (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this section, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.
- (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

E. Hearings and Decisions of the Board of Adjustment.

- (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board 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.
- (2) Decisions. The Board shall arrive at a decision on an appeal, conditional use, or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this section, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the Board shall consider such factors as contained in this subsection and all other relevant parts of this section and may prescribe such conditions as contained in subsection 18 of this section.

17. Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in this section and:
- A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept on to other land 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 City.
 - F. The requirements of the facility for a flood plain 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 flood plain management program for the area.
 - 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 floodwaters expected at the site.
 - L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets, and bridges.
 - M. Such other factors which are relevant to the purpose of this section.
18. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this section. Such conditions may include, but not necessarily be limited to:
- A. Modification of waste disposal and water supply facilities.
 - B. Limitation of periods of use and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, ditches, 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 purpose of this section.
 - E. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that

the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

19. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.
20. Nonconforming Uses. A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section, may be continued subject to the following conditions:
 - A. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this section.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this section.Except as provided in subsection B above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

168.12 PAD ZONE—PLANNED AREA DEVELOPMENT OVERLAY DISTRICT:

1. Defined. A Planned Area Development Zone District is intended to encourage innovation and flexibility in planning the development of land so development is compatible with the site's physical and environmental characteristics. This district allows for flexibility in zone district requirements. The Planned Area Development District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The intent of the underlying zone district shall guide the development. It is incumbent upon the person proposing the PAD to justify the project, and any variations from the underlying zone district. A PAD is considered an amendment to the underlying zone district regulations. Section 165.04(2) specifies the PAD requirements.
- 2.1. General. Planned area developments may be allowed by Council approval in any zoning district. No such planned area development permit shall be granted unless such development either meets the use limitations of the zoning district in which it is located and the density and other limitations of such district, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this section in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned area development.

3. ~~Conditions:~~

- A. ~~Area. No planned area development shall have area less than that approved by the Council as adequate for the proposed development.~~
- B. ~~Uses. A planned area development that will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use and shall be governed by density, design and other requirements of the planned area development permit.~~
- C. ~~Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.~~
- D. ~~Design. The Commission and Council shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.~~
 - (1) ~~Density. Density of land use shall in no case be more than 25 percent higher than allowed in the zoning district, except not more than 10 percent higher in residential districts.~~
 - (2) ~~Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.~~
 - (3) ~~Specific Regulations. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site plan.~~
- E. ~~Open Spaces. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:~~
 - (1) ~~Dedication of land as a public park or parkway system, or~~
 - (2) ~~Granting to the jurisdiction a permanent, open space easement on and over the said private open space to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the Council.~~
- F. ~~Landscaping. Landscaping, fencing, and screening related to the uses within the site and as means of integrating the proposed development into its surroundings shall be planned and presented to the Commission and Council for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Commission and Council with the application.~~
- G. ~~Signs. The size, location, design, and nature of signs, if any, and the intensity and direction of floodlighting shall be detailed in the application.~~
- H. ~~Exterior Lighting. The size, material type, location, and intensity of all exterior lighting shall be detailed in the application.~~
- I. ~~Desirability. The proposed use of the particular location shall be shown, as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the surrounding area. It shall also be shown that~~

- under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the planned area development.
4. ~~Commission and Council Determination.~~ In carrying out the intent of this section, the Commission and Council shall consider the following principles:
- A. ~~It is the intent of this section that site and building plans for a planned area development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission and Council may require the applicant to engage such expertise as a qualified designer or designer team.~~
- B. ~~The Council may approve or disapprove an application for a planned area development. In approval, the Council may attach such conditions as it may deem necessary to secure compliance with the purpose set forth in this chapter.~~
5. ~~Commission and Council Action:~~
- A. ~~Approval. In order that it may approve a planned area development, the Council shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:~~
- (1) ~~The proponents of the planned area development shall demonstrate to the satisfaction of the Council that they are financially able to carry out the proposed project.~~
- (2) ~~The proponents intend to start construction within one year of either approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four years from the date construction begins.~~
- B. ~~Limitations on Application:~~
- (1) ~~Upon approval of a planned area development, construction shall proceed only in accordance with the plans and specifications approved by the Council, and in conformity with any conditions attached by the jurisdiction as to its approval.~~
- (2) ~~Amendment to approved plans and specifications to a planned area development shall be obtained only by following procedures here outlined for first approval.~~
- (3) ~~The Code Official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.~~

SECTION 5. AMENDMENT OF CHAPTER 169. Chapter 169 of the Code of Ordinances is amended to read as follows:

CHAPTER 169 ZONING CODE – DEVELOPMENT REGULATIONS

~~169.01 Off-Street Parking and loading~~
~~169.02 Landscaping Landscape Requirements~~
~~169.03 Grading and Excavation Regulations~~
~~169.04 169.03 Trash and Recycling Enclosures~~
~~169.05 169.04 Fences and Walls Requirements~~
~~169.06 169.05 Location of Accessory Buildings Structures and Uses~~
~~169.06 Exterior Lighting~~
~~169.07 Supplemental Lot Regulations~~
~~169.08 Supplemental Yard and Height Regulations~~

~~169.09 Approval for and Availability of Essential Services~~
~~169.10 Minimum Structure Requirements~~
~~169.11 Duplex Common Wall Requirements~~
~~169.12 169.10 Design Standards~~
~~169.13 Other Design Standards~~
~~169.14 169.11 Enforcement of Design Standards~~
~~169.15 Rental Housing Unit Occupancy Limits~~

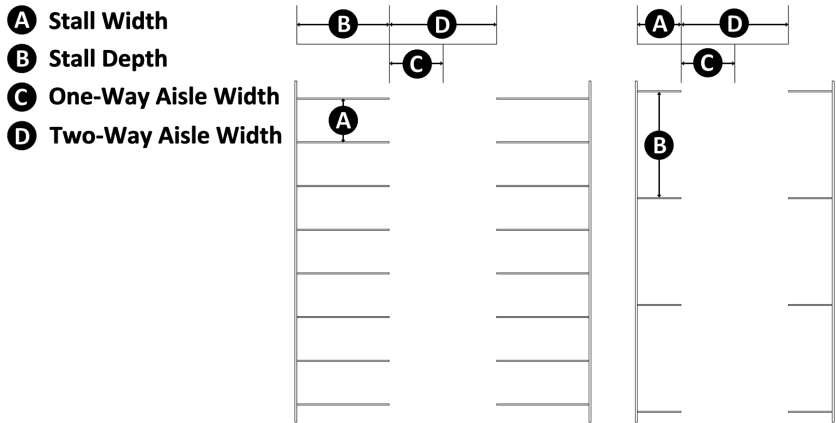
169.01 OFF-STREET PARKING AND LOADING.

1. General Provisions. ~~There shall be provided at the time of erection of any main building or at any time such buildings are altered, enlarged, converted, or increased in capacity—or when a change in the use would require additional parking—minimum off-street parking space with adequate provision for ingress and egress by standard-sized vehicles, in accordance with the requirements of this section.~~
 - A. ~~All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.~~
 - B. ~~Nothing in this Ordinance prevents providing additional off-street parking or loading facilities, provided that all regulations governing the location, design, and construction of such facilities are met.~~
 - C. ~~When required, accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.~~
 - D. ~~The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.~~
 - E. ~~Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element. Such areas are permitted to be maintained, however, any expansion shall be in conformance with this Section.~~
 - F. ~~The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited in off-street parking areas. The sales, display of goods or storage of equipment in off-street parking areas is also prohibited unless otherwise permitted by this Ordinance.~~

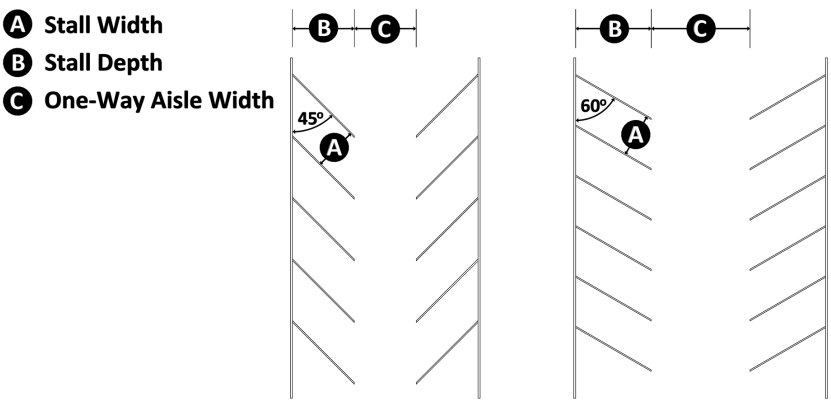
2. **Off-Street Loading Space Required**Parking Design Standards. In any district every building or part hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesales store, market, hotel, hospital, mortuary, office buildings, dry cleaning, or similar uses which require the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, and for multiple-tenant commercial/retail shopping centers, one additional such loading space for every 20,000 square feet or fraction thereof of gross floor area used in excess of 10,000 square feet, provided that the total number of loading spaces is not required to be more than the total number of occupying tenants.The following standards apply to off-street parking facilities. Single-unit, two-unit, duplex, and townhouse dwellings are subject to the specific standards listed below in subsection G. The exception is if an aforementioned site is designed with a common parking lot or multiple common parking lots, then it is subject to all the standards of this section with the exception of subsection G.
- A. Each loading space shall be not less than 10 feet in width and 20 feet in length for loading spaces not requiring loading dock access, and 50 feet in length for loading dock access for trucks, designed in a manner acceptable to the City providing adequate space for loading access.Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-A Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 169.01-A are permitted but must be approved by the Code Official and provide evidence of safe and efficient parking configuration and traffic circulation.

Table 169.01-A: Off-Street Parking Space Minimum Dimensions					
Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width Two-Way (C)	Aisle Width One-Way (D)	Vertical Clearance
0° (Parallel)	8.5'	22'	22'	11'	7' 6"
90° (Head-In)	9'	19'	22'	22'	7' 6"
60°	9'	15' 7"	25' 10"	20' 4"	7' 6"
45°	9'	12' 9"	29' 8"	12' 9"	7' 6"
1. Stall width may be reduced to 8' for accessible spaces designed in accordance with Iowa Statewide Urban Design and Specifications. 2. Stall depth may be reduced to 17' if a 2' overhang area is provided in an abutting parking lot island or landscape area or pedestrian walkway. Pedestrian walkways shall not be reduced to less than 5' in width.					

Off-Street Parking Space Minimum Dimensions



Off-Street Parking Space Minimum Dimensions



- B. Such loading area may occupy part of a required yard or court space, except yard or court space required by bulk regulations specified in each zoning district, and provided the loading area and access roadways meet all setback required of off-street parking areas as set forth in subsection 10 of this section Access.
- (1) All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.

- (2) All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
- (3) All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out.
- (4) All curb cuts must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.
- (5) Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.
- C. Loading yards and loading docks shall be buffered from the general public view, public street, public buildings, recreation facilities, parks, schools, places of assembly, residential zones and uses, and from all other adjoining properties where is determined said loading areas are considered offensive to more restrictive adjoining uses.Surfacing. All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.
- D. All loading yards and access to loading yards and loading docks shall be paved with asphaltic or Portland cement concrete pavement in accordance with surfacing requirements set forth in subsection 11 of this section.Curbing.

 - (1) Curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. Breaks in curbing may be provided accommodate a curb ramp and to allow for drainage into landscape areas that can absorb water. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.
 - (2) Wheel stops are prohibited.
- E. Lighting. Parking lot lighting must be in accordance with Section 169.06. Wood utility poles are prohibited.

F. Setbacks. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-B Off-Street Parking and Loading Setbacks.

Table 169.01-B: Off-Street Parking and Loading Setbacks			
District	Right-Of-Way Line	Side Lot Line	Rear Lot Line
ID, RS, RD, RM	25 feet ¹	3 feet ²	3 feet
R-MH	10 feet ³	5 feet	5 feet
C	10 feet	5 feet	5 feet
O/RP	25 feet	10 feet	10 feet
I	10 feet	5 feet	5 feet
<ol style="list-style-type: none"> Off-street parking areas may be within the front yard, but shall not occupy greater than 50 percent of the required front yard and shall not provide greater than one parking space in addition to that provided in the travel portion of the driveway. No setback required on an interior side lot line for two-unit dwelling buildings. Off-street parking areas may be within the front yard. In any district where off-street joint access is provided, the required setback on an interior side lot line may be reduced if a joint access easement agreement is recorded between the two lots. 			

G. Single-Unit, Two-Unit Zero Lot Line, Duplex and Townhouse Dwellings.

- (1) All required off-street parking spaces must have vehicular access from a driveway that connects to a street, alley or private drive isle. The width of the driveway shall be a minimum of 10 feet.
- (2) Townhouse developments are prohibited from constructing curb cuts along a public street.
- (3) Required off-street parking spaces may be designed so that the driver may back out into the street or alley.
- (4) All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

3. Required Number of Vehicle Parking Spaces. The off-street parking spaces required for each use permitted by this code shall not be less than as set out in Table 169-A, provided that any fractional parking space be computed as a whole space. Notwithstanding the amount of off-street parking required by this code, the Code Official may approve less off-street parking when the proponent of a use demonstrates that, because of special circumstances involved with a particular use, it is obvious that the off-street parking required by this code exceeds any reasonable likely need.

- A. Table 169.01-C: Off-Street Parking Requirements lists the minimum number of off-street parking spaces to be provided for the designated uses. In some cases, uses that are considered part of a generic use category are listed with specified parking requirements.
- B. With the exception of single-unit, two-unit, duplex and townhouse dwellings, parking spaces for disabled persons must be provided. The minimum number of accessible parking spaces shall be in accordance with the 2010 ADA Standards for Accessible Design, as amended, and the Iowa Statewide Urban Design and Specifications, as amended.
- C. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant commercial center, which has a separate requirement per item E below. The following standards for computation apply:
- (1) When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
 - (2) In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.
- D. Parking for multi-tenant commercial centers is calculated as one space required per 350 square feet of gross floor area, rather than by the individual uses.

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Adult Entertainment	1 per 300SF GFA
Amusement Facility, Indoor	1 per 200SF GFA
Amusement Facility, Outdoor	1 per 1000SF GFA
Animal Care Facility	1 per 350SF GFA
Automobile Repair, Major or Minor	2 per service bay
Bar	1 per 200SF GFA
Body Art Establishment	1 per 500SF GFA
Broadcasting Studio	1 per 1,000SF GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Child Care Center	1 per 500SF GFA
Community Building	1 per 350SF GFA
Community Pantry	1 per 500SF GFA
Dwelling, Duplex	2 per DU
Dwelling, Manufactured Home	2 per DU
Dwelling, Multiple-Unit	

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Studio and 1 bedroom	1.5 per DU
Two bedroom	1.5 per DU
Over Two bedroom	2 per DU + .5 for each bedroom over 2
Dwelling, Single-Unit (Detached and Zero Lot Line)	2 per DU
Dwelling, Townhouse	2 per DU
Dwelling, Two-Unit	2 per DU
Education Facility, Primary or Secondary	
<i>Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>High School</i>	<i>6 per classroom + 4 per office</i>
Education Facility, University or College	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Education Facility, Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 350SF GFA
Fireworks, Retail Sales of	1 per 500SF GFA
Fueling Station	1 per pump/charging position + 1 per 500SF GFA of structure
Funeral Home	1 per 200SF GFA of public space
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Greenhouse/Nursery - Retail	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor space
Group Home	1 per 2 rooms
Healthcare (all uses, unless otherwise specified)	1 per 3 beds + 1 per 250 SF GFA office and administrative area
Heavy Retail, Rental, and Service	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor display space
Hotel	1 per room
Industrial	1 per 1,000SF GFA up to 40,000SF, then 1 per 2,500SF for additional GFA above 40,000SF (excludes any outdoor storage)
Industrial Design	1 per 500SF GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500SF GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Office	1 per 350SF GFA
Office	1 per 350SF GFA
Parks	
Conservation	None
Community	None
Neighborhood	None
Personal Service Establishment	1 per 500SF GFA
Place of Worship	1 per 10 seats
Private Club	1 per 300 SF GFA
Public Safety Facility	1 per 300SF GFA

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Public Works Facility	1 per 500SF GFA
Research and Development	1 per 500SF GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	0.75 per DU
Assisted Living Facility	0.5 per DU
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 200SF GFA
Retail Goods Establishment	1 per 350SF GFA
Self-Service Storage Facility	1 per 25 storage units
Specialty Food Service	1 per 500SF GFA
Storage - Outdoor	1 per 2,500SF of lot area
Vehicle Dealership (New and Used)	1 per 500SF of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500SF of lot area
Vehicle Rental	1 per 500SF GFA of indoor area (excluding indoor storage)
Warehouse	1 per 500SF of office area + 1 per 30,000SF GFA of warehouse
Wholesale Establishment	1 per 500SF of office area + 1 per 15,000SF GFA of warehouse

Table 169-A—Off-Street Parking Schedule

USE	NUMBER OF PARKING SPACES REQUIRED
One- and Two-Family Dwelling	2 per dwelling unit
Multi-Family Units	2.2 per dwelling unit
Elderly Multi-Family Units	1.2 per dwelling unit
Vehicle Fueling and Service Station	1 for every 300 gross square feet, plus 1 per employee
Vehicle Repair Garage	1 for every 300 gross square feet, plus 1 per employee
Professional Office	1 for every 200 gross square feet
Retail	1 for every 200 gross square feet
Communication Equip Room	1 for every 2,000 gross square feet
Restaurant	1 for every 100 gross square feet
Restaurant, Delivery, No seating	1 for every 500 gross square feet, plus 1 per employee
Dance Hall	1 for every 100 gross square feet
Funeral Homes, Mortuaries	1 for every 200 gross square feet
Warehouse	1 for every 2,000 gross square feet, plus 1 per employee
Assembly	1 for every 4 seats provided

Place of Worship	1 for every 10 seats provided
Medical Office	1 for every 200 gross square feet
Schools	1 for every 3.5 seats in assembly rooms, plus 1 for each faculty member
Radio and Television Station	1 for every 400 gross square feet
Hospital	1 for each bed, plus 1 for each employee
Hotel/Motels	1 for each guest room, plus 1 for every 500 square feet
Industry	1 for every 500 square feet

4. Parking Stall DimensionsOff-Street Loading Spaces.

A. WidthDesign. A minimum width of 9 feet shall be provided for each parking stall, with the following exceptions:

- (1) Compact parking stalls may be 8 feet wideoff-street loading spaces must be located on the same lot as the use served. With the exception of the I-1 and I-2 Districts, no off-street loading space may be located within a front or corner side yard.
- (2) Parallel parking stall may be 8 feet wideAll required off-street loading spaces shall be at least ten feet in width and at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least 14 feet.
- (3) All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) is prohibited.
- (4) Lighting. All off-street loading space lighting must be in accordance with Section 169.06. Lighting. Wood utility poles are prohibited.
- (5) When adjacent to a public street, loading berths shall be screened utilizing landscaping plantings and berms. When located adjacent to a residential district, loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet in height. Loading berths should be located opposite any adjacent residential district lot line.

B. LengthRequired Number of Off-Street Loading Spaces. A minimum length of 19 feet shall be provided for each parking stall, with the following exceptions:

- (1) Compact parking stall may be 15 feet in length.
 - (2) Parallel parking stalls shall be a minimum 22 feet in length.
- Off-street loading spaces must be provided in accordance with Table 169.01-D: Off-Street Loading Requirements. In the case of multi-tenant commercial centers or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant commercial center is over 10,000 square feet, only

one loading space is required; if all tenants are under 10,000 square feet, no loading is required.

TABLE 169.01-D: OFF-STREET LOADING REQUIREMENTS SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
Use Type	Number of Spaces Required
Multi-Family Dwelling	
Total of 50 DUs or more	1 loading space
Commercial & Institutional Use	
10,000 - 100,000SF GFA	1 loading space
100,001 - 200,000SF GFA	2 loading spaces
200,001SF and above GFA	3 loading spaces
Industrial Use	
10,000 - 40,000SF GFA	1 loading spaces
40,001 - 100,000SF GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

5. Driveway Design Commercial and Recreational Vehicle Storage. All parking facilities access drives located within the public right-of-way shall be installed in accordance with the Municipal Design Standards.
- A. Commercial Vehicles.
- (1) Residential Lots.
- (a) No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- (b) Notwithstanding the foregoing subsection, commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot.
- (2) Nonresidential Lots. On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the

vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

B. Recreational Vehicles

- (1) Recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors on an off-street parking area. Exception: In RS and RD Districts, recreational vehicle or trailer licensed to transport recreational vehicles or equipment less than 15,000 pounds may be stored in a landscaped side or rear yard.
 - (2) No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.
 - (3) All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.
- ~~6. Driveway Width. Every parking facility shall be provided with one or more access driveway, the width of which shall be the following:~~
- ~~A. RS and RD driveways at least 10 feet~~
 - ~~B. All other driveways and aisles 12 feet for one-way enter/exit; 22 feet for two-way enter/exit.~~
- ~~7. Driveway and Ramp Slopes. The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the Municipal Design Standards.~~
- ~~8. Stall Accessibility. Each required parking stall shall be individually and easily accessible based on good engineering practice. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than one and two-family dwelling uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.~~
- ~~9. Compact to Standard Stall Ratio. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1 to 3.~~
- ~~10. Parking Facility and Loading Area Setback Requirements. Every public or private off-street parking area and loading area shall be developed and maintained in accordance with the following requirements:~~

Pavement to Property Line Minimum Setback Distance¹

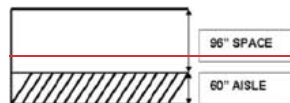
District	R.O.W. Line	Side Lot Line	Rear Lot Line
R	25 feet ²	3 feet ³	3 feet ⁴
R/FB	10 feet ⁵	5 feet	5 feet
C	10 feet	5 feet	5 feet
O/RP	25 feet	10 feet	10 feet
I	10 feet	5 feet	5 feet

¹—The required setback area shall be landscaped in accordance with Section 169.02.
²—RS and RD Districts driveways and any associated off-street parking areas may be within the front yard, but shall not occupy greater than 50 percent of the area between the building setback line and public right of way, shall not provide greater than one parking space in addition to that provided in the travel portion of the driveway, and so graded to dispose of surface water to the street or public designated storm water drainage facilities.
³—Except for a lot line between zero lot development.
⁴—In all R districts, the required parking area shall be at least 20 feet from any public or private alley right-of-way line.
⁵—Except parking is permitted in the R-FB dwelling lot front yard area.

11. ~~Surface Material. All off-street parking, loading areas, and access drives shall have a durable and dust-free surface paved with asphaltic or Portland cement concrete pavement in accordance with the specifications as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicle equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open-spaced area. Exception: RS and RD Districts may store a boat, RV or camper less than 15,000 pounds in the side and rear yard landscaped area. All off-street parking areas and associated driveway, access roadways, and frontage roads, except driveways for single-family residences, shall be constructed with permanent, integrally attached 6-inch Portland cement concrete high curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The minimum thickness of pavement of the parking facilities shall be as follows:~~
- ~~A. Portland cement concrete shall have a minimum thickness of four inches for residential uses and five inches for all other uses. The subgrade shall have a minimum subgrade modulus (K) of 150. Additional thickness of Portland cement concrete may be utilized to create an equivalent subgrade modulus if the existing subgrade modulus is less than 150.~~
- ~~B. Asphaltic concrete shall have a minimum thickness of four and one-half inches for residential uses and five and one-half inches for all other uses. The subgrade shall have a minimum CBR of 5. Additional thickness of asphaltic concrete may be utilized to create equivalent CBR of the existing CBR is less than 5. Pavement shall be designed in accordance with the Asphalt Institute's *Thickness Design Manual*.~~
12. ~~Striping. All parking stalls shall be striped substantially. Exception: A private garage or parking area for the exclusive use of a single-family dwelling.~~

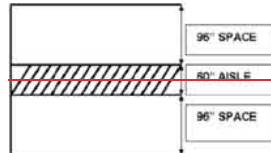
13. — Lighting. The lighting standards, as set out in Section 169.12(1) shall be met as part of the off-street parking standards set out in this section.
14. — Parking Area Lighting Fixture. The City shall approve all exterior lighting fixtures before installation. Wood utility poles shall not be used to support a parking light fixture.
15. — Handicapped Parking Requirements. Provision of handicapped parking stalls within off-street parking and loading facilities shall be in accordance with the Code of Iowa Chapter 104A and this code:
- A. — These requirements apply to all public and private parking facilities, temporary or permanent, used by the general public:
- (1) — Parking spaces designated for physically disabled persons and accessible passenger loading zones that serve a particular building shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In separate parking structures or lots that do not serve a particular building, parking spaces for physically disabled persons shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility. When handicapped parking spaces are required for buildings with more than one accessible entrance, the spaces shall be distributed so that each accessible entrance shall have at least one parking space located on the shortest accessible route to that entrance.
- EXCEPTION: If the required number of spaces is less than the number of accessible entrances, the spaces shall be distributed so that as many entrances as possible are served by at least one handicapped parking space located on the shortest accessible route to those entrances.
- (2) — Single parking spaces designated for physically handicapped people shall be at least 96 inches wide and shall have an adjacent access aisle 60 inches wide (see Figure 1). Parking vehicle overhangs shall not reduce the clear width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

FIGURE 1



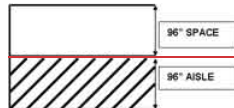
- (3) Two accessible parking spaces may share a common access aisle. (See Figure 2.)

FIGURE 2



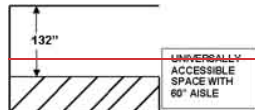
- (4) The first parking space provided in a parking lot or parking structure, and every eighth handicapped parking space provided thereafter, shall be a van-accessible space. A van-accessible space shall be 96 inches wide with an adjacent access aisle at least 96 inches wide. (See Figure 3.) Two adjacent van-accessible spaces may share a common access aisle:

FIGURE 3



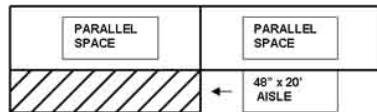
EXCEPTION: Entities providing handicapped parking spaces are not required to provide van-accessible spaces if all of the handicapped parking spaces provided in a parking lot or structure are universally accessible. A universally accessible space is at least 132 inches wide with an adjacent 60-inch wide access aisle. Two adjacent universally accessible spaces may share a common access aisle. (See Figure 4.)

FIGURE 4



- (5) Passenger loading zones shall provide an access aisle at least 48 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. (See Figure 5.) Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:48 in all directions.

FIGURE 5



NOTE: Projects which are required to comply with the *Uniform Federal Accessibility Standards* shall provide a width of 60 inches for the access aisle.

- (6) A minimum vertical clearance of 98 inches shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.
NOTE: *Uniform Federal Accessibility Standards* require 114 inches of vertical clearance.
- (7) If there are curbs between the access aisle and vehicle pull-up space, then a curb ramp complying with *Code of Iowa Chapter 216C* shall be provided.
- (8) Accessible parking spaces shall be designated as reserved for physically handicapped people by a sign having a blue background and bearing the international symbol of accessibility in white. The handicapped parking sign shall be affixed vertically on another object so that it is readily visible to a driver of a motor vehicle approaching the handicapped parking space.
- (9) At least two percent of the total parking spaces in any off-street nonresidential parking facility available to the public shall be designated as handicapped spaces, rounded to the nearest whole number of handicapped parking spaces, in compliance with the provisions of this section. All off-street parking facilities which provide 10 or more parking spaces shall designate handicapped parking spaces in accordance with the following Table 169-B:

TABLE 169-B—HANDICAPPED PARKING SPACES

Required Minimum Number of Total Parking Spaces	Handicapped Parking Spaces	Required Minimum Number of Total Parking Spaces	Handicapped Parking Spaces
10 to 25	1	201 to 300	7
26 to 50	2	301 to 400	8
51 to 75	3	401 to 500	9
76 to 100	4	501 to 1,000	2% of total
101 to 150	5	1,001 and over	20 spaces plus 1 for each 100 over 1,000
151 to 200	6		
NOTE: Projects which are required to comply with the <i>Uniform Federal Accessibility Standards</i> shall provide a minimum of one handicapped parking space.			

(10) ~~All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten or more tenant parking spaces, excluding extended health care facilities, shall designate at least one handicapped parking space as needed for each individual dwelling unit in which a handicapped person resides. Residential buildings and facilities which provide visitors' parking of ten or more spaces shall designate handicapped parking spaces in the visitors' parking area in accordance with Table 169-B.~~

169.02 LANDSCAPING REQUIREMENTS.

1. Landscaping Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts. Planting Requirements for Multi-Family, Commercial, Office Park, and Industrial Districts. The following are the guidelines for landscaping:
 - A. ~~All trees shall have a minimum trunk diameter of 1½ inches as measured one foot above the ground. Any trees planted in the right-of-way shall conform to Chapter 150 of this Code of Ordinances.~~
 - B. ~~All shrubs not used as ground cover shall be at least two (2) gallons in size.~~
 - C. ~~The City reserves the right to inspect and reject any landscape material not in accordance with the approved plan for the development and reject if diseased or in poor condition.~~
 - D. ~~All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant material to ensure continued compliance with applicable landscaping requirements.~~

E. ~~Landscaping shall not be located where it will block visibility and create traffic hazards or sight distance problems.~~

F. ~~Landscaping shall be used in conjunction with required fencing as buffer between land uses where possible.~~

G. ~~Plants which drop seed pods or fruit should not be located where such droppings would cause maintenance or safety problems.~~

~~Approval of landscaping in place is to be requested by the developer at the time an occupancy permit is requested. Any changes or deviation from the approved site plan landscape design shall be approved by the City Administrator prior to installation. Landscaping must be completed by October 15 to be considered for approval during a calendar year. Landscaping materials shall be planted as each phase of a site is developed. Should completion of landscaping be delayed because of seasonal weather, a temporary occupancy permit may be issued if the developer posts a bond in the amount of the landscaping to be completed. At the developer's option and at the time of site plan filing, the developer may submit a list of alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.~~

2. ~~Maintenance~~Selection, Installation and Maintenance. All landscaping required by this code shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized, and irrigated on a regular basis:

A. Selection.

- (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
- (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
- (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
- (4) Invasive species are prohibited.

B. Installation.

- (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
- (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.

- (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.
 - (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance. Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
 - 3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
 - 4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.
 - 5. Parking Lot Landscaping. A perimeter landscaping area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscaping treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - A. Berming shall be installed between the parking lot and a street and/or public spaces.
 - B. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.
 - C. A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one

shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.

6. Parking Lot Interior Landscape. All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

- A. All rows of parking stalls must terminate in a parking lot island or landscape area.
- B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
- C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
- D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.

7. On-Site Trees. In addition to trees in required perimeter areas, on-site shade trees must be installed as follows:

- A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
- B. Residential Manufactured Home Park District. One tree for every four acres.
- C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.

8. Buffer Yards.

- A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 - (1) Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.
 - (2) Where a non-residential use is located within a residential or interim development district.
 - (3) Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
 - (1) A buffer yard must be a minimum of 10 feet in width.
 - (2) One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 - (3) Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.

(4) Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.

(5) A fence may be required at the discretion of City staff.

9. Site Landscaping. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

~~169.03 GRADING AND EXCAVATION REGULATIONS.~~ This section is intended to provide the community with fair and equitable grading practices and is not meant to supersede the requirements of any other ordinance or code.

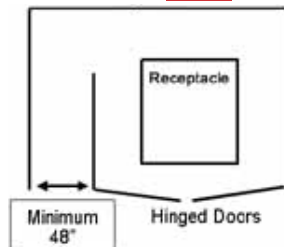
- ~~1. Protection of Utilities. The developer shall be responsible for the prevention of damage to any public utilities or service.~~
- ~~2. Protection of Adjacent Property. The person doing or causing grading or excavation is responsible for the prevention of damage to adjacent property. No person shall grade or excavate on land to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result from the grading or excavation.~~
- ~~3. Inspection Notice. The developer shall notify the Inspection Department at least 24 hours prior to start of work.~~
- ~~4. Temporary Erosion Control. The developer shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding, or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion, or upstream properties are not flooded by blockage of downstream drainage.~~
- ~~5. Traffic Control and Protection of Streets. The developer shall provide flag persons, signs, barricades, and other safety devices to ensure adequate safety when working in or near public streets.~~
- ~~6. Hazard from Existing Grading. Whenever any existing excavation, embankment, or fill has become a hazard to life or limb or endangers structures, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, or fill is located or the person or agent in control of said property, upon receipt of notice in writing from the City, shall, within the period specified therein, repair, reconstruct, or remove such excavation, embankment, or fill to eliminate the hazard.~~

~~169.04~~169.03 TRASH AND RECYCLING ENCLOSURES. Trash and recycling enclosures are required for commercial, industrial, and multi-family zoned areas except that side-by-side, or townhouse-style multi-family developments may be approved for curbside individual pickup by Council resolution upon recommendation by the ~~Building Official~~Code Official that the developer or owner has demonstrated the following:

1. Adequate maneuverability for garbage truck access; and
2. Practical and adequate frontage for each dwelling unit so that placement of garbage and recycle materials does not impede pedestrians or drivers on public or private sidewalks, driveways, or streets.

If curbside pickup is approved, the developer shall provide a recorded document releasing the City from any and all damage or injury liability arising from garbage collection activities, and notifying future owners of that release. Enclosures shall not be located in the ~~required~~ front ~~or corner side~~ yard area and should be located out of public view to the greatest degree possible. Openings shall be oriented so that gates do not open toward public streets whenever practical. Enclosures shall be constructed of decorative block or brick to match the principle building to the maximum extent possible, to minimize its visual impact. Gates shall be constructed with commercial-grade hinges, pulls, and hasps, and gate supports shall be metal with an appropriate diameter to support the gates. The gates themselves shall be constructed to present a decorative solid façade. Class 2B fused and bonded vinyl coated gauge chain link fence panels with minimum 9 gauge core, with 2" mesh, and winged type slats installed to obtain a Privacy factor of 90% or greater may be used as a substitute for a solid façade. Protective bollards should be provided. See Figure 6 for access requirements for multi-family uses.

FIGURE ~~6~~169.03



~~169.05~~169.04 FENCES REQUIREMENTSAND WALLS. The provisions of this section apply to the construction, alteration, moving, and repair of any fence ~~or wall~~ within the jurisdiction.

1. Permit Required. Each application for a ~~fence~~ permit shall be submitted prior to the installation or alteration of a fence ~~or wall~~. The application shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot; the size, shape, and location of all existing buildings; location, height, and material type of the proposed fence ~~or wall~~; and such other information as may be necessary to provide for the enforcement of this section. A record of applications and plans shall be kept in the Code Official's office.

2. Application Fee. A fee for the ~~fence~~ permit shall be charged. The fee shall be set by the City and shall be available at the office of the Code Official.
3. Review. All applications for ~~fence~~ permits shall be submitted to the Code Official for review and approved prior to permit issuance. Each application shall include data necessary to show that the requirements of this code are met.
4. Expiration. Every ~~fence~~ permit issued by the Code Official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced, for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Code Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.
5. Inspection ~~Required. Upon completion of the work the applicant or owner shall notify the Code Official that the work is completed.~~ A final inspection ~~shall~~ may be performed to assure compliance with this code.
6. Height. The height of all fences, ~~and/or~~ retaining walls, ~~and hedges~~ located within a front, corner side yard, side, or rear yard shall not exceed those found in Table ~~169-~~ 169.05.

TABLE 169-C—MAXIMUM FENCE HEIGHTS^{1,2}

District	Front Yard	Side Yard	Rear Yard
R Zones	38 inches ⁴	8 feet	8 feet
All Other Zones	38 inches ⁴	16 feet ³	16 feet ³
<p>1—At street intersections, no fence, retaining wall or hedge more than 10 percent solid or three feet above the street level shall be located within a triangular area composed of two of its sides and twenty-five feet in length and measured along the right-of-way lines from the point of intersection of the above-referenced lines.</p> <p>2—No chain-link fence shall be located within any portion of the front yard.</p> <p>3—If adjoining residential district maximum 8 ft.</p> <p>4—On a corner lot property, a 6-foot-high privacy fence may be erected on that portion of the lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.</p>			

Table 169.05 Maximum Fence and Wall Height

District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	8'	8'
All Other Districts	4'	4'	16'	16'
<p>1. Fences shall not be located within the corner visual clearance.</p> <p>2. Chain lines fences shall not be located within the required front or required corner side yard.</p> <p>3. Fences shall not exceed 8' in height if the property abuts a residential district.</p> <p>4. On a corner lot, a 6-foot-high privacy fence may be erected on that portion of the lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements.</p>				

7. Location. Fences and ~~hedges~~walls shall be located entirely within the confines of the property lines except for fences located next to a public or private alley shall maintain a minimum 2-foot separation between the fence and alley line. No fence, or wall, ~~or~~ hedge shall encroach on or obstruct a public sidewalk.

8. ~~Fence Materials:~~

- A. ~~Barbed Wire.~~ It is unlawful for any person to erect, construct, keep, or maintain any barbed wire fence within the City except when the barbed wire fence is erected, constructed, and maintained in compliance with the provisions contained in the Code of Iowa and used on property zoned for Interim Development use, provided the property has been used for the purpose of enclosing livestock within the preceding 24-month period. Barbed wire fences shall not be permitted in any other district.
- B. ~~Electric Fences.~~ It is unlawful for any person to erect, construct, keep, or maintain any electric fence in any zoning district within the City, except for the enclosure of livestock operations located in an Interim Development District, provided the property on which the livestock operation is located does not adjoin property that is zoned or used for any residential purposes.
- C. ~~Barbed Wire and Electric Fences.~~ Barbed wire and electric fences, when allowed in the limited circumstances specified within sections A and B of this

section, are prohibited from being located within five feet of an adjoining residential property, a public sidewalk, or a street right-of-way line where a public sidewalk does not exist.

D. ~~Metal Fences. Metal fences shall consist of galvanized or vinyl covered chain link material, including all supporting frame posts and rails.~~

E. ~~Wood Fences. Wood fences shall consist of a treated or decay resistant material. Posts and supports for the wood fence shall be located on the inside of the fence on the property on which the fence is constructed.~~

9.8. Prohibited Fence Material. The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin, and pests:

A. ~~Wooden snow fence~~ Metal fences with the exception of chain link, wrought iron and simulated wrought iron and;

B. ~~Welded wire fence~~ Electrical fences or any kind of electrically charged fences;

C. ~~Wood Panel~~ panel fence;

D. ~~Plastic snow/safety fence~~ Plywood or oriented strand board (OSB); and

E. ~~Chicken wire~~ Pallets or any used repurposed material;

F. ~~Chicken wire~~

G. ~~Snow fence, except as provided below~~

A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, a snow/safety fence shall be removed within 24 hours after the elimination of the reason for which the fence was erected originally.

10.9. Installation and Maintenance. All fences and walls shall be installed or constructed in a workmanlike manner ~~with approved materials and installed to withstand wind load of 30 pounds per square foot.~~ All fences and walls shall be maintained and repaired as needed. The owner of the property upon which the fence or wall is constructed is required to maintain the fence.

~~169.06~~169.05 LOCATION OF ACCESSORY BUILDINGS STRUCTURES AND USES.

Accessory ~~buildings~~ structures and uses shall occupy the same lot as the main use or building. No lot shall have an accessory ~~building~~ structure or use without the principal use. No accessory ~~building~~ structure shall be used as a dwelling unit.

1. Yard Encroachment. No accessory building or use shall be located within any yard unless authorized by this Section and/or Section 169.08.

2. Freestanding Private Garages. ~~In addition to one attached private garage, one freestanding private garage may be permitted subject to the following conditions:~~

A. ~~RS, RD and ID districts shall be subject to the following:~~

(1) ~~A maximum one freestanding garage.~~

A. (2) A maximum gross building floor area of 850 square feet. RS district exception: On ~~non~~ properties exceeding .5 acres but less than .75 acres, the maximum gross building floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum

Commented [RR201]: Can we outlaw barbed wire in agricultural settings?

gross ~~building floor~~ area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross ~~building floor~~ area shall be 1,400 square feet. Notwithstanding the foregoing, the gross ~~building floor~~ area shall not exceed the total footprint of the residence.

~~B.(3)~~ May be located within the rear yard subject to ~~the following: a five foot side and rear setback.~~

- ~~(1) A minimum of five feet from the side and rear property line.~~
- ~~(2) A minimum of 20 feet from a public or private right-of-way or alley.~~
- ~~(3) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.~~
- ~~(4) May be located within a side yard subject to meeting the required side and rear yard setbacks for the main building.~~
- ~~(5) A minimum 20 feet from a public or private right-of-way or improved alley.~~
- ~~(6) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.~~
- ~~(7) A maximum height of 15 feet.~~

~~B.~~ RM district.

- ~~(1) No maximum number of freestanding garages, however, the aggregate floor area shall not exceed the aggregate footprint of the main buildings.~~
- ~~(2) May be located within the rear yard subject to a 10-foot side and rear setback.~~
- ~~(3) A minimum 20 feet from a public or private right-of-way or improved alley.~~
- ~~(4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.~~
- ~~(5) A maximum height of 15 feet.~~

~~C.~~ May be located within a side yard subject to meeting the required side yard setback for the main building and not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.

~~D.~~ Maximum building height of 15 feet.

3. Storage Buildings and Greenhouses. A maximum two storage buildings, greenhouses or structures designed for other similar use, or any combination thereof, may be located within the rear yard subject to the following conditions:

A. ~~Maximum 200 square feet gross building area per building. RS and RD districts shall be subject to the following:~~

- ~~(1) A maximum two storage buildings, greenhouses or structures designed for other similar use, or any combination thereof, may be located within the rear yard.~~
- ~~(2) Maximum 200 square feet gross floor area per structure.~~
- ~~(3) A minimum of five feet from the side and rear property line.~~
- ~~(4) A minimum of 10 feet from a public or private right-of-way alley.~~

- (5) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (6) Maximum building height of 10 feet.
- B. A minimum of five feet from the side and rear property line. R-MH district shall be subject to the following:
- (1) A maximum one storage building, greenhouse or structure design for other similar use, or any combination therefore, may be located on the same space as the manufactured home in the side or rear yard.
- (2) A maximum of 144 square feet gross floor area.
- (3) A minimum of 10 feet from a public or private right-of-way alley.
- (4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (5) Maximum building height of 10 feet.
- ~~C. A minimum of 10 feet from a public or private right-of-way alley.~~
- ~~D. Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.~~
- ~~E. Maximum building height of 10 feet.~~
4. Other accessory uses.
- A. Swimming pools. Swimming pools may be located within the rear yard subject to the following conditions:
- (1) A minimum of five feet from the side and rear property line.
- (2) A minimum of 10 feet from a public or private right-of-way.
- (3) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- B. Flagpoles. Flagpoles may be permitted within any yard subject to the following conditions:
- (1) Limited to the maximum of three poles.
- (2) Limited to the maximum height for the district or 40 feet, whichever is less.
- (3) A minimum of five feet from any property line.
- (4) External illumination of flags is permitted but must be focused on the flagpole and flag.
- C. Freestanding solar systems. Freestanding solar systems may be located within the rear yard subject to the following conditions:
- (1) Must meet the required side and rear yard setback for the main building.
- (2) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
- (3) Maximum system height of 15 feet.
5. District Specific Accessory Uses.
- A. In ~~RS and RD~~ all districts, the storage of wood, lumber, and other material where the land occupied by such storage is confined to one location in the rear

yard area with a maximum area of ~~one hundred~~100 square feet, provided that there are at least eight inches of free air space under such storage.

- B. ~~In all non-residential districts and for non-residential uses in residential districts besides RS and RD districts, a conditional use permit is required for any outdoor storage or display exceeding 100 square feet shall be subject to the following. Notwithstanding the foregoing, the outdoor display of merchandise associated with the principal use may be permitted without a conditional use permit as long as the area is 100 square feet or less:~~

Commented [RR202]: This address conflicting provisions.

- ~~(1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.~~
- ~~(2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.~~
- ~~(3) Seasonal outdoor display may not be subject to the requirement if approved as a zoning temporary use.~~

6. ~~Food Pantry. One accessory building to provide services as a food pantry is allowed as an accessory use only under the following conditions:~~

Commented [RR203]: Relocated to Section 168.07.

- ~~A. Permitted only as an accessory use for non-profit organizations.~~
- ~~B. A maximum of one accessory use building is allowed on the lot with the principal use structure in addition to one storage building or garage associated with the principal use structure.~~
- ~~C. Commercial for-profit uses are expressly disallowed.~~
- ~~D. Any type of housing, including transient housing, is expressly disallowed.~~
- ~~E. The accessory use building and underlying land shall remain at all times in the same ownership as the principal use on the lot.~~
- ~~F. Parking shall be provided in accordance with code requirements.~~
- ~~G. Maximum accessory use signage: 1 sign, ground or wall, not larger than 8 square feet.~~
- ~~H. Maximum accessory building height: 1 floor.~~
- ~~I. Principal structure setback requirements are to be observed for the accessory building described herein.~~
- ~~J. Maximum size of the accessory building is to be 2,500 square feet, but in no case larger than the square foot total of the principal structure. Additionally, the use may occupy up to 50% of the one allowable storage building or garage.~~
- ~~K. Design standards apply to the accessory building as well as the principal building.~~

6. ~~Home Occupations.~~

- A. ~~Home occupations are permitted in any dwelling unit in the RS, RD R-MH districts as an accessory use provided that this use is clearly incidental and~~

secondary to the primary use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.

- B. A member or members of the immediate family occupying the dwelling and no more than one person who is not a resident member of the immediate family may be in the home at any given time to work in connection with the home occupation.
- C. Home occupations of an office or service-related businesses with client visits are limited to one client at a time per home occupation in the structure.
 - (1) For purposes of this section, client means one or more persons meeting with for the office or service-related business home occupation.
 - (2) For the purposes of this section, client does not mean regular meetings of sales associates or a similar category of employee.
- D. No alteration of the principal building may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited.
- E. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- F. The home occupation and all related activity, including storage, must be conducted completely within the principal building or a permitted accessory structure.
- G. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
- H. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
- I. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
- J. Repair and service of any vehicles or any type of machinery, small or heavy, is prohibited.
- K. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, is prohibited.

169.06 EXTERIOR LIGHTING

1. Lighting plan required. A lighting plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. Maximum Lighting Regulations.
 - A. The maximum allowable foot-candle at any lot line is one foot-candle.
 - B. When additional security lighting is required for security reasons in excess of the foot-candle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through site plan review.
 - C. No glare onto adjacent properties is permitted.
3. Luminaire with Cut Off Standards.
 - A. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
 - B. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 25 feet.
 - C. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.
4. Luminaire with No Cut Off Standards. Decorative and/or architectural lighting with no cut off may approved as part of site plan review subject to the following standards:
 - A. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
 - B. The maximum permitted total height of a luminaire with no cut off is 15 feet.
5. Exceptions to Lighting Standards.
 - A. Uplighting of buildings, flags, statues, etc. is allowed but all light must be directed onto the object and cannot glare onto other properties.
 - B. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by conditional use.
 - C. Holiday and seasonal lighting.
 - D. Luminaires used for public roadway illumination.
 - E. All temporary emergency lighting required by public safety agencies, other emergency services, or construction.

169.07 SUPPLEMENTAL LOT REGULATIONS.

1. Zoning Lot. In this chapter the term "lot" refers to a "zoning lot" unless the context clearly indicates that it refers instead to a "lot of record." A zoning lot is a single tract of contiguous land which, at the time of filing for a building permit or a certificate of occupancy or district boundary change, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building, or structure for which the building permit or certificate of occupancy is issued. A lot includes such area of land as may be required by the provisions of this chapter for such use, building, or structure.
2. Lot Street Frontage and Access Required. No lot shall be created or any principal building constructed or placed on any lot or tract of land unless such lot or tract has frontage on either a public street or on a private street which has been specifically approved by the Council for that purpose. In order to be approved, such street shall provide permanent and unobstructed vehicular access, have a roadway of adequate width and surface, and meet all other applicable standards and requirements, established by the City. No lot shall be used for residential purposes unless such lot has at least a 35-foot frontage on such street.
3. Division of Lot. No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all lots resulting from each division or sale shall conform to all the applicable bulk regulations of the district in which the property is located.
4. Number of Principal Buildings Permitted on a Lot. In all RM, C, and I districts, more than one principal institutional public or semi-public, multi-family, commercial, or industrial building may be located on a lot provided that no such building or portion thereof is located outside the buildable area of the lot. However, in all RS and RD districts, except in the case of Planned Area Developments, not more than one detached one- or two-family residential building shall be located on the same lot with any other principal building.
5. Lot of Record. In any residence district on a lot of record, on the effective date of the Zoning Ordinance, a single-family dwelling may be established even though the lot area and width do not meet the minimum district requirements, provided all other requirements of this code are met. However, where two or more contiguous substandard recorded lots are in common ownership and are of such size that together they constitute at least one conforming "zoning lot," such lots or portions thereof shall be so joined and re-platted for the purpose of forming an effective and conforming zoning lot or lots.

169.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS. Any building, structure, or use hereafter erected, altered, or established shall comply with the general yard space requirements of the district within which it is located, except as specified herein. ~~Reference the "Yards Exhibit" for visual representation of yard areas.~~

1. Location of Required Yard. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure, or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.
2. Reduction or Sharing of Required Yards or Space Prohibited. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required for this code. No part of a yard, court, parking area, or other space provided for any building or structure to comply with the provisions of this code shall be included as part of a yard, court, parking area, or other spaces required under this code for another building or structure.
3. Required Yards for Existing Buildings. No yards, now or hereafter provided, for a building existing on the effective date of this Zoning Ordinance shall subsequently be reduced below (or further reduced if already less than) the minimum yard requirements of this code for equivalent new construction.
4. Required Yards on Major Streets.
 - A. Major Streets. All applicable building setbacks and yard requirements set forth in this code shall be measured and determined from the existing street right-of-way.
 - B. Private Streets. All applicable building setbacks and yard requirements along private streets shall be measured from the nearest line of the access easement.
 - C. In all C, O-RP, and I-1 districts on lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
 - D. On corner lots in all districts there shall be a front yard on both streets.
5. Transitional Yards. Where a lot is in a C or I-1 district and is next to an R district, the side or rear yard required in that R district must be provided along the boundary line.
6. Yards with More than One Principal Building. When two or more buildings are permitted on a lot, the required yards shall be maintained around the group of buildings.
7. RD Side Yards. In all RD two-family dwelling unit districts, only the side yard on the detached side of the dwelling will be required. No side yard will be required on the side of the dwelling located on the common lot line.
8. Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.
 - A. An encroachment is the extension or placement of an accessory structure or architectural feature into a required yard. Permitted encroachments are indicated in Table 169.08-1: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

- (1) Section 169.06 contains regulations on accessory buildings and uses not listed in Table 169-08-1, which may include additional permissions or restrictions for their permitted encroachment into yards.
 - (2) When an accessory structure or architectural feature regulated by Table 169-08-1 is prohibited from encroaching in a required yard, the structure or architectural feature may be located in the corresponding yard beyond the required yard unless specifically prohibited by the table.
 - (3) Encroachments shall be subject to the corner visual clearance.
- B. In districts where a maximum height is imposed, such height limitations shall not apply to certain appurtenances and structures and are indicated in Table 169-08-1: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

Table 169-08-1: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/ Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit Max. projection of 18" from building wall	Y	Y	Y	N
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 2' Does not include awnings used as a sign (See Chapter 17.3)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape	N	Y	Y	Y

Table 169-08-1: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/ Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Max. of 3' into required yard				
Fire Training Tower	N	N	N	Y
Gazebo or Pergola Min. of 5' from any lot line.	N	Y	Y	N
Grain Elevator (and necessary mechanical appurtenances)	N	N	N	Y
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk Min. of 3' from any lot line except front lot line.	Y	Y	Y	N
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y

169.09 APPROVAL FOR AND AVAILABILITY OF ESSENTIAL SERVICES. All projects that require the additional use of new facilities of essential services, such as sewers, storm drains, fire hydrants, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services may be grounds for denying permits for additional development until such services are available. The City is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit, and inspection as required by other policies or ordinances of the City.

169.10 MINIMUM STRUCTURE REQUIREMENTS.

1. ~~Manufactured Homes. A manufactured home may be located in an approved R-FB Park, subject to all applicable requirements of this code, and including the following:~~
 - A. ~~Such manufactured home was manufactured after June 15, 1976, and bears a label certifying compliance with the *National Manufactured Home Construction and Safety Standards Act of 1974*, and has not been subsequently altered in violation of such standards.~~
 - B. ~~The manufactured home has met all City required inspections and/or permits required for any dwelling unit and lot, other than for the factory built structure itself which is governed by Federal standards.~~
 - C. ~~The manufactured home is located on a lot such that it meets the minimum front, rear, and side yard requirements of the zone district in which it is located.~~
2. ~~Single Family Dwellings. Any building erected or otherwise established for use as a single family dwelling in RS, RD and RM shall meet the following requirements:~~
 - A. ~~Said building shall have a measured minimum dimension of 24 feet for the main body.~~
 - B. ~~The building shall have a minimum floor area of 660 square feet.~~
 - C. ~~The building shall have a continuous and complete frost-protected perimeter foundation for the main body.~~

Commented [RR204]: Unenforceable in manufactured home parks due to state law. If located in a single-unit residence district, it would be subject to Section 168.07.

Commented [RR205]: Relocated to Section 168.07.

169.11 DUPLEX COMMON WALL REQUIREMENTS. ~~Separate or divided ownership of each single family unit as a part of a two unit family dwelling will be specifically subject to and conditioned upon compliance with the following requirements:~~

Commented [RR206]: Relocated to Section 168.07.

1. ~~A division of the lot or parcel of land into two separate parcels shall be done in such a manner as to result in a single family unit being located on either side of the common boundary line with the common wall between the two laterally joined single family dwellings.~~
2. ~~The lot lines for each two unit family dwelling must have an approved one hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units.~~

~~Prior to division into two parcels, there shall be prepared and reviewed by the City restrictive and protective covenants providing that any owners of a unit of the two unit family dwelling~~

~~shall be jointly and severally liable and responsible for the maintenance and repair of the common wall as well as all other common aspects including but not limited to utilities, water, sewer, storm sewer, easements, and driveways; up to the dividing line, separate water lines and sewer lines will be furnished to each unit. The covenants, after approval of the City, shall be a covenant running with the land.~~

~~169.12~~**169.10 DESIGN STANDARDS.** This section is intended to provide consistent high-quality general design standards for the community.

~~1~~ Purpose. The purpose of this section is to ensure high-quality development to enhance community image and quality of life.

~~1.2~~ Requirements for All Districts. The following requirements shall be observed for ~~all~~ development in all districts:

- A. Building design shall be visually harmonious and compatible with the neighborhood character.
- B. Buildings located on property with double frontages shall have similar wall design facing both streets.
- C. Buildings shall have a consistent architectural style throughout the development on each lot, as defined by repetition of exterior building material and colors, and architectural elements.
- D. Except for ~~the ID, RS RD, and R-FBR-MH and ID~~ districts, color schemes shall be primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. Earth tone colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors. In any district, the use of high intensity colors, neon or fluorescent color and neon tubing is prohibited.
- E. Special attention shall be taken to incorporate external mechanical equipment into the design such that it does not detract from the aesthetics of the site and building.
- F. Except in the ~~R-FBR-MH~~ district, a minimum roof pitch of 5:12 shall apply to gable, hip, or shed roofs ~~and there shall be a minimum roof overhang at the eaves of 12 inches~~. This does not apply to portions of a roof that are separate from the structure's primary roof. ~~Metal roofs shall not be corrugated or similar appearance~~. The color of the roof shall be visually harmonious and compatible with the building color scheme.
- G. Roof top equipment shall be screened.
- H. Reflective surfaces that may cause glare or traffic hazards are not acceptable.
- ~~I. Lighting Illumination Requirements. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security while preventing a nuisance or hardship to adjacent properties or streets. Lighting shall comply with the following requirements, except as specified in item 6~~
 - ~~(1) Light fixtures 300 feet or less from a residential zone shall be mounted no higher than 25 feet.~~
 - ~~(2) Light fixtures greater than 300 feet from a residential zone shall be mounted no higher than 35 feet.~~

Commented [RR207]: Relocated to Section 169.06 and revised.

- (3) All lights greater than 2,000 lumens, both pole-mounted and wall-mounted, shall be equipped with cutoff shields, so that no light shines above the horizontal and no direct light falls beyond the property line. Light reflectors and refractors may be substituted for shields on ornamental and pedestrian light fixtures.
- (4) Light fixtures used to illuminate flags, statues, and objects mounted on a pole or pedestal shall use a narrow cone of light that does not extend beyond the illuminated object.
- (5) Illumination shall not exceed one foot-candle at property boundaries of multi-family, commercial, and industrial uses adjacent to or across the street from a residential zone, or a commercial zone in which residential uses are permitted.
- (6) Outdoor recreational facilities permitted by conditional use may be exempt from the specific exterior lighting standards, provided the Board of Adjustment approves a lighting plan as part of the conditional use approval process. Outdoor sports fields and courts operated by the City or by a school district are exempt from the specific illumination requirements in this section, subject to approval by the City Council after review and recommendation of the Planning Commission, of a lighting plan that minimizes light impacts on adjacent property to the maximum extent technologically possible, and meets the following minimum requirements:
 - (a) Use of the lighting is restricted to those hours when the recreational facility is in use, and lighting for said facilities shall be turned off by one hour after conclusion of the recreational activity. For facilities located in or adjacent to residential zones, lighting for said facilities shall be permitted after eleven o'clock P. M. only to conclude a scheduled event that was unable to conclude before that time due to unusual circumstances; and
 - (b) Illumination shall not exceed one foot-candle at the closest part of any principle structure on any adjacent lot. If no principle structure exists on adjacent platted lots, illumination shall not exceed one foot-candle at a distance of eight-five feet from the front lot line of the adjacent lot, so that illumination does not exceed one foot-candle at the closest part of a future principle structure on a lot with a 25-foot setback and a 60-foot deep principle structure; and
 - (c) All lights greater than 2,000 lumens, both pole-mounted and wall-mounted, shall be equipped with cutoff shields, so that no light shines above the horizontal and no direct light falls beyond the closest part of any principle structure on any adjacent lot. If no principle structure exists on adjacent platted lots, illumination shall not fall beyond a distance of eight-five feet from the front lot line of the adjacent lot, so that illumination does not fall at

the closest part of a future principle structure on a lot with a 25 foot setback and a 60 foot deep principle structure.

- ~~9.~~ Front elevations and corner side yard elevations of principal structures below the bottom edge of roof shall be composed of not less than 25% masonry products, with the following exceptions:
- ~~(1)~~ No masonry is required in the RS-7 and RS-8 districts, and
 - ~~(2)~~ Corner side yards in single and two family residential zoning districts are permitted several optional treatments, as noted in that section, and
 - ~~(3)~~ Commercial districts require more than 25%, as noted in that section, and
 - ~~(4)~~ Industrial buildings located on lots abutting Penn Street shall be composed of not less than 90% masonry products on the entire wall(s) facing Penn Street. If the building is canted or angled on the lot, both sides facing Penn Street shall be composed of not less than 90% masonry products. If the building is located on a corner lot with one side abutting Penn Street, the building wall facing the side street shall meet the 25% masonry requirement in addition to the 90% Penn Street requirement. In all cases, building sides facing exterior lot lines and not composed of masonry shall be heavily screened with trees and shrubs.

Masonry is construction achieved through the bonding of units of various natural or artificial materials used by masons, such as stone, brick, split faced concrete, or other materials of similar appearance approved by the Building Official, but not including stucco. The required masonry area shall be based on a net wall surface, defined as the total area between ground level and the soffit line, from farthest outside wall left to farthest outside wall right, with window and door areas subtracted out.

Commented [RR208]: Relocated to district specific design standards and revised.

32. Requirements for Non-Residential (including mixed-use) Development in Single and Two Family Residential Zoning Districts. In addition to requirements of subsection 1 above, the following requirements shall be observed for development in single family and two family zoning districts: The following requirements shall be observed for all non-residential development in the RS, RD, RM and ID districts:

- A. The main roof shall have a pitch with no less than four inches of rise for each one foot of horizontal run. Minimum required masonry on front and corner side yard building elevations is 60%. Required masonry does not apply to accessory structures.
- B. The main roof shall overhang the walls a minimum of 12 inches at the eaves.
- C. Metal roofs are required to meet standards found in the International Residential Code adopted by the City, and are not to have a corrugated appearance similar to industrial or agricultural metal buildings.
- D-B. For exterior walls not composed of masonry products, wall coverings shall be wood and/or vertical or horizontal grooved siding or lapped siding, or materials of similar appearance.

Commented [RR209]: Masonry defined in Section 167.01.

Commented [RR210]: Regulated in Section 169.10(1).

Commented [RR211]: Regulated in Section 169.10(1).

~~E. No two single-family and no two two-family front elevations may be identical within any group of four contiguous lots. Also, see section 165.04 (3)A regarding additional requirements for the RS-9 district.~~

~~F. Corner side yard treatment must include at least one of the following:~~

- ~~(1) 25% masonry covering the corner side yard exterior wall.~~
- ~~(2) 2 trees, not less than 2" caliper, to be planted in the corner side yard prior to issuance of any permanent occupancy permit. Existing trees in the corner side yard of a site may satisfy this requirement.~~
- ~~(3) Architectural relief on the corner side yard exterior wall elevation such that the wall contains more than 2 offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Building Official.~~

~~3. Requirements for Development in Multi-Family Residential Zoning Districts. In addition to requirements of subsection 1, the following requirements shall be observed for development in multi-family zoning districts:~~

- ~~A. The main roof shall have a pitch with no less than four inches of rise for each one foot of horizontal run.~~
- ~~B. The main roof shall overhang the walls a minimum of 12 inches at the eaves.~~
- ~~C. The main roof shall not be covered with flat or corrugated sheet metal.~~
- ~~D. For exterior walls not composed of masonry products, wall coverings shall be wood and/or vertical or horizontal grooved siding or lapped siding, or materials of similar appearance.~~
- ~~E. Building elevations shall include the use of windows, wall breaks, siding changes, extra wall corners, dormers, and other architectural features to create visually attractive buildings that compliment single-family development in the City.~~

Commented [RR212]: Relocated to Section 168.07 and revised.

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Commented [RR213]: Regulated in Section 169.10(10) and/or relocated to Section 168.07 and revised.

4. Requirements for Development in ~~Office and~~ Commercial Zoning Districts.

- A. Commercial zoning districts are intended to enhance public welfare by providing for safe, convenient, high quality pedestrian-oriented commercial centers that contribute to community identity as energetic and attractive focus points. Through development and redevelopment within these districts, the city recognizes the importance of creating high quality development areas to the quality of life for residents of the city, the impact quality development has on the image of the community, and the need to provide restrictions and guidelines to enhance visual appearance and functionality. The objectives addressed through these regulations include the following:
 - (1) Design. To achieve appealing aesthetic design through high quality architecture and construction, with attention to placement, relationship, and orientation of structures and amenities to provide both internal cohesiveness and compatibility with surrounding uses.
 - (2) Walkability. To achieve overall development patterns that encourage walking and reduce dependence on the automobile to travel from one business to another, and so reduces the dominance of the automobile within the development.

- (3) Human-scale Activity. To achieve a sense of place by emphasizing pedestrian interaction with commercial uses rather than sprawling automobile-dominated designs, both in building architecture and public or private outdoor areas.
- (4) Compatible Uses. To achieve the right blend of uses, compact and well-designed, that complement each other and provide cohesive overall developments.

B. ~~In addition to requirements of subsection 1 of this section, the~~The following requirements shall be observed for all development in ~~the office and commercial zoning~~ districts:

- (1) Site Layout Requirements.
 - (a) Pedestrian Areas. Each development shall provide a complete network of paths, plazas, and open spaces that interconnect building entrances, parking, sidewalks, other properties, and other pedestrian amenities. These pedestrian areas are expected to constitute a significant portion of development area, and may include plazas, special paving areas between parking and entrances, and outdoor eating patios. Additionally, portions of pedestrian areas should be at least partly covered so that users are protected from rain and intense sun. New developments will be required to connect to paths and sidewalks established by previously-approved developments.
 - (b) Outdoor Infrastructure Design. Each development shall provide outdoor lighting fixtures, integrated street pavers or patterns, and landscaping that reinforces quality building design and blends with previously-approved developments, when appropriate. Design elements may include decorative lighting, seating with benches, low walls, planters, enhanced paving techniques, and other features complimentary to the development.
 - (c) Parking Areas. Parking areas shall consist of areas that are aesthetically pleasing, landscaped to screen public views, and located so as not to be the dominant feature along any street or within any development. The use of alternate materials to designate pedestrian areas within or adjacent to parking lots is encouraged, and pedestrian areas shall be separated from vehicular traffic with landscaping, decorative posts, special paving, or other measures to clearly define the pedestrian spaces. Property owners are encouraged to establish shared parking zones among uses on one or more lots.
- (2) Building Materials and Design Requirements.
 - (a) Materials. ~~Exterior vertical building elevations in all commercial districts except for the C-3 district shall be composed of at least~~Minimum required masonry on all building elevations is

~~60% brick or other masonry products. Exterior vertical building elevations in the C-3 district shall be composed of at least 90% brick or other masonry products.~~ Exterior walls not composed of masonry products shall not be covered with ribbed metal siding commonly referred to as corrugated metal. ~~The required masonry area shall be based on a net wall surface, defined as the total area between ground level and the soffit or roof line, from farthest outside wall left to farthest outside wall right, with window and door areas subtracted out.~~

- (b) Design. Buildings and building features shall be sized and detailed appropriately for pedestrian use. Projected or recessed doorways and windows, awnings, and other architectural features may be used to achieve this design. Traditional strip-retail type frontages featuring long flat frontages with regularly spaced doors and unbroken expanses of concrete approaching the storefronts are specifically disallowed. Side and rear elevations shall be comprised of the same materials and reasonably similar in character and quality as the front elevation unless screened from view from all public streets and residential areas by topography differences, landscaping materials, or other screening devices, in which case building material may be concrete block or tilt-up concrete panels.

5. Requirements for Development in Industrial ~~Zoning~~ Districts. ~~In addition to requirements of subsection 1 of this section, the~~ The following requirements shall be observed for development in the industrial ~~zoning~~ districts:

~~A. Minimum required masonry on front and corner side yard building elevations is 25%. Notwithstanding the foregoing, buildings on lots abutting Penn Street shall be composed of not less than 90% masonry products on the entire wall(s) facing Penn Street. If the building is canted or angled on the lot, both sides facing Penn Street shall be composed of not less than 90% masonry products. If the building is located on a corner lot with one side abutting Penn Street, the building wall facing the side street shall meet the 25% masonry requirement in addition to the 90% Penn Street requirement. In all cases, building sides facing exterior lot lines and not composed of masonry shall be heavily screened with trees and shrubs.~~

~~A.B.~~ For exterior walls not composed of masonry products, stucco, wood siding, premium-grade vinyl siding if installed horizontally, or other materials similar in appearance are preferred.

6. Requirements for ~~Manufactured Homes~~ Development in the Public District. ~~In addition to requirements of subsection 1 of this section, the~~ The following requirements shall be observed for ~~manufactured home~~ development in the public district:

A. ~~Manufactured homes shall have a minimum width of 14 feet and a minimum roof pitch of four-inch rise to every twelve-inch horizontal run.~~ Minimum

required masonry on front and corner side yard building elevations is 25%.
Notwithstanding the foregoing, buildings on public works campuses screened from public view are not subject to the 25% required masonry.

- B. Manufactured homes shall have asphalt roof covering. For exterior walls not composed of masonry products, stucco, wood siding, premium-grade vinyl siding if installed horizontally, or other materials similar in appearance are preferred.
- C. Manufactured homes shall have vinyl or aluminum horizontal lap siding or wood vertical siding.

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169.13 OTHER DESIGN STANDARDS:

1. Signs. Monument signs are preferred, and pole signs are permitted only upon specific approval by the Council after review and recommendation by the Commission.
2. Parking Lot Screening. All parking lots shall be screened from public streets utilizing plantings and berms to help maintain visually attractive corridors.
3. Parking Lot Internal Landscaping:
 - A. Parking lots with less than 20 spaces are not required to have interior landscaping islands.
 - B. Parking lots less than 49,000 square feet shall retain 3% of their interior for landscaping islands.
 - C. Parking lots up to 149,000 square feet shall retain 5% of their interior for landscaping islands.
 - D. Parking lots 150,000 square feet and over shall retain 7% of their interior for landscaped islands.
 - E. Parking lots shall be required to have one tree placed within 40 feet of each parking space for multi-family, commercial, office park, and industrial districts.
4. Yards, Ground Cover, and Landscaping. Established grass, either sod or seed, is required for all yards for all new buildings and additions over 500 square feet in area, in addition to trees and screening that may also be required by other code sections, prior to occupancy:
 - A. Tree Requirements for Multi-Family Development. For each Multi-Family development, one tree will be provided for each 750 square feet of building footprint.
 - B. Tree Requirements for Commercial, Office Park, or Industrial Development. For each Commercial, Office Park, or Industrial Development, one tree will be shown for every 2,000 square feet of building footprint.
5. Screening of Nonresidential Uses. A green belt planting strip consisting of evergreen shrubs and trees shall be used to screen any nonresidential use from adjoining residential districts or residential uses. Such planting strip shall be of sufficient width and density, as determined by City staff, to provide an effective and aesthetically pleasing screen with shrubs and trees not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence of masonry or heavy wood construction, or other similar material approved by the City, may be used as a screen, provided that decorative plantings are established on the residential side of the fence.

Commented [RR214]: Relocated to Chapter 173.

Both a green belt planting strip and a six-foot tall fence may be required at the discretion of City staff.

Commented [RR215]: Relocated to Section 169.02 and revised.

6. ~~Open Storage of Materials and Equipment. Outside storage of materials and equipment is permitted in certain commercial and industrial districts subject to City staff approval of a site plan showing details of the site and the storage area. In those cases, a green belt planting strip consisting of evergreen shrubs and trees shall be used to screen the storage from view from all public ways and all neighboring properties. Such planting strip shall be of sufficient width and density as determined by City staff to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Building Official may be used as a screen. All such open storage shall be allowed only on hard surface areas paved to parking lot specifications with asphalt or concrete.~~

~~169.14~~**169.11 ENFORCEMENT OF DESIGN STANDARDS.**

1. The Commission shall have the following authority related to this section:
 - A. To recommend denial of any site plan that does not conform to all regulations of this section, including elevation detail.
 - B. To recommend modifications to building materials, architectural features, or orientation on the site, beyond those explicitly enumerated in this section, considered to be consistent with the goals and objectives of the City's Comprehensive Plan.
2. The Council shall have the following authority related to this section:
 - A. To deny any site plan that does not conform to all design standards in this code, including elevation detail.
 - B. To require modifications to building materials, architectural features, or orientation on the site beyond those requirements explicitly enumerated in this section, considered to be consistent with the goals and objectives of the City's Comprehensive Plan, or to deny any site plan if such modifications are not made by the petitioner.

169.15- RENTAL HOUSING UNIT OCCUPANCY LIMITS. Cities' ability nationwide to control resident density has traditionally been accomplished through limitations on the number of non-family members living together, contemplated and utilized to address a traditional familial living situation. However, effective January 1, 2018, state law prohibits the use of family definitions to control rental unit occupancy. If left unaddressed by this ordinance, that change would likely lead to fundamental negative impacts to residential areas in the City caused by overpopulation of existing units and uncontrolled density of persons in new units. Potential impacts include increased noise, increased traffic and parking congestion, and stress on sanitary sewer and garbage collection systems that are designed and operated to serve defined population densities. To address these impacts, the definition of "Dwelling unit," only when applied to rental housing units, means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, and additionally meets the following requirements:

1. ~~Is occupied by no more than 3 adults in dwelling units up to 800 square feet in size, and up to 5 adults in dwelling units over 800 square feet in size; and~~
2. ~~Is occupied by not more than 2 adults per bedroom; and~~
3. ~~Has no more than 4 resident vehicles per unit; and~~
4. ~~Provides enough parking spaces on the property to park all resident vehicles in spaces that meet code requirements including but not limited to size, location, and surfacing; and~~
5. ~~Has a valid rental permit. See Chapter 146, "Housing Code," and Chapter 157, "Building Code."~~

Notes:

"Adult" in this section is defined as any person over the age of 18.

"Resident Vehicle" means any vehicle owned or in use by any given tenant and parked at the rental unit. ~~_____~~

SECTION 6. AMENDMENT OF CHAPTER 170. Chapter 170 of the Code of Ordinances is amended to read as follows:

CHAPTER 170 - RESERVED

ZONING CODE – SPECIAL USE REGULATIONS

170.01 Home Occupations

170.02 Daycare Facilities

170.03 Bed and Breakfast Homes

170.04 Adult Uses

170.05 Auto Sales

170.06 Outdoor Eating Accessory Uses

170.01 HOME OCCUPATIONS. Home occupations may be permitted in RS, RD, and R-FB Zones, provided the home occupation is clearly and obviously subordinate to the dwelling unit for residential purposes, and no negative impacts as defined herein result. Home occupations shall be conducted wholly within the primary structure or existing accessory building on the premises. The overriding consideration regarding home occupation appropriateness is whether neighboring or nearby property owners are negatively impacted either by reduced standard of living because of characteristics of the business such as noise or traffic, or by reduced residential property value, which the following conditions address.

1. ~~Conditions:~~

- A. ~~The home occupation shall not exceed 25 percent of the floor area of the primary structure and 20 percent of an accessory building on the premises.~~
- B. ~~Other than those related by blood, marriage or adoption, no employees are permitted to work, assemble, or park at the home except as provided in Section 170.02(2)(D).~~
- C. ~~There shall be no exterior display or storage of goods on said premises.~~
- D. ~~There shall be no advertising sign displayed on the premises.~~
- E. ~~Service to patrons shall be arranged by appointment and scheduled so that not more than two customer vehicles are on the premises at any given time.~~
- F. ~~No activity shall be permitted that is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic; by creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions; or by interference with televisions or radio reception.~~
- G. ~~No products shall be sold on the premises other than minor goods related to providing the home occupation service.~~
- H. ~~No commercial equipment or materials related to the home occupation, including but not limited to trailers, tanks, generators, and similar equipment not found at a typical residential home, shall be parked or stored on the street or on the property other than inside a completely enclosed garage. No more than one commercial truck with a chassis rating of one ton or less may be parked at the home, and no trucks with a chassis rating of over one ton may be parked at the home.~~

- I. ~~Noises associated with any home occupation shall not exceed normal noise levels for the neighborhood, nor shall they continue for more than twenty (20) minutes at low levels so as to create a nuisance to neighbors.~~
- J. ~~A zoning certificate is required to operate a home occupation, which may be obtained through the City's Department of Building Safety.~~
- 2. ~~Examples of Home Occupations Permitted. Permitted home occupations include, but are not limited to, the following list of activities; provided, however, each permitted home occupation shall be subject to the limitations in Subsection 1 above, and to all other regulations applicable to the district in which it is located:~~
 - A. ~~Professional services such as accounting, computer repair, architectural, real estate, and other services, provided client contact consists of no more than one customer at any one time and no waiting area for overlapping appointments.~~
 - B. ~~Instructional services providing instruction to no more than two (2) students at a time.~~
 - C. ~~Studio of an artist, photographer, craftsman, writer, or composer.~~
 - D. ~~Millinery, dressmaking, tailoring, and similar domestic service activities.~~
 - E. ~~Barbershops and beauty parlors.~~
- 3. ~~Home Occupations Specifically Not Permitted. Home occupation shall not be interpreted to include the following:~~
 - A. ~~Restaurants or taverns.~~
 - B. ~~Automotive equipment, body and repair, and salvage shops or operations.~~
 - C. ~~Commercial stables and kennels.~~
 - D. ~~Hotels or motels.~~
 - E. ~~Taxicab and limousine businesses.~~
 - F. ~~Carpenter or woodworking business.~~
 - G. ~~Commercial sales of goods where customers arrive at the home to purchase or pick up the goods.~~

170.02 DAYCARE FACILITIES. Three distinct types of daycare facilities are permitted, as follows:

1. ~~Home Occupation Daycares are permitted for the care of six (6) persons or fewer including any persons who live in the home. All conditions for home occupations as specified in this chapter shall apply, and a zoning certificate is required.~~
2. ~~Group Daycare Homes are permitted for the care of seven (7) to twelve (12) persons including any persons who live in the home, subject to the applicant obtaining an annual license from the City approved by the City Council. Criteria for issuance and annual renewal of said license are as follows:~~
 - A. ~~State registration requirements shall have been met and the applicant shall meet all requirements of the building, fire, and health codes and any other applicable local codes and ordinances.~~
 - B. ~~Applicant shall register annually with the City for as long as the use is continued. A reasonable administrative fee shall be charged as may be established, from time to time, by resolution of the Council.~~
 - C. ~~No structural or decorative alteration that will alter the residential character of an existing structure or be otherwise incompatible with surrounding residences shall be permitted.~~
 - D. ~~The resident occupant shall be the principal care provider, shall be registered by the State, and shall be present during operating hours. Only one employee, over the age of 14, shall be permitted. Family members are not considered employees for the purposes of this section.~~
 - E. ~~Any required outside play area shall be effectively screened from adjacent residential uses and verified by City staff during the licensing process.~~
 - F. ~~An off-street drop-off/pickup area that meets all applicable yard, setback and driveway requirements shall be provided.~~
 - G. ~~One off-street parking space must be provided for a nonresident/non-family member employee.~~
 - H. ~~Parking and traffic circulation of customers within the neighborhood shall be closely controlled by the applicant and shall not cause disruption of normal neighborhood lifestyles and activities.~~
3. ~~Commercial Daycares shall be located in commercial districts and are subject to all commercial development requirements.~~

~~170.03 BED AND BREAKFAST HOMES.~~ The regulations of this section dealing with bed and breakfasts are designed to protect and maintain the residential character of a neighborhood while permitting limited short-term leasing of rooms. The following conditions shall be met:

- ~~1. Bed and breakfast homes shall be only within single-family, owner-occupied dwelling units.~~
- ~~2. If the dwelling unit has less than 1,000 square feet of floor area then one guest room is permitted. If the dwelling unit has 1,000 square feet but less than 2,000 square feet of floor area, then two guest rooms are permitted. If the dwelling unit has more than 2,000 square feet, then three guest rooms are permitted. Three guest rooms shall be the maximum permitted.~~
- ~~3. Off-street parking shall be provided at the rate of one space for each guest room plus the spaces required for the residents. Parking spaces may be in tandem—one space directly behind the other with no separation area—and more than one set of such tandem spaces are permitted, but each tandem set shall be for no more than two vehicles.~~
- ~~4. Short-term lodging only is permitted.~~
- ~~5. Meals prepared or presented for remuneration are only for the overnight guests and only as part of the lodging fee.~~
- ~~6. No meetings, receptions, parties, or like activities for remuneration are permitted.~~
- ~~7. No cooking facilities are permitted in guest rooms.~~
- ~~8. No bed and breakfast home shall be located closer than 1,200 feet to another.~~
- ~~9. Prior to operating a bed and breakfast home the owner shall obtain an appropriate certificate of occupancy from the Code Official. To apply for such certificate the owner shall file:
 - ~~A. A site plan of the property showing the location and dimensions of the residence, accessory buildings, parking areas, and proposed signs;~~
 - ~~B. A floor plan of the residence showing the location and dimensions of the guest rooms and also showing location of exits, fire alarms, fire extinguishers, and any other safety features required by State or local codes.~~~~
- ~~10. The bed and breakfast home shall meet all applicable local and State inspection, licensing, and permit requirements.~~
- ~~11. There shall be no exterior display, no exterior sign larger than two square feet and not more than one such sign stating only the resident's name and occupation; no illumination, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.~~
- ~~12. All other limitations on home occupation activities contained herein shall apply.~~

170.04 ADULT USES. A conditional use permit shall be obtained from the City for all adult use business, under the following conditions:

1. ~~An adult use business shall be permitted in I-2 Zoning District only.~~
2. ~~No adult use business shall be located within 1,000 feet of a park, school, daycare center, library, or religious or cultural activity.~~
3. ~~No adult use business shall be located within 500 feet of any other adult use business or any other zoning district boundary line.~~
4. ~~Such distance shall be measure in a straight line without regard to intervening structures, topography, and zoning.~~
5. ~~An adult use shall be permitted only one wall sign, which shall not exceed 10 square feet.~~

170.05 AUTO SALES. New and used auto dealerships are a permitted use in the ~~C-2-A, C-2-B and I-1~~ zoning districts, under the following conditions:

1. ~~The number of motor vehicles permitted to be displayed will be designated on the site plan and the plan will show the number of designated auto display spaces, driveways, and turning lanes using Section 169.01 requirements of this code.~~
2. ~~Additional customer and employee parking will be required as provided in Section 169.01.~~
3. ~~Any adjoining residential areas will be screened as required by Section 169.02.~~
4. ~~A landscaping plan, including some front yard landscaping with some shrubs, will be required.~~
5. ~~New auto franchise dealerships will be permitted to perform both major and minor auto repair on site as defined in this code.~~
6. ~~Used auto dealership facilities will be permitted to perform only minor automotive repair as defined in this code.~~
7. ~~All vehicles offered for sale shall be operational and roadworthy as provided in the applicable sections of the Code of Iowa and the Iowa Administrative Code.~~

170.06 OUTDOOR EATING ACCESSORY USES. Outdoor eating accessory uses are permitted only in association with permanent and full-time restaurants or other businesses that include inside restaurant facilities, and are owned by the same party as the restaurant. The following provisions shall apply:

1. All businesses shall be subject to the approval of a plan and building permit, to be reviewed and approved by City Staff, that meets requirements of this code. Any such outdoor eating plan that is not approved by City Staff may be referred to the City Planning Commission and City Council for consideration in the same manner as other full site plans. Any City action against the outdoor eating accessory use shall also be enforceable against the associated restaurant operation, and may include withdrawal of certifications or permits for both the accessory use and for the principal restaurant use on the property. The City shall have the discretion to require a formal agreement, specifying conditions for operations, to be approved in any case.
2. All Zoning Ordinance requirements shall be observed, including parking, yards, and signage. No additional signage is allowed in conjunction with the outside eating area.
3. The area used for the establishment shall be clearly delineated by fencing, plant materials or other landscaping, or other aesthetically pleasing means identified on the site plan.
4. The area used for the establishment shall be hard surfaced with concrete, asphalt, or other suitable permanent materials, and specified as such on the site plan.
5. The principal use on the site must meet all Zoning Ordinance and site plan requirements.
6. Temporary structures or other facilities may be approved through the site plan review.
7. Businesses must provide evidence that appropriate State and local licensing has been obtained.
8. All applicable local, county, and State regulations must be met.
9. Businesses may serve alcoholic beverages if licensed for the outside area.
10. Businesses may not provide illuminating lighting unless specified and approved with the site plan. Decorative lighting such as string lights is encouraged.
11. Businesses may not provide any amplified music or public address system unless specified and approved with the site plan or by a separately issued Special Event Permit as provided for by City Code.

SECTION 6. AMENDMENT OF CHAPTER 173. Chapter 173 of the Code of Ordinances is amended to read as follows:

CHAPTER 173 ZONING CODE – SIGN REGULATIONS

173.01 General	173.09 Signs in Commercial/Recreational Vehicle District
173.02 Definitions	173.10 173.09 Interstate Frontage Signs Special Allowances
173.03 Sign Permits and Inspections	173.11 173.10 General Sign Regulations
173.04 Prohibited Signs	173.12 173.11 Specific Sign Regulations
173.05 Exempt Signs	173.13 173.12 Temporary Signs
173.06 Signs in Residential Zones	173.14 173.13 Change In Use
173.07 Signs in Commercial Zones and the Public Zone	173.15 173.14 Nonconforming Signs
173.08 Signs in Office/Research Park and Industrial Zones	

173.01 GENERAL. A sign shall not hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this chapter and after a permit has been issued by the Code Official.

173.02 DEFINITIONS. The following definitions are given for words used in this chapter:

“Awning sign” means a sign attached to or in any way incorporated with the face of an awning or any other similar projection, and which does not extend beyond the projection.

~~“Development sign” means a permanent sign that displays the name of a development or of a multi-lot subdivision.~~

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

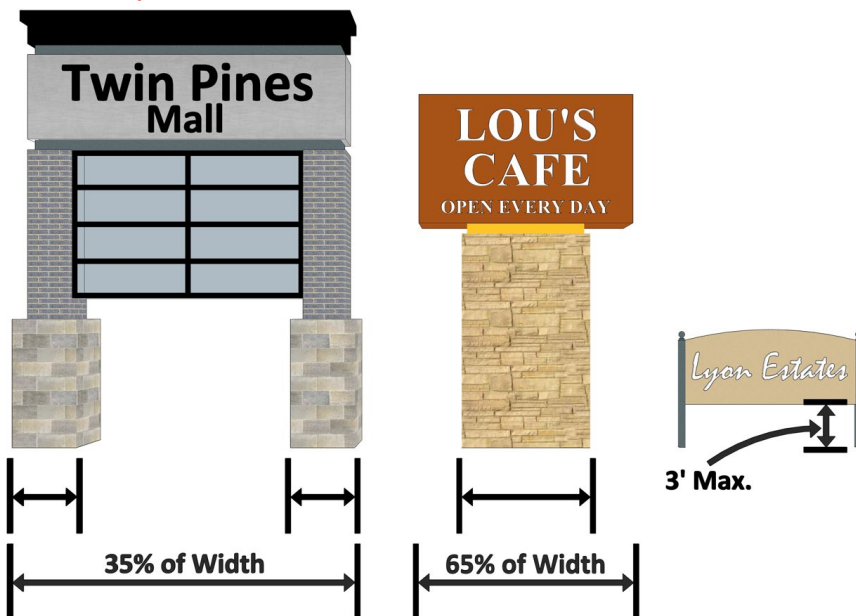
~~“Ground sign” means a sign which is supported by one or more uprights or braces and which is firmly and permanently anchored in or on the ground and which is not attached to any building.~~

“Identification sign” means a sign displaying the name, address, crest, insignia or trademark, occupation, or profession of an occupant of a building or the name of any building on the premises.

“Information sign” means a sign displayed strictly for the direction, safety, or convenience of the public and which sets forth no advertisement. Information signs include signs which identify parking areas and drives, restrooms, addresses, telephones, exits and entrances, no trespassing areas, danger areas, and similar information.

"Monument sign" means a freestanding sign that does not have any exposed pole or pylon, and is designed in accordance with the one of the following:

1. The sign is attached to one columnar base for at least sixty 60% of the entire width of the sign. The sign shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength.
2. The sign is attached to two columnar bases for at least 35% of the entire width of the sign. The sign shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength.
3. The sign is attached to decorative posts that are part of the overall sign structure and sign design. Such decorative posts may extend out of the ground for a maximum of three feet above the adjacent ground where they are installed.



"Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

"Off-premises sign" means a sign which directs attention to a use conducted off the lot on which the sign is located.

"Painted sign" means a sign painted directly on an exterior surface of a building, window, or wall.

"Pole sign" means a ~~ground-freestanding sign wholly supported by a tubular sign structure in the ground which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, or braced by, any other structure.~~

"Political sign" means a temporary sign announcing candidates seeking public office, a political issue, or containing other election information.

"Portable sign" means a sign that is not firmly and permanently anchored or secured to either a building or the ground.

"Projecting sign" means a sign which projects from and is supported by a wall of a building or structure, with the exposed face of the sign on plane not parallel to the plane of the wall.

"Projection" means the distance by which a sign extends over public property or beyond the building line.

"Real estate sign" means a temporary sign which advertises the sale, rental, or lease of property.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign" means a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business.

~~"Sign, window" means a sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.~~

"Sign structure" means any structure that supports or is capable of supporting a sign as defined in this chapter.

"Swinging sign" means a sign which, because of its design, construction, suspension, or attachment, is free to swing or move noticeably because of the wind.

"Temporary sign" means any banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

"Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign on plane parallel to the plane of the wall.

"Window sign" means a sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

173.03 SIGN PERMITS AND INSPECTIONS.

1. Permits Required. It is unlawful for any person to erect, alter, or relocate within the City any sign requiring a permit without first obtaining a sign permit from the Code Official. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and shall be approved and labeled by a nationally recognized testing lab. No signs shall be erected on a property without the authorization of the property owner or authorized agent. Sign permits shall be issued only for signs which are in accord with the approved sign plan on file with the Code Official.
2. Application for Permit. An application for a permit shall be made upon forms provided by the Code Official and shall at a minimum contain or have attached thereto the following information:
 - A. Applicant Information. Name, address, email, and telephone number of the applicant.
 - B. Plans and Specifications. One copy of detailed drawings of the plans and specifications and method of construction and attachment to the building or in the ground. Such blueprint or ink drawing shall show the location of sign or signs and shall certify the distance from each other, from signs on adjacent property, from points of ingress and egress, and from adjacent property lot lines.
 - C. Calculations. Stress sheets and calculations showing the structure is designed for dead load and 30 pounds per square foot wind pressure in any direction in the amount required by this and all other laws and ordinances of the City.
 - D. Erector. Name of the person or association erecting structure.
 - E. Valuation. Valuation of sign.
 - F. Other. Such other information as the Code Official shall require in order to show full compliance with this and all other laws and ordinances of the City.
3. Permit Expiration. If the work authorized under a sign permit has not been commenced within six months after the date of issuance, the permit shall become null and void, and the applicant must re-apply for a sign permit prior to installing a sign.

4. Permit Fees. A fee, as determined by resolution of the Council, shall accompany all applications for sign permits.
5. Revocation of Permits. The Code Official is hereby authorized and empowered to revoke any sign permits issued by the City upon failure of the holder thereof to comply with any provisions of this chapter.
6. Penalty for No Permit. In the event the erection, construction, or reconstruction of any sign is commenced without first obtaining a permit, there shall be, in addition to the required sign permit fee, an on-site inspection fee of \$50.00. This provision does not preclude any enforcement or penalty provisions contained in this code.
7. Inspections Required. All construction or work for which a permit is required shall be subject to inspection by the Code Official.
8. Maintenance and Safety Inspections. The Code Official may cause to be inspected from time to time, as deemed necessary, any sign regulated by this chapter for the purpose of ascertaining whether the same is secure, and whether it is in need of removal or repair and complies with this chapter.

173.04 PROHIBITED SIGNS. The following devices and locations are specifically prohibited:

1. In Public Rights-of-Way. No sign or sign structure other than an official traffic, street, or related sign approved for placement by the controlling public agency shall be placed on any street or highway right-of-way, except certain Temporary Signs as defined within this chapter. No sign shall be attached to any utility pole, light standard, street tree, or any other public facility located within the public right-of-way.
2. Without Consent of Owner. No sign or sign structure shall be placed on private property without the consent of the owner or authorized agent thereof.
3. Imitation or Resemblance to Traffic Control and Safety Signs. No sign or sign structure shall be erected at any location where it may by reason of its size, shape, design, location, content, coloring, or manner of illumination constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or which may be confused with an official traffic control device. No rotating beacon, beam, or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light and no such words as "Stop," "Look," "Danger," or any other lights, words, phrases, symbols, or characters which in any manner may interfere with, mislead, or confuse vehicle operators shall be used in a location which is visible to vehicular traffic. No sign shall be located in such a manner as to impede the corner visual clearance.
4. Exits Shall Remain Unobstructed. No sign shall be erected so as to prevent free ingress to or egress from any door, window, fire escape or any other exit required by the Building Code or Fire Code of the City, or by any other portion of this Code of Ordinances.
5. Unsafe Attachments. No sign shall be attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape.
6. Portable Signs. Portable signs, except as permitted as temporary signs.

7. Vehicle Signage. Any sign attached to or placed on a vehicle or trailer parked on public or private property. This section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
8. Revolving Signs. No portion or part of a sign shall revolve nor shall the entire sign revolve.
9. Roof Signs. No roof signs shall be allowed.
10. Swinging Signs. No swinging signs over 24 square inches shall be allowed.
11. Wall and Fence Signs. Painting or affixing a sign to a wall or fence is prohibited. An advertising sign message or copy shall not be painted or affixed directly on a wall or fence.
12. Projecting Signs. Projecting signs, unless specifically approved by the Commission and Council. See specific sign regulations in this chapter for details.
13. Off-Premises Signs, including billboard signs.
14. Banners and Pennants. No banners, pennants, twirling signs, balloons, or other similar devices shall be allowed as permanent signs but may be permitted for temporary purposes as specified in the Temporary Signs section.
15. Bench Signs.

173.05 EXEMPT SIGNS. The following signs are exempt from the provisions of this chapter.

1. Miscellaneous Signs. Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs and signs that warn of danger, hazards, or unsafe conditions.
2. Official Flags and Emblems. Display of any official flag or emblem of a nation, state, or city.
3. City Entrance. City identification and entrance signs installed by the City.
4. Inside Signs. Any sign which is located within a building and not intended to be visible from outside the building.
5. Art. Works of fine art that are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
6. Temporary Decorations. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays that are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
7. Small Vehicle Signs. Signs no larger than one square foot applied directly or attached directly to the body of a car, bus, trailer, or other vehicle are exempt from the regulations of this section if such vehicle has a valid registration, is utilized in the normal course of a business or in the operator's usual routine activities, and such vehicle is not used primarily for the display of such sign or signs.
8. Nameplates. Nameplates that are posted in conjunction with doorbells or mailboxes and do not exceed 24 square inches in surface area.
9. Legal Postings. Legally required signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
10. Information Signs, as defined in Section 173.02.

11. Address Signs. Address signs, not exceeding one square foot in surface area, containing only the address of the premises upon which it is located and limited to no more than one sign for every 40 feet of lot street frontage.
12. Window Informational Signs. Window informational sign displaying information about the operation of the business, such as days and hours of operation, telephone number, and credit cards accepted. Such signs shall not exceed a maximum area of two square feet.

173.06 SIGNS IN RESIDENTIAL ZONES.

1. Neighborhood or Development Signs. Residential developments or neighborhoods of four or more dwelling units shall be permitted one ~~identification~~freestanding monument sign for each public street frontage or each entrance. Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall be two square feet, plus one square foot for each dwelling unit or lot, but shall not exceed 25 square feet in area per sign face.
2. ~~Religious-Non-residential Uses~~ Signs. Each ~~religious-non-residential~~ principal use shall be permitted wall signs and one ~~ground~~freestanding monument sign per public street frontage, subject to the following size requirements.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed one square foot for each lineal foot of building wall when viewed in elevation, not to exceed 40 square feet.
 - B. Maximum ~~Ground-Freestanding~~ Sign Area. One ~~ground~~ sign is permitted per public street access. The surface area for each sign shall not exceed 25 square feet and the height shall not exceed 5 feet.

173.07 SIGNS IN COMMERCIAL ZONES AND THE PUBLIC ZONE.

1. Development Complexes/Multi-Tenant Buildings. Development complexes shall be permitted one ~~ground~~freestanding monument sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus 10 additional square feet per business, enterprise, institution or franchise within development complex, but no more than 50 percent of the base allowable sign area.
2. Business and Public Use Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one ~~ground~~freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed the following requirements for each building wall to which the signage is attached.

- (1) In the C-1-A, ~~C-1-B~~, and Public districts, one square foot for each lineal foot of building wall when viewed in elevation, not to exceed the following maximums:
 - (a) 40 square feet for building walls up to 50 feet in length.
 - (b) 80 square feet for building walls over 50 feet in length.
 - (2) In the ~~C-1-B~~, C-2-A and C-3 zone districts, two square feet for each lineal foot of building wall when viewed in elevation, not to exceed 300 square feet.
- B. Maximum ~~Ground~~Freestanding Sign Area.
- (1) In the C-1-A and Public districts, one ~~ground~~ sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 20 feet.
 - ~~(2) In the C-1-B zone district, one ground sign is permitted per street frontage. The surface area for each sign shall not exceed 50 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 20 feet.~~
 - (3)(2) In the ~~C-1-B~~, C-2-A and C-3 zone districts, one ~~ground~~ sign is permitted per street frontage. The surface area for each sign shall not exceed 100 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 24 feet.
- C. Canopy Sign Area and Dimensions.
- (1) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
 - (2) The maximum allowable horizontal length of a canopy sign shall be equal to the width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
 - (3) The minimum vertical clearance between the lower edge of a canopy or awning and the ground shall be eight feet.

~~173.08~~

~~173.09~~173.08 SIGNS IN OFFICE/RESEARCH PARK AND INDUSTRIAL ZONES.

1. Development Complexes/Multi-Tenant Buildings. Development complexes shall be permitted one ~~ground~~freestanding monument sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus 10 additional square feet per business, enterprise, institution or franchise within development complex, but not more than 50 percent of the base allowable sign area.
2. Building Identification Signs. One building identification sign for each building shall be permitted provided that no such sign shall exceed 25 square feet.

3. Business Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one ~~ground~~freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed three square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 300 square feet.
 - B. Maximum ~~Ground~~ Sign Area. One ~~ground~~freestanding sign is permitted per street frontage. The surface area for each sign shall be one square foot for each lineal foot of street frontage, not to exceed 100 square feet, except for development complexes as specified in section 173.08(1), and the height shall not exceed 24 feet.
 - C. Canopy Sign Area and Dimensions.
 - (1) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
 - (2) The maximum allowable horizontal length of a canopy sign shall be equal to the width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
 - (3) The minimum vertical clearance between the lower edge of a canopy or awning and the ground shall be eight feet.

~~173.09~~ RESERVED

173.~~10~~~~173.09~~ INTERSTATE FRONTAGE SIGNS SPECIAL ALLOWANCES. Lots with at least 200 feet of frontage on Interstate 380 are eligible for increased ~~ground~~freestanding sign size and height dimensions as specified in this section in recognition of the larger lot sizes, building sizes, and the larger visual field associated with such development.

1. Height. The maximum height of ~~ground~~freestanding signs may be 5 feet taller than the average height of the principal building on the lot but shall not exceed 40 feet maximum. This is intended to be a bonus standard for taller buildings, and shorter buildings are entitled to the standard maximum height for the zoning district in which they are located.
2. Area. The maximum area of ~~ground~~freestanding signs shall be 150 square feet, plus a bonus of 40 additional square feet per business, enterprise, institution or franchise within the development complex, provided that such bonus shall not exceed 200 square feet.

173.~~11~~~~173.10~~ GENERAL SIGN REGULATIONS.

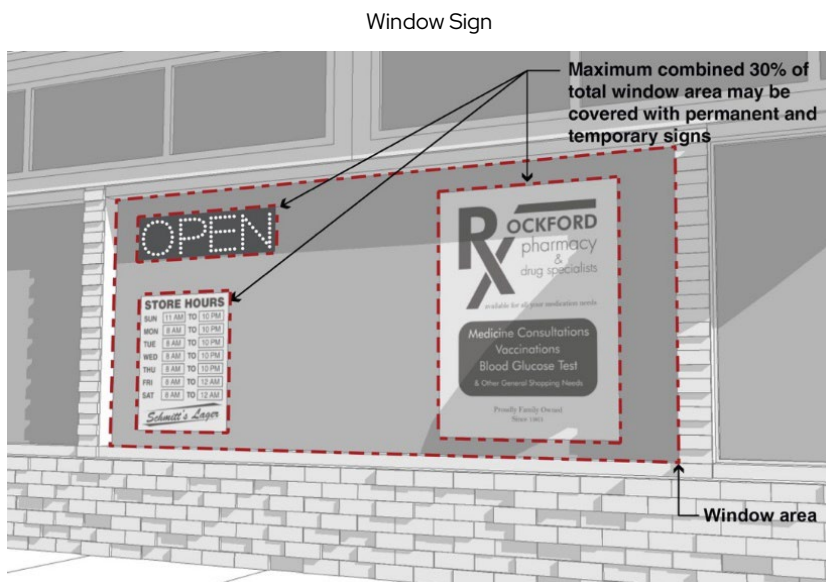
1. ~~Freestanding signs must be monument signs. Freestanding pole signs are prohibited.~~

- ~~1.2.~~ Sign Illumination. All sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public right-of-way and neighboring properties.
- ~~2.3.~~ Measurement of Sign Area. The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.
- ~~3.4.~~ Condition and Maintenance. All signs, together with supports, braces, and anchors, shall be of rust-inhibitive material or treatment and shall be maintained in good condition in the opinion of the Code Official. The display surfaces of all signs shall be kept neatly painted or posted at all times.
- ~~4.5.~~ Electronic Message Signs. Electronic message signs that display time and temperature or provide changing messages are permitted.
- ~~5.6.~~ Code Compliance. The construction, installation, erection, anchorage, and maintenance of all signs are subject to the applicable provisions of this section, the Building Code and other applicable codes. All signs and sign structures shall be designed and constructed to withstand load pressures as regulated by the Building Code.
- ~~6.7.~~ Landscaping. All ~~ground~~freestanding signs shall have one square foot of landscaping at the base of the sign for each two square feet of sign surface area.
- ~~7.8.~~ Corner Visual Clearance. Signs shall not be located within the corner visual clearance area. Additional limitations upon location, size, and height of any such signs may be required by the City if additional requirements are necessary to meet standard traffic engineering practices.
- ~~8.9.~~ Interference with Utilities. Signs and their supporting structures shall not interfere with any equipment or lines for utilities including water, sewage, gas, electricity, or communications.
- ~~9.10.~~ Obstruction to Doors, Windows, or Fire Escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire extinguisher system. No sign shall obstruct or interfere with any opening required for ventilation.
- ~~10.11.~~ Sign Mounting. All signs shall be mounted in one of the following manners:
- A. Flat against a building or wall, or
 - B. Back to back in pairs, so that the backs of such signs will be screened from public view, or
 - C. In clusters in an arrangement that will screen the backs of the signs from public view, or
 - D. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color that blends with the surrounding environment.

173.12-11 SPECIFIC SIGN REGULATIONS. The conditions of this section are applicable to all signs.

1. Setback. No part of any sign shall be closer than two feet from the established property line.
2. Minimum Clearances over Access Ways. Unless a greater or lesser minimum height is specifically listed for a particular sign, any part of a sign which projects into or over any access way shall have a minimum height of not less than the following:
 - A. Vehicular way: 14 feet.
 - B. Pedestrian way: 8 feet.
3. Minimum Distance Between Signs. All groundfreestanding signs in the districts in which they are allowed shall have a minimum distance separation of 150 feet.
4. Directional Signs.
 - A. No more than two directional signs per street entrance shall be permitted for any enterprise, business, or institution are permitted at each entrance/exit. One additional directional sign may be permitted at each interior driveway intersection, drive-through lane, or other circulation point. Building mounted signs shall be limited to one per building elevation.
 - B. Such signs shall be for the sole purpose of ensuring safe and convenient access to the property. Signs are limited to the following maximum dimensions: two feet in length and two feet in height.
 - C. No such sign shall exceed two square feet in area in the residential zones and shall not exceed three square feet in area in all other zones. A freestanding sign is limited to five feet in height and must be five feet from any lot line that abuts a street.
 - D. A permit is not required for a directional sign except for an illuminated sign requiring the installation of an electrical branch circuit.
5. Community Event Message Signs.
 - A. A nonprofit organization shall be eligible to apply for a conditional use permit to allow a community event message sign to allow the display of changing messages and information on such matters as the date, time, location, and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:
 - (1) Each nonprofit organization shall be eligible for no more than one wall sign or one groundfreestanding monument sign.
 - (2) The maximum area available shall be 50 percent of the base permitted sign area if located in a residential zone or 100 percent if located in any other zone.
 - (3) Permanent advertising of a commercial nature shall be allowed only in commercial zones and shall not exceed 25 percent of the total area of the community event message sign.
 - (4) The sign shall be made reasonably available to other community-based nonprofit organizations for the display of information about special events or other announcements of a noncommercial nature.

- (5) The sign shall not be of a size or sited in such a manner that will substantially hinder the visibility of other legal signs on adjacent properties.
- B. In reviewing an application for a community event message sign, the Commission and Board of Adjustment shall consider the following objectives, and may impose conditions to ensure that these objectives are met:
 - (1) By virtue of the sign's design, size, location, and other factors, including appropriate landscaping, the sign shall be harmonious and compatible with its surrounding, and consistent with community aesthetic sensibilities.
 - (2) The sign shall not be erected or any electronic or electric changing copy be controlled in a manner that will be a substantial distraction to motorists, thus causing a traffic hazard.
- 6. Projecting Signs. Projecting signs are allowed only upon approval by the Council after review and recommendation by the Commission. Application for the sign permit shall be consistent with Section 173.03 regarding submission materials. Projecting signs shall meet all setback, clearance, area, number, and general regulations in this chapter. The City shall determine if the sign is appropriate for the location proposed and if the design is consistent with City aesthetic design goals regarding the following factors:
 - A. Signs may be attached only to building walls. They may not be hung from roofs, fences, or eaves.
 - B. Colors and design theme are required to be consistent with the building to which the sign is attached.
 - C. Projection is required to be minimized to the maximum extent possible.
 - D. If lit, internal lighting is required.
 - E. All messages on the sign shall relate to the principal on-site use.
 - F. The mounting technique shall be safe and attractive.
 - G. Other considerations unique to the specific sign proposed and the site.
- 7. Intersection Landscaped Areas. No signage of any kind is permitted within the landscaped areas at street intersections and no signage shall be placed so that it obscures said landscaped areas.
- 8. Window Signs.
 - A. Window signs are permitted for all nonresidential uses in all districts.
 - B. All window signs, whether temporary or permanent, are limited to no more than 30% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
 - C. Window signs include neon or LED signs. Flashing neon or LED is prohibited.
 - D. A permit is not required for a window sign.



173.13-12. TEMPORARY SIGNS.

1. Political Signs.
 - A. Political signs shall be permitted in all zones but not within any public street right-of-way or on any public land.
 - B. Such signs shall not exceed 8 square feet in area and shall not exceed 42 inches in height.
 - C. Political signs established in violation of this section may be immediately removed by the City.
 - D. Permits are not required for temporary political signs.
2. Real Estate Signs.
 - A. Real estate signs shall be permitted in all zones, provided that all such signs shall be located on the property to which they apply, except as provided in Paragraph G of this section.
 - B. Signs are limited to one per street frontage.
 - C. Signs may be either freestanding, wall, or window signs.
 - D. Signs are limited to 12 square feet in the interim development and residential districts and 32 square feet in all other districts.
 - E. Freestanding signs are limited to six feet in height in the interim development and residential districts and eight feet in height in all other districts. All signs must be located a minimum of five feet from any lot line and shall not be located within the corner visual clearance pursuant to Section 167.01.
 - F. Real estate signs shall be removed within five days of final closing, lease, or rental.

- G. In addition to lot-specific real estate signs, signs advertising the sale of lots within a subdivision shall be permitted. No more than one sign per entrance into the subdivision shall be allowed, and each sign shall be no greater than 32 square feet in area, no greater than 8 feet in height, and in place no longer than a period of three years.
- H. Permits are not required for temporary real estate signs.
- 3. Special Sale Signs. Special sale signs, including banner signs and vertical signs as specified by the City, may be displayed for no more than 10 continuous days up to five times per calendar year. Horizontal banners, yard signs, trailer signs, and all other similar signage are not allowed to substitute under any condition for the sign designs permitted by the City. A permit is required.
 - A. Banner Signs.
 - (1) Sale and grand opening signs as defined herein are permitted in all zones except residential. Such signs shall be removed immediately upon termination of the special event or at the end of 10 days, whichever comes first.
 - (2) All such signs must be attached to the façade, wall, or window of the building occupying or conducting the sale or event which they advertise, or erected on temporary posts/supports within one foot of the façade, wall, or window.
 - (3) No business shall have more than two such signs for each façade or wall of the building to which they are attached.
 - (4) The total sign size shall not exceed 50 percent of the size of the permitted wall sign or 25 square feet in area, whichever is greater.
 - B. Vertical Signs.
 - (1) Special event vertical as defined herein are permitted in all zones except residential. Such signs shall be removed immediately upon termination of the special event or at the end of 10 days, whichever comes first. Notwithstanding the foregoing, a new business may display such sign(s) for a period of 30 continuous days as a single event. Only sail-shaped vertical flag signs consistent with City specifications are allowed under these rules.
 - (2) The signs may be inserted into the ground, freestanding on a weighted base, or attached to a building, but in all cases shall be kept vertical.
 - (3) The signs shall be located only on the private property hosting the event, and not within any part of the City right-of-way.
 - (4) The number of vertical signs allowed per property shall be as follows:
 - a. For lots with a single business: Two signs per street frontage are permitted; however, one additional sign is permitted for each additional 50 feet of frontage over 100'.
 - b. For multi-tenant lots: Two signs per street frontage are permitted; however, one additional sign is permitted for each additional 50 feet of frontage over 100'. Tenants of multi-tenant lots shall ensure that collectively the display of vertical

signs does not exceed the maximum number requirement, and any fines or penalties assessed for violation of these requirements may be assessed to the owners of all such signs placed on the multi-tenant lot.

4. Garage Sale Signs.
 - A. Garage sale signs are permitted in all zones but only on the property to which they apply.
 - B. Garage sale signs shall be displayed not for more than 48 hours before or more than four hours after the end of the sale.
 - C. Such signs shall not be larger than four square feet and no more than 2 signs may be posted for any garage sale.
 - D. Such signs shall not be located within the street right-of-way between the curb and sidewalk. They shall not be located on gravel shoulders, within landscaped areas or obstructing landscaped areas at street intersections, nor shall they be attached to any traffic control posts or other public structures.
 - E. A permit is not required for garage sale signs.
5. Community Event Signs. Promotional signs advertising a special community event such as a fair, farmer's market, or parade may be permitted to be located over the public right-of-way or on public property. The size, location, and method of erection of such signs shall be subject to approval by the City Administrator or designee.
6. Construction Activity Signs. One temporary sign is permitted per each street frontage. Such temporary signs are subject to the following:
 - A. Such temporary signs are permitted in all districts on sites with an active or upcoming construction projects.
 - B. Such temporary signs may be installed only after approval of a site plan and/or building permit for such activity. Signs may be installed no more than two months prior to active construction. Signs must be removed once construction is complete or the permit expires, whichever occurs first.
 - C. Such temporary signs may be constructed as either freestanding signs or wall signs, and subject to the following:
 - (1) Signs are limited to 32 square feet in area.
 - (2) Freestanding signs are limited to eight feet in height
 - (3) Freestanding signs must be located a minimum of five feet from any lot line.
 - (4) Signs may not be illuminated.A permit is not required for construction activity signs.

173.14-13. CHANGE IN USE. Whenever the use of land or structure changes, any signs that do not relate to the new use or to any product or service associated with the new use shall be removed or appropriately altered consistent with the provisions of this section. Furthermore, it shall be the responsibility of the property owner of the land to remove any sign or signs on premises where the associated use has been discontinued for a period of more than 90 days.

173.15-14. NONCONFORMING SIGNS. Whenever a business, person, enterprise, or institution for which existing signage does not conform to the requirements of this chapter

seeks to structurally alter or enlarge an existing sign or erect or install a new sign, the provisions of this section shall apply as follows:

1. The alteration, enlargement, installation, or erection of signage shall not increase the degree of nonconformity.
2. If the value of the structural alteration to a nonconforming sign equals or exceeds 50 percent of the value of the sign, as determined by the Code Official, the sign shall be made to conform to all provisions of this chapter.
3. Enlargement, installation, or erection of conforming signage shall be accompanied by a reduction in the degree of nonconformity for other signage existing on the premises. This reduction in nonconformity can be accomplished by reduction in size of existing sign (if nonconforming by square feet), removal (if nonconforming by the number of signs), relocation (if nonconforming by location), or a combination of reduction, removal, and relocation of nonconforming signage shall equal, as nearly as practical, 75 percent of the value of the new or enlarged conforming signage or the costs necessary to bring all signage on the premises into conformance with this section, whichever is the lesser requirement.
4. The provisions of items 2 and 3 of this section do not apply to temporary or illegal signs. Temporary signs that do not comply with the requirements of this chapter and other illegal signs shall be removed upon notification of the sign's nonconformity.

SECTION 7. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 9. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 10. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

ORDINANCE NO. 2022-02

AN ORDINANCE AMENDING CHAPTERS 165 THROUGH 170 AND 173 OF THE NORTH LIBERTY CODE OF ORDINANCES, GOVERNING THE ADMINISTRATION, ORGANIZATION, ENFORCEMENT AND DEFINITIONS OF ZONING DISTRICTS, DEVELOPMENT AND SIGN REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF CHAPTER 165. Chapter 165 of the Code of Ordinances is amended to read as follows:

CHAPTER 165 ZONING CODE – ADMINISTRATIVE

165.01 Title
165.02 Purpose
165.03 Scope
165.04 Annexed Land
165.05 Permit Requirements
165.06 Certificate of Zoning Compliance

165.07 Flood Plain Development Permit
165.08 Fees
165.09 Zoning Text and Map Amendments

165.01 TITLE. The regulations contained in Chapters 165 through 173 of this Code of Ordinances shall be known as the City of North Liberty Zoning Code, may be cited as such, and are referred to herein as “this code.”

165.02 PURPOSE. The purpose of this code is to safeguard the health, property, and public welfare by controlling the design, location, use, or occupancy of all buildings through the regulated and orderly development of land and land uses within this jurisdiction.

165.03 SCOPE. The provisions of this code shall apply to the construction, alteration, moving, repair, and use of any building, structure, parcel of land, sign, or fence within the jurisdiction, except:

1. Work located in public rights-of-way.
2. Public utility structures, such as transformers, pedestals, cabinets, poles, wires, cables, conduits, vaults, laterals, pipes, mains, hydrants and valves. Public utility structures for the purpose of this exemption do not include wireless telecommunications, amateur HAM radio towers, solar panels, wind turbines, and utility (sub)stations.

165.04 ANNEXED LAND. Any territory annexed into the City is automatically, upon annexation, zoned ID Interim Development District.

165.05 PERMIT REQUIREMENTS.

1. Plot Plans to Accompany Building Permit Application. Each application for a building permit shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this code. A record of applications and plans shall be kept on file with the Code Official.
2. Preliminary Site Plan Review. The preliminary site plan review process promotes orderly development and redevelopment in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City.
 - A. Authority. The City Council, after receiving a recommendation from the Planning Commission, will take formal action on requests for preliminary site plan review.
 - B. Procedure. All applications shall be filed with the Code Official. The Code Official may convene a technical review group comprised of City staff to review the application. The application must include all information, plans, and data as specified in Paragraph D, below.
 - C. Required Preliminary Site Plan Review. Preliminary site plan approval is required for the following developments:
 - (1) New townhouse, multi-unit residence, manufactured home park, nonresidential, and mixed-use development, including construction of additional principal buildings on a developed site.
 - (2) Additions to townhouse, multi-unit residence, nonresidential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
 - (3) Parking lots of 15 or more spaces.
 - D. Preliminary Site Plan Submittal Requirements. All applications for preliminary site plan review shall include the following:
 - (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.
 - (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.
 - (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.

- (g) The total square feet of building floor area, both individually and collectively.
 - (h) Total number of dwelling units and the density of the development.
 - (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
 - (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
 - (k) Pedestrian walkways with special consideration given to pedestrian safety.
 - (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
 - (m) Walls, fences or other artificial features.
 - (n) Trash and refuse enclosures.
 - (o) The general drainage pattern and location of storm water detention features.
 - (p) The general location, type and size of landscaping and ground cover illustrated in color perspective.
 - (q) A rendering, elevation or photo of the proposed development.
 - (r) Other information deemed necessary by the Code Official due to the scale of the development.
- E. Modifications. The development shall be substantially in conformance with the approved preliminary site plan. Amended preliminary site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council. In determining whether the amendment qualifies for administrative or Planning Commission review/City Council approval, the Code Official shall use the criteria in Table 165.05-A. Under no circumstance shall any such amendment conflict with any minimum or dimensional standard and/or requirement in this code.

Table 165.05-A Preliminary Site Plan Amendments		
Amendment	Administrative	Planning Commission review/ City Council approval
Land Use	Any decrease. Any increase of less than 10% of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area	Increase of 10% or more of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area
Project Scale	Any decrease. Any increase in density or intensity of use of less than: - 10% gross floor area - 5% of the number of dwelling units	Increase in density or intensity of use as follows: - 10% or greater usable floor area - 5% or greater of the number of dwelling units
Open Space/ Recreation Area	Any increase. Any decrease less than 10% size reduction or change in location or characteristics	10% or more size reduction or change in location or characteristics
Setbacks	Any increase. Any decrease of less than 10%, or any increase	Decrease of 10% or more
Height	Decrease in height or number of stories	Increase in height greater than/equal to 20% or an increase of one story
Parking Spaces	Increase or decrease of less than 10%	Increase or decrease of 10% or more

- F. Timing. Once a preliminary site plan is approved, the petitioner has eighteen (18) months to obtain construction site plan approval. In the event that the petitioner fails to obtain construction site plan approval within the specified timeframe, the petitioner shall be required to seek reauthorization and approval of the preliminary site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.
3. Construction Site Plans Review. The construction site plan review process ensures consistency with the approved preliminary site plan and all applicable municipal regulations.
- A. Authority. The Code Official reviews and issues final approval of construction site plans.
- B. Required Construction Site Plan Review. Construction site plan approval is required for any development requiring preliminary site plan approval and utility (sub)stations.
- C. Construction Site Plan Submittal Requirements. All applications for construction site plan review shall include the following:
- (1) The completed application form.
 - (2) A scaled and dimensioned site plan drawn to a scale not less than one inch to one hundred feet, prepared by a licensed engineer, landscape architect and/or architect. The site plan shall include the following:
 - (a) Date, north arrow and graphic scale.

- (b) The property owner's name and description of proposed development.
 - (c) A vicinity sketch showing the location of the property and other properties within 1,000 feet of it.
 - (d) Property boundary lines, dimensions, and total area.
 - (e) Contour lines at intervals of not more than five feet, City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map and the proposed finished topography shown on the site plan.
 - (f) The location of existing streets, sidewalks, easements, utilities, drainage courses.
 - (g) The total square feet of building floor area, both individually and collectively.
 - (h) Total number of dwelling units and the density of the development.
 - (i) All structures and major features shall be fully dimensioned including distance between structures, distance between driveways, parking areas, property lines and building height.
 - (j) Off-street parking areas, ingress and egress to the property, number of parking spaces proposed, number of parking spaces required by this code and type of surfacing.
 - (k) Pedestrian walkways with special consideration given to pedestrian safety.
 - (l) Recreation and open spaces, with special consideration given to the location, size and development of the areas in regard to adequacy, effect on privacy of adjacent living areas, and relationship to community wide open spaces and recreation facilities.
 - (m) Walls, fences or other artificial features.
 - (n) Trash and refuse enclosures.
 - (o) Documentation demonstrating compliance with Chapter 155, entitled Construction Site Erosion and Sediment Control.
 - (p) Documentation demonstrating compliance with Chapter 156, entitled Post-Construction Storm Water Runoff Control.
 - (q) A lighting plan depicting the location, height, and type of lighting fixtures on the site and proposed buildings and a photometric plan depicting the lighting fixture locations and illumination levels.
 - (r) The location, type and size of all plants, shrubs, trees, and ground cover.
- D. Extension of public utilities. The petitioner may, as part of the construction site plan approval, be required to install public utilities, including (but not limited to) water lines, storm sewer, sanitary sewer, street paving, fire hydrants, and such other utilities as applicable to properly serve the proposed development.

Where required as part of a construction site plan approval, utilities shall be constructed in accordance with City construction standards as referred to in the subdivisions ordinance for those portions within the public right-of-way and to be dedicated to the City, and may be required to be constructed to the same specifications for those undedicated portions where said utilities may have a direct effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

- E. Modifications. The development shall be substantially in conformance with the approved construction site plan. Amended construction site plans shall be submitted to the Code Official for determination if the amendment can be approved administratively or if the amendment requires review by the Planning Commission and approval by City Council in accordance with Section 165.05(2)(E).
- F. Once a site plan is approved, the petitioner has eighteen (18) months to commence the development of the property consistent with the approved site plan and any related conditions and agreements. The development of the property shall be substantially completed within thirty six (36) months from the date of City approval of the site plan. In the event that the petitioner fails to either commence or complete the development of the property within these timeframes, authorization to proceed with the development shall cease, and the petitioner shall be required to seek reauthorization and approval of the construction site plan. The petitioner may, however, request an extension of time from the City. If an extension is granted, it may be conditioned upon updating any security posted by the petitioner or requiring the petitioner to provide security to reflect cost increases and extended completion date.

165.06 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 Code Official stating that the building and use comply with the provisions of this code. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without the issuance of a certificate of zoning compliance therefor by the Code Official. No certificate of zoning compliance shall be issued for a change of use unless the change is in conformity with the provisions of this code. A certificate of zoning compliance shall be issued prior to the issuance of a certificate of occupancy. A record of all certificates shall be kept on file with the Code Official, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

165.07 FLOOD PLAIN DEVELOPMENT PERMIT.

- 1. Permit Required. A flood plain development permit issued by the Code Official shall be secured prior to the initiation of any flood plain development, including (but not limited to) buildings or other structures, mining, filling, grading, paving, excavation, drilling, or any other manmade change to improved or unimproved real estate.

2. Application for a Permit. All application for a flood plain development permit shall include the following information:
 - A. The completed application form.
 - B. Description of work to be covered by the permit for which application is made.
 - C. A plat map, in triplicate, drawn to scale, giving the description of the land on which the work is to be performed. The plat map shall include the complete legal description of the property plus such other information as deemed necessary by the Code Official to readily identify the property.
 - D. Indication of the use or occupancy for which the proposed work is intended.
 - E. Elevation of the 100-year flood with respect to the property, and such topographic information on the property itself as to allow the Code Official to ascertain the level of potential flooding prior to the permit application.
 - F. Elevation (NL datum) of the lowest habitable floor (including basement) of buildings and the level to which any building is to be flood- proofed. For any building being improved or rebuilt, the estimated cost of improvements and the market value of the building prior to the improvements shall be noted, as well as such other information as the Code Official deems reasonably necessary for the purpose of this code.
 - G. The "A" Zone classification on the FIRM for the parcel and the elevation of the crown of the nearest street.
 - H. Signed approval of the Iowa Department of Natural Resources if, within the flood plain or watercourse under its jurisdiction, any stream straightening or a variance is proposed.
 - I. Certification from a registered engineer or architect that the methods and/or materials for structural flood proofing shall meet the requirements of this code.
 - J. Plans for the flood proofing and protection of all sanitary sewer and water lines serving the development for which the permit is sought. New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters, and on-site waste disposal systems shall be located so as to avoid impairment or contamination.
3. Action on Permit Application. Upon receipt of the application, the Code Official shall forward copies of the plat map and application to the Building Official and City Engineer. Both the Building Official and City Engineer shall review and make recommendation to the Code Official as to whether the proposed development complies with the applicable standards and provisions of this code and good engineering and design practices. The Code Official shall review all comments and recommendations and shall ascertain whether the proposed development meets the applicable provisions and standards of this code, and such official shall approve or disapprove the application. In the case of disapproval, the Code Official shall, in writing, supply the petitioner the specific reasons for denial. In the review process, should information not be supplied within the original request sufficient for the Code Official to render an accurate opinion, the petitioner shall forthwith provide such additional

information as is necessary to properly evaluate the permit application. Flood plain 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 code and shall be punishable as provided in this code. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, and/or other flood protection measures were accomplished in compliance with the provisions of this code prior to the use of any ground or issuance of an occupancy permit for any structure.

4. Records. The Code Official shall maintain the following records with respect to flood plain development permit applications:
 - A. A record of all development permit applications, together with all-pertinent ancillary documents and data submitted, including permits obtained from Federal, State, or other local government agencies as necessary.
 - B. A record of the elevation (in relation to mean sea level) of the lowest habitable floor of all new or substantially improved structures, or the elevation to which new or substantially improved structures have been flood proofed.
 - C. A record of all approved permits, appeals, and variances, together with all other transactions and correspondence pertaining to the administration of this code.Annually, or as may otherwise be required by law, the Code Official shall prepare, file, and maintain records of all reports for the Federal Insurance Administration.

165.08 FEES. Fees for services shall be set by resolution of the City Council.

165.09 ZONING TEXT AND MAP AMENDMENTS.

1. Purpose. The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party. Zoning map amendments are also called rezonings.
2. Initiation. The City or a property owner in the City, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.
3. Authority. The City Council, after receiving a recommendation from the Plan Commission, will take formal action on requests for zoning text or map amendments.
4. Procedure. All applications must be filed with the Code Official. The Code Official will schedule the consideration of the completed by the Planning Commission. Amendments initiated by the City Council also require an application, but are exempt from fees.

- A. Good Neighbor Meeting. Good neighbor meetings are intended to allow an applicant to share the details of the application, answer questions, and receive feedback prior to formal consideration by the Planning Commission.
 - (1) Requirement. Good Neighbor meetings are required to be held for all rezoning applications filed by private property owners. In the event that a proposed subdivision is dependent upon the property first being rezoned, the requirements of the good neighbor meeting in accordance with Chapter 180 shall be fulfilled as long as the notice and presentation include both requests.
 - (2) Meeting Notice and Conduct.
 - (a) The City shall mail notification of the meeting to all property owners within the 200 feet of the subject property. The City may expand the notification of the neighborhood meeting if it deems warranted. The City is not required to be notified by mail of the Good Neighbor Meeting.
 - (b) The City shall post notice of the meeting on the City's website.
 - (c) The meeting will be moderated by City staff.
 - (3) Meeting Notice Content.
 - (a) The notifications will include the time, date and location of the meeting, and a brief description of the proposed rezoning. Other information or material such as a map of the area may be included to clarify the notice.
 - (4) Timing.
 - (a) The Good Neighbor meeting shall be held a minimum of 14 days prior to the Planning Commission's consideration of the application.
 - (b) Notifications shall be sent, delivered and/or posted no later than ten (10) days prior to the Good Neighbor meeting.
- B. Action by the Planning Commission.
 - (1) The Planning Commission must recommend approval, approval with conditions, or denial of the application.
 - (2) The Planning Commission must evaluate the application in accordance with the approval standards of this section and evidence and/or testimony provided at the public hearing.
 - (3) The Planning Commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and such council shall not hold its public hearings or take action until it has received the final report of such commission.
- C. Action by the City Council.
 - (1) The City Council must hold a public hearing on the application within 60 days of receipt of the Planning Commission recommendation.
 - (2) Following the public hearing, the City Council must take action in the form of approval, approval with conditions, or denial of applications. The City Council may also refer the application back to the Planning

Commission for further consideration if it has deemed there are substantive changes and/or new relevant evidence and/or testimony has been provided.

- (3) If the Planning Commission recommends denial of the application or if a protest against the rezoning is signed by 20% or more of the area of the lots included in such proposed change or by owners within 200 feet of the exterior boundaries of such proposed map amendment, it may only be approved by a favorable 3/4 vote of the City Council.

D. Approval Standards. The Planning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

(1) Map Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- (b) The compatibility with the zoning of nearby property
- (c) The compatibility with established neighborhood character.
- (d) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
- (e) The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.
- (f) The extent to which the proposed amendment creates nonconformities.

(2) Zoning Text Amendments.

- (a) The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- (b) The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
- (c) The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- (d) Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
- (e) The extent to which the proposed amendment creates nonconformities.

SECTION 2. AMENDMENT OF CHAPTER 166. Chapter 166 of the Code of Ordinances is amended to read as follows:

CHAPTER 166

ZONING CODE – ORGANIZATION AND ENFORCEMENT

166.01 Powers and Duties of the Zoning Code Official	166.04 Violations
166.02 Planning Commission	166.05 Licensing
166.03 Board of Adjustment	166.06 Penalties

166.01 POWERS AND DUTIES OF THE ZONING CODE OFFICIAL.

1. General. This section establishes the duties and responsibilities for the Zoning Code Official and other officials and agencies, with respect to the administration of this code. The Zoning Code Official shall be referred to hereinafter as “the Code Official.”
2. Deputies. The Code Official may appoint such number of technical officers and other employees as may be necessary to carry out the functions of the code enforcement agency.
3. Reviews and Approvals. The Code Official shall be authorized to undertake reviews, make recommendations, and grant approvals as set forth in this code.
4. Comprehensive Plan. The Code Official shall assist the Commission in the development and implementation of the comprehensive plan.
5. Administrative Reviews and Permits.
 - A. Review of Building Permits. All applications for building permits shall be submitted to the Code Official for review and shall be approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.
 - B. Site Plan Reviews. The Code Official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.
 - C. Conditional Uses. The Code Official shall receive all applications for conditional use, review for completeness, and prepare submittals for review by the appropriate body.
 - D. Amendments. All requests for amendments or changes to the zoning text or map shall be submitted to the Code Official for processing.
 - E. Enforcement. The Code Official shall be empowered to take such steps as are necessary and permitted by law to enforce the provisions of this Code.
6. Interpretations. The interpretation and application of the provisions of this code shall be by the Code Official. The decision of the Code Official may be appealed to the Board of Adjustment, however, such appeal must be made within 30 days of a written decision. The Board of Adjustment will take formal action on appeals.
7. Liability. The Code Official, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Code Official or

other employee because such act or omission performed by the Code Official or employee in the enforcement of any provision of this code or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or the City be held as assuming any such liability by reason of the reviews or permits issued under this code.

8. Cooperation of Other Officials and Officers. The Code Official may request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the City.
9. Applicant Standing.
 - A. All applicants are presumed to be in good standing with the City and therefore have a right to submit applications in accordance with the processes and standards set forth in this chapter. However, the City Administrator has the authority to place any application, including (but not limited to) a rezoning application, a conditional use application, or a site plan application, on hold indefinitely or to withdraw any permit at any stage in the respective process by providing written notice of the same by regular mail, in the event the applicant has not fulfilled any significant obligations to the City with respect to current or previous development activities within the City. For the purposes of this section, "development activities" include activities and actions related to construction plans, developer's agreements, plats, and preliminary and construction site plans.
 - B. For the purposes of this section, "applicant" means any individual, firm, corporation, association, partnership, limited liability company, or any other business entity or proprietor of land. Any individual person or business entity with a 5% interest or more in the ownership or development of any particular property, whether previously approved or currently proposed, is an "applicant" for the purpose of enforcement of this section.
 - C. In the event the City Administrator exercises the discretion and authority set forth in this section by placing an application on hold or withdrawing a permit, any applicant may appeal that decision to the Council within 10 days of the date of the notice. The Council shall hear and decide the appeal of the City Administrator's decision within 30 days after the applicant provides written notice of appeal to the City Administrator. If the Council decides the appeal in favor of the applicant, the City Administrator shall immediately lift the administrative hold and ensure that the application is processed or the permit is reissued in accordance with the City's ordinances, processes, and procedures.

166.02 PLANNING COMMISSION.

1. General. This section addresses the duties and responsibilities of a Planning Commission, herein referred to as the "Commission," and other officials and agencies with respect to the administration of this code.
2. Establishment of the Commission. The establishment of the Commission shall be in accordance with the policies and procedures as set forth in State law. The Commission shall consist of seven members. Additionally, one member of the Council may be appointed as liaison to the Commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on Commission decisions.
3. Terms for Members. All appointments shall be for three years.
4. Selection of Members. All members shall be appointed by the Mayor, subject to the approval of the Council. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the Commission shall be at least eighteen years of age and legal residents of the City. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved.
5. Chairperson Election and Rules Adoption. The Commission shall elect from its membership a Chairperson. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.
6. Commission Secretary. A Secretary to assist the Commission shall be appointed by the City Administrator. The Secretary shall keep minutes of the Commission meetings for public record and conduct all correspondence, including the notification of decisions. The Secretary shall also certify records. The Secretary shall prepare and submit the minutes of Commission meetings to the Chairperson and the Commission.
7. Duties and Powers.
 - A. Comprehensive Plan. It shall be the duty of the Commission, after holding public hearings, to create and recommend to the Council a comprehensive plan for the physical development of its jurisdiction, which may include areas outside of the City's boundaries which bear consideration to the planning of the jurisdiction. The comprehensive plan shall include at least the following elements:
 - Official Maps
 - Growth and Land Use
 - Commercial/Industrial Uses
 - Transportation and Utilities
 - Community Facilities
 - Housing
 - Environmental
 - Geologic/Natural HazardsThe Commission may also recommend amendments to the comprehensive plan.
 - B. Zoning Code. It shall be the duty of the Commission to create, adopt, and recommend to the Council a zoning code, in accordance with the guidelines of

the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regard to the character of each district and the most appropriate use of land within the City's jurisdiction. The Commission shall make periodic reports and recommendations to the Council.

- C. Division of Land Regulations. It shall be the duty of the Commission to create, adopt, and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.
- D. Conditional Uses. It shall be the duty of the Commission to review and comment on conditional use applications. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional use shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

166.03 BOARD OF ADJUSTMENT.

- 1. General. This section addresses the duties and responsibilities of a Board of Adjustment, hereafter referred to as the "Board," and other officials and agencies with respect to the administration of this code.
- 2. Establishment of the Board. The establishment of the Board shall be in accordance with the procedures and policies set forth in State law. The Board shall consist of five members. All members of the Board shall be at least eighteen years of age and legal residents of the City.
- 3. Terms for Members. The terms of office for the members of the Board shall be staggered five-year terms as set forth in State law, such that only one regular term expires each year so as to provide continuity in policy and personnel.
- 4. Selection of Members. All members shall be appointed by the Mayor, subject to the approval of the Council. Any vacancy for an unexpired term shall be filled for the remainder of that term upon mayoral appointment and council approval of a successor member.
- 5. Chairperson Election and Rules Adoption. The Board shall elect from its membership a Chairperson. It shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceeding.
- 6. Board Secretary. A Secretary to assist the Board shall be appointed by the City Administrator. The Secretary shall keep minutes of the Board meetings for public record and conduct all correspondence, including the notification of decisions. The Secretary shall also certify records. The Secretary shall prepare and submit the minutes of Board meetings to the Chairperson and the Board.
- 7. Duties and Powers.
 - A. Errors. The Board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation by the Code Official.
 - B. Variances. The Board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the Board's authorization shall be as set forth in this code.

- C. Conditional Uses. The Board shall review and act upon a conditional use application based on the criteria established in Section 171.02 of this code and in conformance with the applicable regulations in this Zoning Code.
- D. Decisions. The Zoning Ordinance is a document that lays out very specific requirements deemed to be in the best interest of the City by the Planning Commission and the Council. In most cases, those requirements must be met by property owners and developers; however, in some rare cases the enforcement of those requirements may be found to cause extreme hardship for an individual, and a variance may be granted. Variances shall not be granted by the Board simply because no one objects, or because it seems harmless in an isolated circumstance. Any variance granted shall reflect the spirit and intent of the code and shall not constitute the granting of a special privilege. The following variance criteria shall be utilized by the Board in hearing variance requests. No variance shall be granted by the Board unless affirmative findings can be made for each of the applicable following criteria:
 - (1) Unique Circumstances. The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of:
 - (a) Irregularity,
 - (b) Narrowness,
 - (c) Shallowness,
 - (d) Substandard or marginal size;
 - (e) Exceptional topographical features; or
 - (f) Other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property, and that amount to more than a mere inconvenience to the owner.
 - (2) Not Exclusively for Financial Gain. The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it – or that it could be used more profitably if not subject to such regulations – should not in itself justify granting a variance.
 - (3) Hardship Not Self-Created. The unique or special condition referenced in subsection (1) above existed at the time of the enactment of the provisions of this code that affect it, or was the result of government action (other than adoption of the Zoning Ordinance) for which no compensation was paid, and has not been created by any persons presently having an interest in the property.
 - (4) Substantial Rights Denied. Carrying out the strict letter of the provisions of the Zoning Ordinance would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

- (5) Not Special Privilege. The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.
- (6) Not Detrimental. Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, or increase the danger of flood or fire, or endanger the public safety, or substantially diminish or impair property values in the vicinity.
- (7) No Other Remedy. There is no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

Written findings citing each of these criteria shall be made for each case to document the process and decision of the Board.

166.04 VIOLATIONS. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the Code Official may order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Code Official after receipt of such notice to make the structure, parcel of land, or portions thereof, comply with the requirements of this code.

166.05 LICENSING.

- 1. General. All departments, officials, and employees charged with the duty or authority to issue permits or licenses shall issue no permit or license for uses or purposes where the same would be in conflict with this code. Any permit or license, if issued in conflict with this code, shall be null and void.
- 2. Expiration or Cancellation. Each license, permit, or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration.
- 3. Failure to Comply. Failure to comply with the terms of any permit, license, or approval may be grounds for cancellation or revocation. Action to cancel any license, permit, or approval may be taken on proper grounds by the Code Official. Cancellation of a permit or approval by the Commission or Board may be appealed in the same manner as its original action.
- 4. Validity of Licenses, Permits, and Approvals. For the issuance of any license, permit, or approval for which the Commission or Board is responsible, the Code Official shall require that the development or use in question proceed only in accordance with the

terms of such license, permit, or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

166.06 PENALTIES. The owner or agent of a building or premises in or upon which a violation of any provision of this code has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part in, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, or who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this code shall be subject, upon conviction, to the provisions of Section 1.14 of this Code of Ordinances. Each day that a violation is permitted to exist after proper notice shall constitute a separate offense.

SECTION 3. AMENDMENT OF CHAPTER 167. Chapter 167 of the Code of Ordinances is amended to read as follows:

CHAPTER 167 ZONING CODE – DEFINITIONS

167.01 GENERAL DEFINITIONS. For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's *Third New International Dictionary of the English Language*, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. The following are definitions of general terms used throughout this Ordinance with the exception of use definitions, which are defined in Section 168.07.

"Accessory building" means a subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

"Accessory living quarters" means an accessory building used solely as the temporary dwelling of guests of the occupants of the premises, such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

"Accessory use" means a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to and customarily found in connection with, such primary use.

"Acreage, gross" means the overall total area.

"Acreage, net" means the remaining area after all deductions are made; with deductions including streets, easements for access, and street dedications.

"Alley" means any public or private way which affords only a secondary means of access to abutting property.

"Alteration" means any change, addition, or modification in construction, occupancy, or use.

"Awning" means a shelter supported entirely from the exterior wall of a building.

"Basement" means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Block" means land or a group of lots surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

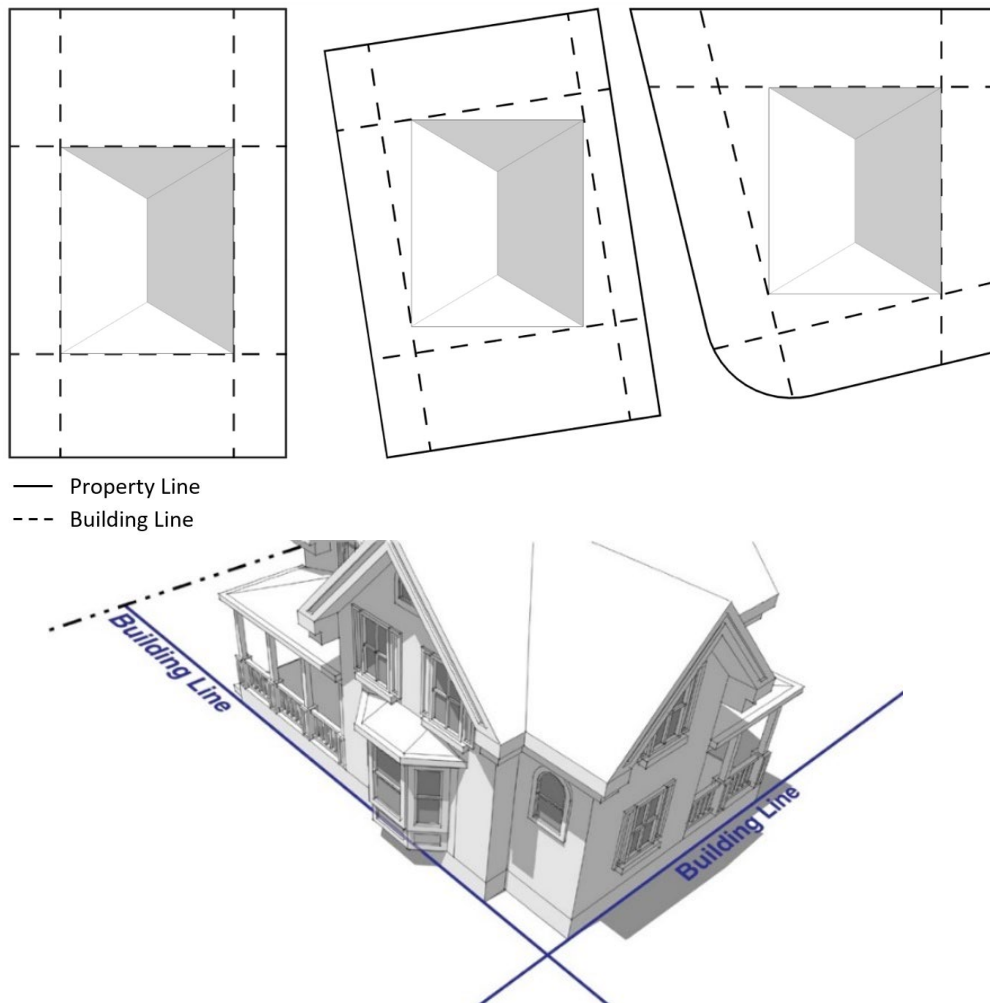
“Build” means to construct, assemble, erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

“Buildable area” means the portion of a lot, excluding required yards, where a structure or building improvements may be erected.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building height” means the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip, and gambrel roofs.

“Building line” means the perimeter of that portion of a building or structure measured parallel to the lot line. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.



“Building, main” means a building in which the principal use of the site is conducted.

“Building, temporary” means a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

“Canopy” means a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings.

“Carport” means a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

“Community signs” means temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive, and/or informative nature announcing activities, promotions, or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based, non-profit organization.

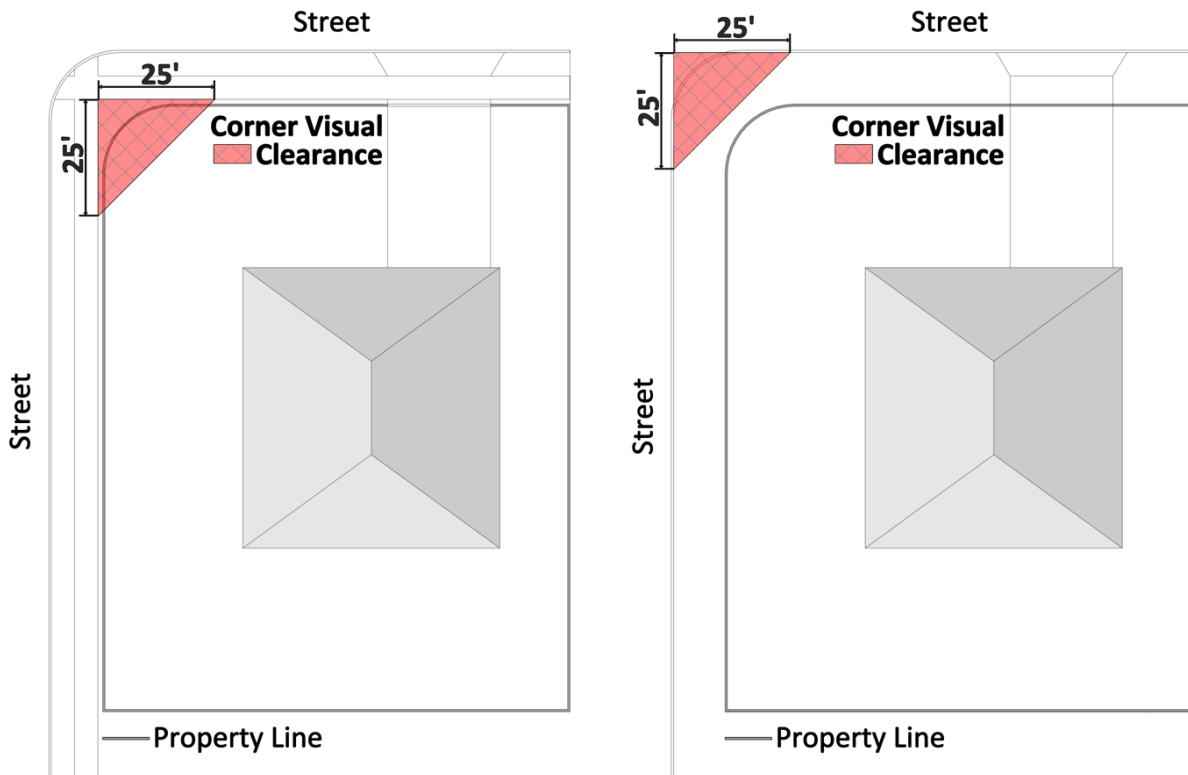
“Comprehensive plan” means the declaration of purposes, policies, and programs for the development of the jurisdiction, and may also be referred to as the general plan.

“Conditional use” means a use which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

“Condominium” means a single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

“Corner visual clearance” means the requirement that in all districts nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision between a height of three feet above the grades of the area measured as follows: that triangular-shaped area bounded by sidewalks adjacent to a corner lot and a straight line joining points on said sidewalks, 25 feet from said corner. Where no sidewalk(s) exist, the area shall be measured along the back of curb or edge of roadway pavement, as applicable.

Corner Visual Clearance



“Court” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“Density” means the number of dwelling units which are allowed on an area of land, which area of land may include dedicated streets contained within the development.

“District” means a part, zone, or geographic area within the City or under its extraterritorial jurisdiction within which certain zoning or development regulations apply.

“Driveway” means a private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

“Dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code.

“Easement” means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owners of the property. The easement may be for use under, on, or above said lot or lots.

"Elevation, building means the flat representation of a building seen from one side.

"Façade" means the vertical face of a building, including any insets and protrusions facing a street or open space, which contributes to the aesthetic and/or structural design of the building.

"Farm" means an area with a minimum size of ten acres which is used for the growing of the usual farm products as vegetables, fruits, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals.

"Farm animals" means animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals (e.g., horses and cattle); medium animals (e.g., sheep, goats); or small animals (e.g., rabbits, chinchilla, chickens, turkeys, pheasants, geese, ducks and pigeons).

"Farming" includes the operation of such farm area for the purpose of growing farm products and raising farm animals, as defined in this section, with the necessary accessory uses for treating or storing the food produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals.

"Floor area, gross" means the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

"Floor area, net" means the gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

"Floor area, ratio" means is the numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

"Frontage" means the distance along a street line from one intersecting street to another, or from one intersecting street to the end of a dead-end street.

"Garage, private" means a structure, either attached or detached, designed and/or used for the parking and storage of vehicles as an accessory structure to a residence.

"Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of those buildings more than five feet from a street line. For buildings closer than five feet to a street line, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation is to be used. If there is no sidewalk, the City shall establish the grade.

"Graffiti" means unauthorized marking on a structure.

"Home occupation" is an occupation or a profession which is conducted in a dwelling unit or in a conforming accessory building to a dwelling unit; and which is conducted by a member of the family residing in the dwelling unit, with no more than two employees; and which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

"Household pets" means dogs, cats, rabbits, and birds, for family use only (noncommercial) with cages, pens, etc.

"Kitchen" means any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

"Landscaping" means the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs, and flowers. This treatment may also include the use of logs, rocks, fountains, water features, and contouring of the earth.

"Livestock" means one or more domestic animals of species bred or kept for production of food or fiber, for use as draft animals, or for riding.

"Lot" means a parcel of land, adequate for occupancy by a use permitted under this chapter, which provides the yards, area, and off-street parking required under this code and which fronts directly upon a public street or upon an officially approved place.

"Lot area" means the total area within the boundaries of a lot, excluding any street right-of-way, usually defined in square footage.

"Lot, corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

"Lot, depth" means the mean horizontal distance between the front and rear lot line.

"Lot, flag" means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

"Lot, interior" means a lot other than a corner lot.

"Lot line" means a line of record that separates one tract from another or from a public or private right of way, as indicated on an approved, filed, and recorded plat or other legal instrument deemed acceptable by the City.

“Lot width” is the horizontal distance between the side lot lines at the required front yard measured along a straight line parallel to the front lot line.

“Masonry” means the bonding of units of various natural or artificial materials used by masons, such as stone, brick, split-faced concrete, or other materials of similar appearance approved by the Code Official. Masonry does not include stucco or exterior insulation finishing system (EIFS).

“Masonry, required” means the total area of a building elevation measured between grade and the highest point of the coping of a flat roof or the eaves for gable, hip, gambrel or mansard roof. Windows and doors may be subtracted out of the total area with the exception of overhead doors in non-residential (including mixed use) buildings.

“Modular home” means a factory-built home, other than a manufactured home, which meets all of the following requirements:

Is designed only for erection or installation on a site-built permanent foundation;

Is not designed to be moved once so erected or installed;

Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing; or

To the manufacturer’s knowledge, is not intended to be used other than on a site-built permanent foundation.

“Natural waterways” means those areas, varying in width along streams, creeks, springs, gullies, or washes, which are natural drainage channels as determined and identified by the City.

“Nonconforming building” means a building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected, or structurally altered for a use that does not conform to the zoning regulations of the district in which it is located.

“Nonconforming lot” means a lot whose width, area, or other dimension did not conform to the regulations when this code became effective.

“Nonconforming sign” means a sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

“Nonconforming use” means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

“Occupancy” means the fact or condition of holding, possessing, or residing in or on a property.

"Open space" means land areas that are not occupied by buildings, structures, parking areas, streets, alleys, or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

"Owner" means any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Outdoor storage" means the storage of merchandise, goods, inventory, materials, equipment, vehicles, trailers, or other items which are not intended for immediate sale, by locating them outside. Outdoor storage does not include company vehicles, short-term resident, customer and/or staff parking within off-street parking areas pursuant to Section 169.01.

"Parking space" means a space which is intended for off-street vehicular parking and is constructed in accordance with Chapter 169.

"Person" means a natural person, heirs, executors, administrators, or assigns, and also includes a firm, partnership, corporation or association, its or their successors or assigns, or the agent of any of the aforesaid.

"Plot plan" means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

"Premises" means the land, together with any buildings or structures thereon.

"Principal use" means the primary use of the premises or the primary use of the main building.

"Public improvement" means work within dedicated rights-of-way or easements.

"Public way" means any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

"Quasi-public" essentially means a public use, although under private ownership or control.

"Quorum" means a majority of the authorized members of a board or commission.

"Recreational vehicle" means any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including,

but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

"Renovation" means interior or exterior remodeling of a structure, other than ordinary repair.

"Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on June 5, 1967.

"Separation Distance" means the distance measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line where the other use or district is located.

"Setback" means the minimum required distance between the lot line and the building line.

"Site plan" means a plan which outlines the use and development of any tract of land.

"Street" means any vehicular way that: (i) is an existing State, County, or municipal roadway; (ii) is shown upon a plat approved pursuant to law; (iii) is approved by other official action; or (iv) is shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats. A street includes the land between the street lines whether improved or unimproved.

"Street, private" means a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means the division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

"Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas.

"Temporary portable storage container" is a large container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and "POD-type" boxes that can be transported on a flatbed or other truck, but do not include prefabricated sheds that are not designed for transport after erection or commercial trailers used by construction

companies or other uses in the regular performance of their businesses. Temporary portable storage containers, except those included in temporary construction permits, are subject to the provisions of Section 171.03 – Temporary Use Permit.

“Use” means the activity occurring on a lot or parcel for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied, including all accessory uses.

“Use, change of” means the change within the classified use of a structure or premises.

“Use, temporary” means a use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

“Variance” means the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

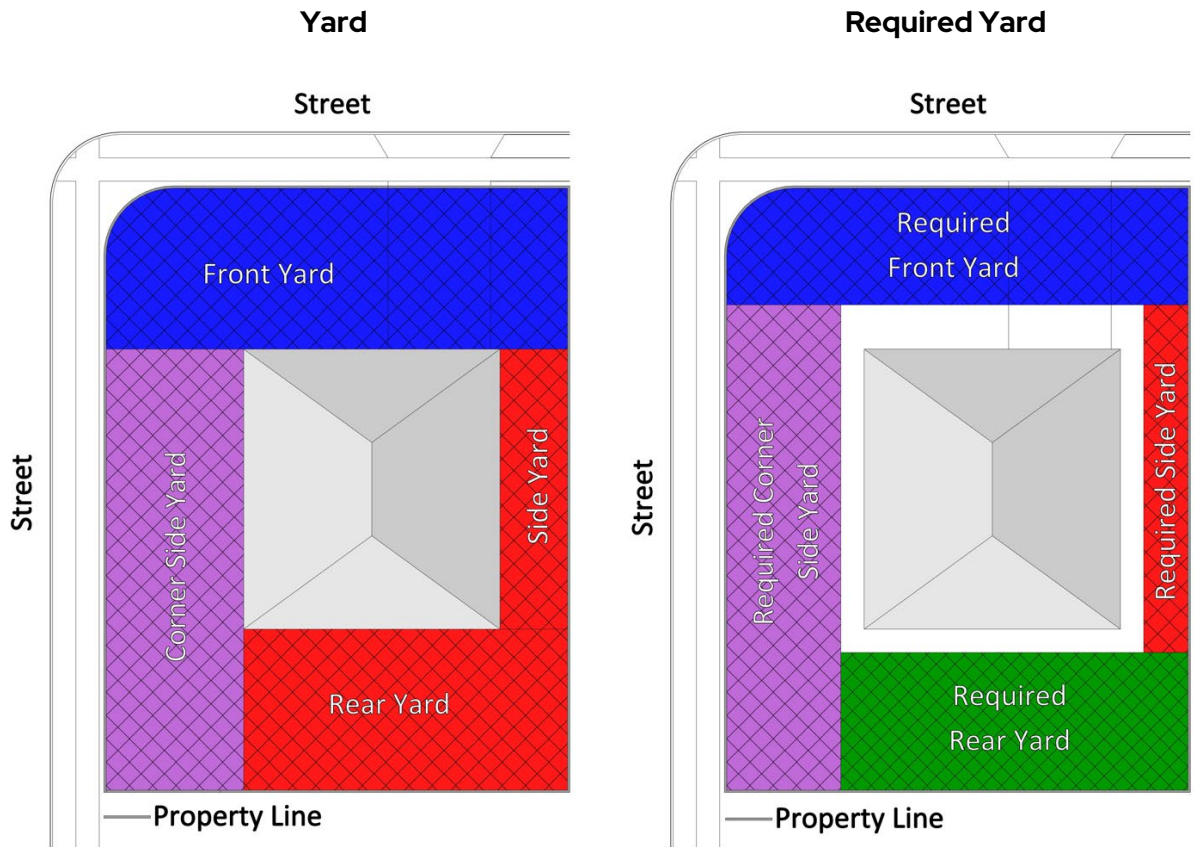
“Yard” means the open space area between the building line of a principal building and the adjacent lot lines, exclusive of facade articulation, such as window or wall recesses and projections.

“Yard, required corner side” means the required minimum distance per the zoning district that a principal building must be located from the corner side lot line between required front yard and the rear lot line, measured perpendicular to the corner side lot line.

“Yard, required front” means the required minimum distance per the zoning district that a principal building must be located from the front lot line, measured perpendicular to the front lot line.

“Yard, required rear” means the required minimum distance per the zoning district that a principal building must be located from the rear lot line, measured perpendicular to the rear lot line.

“Yard, required side” means the required minimum distance per the zoning district that a principal building must be located from the side lot line, measured perpendicular to the interior side lot line.



"Zoning map" means the map delineating the boundaries of all zoning districts which, along with the zoning text, comprises the zoning ordinance.

SECTION 4. AMENDMENT OF CHAPTER 168. Chapter 168 of the Code of Ordinances is amended to read as follows:

CHAPTER 168

ZONING CODE – ZONING DISTRICT REGULATIONS

168.01 Zoning Districts Established

168.07 Uses Defined and Use Standards

168.02 Residential Districts

168.03 Commercial Districts

168.04 Industrial Districts

168.05 Special Purpose Districts

168.06 Principal and Conditional Uses

168.01 ZONING DISTRICTS ESTABLISHED.

1. Zoning Districts. In order to carry out the purpose and intent of this Ordinance, the City is divided into the following zoning districts:
 - A. Residential Districts
 - (1) RS-3 Single-Family Residence District.
 - (2) RS-4 Single-Unit Residence District.
 - (3) RS-6 Single-Unit Residence District.
 - (4) RS-7 Single-Unit Residence District.
 - (5) RS-8 Single-Unit Residence District.
 - (6) RS-9 Single-Unit Residence District.
 - (7) RD-8 Two-Unit Residence District.
 - (8) RD-10 Two-Unit Residence District.
 - (9) RM-8 Multi-Unit Residence District.
 - (10) RM-12 Multi-Unit Residence District.
 - (11) RM-21 Multi-Unit Residence District.
 - (12) R-MH Residential Manufactured Home Park District.
 - B. Commercial Districts
 - (1) C-1-A Central Commercial District.
 - (2) C-1-B General Commercial District.
 - (3) C-2-A Highway Commercial District.
 - (4) C-2-B Highway Commercial District.
 - (5) C-3 Higher-Intensity Commercial District.
 - (6) O/RP Office and Research Park District
 - C. Industrial Districts
 - (1) I-1 Light Industrial District.
 - (2) I-2 Heavy Industrial District.
 - (3) I-P Industrial Park District.

- D. Special Purpose Districts.
 - (1) ID Interim Development District.
 - (2) P – Public Use District.
 - (3) PO – Professional Office Overlay District.
 - (4) PAD – Planned Area Development Overlay District.
- 2. Location of Zoning Districts. The location and boundaries of the zoning districts established by this Ordinance are set forth in the Official Zoning Map, as periodically amended. The Official Zoning Map, and all the notations, references and other information shown thereon are incorporated into, and made part of, this Ordinance.
- 3. Use Regulations. Principal and conditional use regulations for each such district are governed by Sections 168.06 and 168.07. Chapter 169 contains development regulations applicable to each district, such as accessory uses, off-street parking, landscaping and exterior lighting requirements. Chapter 173 contains regulations concerning the usage and display of signs in each zoning district.

168.02 RESIDENTIAL DISTRICTS.

- 1. RS Districts Defined.
 - A. RS-3 Single-Family Residence District. The District is intended to provide and maintain low-density single-family residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-3 District.
 - B. RS-4 Single-Unit Residence District. The RS-4 District is intended to provide and maintain low-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-4 District.
 - C. RS-6 Single-Unit Residence District. The RS-6 District is intended to provide for and maintain moderate density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-6 District.
 - D. RS-7 Single-Unit Residence District. The RS-7 District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-7 District.
 - E. RS-8 Single-Unit Residence District. The RS-8 District is intended to provide for and maintain moderate to high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-8 District. The use of the RS-8, Single-Unit Residence District shall be limited to the existing RS-8 Districts within the City, primarily designated as the original town of North Liberty bounded by Zeller Street, Dubuque Street, Penn Street, and Stewart Street. The use of the RS-8 Zoning District for any new development within the City is discouraged as being incompatible with the desired design standards for the City.

- F. RS-9 Single-Unit Residence District. The RS-9 District is intended to provide for and maintain high-density single-unit residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RS-8 District.
- 2. RD Districts Defined.
 - A. RD-8 Two-Unit Residence District. The RD-8 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-8 District.
 - B. RD-10 Two-Unit Residence District. The RD-10 District is intended to allow for attached single-unit dwellings joined together on a common boundary line with a common wall between the units. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RD-10 District.
- 3. RM Districts Defined.
 - A. RM-8 Multi-Unit Residence District. The RM-8 District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-8 District.
 - B. RM-12 Multi-Unit Residence District. The RM-12 District is intended to provide and maintain medium-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-12 District.
 - C. RM-21 Multi-Unit Residence District. The RM-21 District is intended to provide and maintain high-density, multiple-unit housing residential neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the RM-21 District.
- 4. R-MH Residential Manufactured Home District Defined. The R-MHP District is intended to accommodate manufactured home parks, which are areas containing manufactured home sites arranged on a large tract, typically under single ownership, and designed to accommodate manufactured homes. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MH District.

5. Dimensional Standards.
 - A. RS Districts.

Table 168.02-A Dimensional Standards SF = Square Feet, ' = Feet						
	RS-3	RS-4	RS-6	RS-7	RS-8	RS-9
Bulk						
Minimum Lot Area	15,000 SF	10,000 SF	7,000 SF	6,000 SF	5,000 SF	4,500 SF
Minimum Frontage	50'	40'	35'	35'	35'	35'
Minimum Lot Width	100'	80'	70'	60'	60'	40'
Maximum Building Height	35'	35'	35'	35'	35'	35'
Setbacks						
Minimum Required Front Yard	25'	25'	25'	20'	20'	25'
Minimum Required Corner Side Yard	25'	25'	25'	20'	20'	25'
Minimum Required Side Yard	10'	10'	8'	5'	5'	5'
Minimum Required Rear Yard	30'	30'	30'	25'	25'	25'

- B. RD and RM Districts.

Table 168.02-B Dimensional Standards SF = Square Feet, DU= Dwelling Unit, ' = Feet					
	RD-8	RD-10	RM-8	RM-12	RM-21
Bulk					
Minimum Lot Area	10,000 SF 5,000 SF/DU	9,000 SF 4,500 SF/DU	21,780 SF 5,000 SF/DU	21,780 SF 3,500 SF/DU	21,780 SF 2,000 SF/DU
Minimum Frontage	40'	35'	75'	50'	50'
Minimum Lot Width	100'	80'	100'	80'	80'
Maximum Building Height	35'	35'	40'	40'	65'*
Setbacks					
Minimum Required Front Yard	25'	25'	25'	25'	25'*
Minimum Required Corner Side Yard	25'	25'	25'	25'	25'*
Minimum Required Side Yard	10'	10'	15'	15'	10'*
Minimum Required Rear Yard	30'	30'	30'	30'	30'
*An additional foot of setback is required for every foot of building height over 45'					

C. R-MH District

Table 168.02-C Dimensional Standards SF = Square Feet, ' = Feet		
	Manufactured Home Park	Manufactured Home Site
Bulk		
Minimum Lot Area	10 acres	5,500 SF
Minimum Frontage	400'	35'
Minimum Lot Width	500'	50'
Maximum Building Height	--	35'
Minimum Separation Distance	--	15' as measured between the walls of manufactured homes
Setbacks		
Minimum Required Front Yard	25'	20'
Minimum Required Corner Side Yard	25'	20'
Minimum Required Side Yard	25'	--
Minimum Required Rear Yard	25'	25'

6. District Specific Design Standards.

A. RS-7 Single-Unit Resident District. The RS-7 District shall be subject to the following:

- (1) Planned Area Development submittal.
- (2) A variety of housing designs are required. A Planning Commission subcommittee will be created to review all elevations of proposed home design before building permits are issued. If the subcommittee does not approve of an elevation, the applicant may appeal to the Commission for final approval.
- (3) Alleys are preferred. A homeowners association will be responsible for maintenance of alleys.
- (4) One two-inch caliper tree will be required in the front yard of each lot within the RS-7 District.
- (5) One two-inch caliper tree will be required in the corner side yard of each lot within the RS-7 District.
- (6) A minimum of 25 percent of the development shall be reserved as open space.

168.03 COMMERCIAL DISTRICTS.

1. Defined.
 - A. C-1-A Central Commercial District. The C-1-A District is intended to provide a traditional central setting oriented toward pedestrians as well as automobiles. It is typified by high-density commercial development with minimal setback requirements.
 - B. C-1-B General Commercial District. The C-1-B District is intended to provide for the uses established under the C-1-A Central Commercial District and other commercial uses which due to space requirements and the nature of operations are not suitable for location within a compact central commercial center. Setback and yard requirements are greater than under the C-1-A Central Commercial District.
 - C. C-2-A Highway Commercial District. The C-2-A District is intended to provide for those commercial uses which may take particular advantage of a highway location and/or due to size or other nuisance constraints may be incompatible with the predominantly retail uses permitted in the C-1-A and C-1-B Commercial Districts, and whose service area is not confined to any one neighborhood or community.
 - D. C-2-B Highway Commercial District. The C-2-B District is intended to provide for those commercial uses which may take advantage of a highway location and are compatible with second story residential uses. This district will be used sparingly after initial passage of the City zoning map.
 - E. C-3 Higher-Intensity Commercial District. The C-3 District is intended to accommodate higher-intensity commercial development that serves both local and regional markets. The C-3 District addresses medium and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.
 - F. O-RP Office and Research Park District. The O/RP District is intended to accommodate office buildings, similar structures, and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within the district and surrounding residential areas.

2. Dimensional Standards.

Table 168.03 Dimensional Standards SF = Square Feet, ' = Feet						
	C-1-A	C-1-B	C-2-A	C-2-B	C-3	O-RP
Bulk						
Minimum Lot Area	None	None	None	None	20,000 SF	1.5 acres
Minimum Frontage	35'	35'	35'	35'	35	100'
Minimum Lot Width	35'	35'	35'	35'	35'	150'
Maximum Building Height	45'	45'	35'	35'	75'	75'
Setbacks						
Minimum Required Front Yard	0'	25'	25'	25'	25'	50'
Minimum Required Corner Side Yard	0'	25'	25'	25'	25'	50'
Minimum Required Side Yard	0'	10'	10'	10'	10', unless abutting a residential district then 20'	20'
Minimum Required Rear Yard	10'	20'	20'	20'	10' unless abutting a residential district then 25'	50'

168.04 INDUSTRIAL DISTRICTS.

1. Defined.
 - A. I-1 Light Industrial District. The I-1 District is intended to provide for the development of modern landscaped light-industrial and commercial establishments which have negligible impacts upon areas outside of the zoned district, and seek a hazard- and nuisance-free environment. The district is intended to provide for manufacture, assembly, fabrication, storage, and/or processing of goods listed for the location of compatible uses.
 - B. I-2 Heavy Industrial District. The I-2 District is intended to provide for the development of industrial establishments that may require special conditions applied to the use to prevent negative impacts upon areas outside of the zoned district, and seek a hazard- and nuisance-free environment.
 - C. I-P Industrial Park. The I-P District is intended to accommodate larger office developments, office parks, and research and development facilities, which may include limited indoor light industrial uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of campus-like environments, and include provisions for orientation of structures around plazas or public spaces, and the creation of a cohesive appearance.

2. Dimensional Standards.

Table 168.09 Dimensional Standards ' = Feet			
	I-1	I-2	I-P
Bulk			
Minimum Lot Area	None	None	1 acre
Minimum Frontage	35'	35'	100'
Minimum Lot Width	25'	25'	150'
Maximum Building Height	45'	45'	75'
Setbacks			
Minimum Required Front Yard	25'	25'	50'
Minimum Required Corner Side Yard	25'	25'	50'
Minimum Required Side Yard	20'	20'	20'
Minimum Required Rear Yard	20'	20'	50'

168.05 SPECIAL PURPOSE AND OVERLAY DISTRICTS.

1. Defined.
 - A. ID Interim Development District. The ID District is intended to preserve existing agriculture and other non-intensive uses to prevent premature development and non-orderly encroachment of higher intensity urban uses, and to help guide urban growth into suitable areas.
 - B. P Public Use District. The P District is intended to provide space for public safety, administration, recreational, and community facilities.
 - C. PO Professional Office Overlay District. The PO District is intended to be limited in use and will only be used for those special situations where the establishment of this district will not alter the essential character of any residential district in which it could be placed, and will, in addition, require that any land owner desiring to establish this district shall enter into a written agreement with the City to abide by such terms and conditions as required by the City.
 - D. PAD Planned Area Development Overlay District. The PAD District is intended to encourage innovation and flexibility in planning the development of land so development is compatible with the site's physical and environmental characteristics. This district allows for flexibility in district requirements. The Planned Area Development District provides an opportunity for the development of a mixture of uses and housing types in a coordinated manner. The intent of the underlying district shall guide the development. It is

incumbent upon the person proposing the PAD to justify the project, and any variations from the underlying zone district.

2. Dimensional Standards.

Table 168.10 Dimensional Standards SF = Square Feet, ' = Feet				
	ID	P	PO	PAD
Bulk				
Minimum Lot Area	1 acre	None	**	**
Minimum Frontage	150'	35'	**	**
Minimum Lot Width	150'	35'	**	**
Maximum Building Height	35'	45'	**	**
Setbacks				
Minimum Required Front Yard	50'	*	**	**
Minimum Required Corner Side Yard	50'	*	**	**
Minimum Required Side Yard	10'	*	**	**
Minimum Required Rear Yard	50'	*	**	**
* Required yards are contextual based on adjacent lots. The required yard shall be equal to the adjoining zone district or the actual yard of the main building on the adjacent lot, whichever is less. ** Same as the underlying district.				

3. District Specific Design Standards.

A. PO Professional Office Overlay District.

- (1) Use Restrictions. An existing single-unit dwelling in the RS District will be permitted to be used as a professional office in said dwelling.
- (2) Locational Criteria. The property shall be located on an arterial street or at the intersection of two collector streets.
- (3) The professional office use shall be subject to the following:
 - (a) No more than seven full-time employees will be allowed on said premises, including the owner, during normal working hours.
 - (b) Adequate off-street parking for each employee, up to a maximum of seven parking places, shall be provided. All employees shall park in designated off-street parking spaces.
 - (c) There shall be no exterior display, and no exterior storage of materials which would indicate the nature of the use of the dwelling.
 - (d) One non-illuminated sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign

area. Freestanding signs shall be a maximum six feet in height and must be a minimum of five feet from any lot line.

- (e) There will be no walk-in or retail business conducted on the premises.
- (f) The use will be subject to an annual inspection and renewal by the City.
- (g) The dwelling will maintain a residential character both on the interior and exterior.
- (h) At such time as the business use terminates in the premises or ceases to be used as a business use for six months in any 12-month period, the City may initiate a zoning map amendment to remove the overlay district.

B. PAD Planned Area Development Overlay District

- (1) General. Planned area developments may be allowed by Council approval in any zoning district. No such planned area development permit shall be granted unless such development either meets the use limitations of the zoning district in which it is located and the density and other limitations of such district, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this section in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned area development.
- (2) Conditions.
 - (a) Area. No planned area development shall have area less than that approved by the Council as adequate for the proposed development.
 - (b) Uses. A planned area development that will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use and shall be governed by density, design and other requirements of the planned area development permit.
 - (c) Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
 - (d) Design. The Commission and Council shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.
 - (i) Density. Density of land use shall in no case be more than 25 percent higher than allowed in the zoning

- district, except not more than 10 percent higher in residential districts.
- (ii) Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.
 - (iii) Specific Regulations. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the preliminary site plan, which shall accompany the application.
- (e) Open Spaces. Preservation, maintenance, and ownership of required open spaces within the development shall be accomplished by either:
- (i) Dedication of land as a public park or parkway system, or
 - (ii) Granting to the jurisdiction a permanent, open space easement on and over the said private open space to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the Council.
- (f) Landscaping. Landscaping, fencing, and screening related to the uses within the site and as means of integrating the proposed development into its surroundings shall be planned and presented to the Commission and Council for approval.
- (g) Signs. The size, location, design, and nature of signs, if any, and the intensity and direction of floodlighting shall be detailed in the application.
- (h) Exterior Lighting. The size, material type, location, and intensity of all exterior lighting shall be detailed in the application.
- (i) Desirability. The proposed use of the particular location shall be shown, as necessary or desirable, to provide a service or facility which will contribute to the general well-being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity of the planned area development.
- (3) Commission and Council Determination. In carrying out the intent of this section, the Commission and Council shall consider the following principles:
- (a) It is the intent of this section that site and building plans for a planned area development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission and

Council may require the applicant to engage such expertise as a qualified designer or designer team.

- (b) The Council may approve or disapprove an application for a planned area development. In approval, the Council may attach such conditions as it may deem necessary to secure compliance with the purpose set forth in this chapter.
- (4) Commission and Council Action.
 - (a) Approval. In order that it may approve a planned area development, the Council shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:
 - (i) The proponents of the planned area development shall demonstrate to the satisfaction of the Council that they are financially able to carry out the proposed project.
 - (ii) The proponents intend to start construction within one year of either approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four years from the date construction begins.
 - (b) Limitations on Application.
 - (i) Upon approval of a planned area development, construction shall proceed only in accordance with the plans and specifications approved by the Council, and in conformity with any conditions attached by the jurisdiction as to its approval.
 - (ii) Amendment to approved plans and specifications to a planned area development shall be obtained only by following procedures here outlined for first approval.
 - (iii) The Code Official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

168.06 PRINCIPAL AND CONDITIONAL USES.

1. Table 168.06 lists principal and conditional uses.
 - A. "P" in a cell indicates that the use is permitted in that district.
 - B. "C" in a cell indicates that the use is permitted in that district only if reviewed and approved as a conditional use in accordance with the procedures of Section 171.02 and subject to any use standards set forth in Section 168.07.
 - C. A blank cell indicates that the use is prohibited in that district.
2. Any use that is not included in the use matrix and is not interpreted by the Code Official to be part of a use included within the matrix is prohibited in all districts. The Code Official may consider the following characteristics and reach a determination

that such a use is permitted in that or any other district, or determine that the use is not similar to other uses and therefore not permitted in that or any other district:

- A. Characteristics or specific requirements of the use and how those compare with characteristics and requirements of listed uses within the zoning districts;
 - B. Potential impacts of the use on potential neighboring uses and the City in general; and
 - C. Consequences of determining that the use is allowed in one or more district.
- 3. A site may contain more than one principal use, so long as each principal use is allowed in the district. Each principal use is approved separately. In certain cases, uses are defined to include ancillary uses that provide necessary support and/or are functionally integrated into the principal use.
 - 4. All uses must comply with the use standards of Section 168.07, as applicable, as well as all other regulations of the North Liberty Code of Ordinances.

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	OR/P	I-1	I-2	I-P	P
1. Adult Entertainment													<u>C</u>		
2. Agricultural Experience	<u>C</u>														
3. Agriculture	<u>P</u>														
4. Amusement Facility – Indoor						<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
5. Amusement Facility – Outdoor										<u>C</u>					
6. Animal Care Facility						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>			
7. Animal Shelter												<u>C</u>			<u>C</u>
8. Art Gallery						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
9. Arts and Fitness Studio						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
10. Bar						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>		<u>P</u>	
11. Bed and Breakfast Home		<u>C</u>													
12. Body Art Establishment								<u>P</u>	<u>P</u>						
13. Brewery-Micro						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	
14. Broadcasting Studio								<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>
15. Car Wash								<u>P</u>	<u>P</u>						
16. Child Care Center						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>
17. Child Care Home		<u>P</u>			<u>P</u>										
18. Child Development Home		<u>P</u>													
19. Community Center						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	<u>P</u>
20. Community Pantry	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>						
21. Cultural Facility						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					<u>P</u>
22. Distillery, Micro						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	
23. Drive-Through Facility						<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	
24. Dwelling – Manufactured Home					<u>P</u>										
25. Dwelling – Mixed Use						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
26. Dwelling – Multiple-Unit				<u>P</u>						<u>P</u>					

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	OR/P	I-1	I-2	I-P	P
27. Dwelling – Single-Unit	P	P													
28. Dwelling – Single-Unit Zero Lot Line			P												
29. Dwelling – Townhouse				P											
30. Dwelling – Two Unit			P	P											
31. Educational Facility – Primary	P	P	P	P		P	P	P	P	P					P
32. Educational Facility – Secondary	P	P	P	P		P	P	P	P	P					P
33. Educational Facility – University or College											P			P	P
34. Educational Facility – Vocational						C	P	P	P	P		P		P	
35. Financial Institution						P	P	P	P	P				P	
36. Fireworks, Retail Sales of												P			
37. Food Bank												P			
38. Fueling Station							P	P	P			P		P	
39. Fulfillment Center, Micro								C	C	C		P			
40. Funeral Home								P	P						
41. Golf Course/Driving Range							P								P
42. Greenhouse/Nursery – Retail												P			
43. Group Home	P	P	P		P										
44. Healthcare Institution										P				P	P
45. Heavy Rental and Service Establishment												P			
46. Heavy Retail Establishment										P		P			
47. Hotel						C	P	P	P	P	P			P	
48. Industrial – General												P	P		
49. Industrial – Light												P	P	P	

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

<u>Use</u>	<u>ID</u>	<u>RS</u>	<u>RD</u>	<u>RM</u>	<u>R-MH</u>	<u>C-1-A</u>	<u>C-1-B</u>	<u>C-2-A</u>	<u>C-2-B</u>	<u>C-3</u>	<u>OR/P</u>	<u>I-1</u>	<u>I-2</u>	<u>I-P</u>	<u>P</u>
50. Industrial Design							P	P	P	P		P		P	
51. Live Performance Venue						P	P	P	P	P					
52. Manufactured Home Park					P										
53. Medical/Dental Office						P	P	P	P	P		P			
54. Office						P	P	P	P	P	P			P	P
55. Outdoor Seating						P	P	P	P	P				P	P
56. Park, Private	P	P	P	P	P	P	P	P	P	P	P			P	
57. Park, Public															P
58. Parking Lot (Principal Use)						C	P	P	P	P		P		P	P
59. Parking Structure (Principal Use)						C	P	P	P	P		P		P	P
60. Personal Services Establishment						P	P	P	P	P					
61. Place of Worship	P	P	P	P		P	P	P	P	P					
62. Private Club						P	P	P	P	P					
63. Public Safety Facility															P
64. Public Works Facility															P
65. Research and Development											P	P		P	
66. Residential Care Facility				P			P	P	P	P					
67. Restaurant						P	P	P	P	P		P		P	P
68. Retail Good Establishment						P	P	P	P	P		P		P	
69. Salvage Yard													C		
70. Self-Storage – Enclosed								P	P	P		P			
71. Self-Storage – Outdoor								C	C	C		P			
72. Specialty Food Service						P	P	P	P	P		P		P	
73. Storage – Outdoor (Principal Use)												C	P		

Table 168:06: Use Matrix
See Section 168.07 for Use Definitions and Use Standards

Use	ID	RS	RD	RM	R-MH	C-1-A	C-1-B	C-2-A	C-2-B	C-3	OR/P	I-1	I-2	I-P	P
74. <u>Truck Stop</u>												<u>C</u>	<u>P</u>		
75. <u>Utility (Sub)Stations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
76. <u>Vehicle Dealership, New and Used</u>								<u>P</u>	<u>P</u>	<u>P</u>					
77. <u>Vehicle Dealership, Used</u>								<u>C</u>	<u>C</u>						
78. <u>Vehicle Operations Facility</u>												<u>P</u>			<u>P</u>
79. <u>Vehicle Rental</u>												<u>P</u>			
80. <u>Vehicle Repair - Major</u>								<u>C</u>	<u>C</u>			<u>P</u>			
81. <u>Vehicle Repair - Minor</u>								<u>P</u>	<u>P</u>			<u>P</u>			
82. <u>Warehouse</u>												<u>P</u>			
83. <u>Wholesale Establishment</u>												<u>P</u>			
84. <u>Winery, Micro</u>						<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				<u>P</u>	

168.07 USES DEFINED AND USE STANDARDS. All uses within Table 168.06 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category. Where applicable, uses are required to comply with all use standards of this section, whether a permitted or conditional use, in addition to all other regulations of this Ordinance.

1. Adult Entertainment.
 - A. Defined. Adult Entertainment means adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult theaters, adult artist-body painting studios, adult modeling studios, adult sexual encounter centers, adult cabaret and all other adult entertainment establishments catering or appealing to prurient interests.
 - B. Use Standards.
 - (1) An adult entertainment establishment must be a minimum of 1,000 feet from any of the following:
 - (a) A residential district.
 - (b) A primary and/or secondary educational facility.
 - (c) A day care center.
 - (d) A place of worship.
 - (e) A park.
 - (f) A cemetery.
 - (g) A library.
 - (2) An adult entertainment establishment must be a minimum of 500 feet from any other adult use.
 - (3) The adult use owner must provide the Zoning Administrator with a survey acceptable and satisfactory to the City that demonstrates the establishment meets the separation requirements of this section.
 - (4) Signs for adult entertainment establishments are subject to the following:
 - (a) Signage is limited to wall sign(s).
 - (b) Each wall sign shall not exceed 10 square feet.
 - (c) One wall sign is permitted for each street frontage.
 - (d) Temporary signs are prohibited.
2. Agricultural Experience.
 - A. Defined. Agriculture Experience means any agriculture-related activity, as a secondary use in conjunction with a permitted agricultural use, which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products. An activity is an agriculture experience activity whether or not the participant paid to participate in the activity. The sale of merchandise and service and/or sale of food and drinks, including alcoholic beverages, is permitted as an accessory use to activities sponsored by the organization.
 - B. Use Standards.
 - (1) Uses permitted in conjunction with an agricultural experience.

- (a) Agriculturally related seasonal festivals including crop mazes or hayrides.
 - (b) You-pick operations, including, but not limited to vegetable and berry picking, pumpkin patches and similar uses.
 - (c) Direct sale of agricultural products grown and/or produced on or off-site. Examples of agricultural products grown and/or produced off-site include, but are not limited to, fruits and vegetables and seasonal flowers and trees.
 - (d) Value-added (other than alcohol products) processing of produce and fruit grown on the farm.
 - (e) Agricultural clinics and tours, seminars or classes and organized agricultural related group activities with no overnight accommodations.
 - (f) On-the-farm weddings and wedding receptions.
 - (g) On-the-farm events sponsored by the City of North Liberty.
 - (h) Up to twelve non-agricultural related events may occur within a calendar year. The event shall be described in a permit issued by the Code Official prior to the commencement of the event. The Zoning Code Official may impose such conditions on the event as are necessary to protect the public health, safety and welfare, and adjacent uses. No fee is required for this permit.
- (2) Dimensional standards (applies to buildings, structures and livestock enclosures.
- (a) Minimum frontage: 400 feet.
 - (b) Minimum lot width: 400 feet.
 - (c) Minimum lot area: 10 acres.
 - (d) Maximum building height: 35 feet.
 - (e) Required front yard: 100 feet.
 - (f) Required corner side yard: 100 feet.
 - (g) Required side yard: 50 feet.
 - (h) Required rear yard: 100 feet.
- (3) Design standards.
- (a) The area devoted to the agricultural experience shall only have direct access to roadway classified as a collector or arterial roadway.
 - (b) In order to maintain the rural theme, agricultural experience uses shall not be subject to any of the provisions of Section 169.10. Rather, building style and design standards shall be subject to the following:
 - (i) Buildings and structures shall have color schemes primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. White or off-white is also acceptable. Earth tone and white colors shall be flat or muted. Building trim

- and accent areas may feature non-earth tone and brighter colors.
- (ii) Buildings and structures shall have the eaves of roof extend a minimum of one foot past the outside walls.
 - (iii) Buildings and structures shall have a minimum 5/12 roof pitch.
 - (iv) Exterior wall coverings shall be wood vertical or horizontal grooved or lapped siding. Substitute materials achieving a similar appearance may be utilized.
 - (v) No building shall exceed 6,000 square feet in area.
 - (vi) Design standards do not apply to buildings or structures under 200 square feet in area, playground equipment or other similar structures. Existing buildings or structures 200 square feet in area or greater not meeting design standards may be permitted if identified in the Conditional Use.
- (c) Off-street parking. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.01. Rather, safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto public streets or cause congestion on public streets. The use of gravel is limited to primary and secondary driveway isles. Off-street parking areas shall be located outside of public rights-of-way and shall be maintained in such a manner to allow access to the site by emergency vehicles.
- (d) Lighting. In order to maintain a rural theme, an agricultural use shall not be subject to the provisions of Section 169.06. Rather, any exterior lighting shall be appropriately shielded and/or directed away from adjacent properties and public rights-of-way.
- (e) Sign regulations. Signs shall be subject to the provisions of Chapter 173, except where it conflicts with the exception of the following:
- (i) One non-internally illuminated sign is permitted per public street access. The surface area for each sign shall not exceed 32 square feet and the height shall not exceed 12 feet. Sign shall be designed with one or more wooden posts that are part of the overall sign structure and sign design. Signs may be externally illuminated.
 - (ii) Electronic message signs are prohibited. Mobile signs are prohibited, but a message board sign may be incorporated in the permanent sign.
 - (iii) Two seasonal event temporary signs are permitted per calendar year. Such signs shall be the only sail-shaped

vertical flag signs and shall be removed immediately upon termination of the special event or at the end of 60 days, whichever comes first.

- (iv) There are no restrictions for signs not visible from the boundary of the property.
- (f) Landscaping requirements. Landscaping shall be subject to the provisions of Chapter 169.02, with the exception of where it conflicts with the following:
 - (i) Along a street frontage. 10 foot wide landscape area.
 - (ii) Adjacent to a residential zone. 25 foot wide landscape area.
 - (iii) Tree planting is encouraged within landscape areas.
- (g) Temporary restroom facilities. Temporary restroom facilities may be provided, but shall not supplant permanent restroom facilities, when required.
- (h) Maximum capacity. The Fire Marshall and Building Official shall establish the maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of capacity in buildings, parking areas and sanitation limitations of the site.

3. Agriculture.

A. Defined. Agriculture means the use of land and associated structures dedicated to the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock and bee keeping.

B. Use Standards.

- (1) Dimensional Standards for all Agriculture Establishments.
 - (a) Minimum frontage: 200 feet.
 - (b) Minimum lot width: 200 feet.
 - (c) Minimum lot area: 5 acres.
 - (d) Maximum building height: 35 feet.
- (2) Dimensional Standards for all Agricultural Buildings, Structures and Livestock Enclosures.
 - (a) Required front yard: 100 feet.
 - (b) Required corner side yard: 100 feet.
 - (c) Required side yard: 50 feet.
 - (d) Required rear yard: 100 feet.
- (3) Animal feed operations are prohibited.

4. Amusement Facility – Indoor.
 - A. Defined. Indoor Amusement Facility means a facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses. Indoor amusement facility does not include an adult entertainment establishment, live performance venues. or private recreational facilities.
 - B. Use Standards. None.
5. Amusement Facility – Outdoor.
 - A. Defined. Outdoor Amusement Facility means a facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses.
 - B. Use Standards. None.
6. Animal Care Facility.
 - A. Defined. Animal Care Facility means an establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, pet grooming facilities and animal training centers and clubs. The boarding of animals is limited. Animal care facilities do not include animal breeders or animal shelters.
 - B. Use Standards.
 - (1) Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.
 - (2) Animal care facilities must locate all overnight boarding facilities indoors. Overnight boarding is not permitted in the C-1-B, C-2-A Districts and C-2-B Districts unless short-term boarding is incidental to the veterinary treatment of animals.
 - (3) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
7. Animal Shelter.
 - A. Defined. Animal Shelter means a facility where stray, lost, abandoned, sick, wounded, or surrendered animals are kept and rehabilitated.
 - B. Use Standards.
 - (1) Animal shelter facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet in height is required for all exterior exercise areas.

- (2) Animal shelter facilities must locate all overnight boarding facilities indoors.
 - (3) All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.
- 8. Art Gallery.
 - A. Defined. Art Gallery means an establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.
 - B. Use Standards. None.
- 9. Arts and Fitness Studio.
 - A. Defined. Arts and Fitness Studio means an establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but rather a personal service establishment. Arts and fitness studio do not include a private recreational facility.
 - B. Use Standards. None.
- 10. Bar
 - A. Defined. Bar means an establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use. Wine bars are allowed to sell bottles for off-premise consumption of the wines they serve.
 - B. Use Standards. None.
- 11. Bed and Breakfast.
 - A. Defined. Bed and Breakfast means a single-unit dwelling where a resident/owner provides lodging for a daily fee and prepares meals for guests. A bed and breakfast may include dining facilities.
 - B. Use Standards.
 - (1) Bed and breakfasts shall only be located in single-unit, owner-occupied dwellings.
 - (2) A bed and breakfast must be a minimum of 1,200 feet from any other bed and breakfast.
 - (3) The exterior of a bed and breakfast must maintain its original appearance as a single-unit dwelling. No parking shall be permitted in the front or corner side yard.
 - (4) Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.
 - (5) Retail sales are limited to items such as souvenirs, postcards, and snacks.
 - (6) No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.

- (7) One non-illuminated sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs shall be a maximum six feet in height and must be a minimum of five feet from any lot line.
12. Body Art Establishment.
- A. Defined. Body Art Establishment means an establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.
- B. Use Standards.
13. Brewery, Micro.
- A. Defined. A Micro Brewery means a facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light or general industrial uses.
- B. Use Standards. None.
14. Broadcasting Studio.
- A. Defined. A Broadcasting Studio means an indoor facility engaged in over-the-air, cable, satellite, or internet delivery of radio or television programs, or studios for the audio or video recording or filming with or without live audiences of musical performances, radio or television programs, or motion pictures. Towers and antenna shall be subject to the provisions of Chapter 173.
- B. Use Standards. None.
15. Car Wash.
- A. Defined. Car Wash means an establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.
- B. Use Standards. None.
16. Child Care Center.
- A. Defined. Child Care Center means a facility where, for a portion of a day, care and supervision is provided for children in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.
- B. Use Standards.
- (1) The facility shall be approved and licensed by the state.
- (2) A child care center must provide a pickup/drop off area. When a child care center is part of a multi-tenant retail center, the pickup/drop off area shall not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.

17. Child Care Home.
- A. Defined. Child Care Home means a residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for five or fewer children in a protective setting for a portion of a day, where no state registration is required.
- B. Use Standards.
- (1) The resident occupant shall be the principal child care home provider, and shall be present during operating hours.
 - (2) The exterior of a child care home shall not be altered in any way which alters the residential character of an existing structure.
 - (3) A child care home must provide an off-street pickup/drop off area which achieves consistency with Section 169.01.
 - (4) No signs are permitted for a child care home.
 - (5) A child care home is permitted to have only one employee which is over the age of 14. One off-street parking area shall be provided for the employee. Family members are not considered employees for the purpose of this section.
 - (6) A child care home shall be subject to the provisions of 169.06(6).
18. Child Development Home.
- A. Defined. Child Development Home means a residential dwelling where care and supervision is provided by a permanent occupant of the dwelling for 6 to 12 or fewer children in a protective setting that are not related to the owner or operator of the facility for a portion of a day.
- B. Use Standards.
- (1) The resident occupant shall be the principal child development home provider, shall have a state license and/or registration as set forth by the Iowa Department of Human Services.
 - (2) When there are more than 8 children are present for more than 2 hours, an assistant 14 years or older needs to be present.
 - (3) The exterior of a child development home shall not be altered in any way which alters the residential character of an existing structure.
 - (4) Any exterior play areas shall be effectively screened from adjacent residential uses.
 - (5) A child development home must provide an off street pickup/drop off area which achieves consistency with Section 169.01.
 - (6) No signs are permitted for a family day care home.
 - (7) A child development home is permitted to have only one employee which must be over the age of 14. One off-street parking area shall be provided for the employee. Family members are not considered employees for the purpose of this section.
 - (8) A child development home shall obtain an annual license approved by the City Council. A fee for services shall be set by resolution of the City Council.

19. Community Center.
 - A. Defined. Community Center means a facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational, fitness and community service activities.
 - B. Use Standards. None.
20. Community Pantry.
 - A. Defined. Community Pantry means a non-profit organization that receives/buys, stores, and distributes food, clothing, household supplies, personal care items and other related items directly to those in need. Community pantries may also have community gardens and prepare meals to be served at no cost to those who receive them.
 - B. Use Standards.
 - (1) Non-residential districts. None.
 - (2) ID, RS RD and RM districts.
 - (a) Permitted only as an ancillary use for a non-profit principal use on the same lot. The community pantry shall also be operated as a non-profit.
 - (b) Maximum building size is to be 2,500 square feet, but in no case larger than the square foot total of the principal structure. Additionally, the use may occupy up to 50% of a separate storage building or garage.
 - (c) Maximum building height is 15 feet.
 - (d) Zoning district design standards shall apply to the building(s) being utilized by the community pantry.
 - (e) Signage. Limited to one ground and one wall sign with a maximum sign area of 8 square feet. Ground signs are limited to 5 feet in height.
21. Cultural Facility.
 - A. Defined. Cultural Facility means a facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.
 - B. Use Standards. None.
22. Distillery, Micro.
 - A. Defined. Micro Distillery means a facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light or general industrial uses.
 - B. Use Standards. None.

23. Drive-Through Facility.
- A. Defined. Drive-Through Facility means that portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal uses such as restaurants and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.
- B. Use Standards.
- (1) All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must:
- (i) Be a minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
- (ii) Begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
- (2) All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets.
24. Dwelling – Manufactured Home.
- A. Defined. Manufactured Home Dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction. When a manufactured home meets all the requirements for a single-family dwelling, including the definition of a dwelling unit, and is located and installed to the same standards as a single-unit dwelling, such manufactured home is considered a single-unit dwelling, subject to any additional requirements or specific exceptions of Iowa State Code Section 414.28.
- B. Use Standards. None.

25. Dwelling – Mixed Use.
- A. Defined. Dwelling – Mixed use. Mixed Use Dwelling means a structure containing a mix of residential and non-residential uses where non-residential uses account for at least 50% of the ground floor area of the building. Non-residential uses are limited to permitted and conditional uses in the underlying zoning district.
 - B. Use Standards. None.
26. Dwelling – Multiple–Unit.
- A. Defined. Multiple–Unit Dwelling means a structure containing three or more attached dwelling units used for residential occupancy. A multiple–unit dwelling does not include a townhouse dwelling.
 - B. Use Standards.
 - (1) Buildings must be designed with consistent materials and treatments that wrap around all building elevations. There must be a unifying architectural theme for the entire multi–unit development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
 - (2) Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three–dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a facade.
 - (3) Minimum required masonry on front and corner side yard building elevations is 25%,
 - (4) A 15% minimum transparency requirement applies to any facade facing a street and is calculated on the basis of the entire area of the facade.
27. Dwelling – Single–Unit.
- A. Defined. Single–Unit Dwelling means a structure containing only one dwelling unit on a single lot.
 - B. Use Standards.
 - (1) The structure must contain 24 feet of width at its largest dimension.
 - (2) The structure must contain a minimum living area of 660 square feet.
 - (3) The structure must be located on a frost-protected perimeter foundation.
 - (4) Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.
 - (5) Minimum required masonry on front and corner side yard building elevations is 25%, with the following exceptions:
 - (a) No masonry is required in the RS–7 and RS–8 districts.
 - (b) In lieu of the required masonry on the façade facing the corner side yard, one of the two following options may be selected:
 - (i) Two, two–inch caliper trees planted in the corner side yard. Existing trees of adequate size in the corner side yard may satisfy this requirement.

- (ii) Architectural relief on the façade facing the corner side yard, such that the wall contains more than two offsets, which may consist of wall corners, bay or bowed windows, or other means approved by the Code Official.
 - (6) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (7) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
 - (8) A dwelling with a front-facing attached three-car garage shall have one of the garages offset one foot from the other garages.
 - (9) Front-facing garages shall not exceed 16' or 50% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.
- 28. Dwelling – Single-Unit Zero Lot Line.
 - A. Defined. A Single-Unit Zero Lot Line Dwelling means a structure containing two dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and are on separate lots. A single-unit zero lot line dwelling is typically designed so that each unit has a separate exterior entrance and yard areas.
 - B. Use Standards.
 - (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
 - (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (4) Minimum required masonry on front and corner side yard building elevations is 25%,
 - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- 29. Dwelling – Townhouse.
 - A. Defined. Townhouse Dwelling means structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall and may or may not be on separate lots. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling.

- B. Use Standards.
 - (1) The interior side yard is not applicable to the side of the unit located on the lot line (shared wall attachment to another unit).
 - (2) Each unit must have an approved one-hour fire-resistive wall between them that is built in such a manner as to allow no connections other than the wall itself between the units
 - (3) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (4) Minimum required masonry on front and corner side yard building elevations is 25%,
 - (5) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- 30. Dwelling – Two-Unit.
 - A. Defined. A Two-Unit Dwelling means a structure containing two dwelling units, arranged side-by-side with each unit having an exterior entrance, on a single lot.
 - B. Use Standards.
 - (1) The front entry must be an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front facade.
 - (2) Minimum required masonry on front and corner side yard building elevations is 25%,
 - (3) A 5% minimum transparency requirement applies to the front facade and is calculated on the basis of the area of the facade below the roofline.
- 31. Educational Facility – Primary.
 - A. Defined. Primary Educational Facility means a public, private, or parochial facility that offers instruction at the elementary and/or junior high school levels.
 - B. Use Standards.
 - (1) Dimensional standards
 - (a) Minimum frontage: 150 feet.
 - (b) Minimum lot width: 300 feet.
 - (c) Minimum lot area: 5 acres.
 - (d) Maximum building height: 35 feet.
 - (e) Required front yard: 50 feet.
 - (f) Required corner side yard: 50 feet.
 - (g) Required side yard: 50 feet.
 - (h) Required rear yard: 50 feet.

32. Educational Facility – Secondary.
- A. Defined. Secondary Educational Facility means a public, private, or parochial facility that offers instruction at the high school level.
 - B. Use Standards. None.
 - (1) Dimensional standards.
 - (2) Minimum frontage: 300 feet.
 - (3) Minimum lot width: 600 feet.
 - (4) Minimum lot area: 20 acres.
 - (5) Maximum building height: 55 feet.
 - (6) Required front yard: 100 feet.
 - (7) Required corner side yard: 100 feet.
 - (8) Required side yard: 50 feet.
 - (8) Required rear yard: 100 feet.
33. Educational Facility – University or College.
- A. Defined. University or College Educational Facility means a facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.
 - B. Use Standards. None.
34. Educational Facility – Vocational.
- A. Defined. Vocational Educational Facility means a facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility – vocational also applies to privately operated schools that do not offer a complete educational curriculum.
 - B. Use Standards. None.
35. Financial Institution.
- A. Defined. Financial Institution means a bank, savings and loan, credit union, or mortgage office.
 - B. Use Standards. None.
36. Fireworks, Retail Sales of.
- A. Defined. Retail Sales of Fireworks means the sale of consumer fireworks as defined by the Iowa State Code.
 - B. Use Standards. None.
37. Food Bank
- A. Defined. Food Bank means a non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.
 - B. Use Standards. None.

38. Fueling Station.
- A. Defined. Fueling Station means an establishment where fuel for vehicles is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A fueling station may also include ancillary car wash bays.
 - B. Use Standards. None.
39. Fulfillment Center, Micro.
- A. Defined. Micro-fulfillment center means an establishment not exceeding 20,000 square feet that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for purchase over the internet or through mobile applications and either delivered to the purchaser or made available for pickup. Fulfillment facilities that exceed this capacity are considered light industrial uses.
 - B. Use Standards. None.
40. Funeral Home.
- A. Defined. Funeral Home means an establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.
 - B. Use Standards. None.
41. Golf Course/Driving Range.
- A. Defined. Golf Course/Driving Range means a tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.
 - B. Use Standards. None.
42. Greenhouse/Nursery - Retail.
- A. Defined. Retail Greenhouse/Nursery means an establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.
 - B. Use Standards.
 - (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or

other similar material approved by the Code Official may be used as a screen.

- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.

43. Group Home.

- A. Defined. Group Home means a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision. Group homes include facilities for drug and alcohol rehabilitation, excluding medical detoxification services. Group home does not include facilities for adults or minors that function as a court ordered alternative to incarceration. Group home does not include group living facilities for persons who have been institutionalized for criminal conduct.
- B. Use Standards.
 - (1) Group homes must be licensed by the state.
 - (2) When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

44. Healthcare Institution.

- A. Defined. Healthcare Institution means facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.
- B. Use Standards. None.

45. Heavy Rental and Service Establishment.

- A. Defined. Heavy Rental and Service Establishment means rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, amusement equipment rental, and sales, rental, and repair of heavy equipment.
- B. Use Standards.
 - (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.
46. Heavy Retail Establishment.
- A. Defined. Heavy Retail Establishment means retail centers of a heavier and larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are not considered heavy retail establishments if there is no outdoor storage and/or display. Equipment rental is permitted if conducted solely inside the principal structure.
- B. Use Standards.
- (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) See Section 169.05(B) for outdoor storage areas as an accessory use.
47. Hotel.
- A. Defined. Hotel means a commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.
- B. Use Standards. None.
48. Industrial - General.
- A. Defined. General Industrial means the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.
- B. Use Standards. None.

49. Industrial - Light.
- A. Defined. Light Industrial means research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.
 - B. Use Standards.
 - (1) Outdoor service or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (2) Outdoor service or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (3) See Section 169.05(B) for outdoor storage areas as an accessory use.
50. Industrial Design.
- A. Defined. Industrial Design means an establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but may not mass manufacture products from the premises.
 - B. Use Standards. None.
51. Live Performance Venue.
- A. Defined. Live Performance Venue means the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances within a fully enclosed building. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include adult entertainment establishments.
 - B. Use Standards. None.

52. Manufactured Home Park.

A. Defined. Manufactured Home Park means a parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

B. Use Standards.

(1) The perimeter yard of a manufactured home park shall have a landscape area 15 feet in width at the furthest point in the required yard containing the following:

- (a) A mix of shade and evergreen trees planted at an average of one tree for every 50 linear feet of yard width. These shade and evergreen trees may be clustered to allow for access points or to maximize the screening effect.
- (b) Two ornamental trees may be substituted for one shade tree for up to 25% of required trees.
- (c) The remainder of the buffer area must be planted with low groundcover, seed, or sod.

This landscape area is not required along any portion of a perimeter that abuts a manufactured home park.

(2) All manufactured home parks shall have a recreation area not less than five percent of the total manufactured home park area shall be provided. Recreation areas may be provided in one or more areas, but each area shall be no less than one acre. Recreation areas shall be open and planted with low groundcover, which may or may not contain playgrounds and other recreational amenities. Storm shelters may be placed within recreation areas.

(3) All manufactured home parks shall have enclosed or outdoor storage areas for the use of the manufactured home park residents. Storage areas shall be a minimum of 100 square feet per manufactured home space/lot. Storage areas may be provided in one or more areas, but each area shall be no less than one-half acre. Outdoor storage areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

(4) All manufactured home parks shall have storm shelters. Storm shelters may be in one or more buildings but the total area shall be a minimum of seven square feet per manufactured home space/lot.

(5) Manufactured home parks may have a maintenance facility and/or an office. All maintenance facilities shall be maintained in a clean condition.

53. Medical/Dental Office.
- A. Defined. Medical/dental office means a facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.
 - B. Use Standards. None.
54. Office.
- A. Defined. Office means an establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, or industrial design.
 - B. Use Standards. None.
55. Outdoor Seating.
- A. Defined. Outdoor seating means an area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.
 - B. Use Standards.
 - (1) Outdoor seating may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
 - (2) Outdoor seating areas must be located on private property. Outdoor seating on public property is not controlled by the Zoning Code.
 - (3) Outdoor seating areas must be paved with concrete or other suitable permanent materials and the area must be clearly delineated by fencing, plant materials or other landscaping.
 - (4) Outdoor seating areas must not interfere with any pedestrian access or parking spaces and aisles.
 - (5) When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.
56. Park, Private.
- A. Defined. Private park means a privately-owned area of land that serves recreational needs of residents and visitors, which may or may not have limited access. Private park includes, but is not limited to, playgrounds, basketball courts, volleyball courts, tennis and pickle ball courts and passive recreation areas. Private parks shall not be used for commercial use.
 - B. Use Standards. None.

57. Park, Public.
- A. Defined. Public parks means a publically owned area of land that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, volleyball courts, tennis and pickle ball courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor recreation facilities, and amphitheaters, as well as ancillary uses such as, but not limited to, restroom facilities, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances.
 - B. Use Standards. None.
58. Parking Lot (Principal Use).
- A. Defined. Parking lot/structure means an open, hard-surfaced area, excluding a street or public way, or structure, used for the storage of operable vehicles, whether for compensation or at no charge.
 - B. Use Standards. None.
59. Parking Structure (Principal Use).
- A. Defined. A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.
 - B. Use Standards.
 - (1) Parking structures must be designed to minimize blank facades through architectural detail and landscape.
 - (2) On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.
 - (3) For parking structures with rooftop open-air parking, a four-foot parapet wall is required for screening.
 - (4) A vehicular clear sight zone must be included at vehicular exit areas as follows:
 - (a) Vehicular exit areas must be set back from any pedestrian walkway along that building elevation a minimum of eight feet for the portion of the building that includes the vehicle exit area and eight feet on each side of the exit opening.
 - (b) A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.
 - (c) In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.

- (d) The upper story building elevations of the parking structure may overhang the vehicular clear sight zone.

- 60. Personal Service Establishment.
 - A. Defined. Personal service establishment means an establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. Personal service establishment does not include a private recreational facility.
 - B. Use Standards. None.
- 61. Place of Worship.
 - A. Defined. Place of worship means a facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.
 - B. Use Standards. None.
- 62. Private Club.
 - A. Defined. Private club means an establishment open to members, their families, and invited guests organized and operated for a common purpose, including a meeting hall for a fraternal or social organization or a union hall and/or a facility which has indoor and/or outdoor recreation facilities. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.
 - B. Use Standards.
- 63. Public Safety Facility.
 - A. Defined. Public safety facility means an establishment operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities.
 - B. Use Standards. None.
- 64. Public Works Facility.
 - A. Defined. A facility operated by a municipal department providing municipal services, including water and wastewater treatment plants, dispatch, storage, and maintenance of municipal vehicles and the storage and maintenance of municipal materials.
 - B. Use Standards. None.

65. Research and Development Facility.
- A. Defined. Research and development facility means an establishment where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.
 - B. Use Standards. None.
66. Residential Care Facility.
- A. Defined. Residential care facility means a licensed establishment that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. This includes institutions that are located in one or more buildings on contiguous property with one administrative body. Residential care facility does not include a residential drug/alcohol treatment facility.
 - B. Use Standards. None.
67. Restaurant.
- A. Defined. Restaurant means an establishment where food and drinks, including alcoholic beverages, are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.
 - B. Use Standards.
68. Retail Goods Establishment.
- A. Defined. Means an establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment does not include micro fulfillment center.
 - B. Use Standards. None.
69. Salvage Yard
- A. Defined. Salvage yard mean an establishment where vehicles or other machinery is broken up and the parts saved and processed for resale.
 - B. Use Standards.
 - (1) Outdoor service or storage areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.

- (2) Outdoor service or storage areas shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (3) See Section 169.05(B) for outdoor storage areas as an accessory use.
- 70. Self-Storage Facility: Enclosed.
 - A. Defined. Enclosed self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.
 - B. Use Standards.
 - (1) Storage units cannot be used for residential occupancy or business.
 - (2) No plumbing connections are permitted in self-storage units.
 - (3) All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units shall be accessed from inside the building only.
 - (4) The building shall be designed in such a way that none of the storage units located on the first floor are visible from any public right-of-way.
- 71. Self-Storage Facility: Outdoor.
 - A. Defined. Outdoor self-storage facility means an establishment for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.
 - B. Use Standards.
 - (1) Storage units cannot be used for residential occupancy or business.
 - (2) No plumbing connections are permitted in self-storage units.
 - (3) Outdoor self-storage facilities shall be oriented to the best extent possible so that storage unit access doors do not face the public right-of-way.

72. Specialty Food Service.
- A. Defined. Specialty food service means an establishment that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.
 - B. Use Standards. None.
73. Storage Yard – Outdoor (Principal Use).
- A. Defined. Outdoor storage means the storage of material outdoors as a principal use of land for more than 24 hours.
 - B. Use Standards.
 - (1) Outdoor storage areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
 - (3) See Section 169.05(B) for outdoor storage areas as an accessory use.
74. Truck Stop
- A. Defined. Truck stop means an establishment where fuel for semi-trucks and other large trucks is dispersed from fixed equipment into the fuel tanks or battery cells of said vehicles. A truck stop may also include ancillary (overnight) truck parking and truck wash bays.
 - B. Use Standards. None.
75. Utility (Sub)Station
- A. Defined. Utility (sub)station means a structure or facility used by a public or quasi-public utility agency to store and/or distribute public utilities. Utility (sub)stations does not include outdoor storage or maintenance facilities.
 - B. Use Standards.
 - (1) Utility (sub)stations, shall to the greatest degree possible, be located so as to minimize impacts on surrounding properties and public infrastructure.
 - (2) No setbacks are required, however, utility (sub)stations shall not block visibility or create traffic hazards.
 - (3) Minimum required masonry on all building elevations is 60%,
 - (3) Utility (sub)stations shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five

feet in height when planted. In lieu of a landscape area, a masonry wall may be used as a screen.

76. Vehicle Dealership, New and Used
- A. Defined. New and Used Vehicle dealership means an establishment that sells or leases new or primarily new automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. Vehicle dealerships do not include medium duty trucks (with the exception of pickup trucks), heavy duty trucks, trailers, boats, or heavy equipment sales, which are considered heavy retail, rental, and service. A dealership may provide ancillary on-site facilities for the repair (minor or major) and service of the vehicles sold or leased by the dealership.
 - B. Use Standards.
 - (1) The number and location of vehicles shall be designated on an approved site plan. The vehicle display area shall be designed in accordance with the provisions of Section 169.01 and 169.13 with the exception that display areas do not need to be delineated with paint or other permanent materials.
 - (2) All vehicles offered for sale shall be operational and roadworthy as provided in the applicable sections of the Code of Iowa and the Iowa Administrative Code.
77. Vehicle Dealership, Used.
- A. Defined. Used Vehicle dealership means an establishment that sells or leases used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. Vehicle dealerships do not include medium duty trucks (with the exception of pickup trucks), heavy duty trucks, trailers, boats, or heavy equipment sales, which are considered heavy retail, rental, and service. A dealership may provide ancillary on-site facilities for the minor repair and service of the vehicles sold or leased by the dealership.
 - B. Use Standards.
 - (1) The number and location of vehicles shall be designated on an approved site plan. The vehicle display area shall be designed in accordance with the provisions of Section 169.01 and 169.13 with the exception that display areas do not need to be delineated with paint or other permanent materials.
 - (2) All vehicles offered for sale shall be operational and roadworthy as provided in the applicable sections of the Code of Iowa and the Iowa Administrative Code.
78. Vehicle Operations Facility.
- A. Defined. Vehicle operations facility means an establishment for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles.
 - B. Use Standards. None.

79. Vehicle Rental.
- A. Defined. Vehicle rental means an establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include the rental of medium duty trucks, with the exception of pickup trucks, heavy duty trucks, or rental of heavy equipment, which is considered part of heavy retail, rental, and service.
 - B. Use Standards. None.
80. Vehicle Repair – Major.
- A. Defined. Major vehicle repair means an establishment that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.
 - B. Use Standards.
 - (1) Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
 - (2) Vehicles may not be stored outdoors on the premises for longer than 15 days once repair is complete.
 - (3) No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises unless these vehicles are waiting repair. All such open storage of these types of vehicles awaiting repair shall be subject to the following:
 - (a) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.
 - (b) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.

81. Vehicle Repair – Minor.
- A. Defined. Minor vehicle repair means an establishment that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including, but not limited to, repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining, and repairs, wheel servicing, alignment, and balancing, repair and replacement of shock absorbers, engine rebuilding, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.
 - B. Use Standards.
 - (1) Repair of vehicles and storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
 - (2) Vehicles may not be stored outdoors on the premises for longer than 15 days once repair is complete.
 - (3) No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises.
82. Warehouse.
- A. Defined. Warehouse means an establishment for the indoor storage and distribution of manufactured products, supplies, and/or equipment.
 - B. Use Standards. None.
83. Wholesale Facility.
- A. Defined. Wholesale facility means an establishment that sells goods to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.
 - B. Use Standards. None.
84. Winery, Micro.
- A. Defined. A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits, vegetables, and/or honey, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light or general industrial uses.
 - B. Use Standards. None.

SECTION 5. AMENDMENT OF CHAPTER 169. Chapter 169 of the Code of Ordinances is amended to read as follows:

CHAPTER 169 ZONING CODE – DEVELOPMENT REGULATIONS

169.01 Off-Street Parking and loading
169.02 Landscaping Requirements
169.03 Trash and Recycling Enclosures
169.04 Fences and Walls
169.05 Accessory Structures and Uses
169.06 Exterior Lighting
169.07 Supplemental Lot Regulations
169.08 Supplemental Yard and Height Regulations

169.09 Approval for and Availability of Essential Services
169.10 Design Standards
169.11 Enforcement of Design Standards

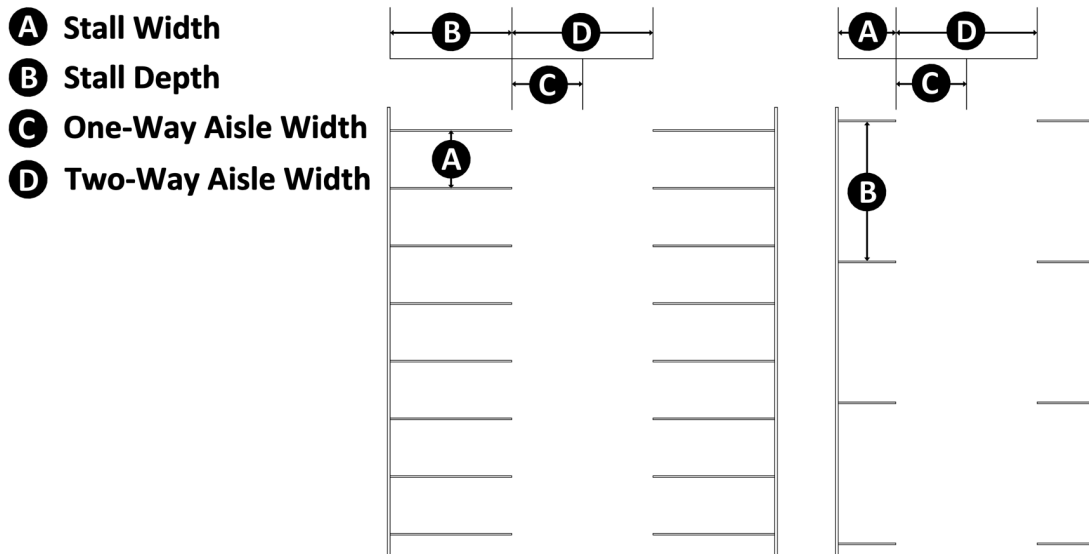
169.01 OFF-STREET PARKING AND LOADING.

1. General Provisions.
 - A. All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.
 - B. Nothing in this Ordinance prevents providing additional off-street parking or loading facilities, provided that all regulations governing the location, design, and construction of such facilities are met.
 - C. When required, accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.
 - D. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.
 - E. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element. Such areas are permitted to be maintained, however, any expansion shall be in conformance with this Section.
 - F. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited in off-street parking areas. The sales, display of goods or storage of equipment in off-street parking areas is also prohibited unless otherwise permitted by this Ordinance.
2. Off-Street Parking Design Standards. The following standards apply to off-street parking facilities. Single-unit, two-unit, duplex, and townhouse dwellings are subject to the specific standards listed below in subsection G. The exception is if an aforementioned site is designed with a common parking lot or multiple common parking lots, then it is subject to all the standards of this section with the exception of subsection G.

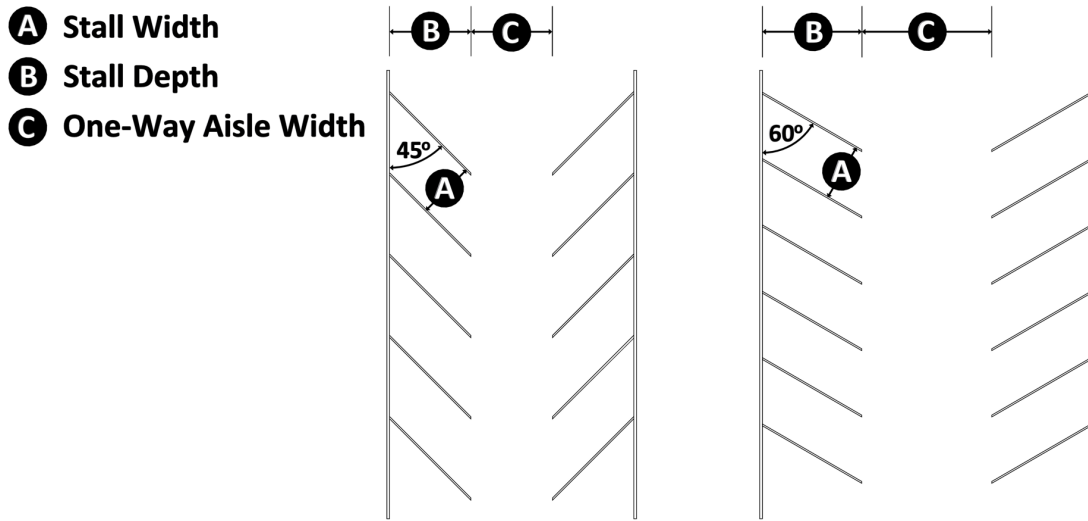
- A. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-A Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 169.01-A are permitted but must be approved by the Code Official and provide evidence of safe and efficient parking configuration and traffic circulation.

Table 169:01-A Off-Street Parking Space Minimum Dimensions					
Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width Two-Way (C)	Aisle Width One-Way (D)	Vertical Clearance
0° (Parallel)	8.5'	22'	22'	11'	7' 6"
90° (Head-In)	9'	19'	22'	22'	7' 6"
60°	9'	15' 7"	25' 10"	20' 4"	7' 6"
45°	9'	12' 9"	29' 8"	12' 9"	7' 6"
<ol style="list-style-type: none"> 1. Stall width may be reduced to 8' for accessible spaces designed in accordance with Iowa Statewide Urban Design and Specifications. 2. Stall depth may be reduced to 17' if a 2' overhang area is provided in an abutting parking lot island or landscape area or pedestrian walkway. Pedestrian walkways shall not be reduced to less than 5' in width. 					

Off-Street Parking Space Minimum Dimensions



Off-Street Parking Space Minimum Dimensions



B. Access.

- (1) All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
- (2) All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.
- (3) All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out.
- (4) All curb cuts must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.
- (5) Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.

C. Surfacing. All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

- D. Curbing.
- (1) Curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. Breaks in curbing may be provided to accommodate a curb ramp and to allow for drainage into landscape areas that can absorb water. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.
 - (2) Wheel stops are prohibited.
- E. Lighting. Parking lot lighting must be in accordance with Section 169.06. Wood utility poles are prohibited.
- F. Setbacks. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 169.01-B Off-Street Parking and Loading Setbacks.

Table 169.01-B: Off-Street Parking and Loading Setbacks			
District	Right-Of-Way Line	Side Lot Line	Rear Lot Line
ID, RS, RD, RM	25 feet ¹	3 feet ²	3 feet
R-MH	10 feet ³	5 feet	5 feet
C	10 feet	5 feet	5 feet
O/RP	25 feet	10 feet	10 feet
I	10 feet	5 feet	5 feet
<ol style="list-style-type: none"> 1. Off-street parking areas may be within the front yard, but shall not occupy greater than 50 percent of the required front yard and shall not provide greater than one parking space in addition to that provided in the travel portion of the driveway. 2. No setback required on an interior side lot line for two-unit dwelling buildings. 3. Off-street parking areas may be within the front yard. 4. In any district where off-street joint access is provided, the required setback on an interior side lot line may be reduced if a joint access easement agreement is recorded between the two lots. 			

- G. Single-Unit, Two-Unit Zero Lot Line, Duplex and Townhouse Dwellings.
- (1) All required off-street parking spaces must have vehicular access from a driveway that connects to a street, alley or private drive isle. The width of the driveway shall be a minimum of 10 feet.
 - (2) Townhouse developments are prohibited from constructing curb cuts along a public street.
 - (3) Required off-street parking spaces may be designed so that the driver may back out into the street or alley.
 - (4) All off-street parking areas must be improved with a hard surfaced, all-weather dustless material; pervious and non-pervious pavers may be used. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) and gravel is prohibited. Thickness of surfacing must comply with the regulations of the Iowa Statewide Urban Design and Specifications, as amended.

3. Required Number of Vehicle Parking Spaces.
 - A. Table 169.01-C: Off-Street Parking Requirements lists the minimum number of off-street parking spaces to be provided for the designated uses. In some cases, uses that are considered part of a generic use category are listed with specified parking requirements.
 - B. With the exception of single-unit, two-unit, duplex and townhouse dwellings, parking spaces for disabled persons must be provided. The minimum number of accessible parking spaces shall be in accordance with the 2010 ADA Standards for Accessible Design, as amended, and the Iowa Statewide Urban Design and Specifications, as amended.
 - C. The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant commercial center, which has a separate requirement per item E below. The following standards for computation apply:
 - (1) When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
 - (2) In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.
 - D. Parking for multi-tenant commercial centers is calculated as one space required per 350 square feet of gross floor area, rather than by the individual uses.

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Adult Entertainment	1 per 300SF GFA
Amusement Facility, Indoor	1 per 200SF GFA
Amusement Facility, Outdoor	1 per 1000SF GFA
Animal Car Facility	1 per 350SF GFA
Automobile Repair, Major or Minor	2 per service bay
Bar	1 per 200SF GFA
Body Art Establishment	1 per 500SF GFA
Broadcasting Studio	1 per 1,000SF GFA
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Child Care Center	1 per 500SF GFA
Community Building	1 per 350SF GFA
Community Pantry	1 per 500SF GFA
Dwelling, Duplex	2 per DU
Dwelling, Manufactured Home	2 per DU

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Dwelling, Multiple-Unit	
Studio and 1 bedroom	1.5 per DU
Two bedroom	1.5 per DU
Over Two bedroom	2 per DU + .5 for each bedroom over 2
Dwelling, Single-Unit (Detached and Zero Lot Line)	2 per DU
Dwelling, Townhouse	2 per DU
Dwelling, Two-Unit	2 per DU
Education Facility, Primary or Secondary	
<i>Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>High School</i>	<i>6 per classroom + 4 per office</i>
Education Facility, University or College	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Education Facility, Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 350SF GFA
Fireworks, Retail Sales of	1 per 500SF GFA
Fueling Station	1 per pump/charging position + 1 per 500SF GFA of structure
Funeral Home	1 per 200SF GFA of public space
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Greenhouse/Nursery - Retail	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor space
Group Home	1 per 2 rooms
Healthcare (all uses, unless otherwise specified)	1 per 3 beds + 1 per 250 SF GFA office and administrative area
Heavy Retail, Rental, and Service	1 per 500SF GFA of indoor space + 1 per 1,000SF of outdoor display space
Hotel	1 per room
Industrial	1 per 1,000SF GFA up to 40,000SF, then 1 per 2,500SF for additional GFA above 40,000SF (excludes any outdoor storage)
Industrial Design	1 per 500SF GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500SF GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Office	1 per 350SF GFA
Office	1 per 350SF GFA
Parks	
Conservation	None
Community	None
Neighborhood	None
Personal Service Establishment	1 per 500SF GFA
Place of Worship	1 per 10 seats
Private Club	1 per 300 SF GFA

Table 169.01-C: Off-Street Vehicle Parking Requirements SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
USE	MINIMUM REQUIRED VEHICLE SPACES
Public Safety Facility	1 per 300SF GFA
Public Works Facility	1 per 500SF GFA
Research and Development	1 per 500SF GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
<i>Independent Living Facility</i>	<i>0.75 per DU</i>
<i>Assisted Living Facility</i>	<i>0.5 per DU</i>
<i>Nursing Home or Hospice</i>	<i>0.5 per patient room</i>
Restaurant	1 per 200SF GFA
Retail Goods Establishment	1 per 350SF GFA
Self-Service Storage Facility	1 per 25 storage units
Specialty Food Service	1 per 500SF GFA
Storage - Outdoor	1 per 2,500SF of lot area
Vehicle Dealership (New and Used)	1 per 500SF of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500SF of lot area
Vehicle Rental	1 per 500SF GFA of indoor area (excluding indoor storage)
Warehouse	1 per 500SF of office area + 1 per 30,000SF GFA of warehouse
Wholesale Establishment	1 per 500SF of office area + 1 per 15,000SF GFA of warehouse

4. Off-Street Loading Spaces.

A. Design.

- (1) off-street loading spaces must be located on the same lot as the use served. With the exception of the I-1 and I-2 Districts, no off-street loading space may be located within a front or corner side yard.
- (2) All required off-street loading spaces shall be at least ten feet in width and at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least 14 feet.
- (3) All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) is prohibited.
- (4) Lighting. All off-street loading space lighting must be in accordance with Section 169.06. Lighting. Wood utility poles are prohibited.
- (5) When adjacent to a public street, loading berths shall be screened utilizing landscaping plantings and berms. When located adjacent to a residential district, loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet in height. Loading berths should be located opposite any adjacent residential district lot line.

- B. Required Number of Off-Street Loading Spaces.
Off-street loading spaces must be provided in accordance with Table 169.01-D: Off-Street Loading Requirements. In the case of multi-tenant commercial centers or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant commercial center is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required).

TABLE 169.01-D: OFF-STREET LOADING REQUIREMENTS SF = Square Feet, DU = Dwelling Unit, GFA = Gross Floor Area	
Use Type	Number of Spaces Required
Multi-Family Dwelling	
Total of 50 DUs or more	1 loading space
Commercial & Institutional Use	
10,000 - 100,000SF GFA	1 loading space
100,001 - 200,000SF GFA	2 loading spaces
200,001SF and above GFA	3 loading spaces
Industrial Use	
10,000 - 40,000SF GFA	1 loading spaces
40,001 - 100,000SF GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

5. Commercial and Recreational Vehicle Storage.
- A. Commercial Vehicles.
- (1) Residential Lots.
- (a) No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.
- (b) Notwithstanding the foregoing subsection, commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not

permitted to be stored or parked outdoors overnight on a residential lot.

- (2) Nonresidential Lots. On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

B. Recreational Vehicles

- (1) Recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors on an off-street parking area. Exception: In RS and RD Districts, recreational vehicle or trailer licensed to transport recreational vehicles or equipment less than 15,000 pounds may be stored in a landscaped side or rear yard.
- (2) No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.
- (3) All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

169.02 LANDSCAPING REQUIREMENTS.

1. Landscaping Plan Required. A landscaping plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts.
2. Selection, Installation and Maintenance.
 - A. Selection.
 - (1) All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
 - (2) All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for North Liberty). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.

- (3) The use of species native or naturalized is required. Drought tolerant species are encouraged.
 - (4) Invasive species are prohibited.
 - B. Installation.
 - (1) All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
 - (2) If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
 - (3) All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth.
 - (4) Landscaping materials shall be planted as each phase of a site is developed.
 - (5) If weather prohibits the installation of landscape materials, a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.
 - C. Maintenance. Landscape materials depicted on approved landscape plans are considered a required site element. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials and elements
- 3. Minimum Planting Sizes. Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.
 - A. Evergreen trees must have a minimum height of six feet.
 - B. Shade trees must have a minimum clear trunk height of four feet above the ground with a two-inch caliper.
 - C. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
 - D. Evergreen or deciduous shrubs must have a minimum height of 18 inches.
- 4. Berming. If berms are included on a landscape plan, they must comply with the following:
 - A. Berms must be stabilized to prevent erosion.
 - B. Berms must be a minimum of two feet in height.
 - C. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
 - D. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
 - E. Berms must undulate by height and/or width for visual interest.

5. **Parking Lot Landscaping.** A perimeter landscaping area is required for all parking lots adjacent to streets and public spaces such as a plaza, public seating area, or park. The landscaping treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian walkways. The landscaped area must be improved as follows:
 - A. Berming shall be installed between the parking lot and a street and/or public spaces.
 - B. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.
 - C. A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.
6. **Parking Lot Interior Landscape.** All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.
 - A. All rows of parking stalls must terminate in a parking lot island or landscape area.
 - B. Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.
 - C. Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.
 - D. A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required.
7. **On-Site Trees.** In addition to trees in required perimeter areas, on-site shade trees must be installed as follows:
 - A. Multi-Unit Residence District. One tree for each 750 square feet of building footprint.
 - B. Residential Manufactured Home Park District. One tree for every four acres.
 - C. Commercial, Industrial and Public Districts. One tree for every 2,000 square feet of building footprint.
8. **Buffer Yards.**
 - A. Buffer yards are required for new construction along interior side and rear yards in the following cases:
 - (1) Where the lot line of a multi-unit residence development is adjacent to the lot line of a single-unit residence or two-family residence district.
 - (2) Where a non-residential use is located within a residential or interim development district.

- (2) Where the lot line of a non-residential district is adjacent to the lot line of a residential district. This does not include private or public parks.
- B. The required design for buffer yards is as follows:
 - (1) A buffer yard must be a minimum of 10 feet in width.
 - (2) One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
 - (3) Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
 - (4) Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.
 - (5) A fence may be required at the discretion of City staff.
- 9. Site Landscaping. Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill.

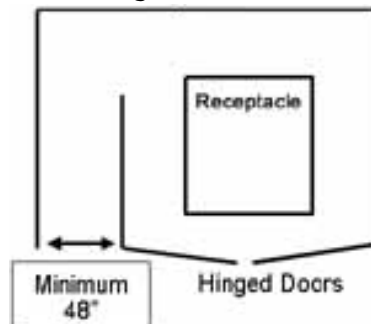
169.03 TRASH AND RECYCLING ENCLOSURES. Trash and recycling enclosures are required for commercial, industrial, and multi-family zoned areas except that side-by-side, or townhouse-style multi-family developments may be approved for curb-side individual pickup by Council resolution upon recommendation by the Code Official that the developer or owner has demonstrated the following:

- 1. Adequate maneuverability for garbage truck access; and
- 2. Practical and adequate frontage for each dwelling unit so that placement of garbage and recycle materials does not impede pedestrians or drivers on public or private sidewalks, driveways, or streets.

If curb-side pickup is approved, the developer shall provide a recorded document releasing the City from any and all damage or injury liability arising from garbage collection activities, and notifying future owners of that release. Enclosures shall not be located in the required front or corner side yard area and should be located out of public view to the greatest degree possible. Openings shall be oriented so that gates do not open toward public streets whenever practical. Enclosures shall be constructed of decorative block or brick to match the principle building to the maximum extent possible, to minimize its visual impact. Gates shall be constructed with commercial-grade hinges, pulls, and hasps, and gate supports shall be metal with an appropriate diameter to support the gates. The gates themselves shall be constructed to present a decorative solid façade. Class 2B fused and bonded vinyl coated gauge chain link fence panels with minimum 9 gauge core, with 2" mesh, and winged type slats

installed to obtain a Privacy factor of 90% or greater may be used as a substitute for a solid façade. Protective bollards should be provided. See Figure 169.03 for access requirements for multi-family uses.

Figure 169.03



169.04 FENCES AND WALLS. The provisions of this section apply to the construction, alteration, moving, and repair of any fence or wall within the jurisdiction.

1. Permit Required. Each application for a permit shall be submitted prior to the installation or alteration of a fence or wall. The application shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot; the size, shape, and location of all existing buildings; location, height, and material type of the proposed fence or wall; and such other information as may be necessary to provide for the enforcement of this section. A record of applications and plans shall be kept in the Code Official's office.
2. Application Fee. A fee for the permit shall be charged. The fee shall be set by the City and shall be available at the office of the Code Official.
3. Review. All applications for permits shall be submitted to the Code Official for review and approved prior to permit issuance. Each application shall include data necessary to show that the requirements of this code are met.
4. Expiration. Every permit issued by the Code Official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced, for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Code Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.
5. Inspections. A final inspection may be performed to assure compliance with this code.

6. Height. The height of all fences and/or retaining walls located within a front, corner side yard, side, or rear yard shall not exceed those found in Table 169.05.

Table 169.05 Maximum Fence and Wall Height				
District	Front Yard	Corner Side Yard	Side Yard	Rear Yard
Residential Districts	4'	4'	8'	8'
All Other Districts	4'	4'	16'	16'
<ol style="list-style-type: none"> 1. Fences shall not be located within the corner visual clearance. 2. Chain lines fences shall not be located within the required front or required corner side yard. 3. Fences shall not exceed 8' in height if the property abuts a residential district. 4. On a corner lot, a 6-foot-high privacy fence may be erected on that portion of the lot at the rear of the house provided the fence is erected a minimum of 15 feet from any sidewalk, driveway, or right-of-way line. Said fence shall comply in all other respects with the fence requirements. 				

7. Location. Fences and walls shall be located entirely within the confines of the property lines except for fences located next to a public or private alley shall maintain a minimum 2-foot separation between the fence and alley line. No fence or wall shall encroach on or obstruct a public sidewalk.
8. Prohibited Fence Material. The following fences are prohibited, except as provided in this chapter or for permitted agricultural residential gardening uses to protect against rodents, vermin, and pests:
- A. Metal fences with the exception of chain link, wrought iron and, simulated wrought iron and
 - B. Electrical fences or any kind of electrically charged fences
 - C. Wood panel fence
 - D. Plywood or oriented strand board (OSB)
 - E. Pallets or any used repurposed material
 - F. Chicken wire
 - G. Snow fence, except as provided below
- A snow fence may be erected on a temporary basis, not to exceed six months, to alleviate the adverse effects of drifting snow or to warn and prevent access to an area by unauthorized persons. When erected on a temporary basis to prevent access of unauthorized persons to any area, a snow/safety fence shall be removed within 24 hours after the elimination of the reason for which the fence was erected originally.
9. Installation and Maintenance. All fences and walls shall be installed or constructed in a workmanlike manner. All fences and walls shall be maintained and repaired as needed. The owner of the property upon which the fence or wall is constructed is required to maintain the fence.

169.05 ACCESSORY STRUCTURES AND USES. Accessory structures and uses shall occupy the same lot as the main use or building. No lot shall have an accessory structure or use without the principal use. No accessory structure shall be used as a dwelling unit.

1. Yard Encroachment. No accessory building or use shall be located within any yard unless authorized by this Section and/or Section 169.08.
2. Freestanding Private Garages.
 - A. RS, RD and ID districts shall be subject to the following:
 - (1) A maximum one freestanding garage.
 - (2) A maximum gross floor area of 850 square feet. RS district exception: on properties exceeding .5 acres but less than .75 acres, the maximum gross floor area shall be 1,000 square feet. On properties exceeding .75 acres but less than one acre, the maximum gross floor area shall be 1,200 square feet. On properties exceeding one acre, the maximum gross floor area shall be 1,400 square feet. Notwithstanding the foregoing, the gross floor area shall not exceed the total footprint of the residence.
 - (3) May be located within the rear yard subject to a five foot side and rear setback.
 - (4) May be located within a side yard subject to meeting the required side and rear yard setbacks for the main building.
 - (5) A minimum 20 feet from a public or private right-of-way or improved alley.
 - (6) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (7) A maximum height of 15 feet.
 - B. RM district.
 - (1) No maximum number of freestanding garages, however, the aggregate floor area shall not exceed the aggregate footprint of the main buildings.
 - (2) May be located within the rear yard subject to a 10-foot side and rear setback.
 - (3) A minimum 20 feet from a public or private right-of-way or improved alley.
 - (4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (5) A maximum height of 15 feet.
3. Storage Buildings and Greenhouses.
 - A. RS and RD districts shall be subject to the following:
 - (1) A maximum two storage buildings, greenhouses or structures designed for other similar use, or any combination thereof, may be located within the rear yard.
 - (2) Maximum 200 square feet gross floor area per structure.
 - (3) A minimum of five feet from the side and rear property line.
 - (4) A minimum of 10 feet from a public or private right-of-way alley.
 - (5) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (6) Maximum building height of 10 feet.

- B. R-MH district shall be subject to the following:
 - (1) A maximum one storage building, greenhouse or structure design for other similar use, or any combination therefore, may be located on the same space as the manufactured home in the side or rear yard.
 - (2) A maximum of 144 square feet gross floor area.
 - (3) A minimum of 10 feet from a public or private right-of-way alley.
 - (4) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (5) Maximum building height of 10 feet.
- 4. Other accessory uses.
 - A. Swimming pools. Swimming pools may be located within the rear yard subject to the following conditions:
 - (1) A minimum of five feet from the side and rear property line.
 - (2) A minimum of 10 feet from a public or private right-of-way.
 - (3) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - B. Flagpoles. Flagpoles may be permitted within any yard subject to the following conditions:
 - (1) Limited to the maximum of three poles.
 - (2) Limited to the maximum height for the district or 40 feet, whichever is less.
 - (3) A minimum of five feet from any property line.
 - (4) External illumination of flags is permitted but must be focused on the flagpole and flag.
 - C. Freestanding solar systems. Freestanding solar systems may be located within the rear yard subject to the following conditions:
 - (1) Must meet the required side and rear yard setback for the main building.
 - (2) Not within any utility, sewer, drainage, access or walkway easement, where such easement is dedicated to the City or to public use.
 - (3) Maximum system height of 15 feet.
- 5. District Specific Accessory Uses.
 - A. In all districts, the storage of wood, lumber, and other material where the land occupied by such storage is confined to one location in the rear yard area with a maximum area of 100 square feet, provided that there are at least eight inches of free air space under such storage.
 - B. In all non-residential districts and for non-residential uses in residential districts, outdoor storage or display exceeding 100 square feet shall be subject to the following:
 - (1) Outdoor storage or display areas shall be screened with landscaping consisting of shade trees and evergreen trees and shrubs. Such landscaped area shall be of sufficient width and density to provide an effective and aesthetically pleasing screen with trees and shrubs not less than five feet in height when planted. In lieu of planting strips, a six-

foot tall solid vertical fence or masonry, heavy wood construction, or other similar material approved by the Code Official may be used as a screen.

- (2) Outdoor storage or display shall be allowed only on hard-surface areas paved to parking lot specifications with asphalt or concrete.
- (3) Seasonal outdoor display may not be subject to the requirement if approved as a zoning temporary use.

6. Home Occupations.

- A. Home occupations are permitted in any dwelling unit in the RS, RD R-MH districts as an accessory use provided that this use is clearly incidental and secondary to the primary use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.
- B. A member or members of the immediate family occupying the dwelling and no more than one person who is not a resident member of the immediate family may be in the home at any given time to work in connection with the home occupation.
- C. Home occupations of an office or service-related businesses with client visits are limited to one client at a time per home occupation in the structure.
 - (1) For purposes of this section, client means one or more persons meeting with for the office or service-related business home occupation.
 - (2) For the purposes of this section, client does not mean regular meetings of sales associates or a similar category of employee.
- D. No alteration of the principal building may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited.
- E. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
- F. The home occupation and all related activity, including storage, must be conducted completely within the principal building or a permitted accessory structure.
- G. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
- H. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way.

- I. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
- J. Repair and service of any vehicles or any type of machinery, small or heavy, is prohibited.
- K. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, is prohibited.

169.06 EXTERIOR LIGHTING

- 1. Lighting plan required. A lighting plan is required for development within the multi-unit residence, residential manufactured home park commercial, industrial and public districts and for non-residential development in residential and interim development districts. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
- 2. Maximum Lighting Regulations.
 - A. The maximum allowable foot-candle at any lot line is one foot-candle.
 - B. When additional security lighting is required for security reasons in excess of the foot-candle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through site plan review.
 - C. No glare onto adjacent properties is permitted.
- 3. Luminaire with Cut Off Standards.
 - A. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
 - B. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 25 feet.
 - C. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.
- 4. Luminaire with No Cut Off Standards. Decorative and/or architectural lighting with no cut off may approved as part of site plan review subject to the following standards:
 - A. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
 - B. The maximum permitted total height of a luminaire with no cut off is 15 feet.
- 5. Exceptions to Lighting Standards.
 - A. Uplighting of buildings, flags, statues, etc. is allowed but all light must be directed onto the object and cannot glare onto other properties.
 - B. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by conditional use.
 - C. Holiday and seasonal lighting.

- D. Luminaires used for public roadway illumination.
- E. All temporary emergency lighting required by public safety agencies, other emergency services, or construction.

169.07 SUPPLEMENTAL LOT REGULATIONS.

1. Zoning Lot. In this chapter the term "lot" refers to a "zoning lot" unless the context clearly indicates that it refers instead to a "lot of record." A zoning lot is a single tract of contiguous land which, at the time of filing for a building permit or a certificate of occupancy or district boundary change, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building, or structure for which the building permit or certificate of occupancy is issued. A lot includes such area of land as may be required by the provisions of this chapter for such use, building, or structure.
2. Lot Street Frontage and Access Required. No lot shall be created or any principal building constructed or placed on any lot or tract of land unless such lot or tract has frontage on either a public street or on a private street which has been specifically approved by the Council for that purpose. In order to be approved, such street shall provide permanent and unobstructed vehicular access, have a roadway of adequate width and surface, and meet all other applicable standards and requirements, established by the City. No lot shall be used for residential purposes unless such lot has at least a 35-foot frontage on such street.
3. Division of Lot. No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall be sold unless all lots resulting from each division or sale shall conform to all the applicable bulk regulations of the district in which the property is located.
4. Number of Principal Buildings Permitted on a Lot. In all RM, C, and I districts, more than one principal institutional public or semi-public, multi-family, commercial, or industrial building may be located on a lot provided that no such building or portion thereof is located outside the buildable area of the lot. However, in all RS and RD districts, except in the case of Planned Area Developments, not more than one detached one- or two-family residential building shall be located on the same lot with any other principal building.
5. Lot of Record. In any residence district on a lot of record, on the effective date of the Zoning Ordinance, a single-family dwelling may be established even though the lot area and width do not meet the minimum district requirements, provided all other requirements of this code are met. However, where two or more contiguous substandard recorded lots are in common ownership and are of such size that together they constitute at least one conforming "zoning lot," such lots or portions thereof shall be so joined and re-platted for the purpose of forming an effective and conforming zoning lot or lots.

169.08 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS. Any building, structure, or use hereafter erected, altered, or established shall comply with the general yard space requirements of the district within which it is located, except as specified herein.

1. Location of Required Yard. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure, or use and such required yard space shall be entirely upon land in a district in which the principal use is permitted.
2. Reduction or Sharing of Required Yards or Space Prohibited. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required for this code. No part of a yard, court, parking area, or other space provided for any building or structure to comply with the provisions of this code shall be included as part of a yard, court, parking area, or other spaces required under this code for another building or structure.
3. Required Yards for Existing Buildings. No yards, now or hereafter provided, for a building existing on the effective date of this Zoning Ordinance shall subsequently be reduced below (or further reduced if already less than) the minimum yard requirements of this code for equivalent new construction.
4. Required Yards on Major Streets.
 - A. Major Streets. All applicable building setbacks and yard requirements set forth in this code shall be measured and determined from the existing street right-of-way.
 - B. Private Streets. All applicable building setbacks and yard requirements along private streets shall be measured from the nearest line of the access easement.
 - C. In all C, O-RP, and I-1 districts on lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
 - D. On corner lots in all districts there shall be a front yard on both streets.
5. Transitional Yards. Where a lot is in a C or I-1 district and is next to an R district, the side or rear yard required in that R district must be provided along the boundary line.
6. Yards with More than One Principal Building. When two or more buildings are permitted on a lot, the required yards shall be maintained around the group of buildings.
7. RD Side Yards. In all RD two-family dwelling unit districts, only the side yard on the detached side of the dwelling will be required. No side yard will be required on the side of the dwelling located on the common lot line.
8. Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.
 - A. An encroachment is the extension or placement of an accessory structure or architectural feature into a required yard. Permitted encroachments are indicated in Table 169.08-1: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

- (1) Section 169.06 contains regulations on accessory buildings and uses not listed in Table 169.08, which may include additional permissions or restrictions for their permitted encroachment into yards.
 - (2) When an accessory structure or architectural feature regulated by Table 169-08 is prohibited from encroaching in a required yard, the structure or architectural feature may be located in the corresponding yard beyond the required yard unless specifically prohibited by the table.
 - (3) Encroachments shall be subject to the corner visual clearance.
- B. In districts where a maximum height is imposed, such height limitations shall not apply to certain appurtenances and structures and are indicated in Table 169-08: Permitted Encroachments into Required Yards and Exceeding Maximum Building Height.

Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Accessibility Ramp	Y	Y	Y	N
Air Conditioner Window Unit Max. projection of 18" from building wall	Y	Y	Y	N
Arbor or Trellis	Y	Y	Y	N
Awning or Sunshade Max. of 2' Does not include awnings used as a sign (See Chapter 173)	Y	Y	Y	N
Bay Window Max. of 2' Min. of 24" above ground	Y	Y	Y	N
Canopy Max. of 2' Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	N
Chimney Max. of 18" into required yard	Y	Y	Y	Y
Elevator and Stairway Bulkheads	N	N	N	Y
Emergency sirens and similar devices.	N	N	N	Y
Deck (uncovered) Min 5' from side lot line Min 10' from rear lot line	N	Y	Y	N
Dog House Min. of 4' from any lot line.	N	N	Y	N
Eaves, Gutters and Downspouts Max. of 4' into required yard	Y	Y	Y	N
Fire Escape Max. of 3' into required yard	N	Y	Y	Y

Table 169-08: Permitted Encroachments Into Required Yards and Exceeding Maximum Building Height Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Required Front/Corner Side Yard	Required Side Yard	Required Rear Yard	Exceed Max. Building Height
Fire Training Tower	N	N	N	Y
Gazebo or Pergola Min. of 5' from any lot line.	N	Y	Y	N
Grain Elevator (and necessary mechanical appurtenances)	N	N	N	Y
Landscaping	Y	Y	Y	N
Patio (uncovered) Min. 5' from any lot line	N	Y	Y	N
Personal Recreation Game Court Min. of 5' from any lot line	N	N	Y	N
Playground Equipment Min. of 4' from any lot line	N	N	Y	N
Sidewalk Min. of 3' from any lot line except front lot line.	Y	Y	Y	N
Sills, Belt course, Cornices, and Ornamental features Max. of 2' into required yard	Y	Y	Y	N
Silos	N	N	N	Y
Smokestack	N	N	N	Y
Steeple, Spires and Belfries	N	N	N	Y
Steps (providing access to an entryway)	Y	Y	Y	Y
Stoop Max. of 4' into required yard	Y	Y	Y	N
Utility Equipment (Directly Connected to Structure being Served). Max. of ½ into Required Yard	N	Y	Y	Y
Water Towers and Cooling Towers	N	N	N	Y

169.09 APPROVAL FOR AND AVAILABILITY OF ESSENTIAL SERVICES. All projects that require the additional use of new facilities of essential services, such as sewers, storm drains, fire hydrants, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non-availability of essential services may be grounds for denying permits for additional development until such services are available. The City is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit, and inspection as required by other policies or ordinances of the City.

169.10 DESIGN STANDARDS. This section is intended to provide consistent high-quality general design standards for the community.

- 1 Purpose. The purpose of this section is to ensure high-quality development to enhance community image and quality of life.
2. Requirements for All Districts. The following requirements shall be observed for development in all districts:
 - A. Building design shall be visually harmonious and compatible with the neighborhood character.
 - B. Buildings located on property with double frontages shall have similar wall design facing both streets.
 - C. Buildings shall have a consistent architectural style throughout the development on each lot, as defined by repetition of exterior building material and colors, and architectural elements.
 - D. Except for RS RD,R-MH and ID districts, color schemes shall be primarily based on earth tones. Earth tone colors include colors from the palette of browns, tans, greys, greens, and red. Earth tone colors shall be flat or muted. Building trim and accent areas may feature non-earth tone and brighter colors. In any district, the use of high intensity colors, neon or fluorescent color and neon tubing is prohibited.
 - E. Special attention shall be taken to incorporate external mechanical equipment into the design such that it does not detract from the aesthetics of the site and building.
 - F. Except in the R-MH district, a minimum roof pitch of 5:12 shall apply to gable, hip, or shed roofs and there shall be a minimum roof overhang at the eaves of 12 inches. This does not apply to portions of a roof that are separate from the structure's primary roof. Metal roofs shall not be corrugated or similar appearance. The color of the roof shall be visually harmonious and compatible with the building color scheme.
 - G. Roof top equipment shall be screened.
 - H. Reflective surfaces that may cause glare or traffic hazards are not acceptable.

3. Requirements for Non-Residential (including mixed-use) Development in Residential Districts. The following requirements shall be observed for all non-residential development in the RS, RD, RM and ID districts:
 - A. Minimum required masonry on front and corner side yard building elevations is 60%. Required masonry does not apply to accessory structures.
 - B. For exterior walls not composed of masonry products, wall coverings shall be wood and/or vertical or horizontal grooved siding or lapped siding, or materials of similar appearance.
4. Requirements for Development in Commercial Districts.
 - A. Commercial zoning districts are intended to enhance public welfare by providing for safe, convenient, high quality pedestrian-oriented commercial centers that contribute to community identity as energetic and attractive focus points. Through development and redevelopment within these districts, the city recognizes the importance of creating high quality development areas to the quality of life for residents of the city, the impact quality development has on the image of the community, and the need to provide restrictions and guidelines to enhance visual appearance and functionality. The objectives addressed through these regulations include the following:
 - (1) Design. To achieve appealing aesthetic design through high quality architecture and construction, with attention to placement, relationship, and orientation of structures and amenities to provide both internal cohesiveness and compatibility with surrounding uses.
 - (2) Walkability. To achieve overall development patterns that encourage walking and reduce dependence on the automobile to travel from one business to another, and so reduces the dominance of the automobile within the development.
 - (3) Human-scale Activity. To achieve a sense of place by emphasizing pedestrian interaction with commercial uses rather than sprawling automobile-dominated designs, both in building architecture and public or private outdoor areas.
 - (4) Compatible Uses. To achieve the right blend of uses, compact and well-designed, that complement each other and provide cohesive overall developments.
 - B. The following requirements shall be observed for all development in commercial districts:
 - (1) Site Layout Requirements.
 - (a) Pedestrian Areas. Each development shall provide a complete network of paths, plazas, and open spaces that interconnect building entrances, parking, sidewalks, other properties, and other pedestrian amenities. These pedestrian areas are expected to constitute a significant portion of development area, and may include plazas, special paving areas between parking and entrances, and outdoor eating patios. Additionally, portions of pedestrian areas should be at least partly covered

so that users are protected from rain and intense sun. New developments will be required to connect to paths and sidewalks established by previously-approved developments.

- (b) Outdoor Infrastructure Design. Each development shall provide outdoor lighting fixtures, integrated street pavers or patterns, and landscaping that reinforces quality building design and blends with previously-approved developments, when appropriate. Design elements may include decorative lighting, seating with benches, low walls, planters, enhanced paving techniques, and other features complimentary to the development.

- (c) Parking Areas. Parking areas shall consist of areas that are aesthetically pleasing, landscaped to screen public views, and located so as not to be the dominant feature along any street or within any development. The use of alternate materials to designate pedestrian areas within or adjacent to parking lots is encouraged, and pedestrian areas shall be separated from vehicular traffic with landscaping, decorative posts, special paving, or other measures to clearly define the pedestrian spaces. Property owners are encouraged to establish shared parking zones among uses on one or more lots.

(2) Building Materials and Design Requirements.

- (a) Materials. Minimum required masonry on all building elevations is 60%. Exterior walls not composed of masonry products shall not be covered with ribbed metal siding commonly referred to as corrugated metal.

- (b) Design. Buildings and building features shall be sized and detailed appropriately for pedestrian use. Projected or recessed doorways and windows, awnings, and other architectural features may be used to achieve this design. Traditional strip-retail type frontages featuring long flat frontages with regularly spaced doors and unbroken expanses of concrete approaching the storefronts are specifically disallowed. Side and rear elevations shall be comprised of the same materials and reasonably similar in character and quality as the front elevation unless screened from view from all public streets and residential areas by topography differences, landscaping materials, or other screening devices, in which case building material may be concrete block or tilt-up concrete panels.

5. Requirements for Development in Industrial Districts. The following requirements shall be observed for development in the industrial districts:

- A. Minimum required masonry on front and corner side yard building elevations is 25%. Notwithstanding the foregoing, buildings on lots abutting Penn Street

shall be composed of not less than 90% masonry products on the entire wall(s) facing Penn Street. If the building is canted or angled on the lot, both sides facing Penn Street shall be composed of not less than 90% masonry products. If the building is located on a corner lot with one side abutting Penn Street, the building wall facing the side street shall meet the 25% masonry requirement in addition to the 90% Penn Street requirement. In all cases, building sides facing exterior lot lines and not composed of masonry shall be heavily screened with trees and shrubs.

- B. For exterior walls not composed of masonry products, stucco, wood siding, premium-grade vinyl siding if installed horizontally, or other materials similar in appearance are preferred.
6. Requirements for Development in the Public District. The following requirements shall be observed for development in the public district:
- A. Minimum required masonry on front and corner side yard building elevations is 25%. Notwithstanding the foregoing, buildings on public works campuses screened from public view are not subject to the 25% required masonry.
 - B. For exterior walls not composed of masonry products, stucco, wood siding, premium-grade vinyl siding if installed horizontally, or other materials similar in appearance are preferred.

169.11 ENFORCEMENT OF DESIGN STANDARDS.

- 1. The Commission shall have the following authority related to this section:
 - A. To recommend denial of any site plan that does not conform to all regulations of this section, including elevation detail.
 - B. To recommend modifications to building materials, architectural features, or orientation on the site, beyond those explicitly enumerated in this section, considered to be consistent with the goals and objectives of the City's Comprehensive Plan.
- 2. The Council shall have the following authority related to this section:
 - A. To deny any site plan that does not conform to all design standards in this code, including elevation detail.
 - B. To require modifications to building materials, architectural features, or orientation on the site beyond those requirements explicitly enumerated in this section, considered to be consistent with the goals and objectives of the City's Comprehensive Plan, or to deny any site plan if such modifications are not made by the petitioner.

SECTION 6. AMENDMENT OF CHAPTER 170. Chapter 170 of the Code of Ordinances is amended to read as follows:

CHAPTER 170 - RESERVED

SECTION 6. AMENDMENT OF CHAPTER 173. Chapter 173 of the Code of Ordinances is amended to read as follows:

CHAPTER 173 ZONING CODE – SIGN REGULATIONS

173.01 General	173.09 Interstate Frontage Signs Special Allowances
173.02 Definitions	173.10 General Sign Regulations
173.03 Sign Permits and Inspections	173.11 Specific Sign Regulations
173.04 Prohibited Signs	173.12 Temporary Signs
173.05 Exempt Signs	173.13 Change In Use
173.06 Signs in Residential Zones	173.14 Nonconforming Signs
173.07 Signs in Commercial Zones and the Public Zone	
173.08 Signs in Office/Research Park and Industrial Zones	

173.01 GENERAL. A sign shall not hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this chapter and after a permit has been issued by the Code Official.

173.02 DEFINITIONS. The following definitions are given for words used in this chapter:

“Awning sign” means a sign attached to or in any way incorporated with the face of an awning or any other similar projection, and which does not extend beyond the projection.

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

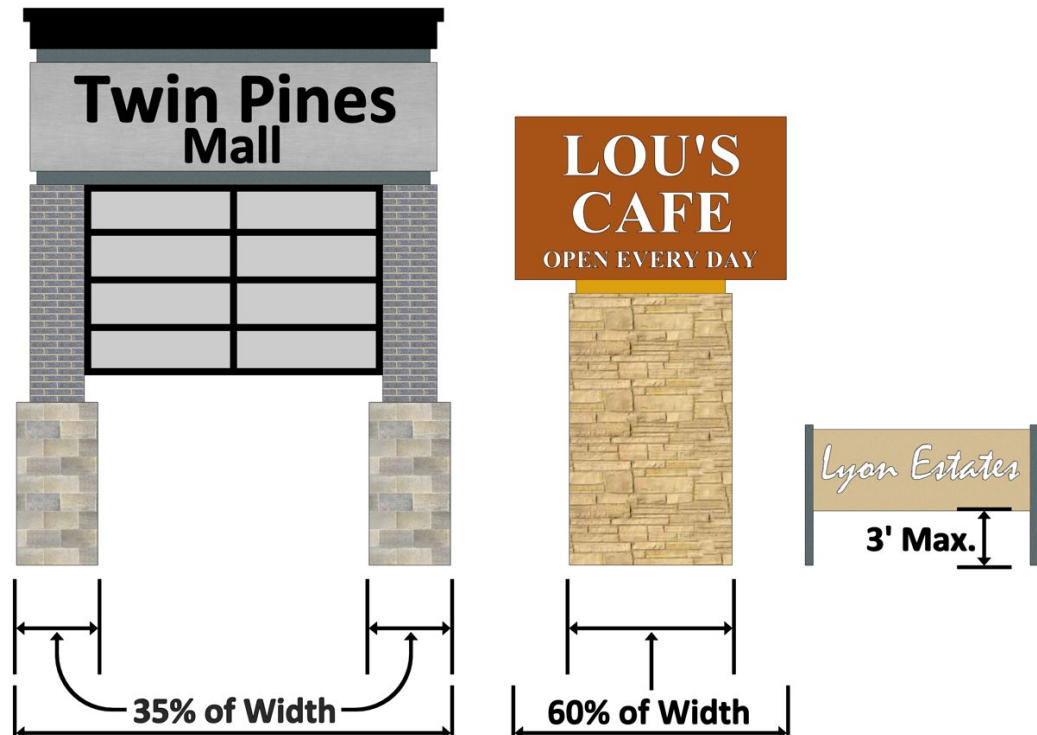
“Identification sign” means a sign displaying the name, address, crest, insignia or trademark, occupation, or profession of an occupant of a building or the name of any building on the premises.

“Information sign” means a sign displayed strictly for the direction, safety, or convenience of the public and which sets forth no advertisement. Information signs include signs which identify parking areas and drives, restrooms, addresses, telephones, exits and entrances, no trespassing areas, danger areas, and similar information.

“Monument sign” means a freestanding sign that does not have any exposed pole or pylon, and is designed in accordance with the one of the following:

1. The sign is attached to one columnar base for at least sixty 60% of the entire width of the sign. The sign shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength.
2. The sign is attached to two columnar bases for at least 35% of the entire width of the sign. The sign shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength.
3. The sign is attached to decorative posts that are part of the overall sign structure and sign design. Such decorative posts may extend out of the ground for a maximum of three feet above the adjacent ground where they are installed.

Monument Signs



“Marquee” means a permanent roofed structure attached to and supported by the building and projecting over public property.

“Off-premises sign” means a sign which directs attention to a use conducted off the lot on which the sign is located.

"Painted sign" means a sign painted directly on an exterior surface of a building, window, or wall.

"Pole sign" means a freestanding sign which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, or braced by, any other structure.

"Political sign" means a temporary sign announcing candidates seeking public office, a political issue, or containing other election information.

"Portable sign" means a sign that is not firmly and permanently anchored or secured to either a building or the ground.

"Projecting sign" means a sign which projects from and is supported by a wall of a building or structure, with the exposed face of the sign on plane not parallel to the plane of the wall.

"Projection" means the distance by which a sign extends over public property or beyond the building line.

"Real estate sign" means a temporary sign which advertises the sale, rental, or lease of property.

"Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign" means a name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business.

"Sign structure" means any structure that supports or is capable of supporting a sign as defined in this chapter.

"Swinging sign" means a sign which, because of its design, construction, suspension, or attachment, is free to swing or move noticeably because of the wind.

"Temporary sign" means any banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

"Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign on plane parallel to the plane of the wall.

"Window sign" means a sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either

permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

173.03 SIGN PERMITS AND INSPECTIONS.

1. Permits Required. It is unlawful for any person to erect, alter, or relocate within the City any sign requiring a permit without first obtaining a sign permit from the Code Official. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code and shall be approved and labeled by a nationally recognized testing lab. No signs shall be erected on a property without the authorization of the property owner or authorized agent. Sign permits shall be issued only for signs which are in accord with the approved sign plan on file with the Code Official.
2. Application for Permit. An application for a permit shall be made upon forms provided by the Code Official and shall at a minimum contain or have attached thereto the following information:
 - A. Applicant Information. Name, address, email, and telephone number of the applicant.
 - B. Plans and Specifications. One copy of detailed drawings of the plans and specifications and method of construction and attachment to the building or in the ground. Such blueprint or ink drawing shall show the location of sign or signs and shall certify the distance from each other, from signs on adjacent property, from points of ingress and egress, and from adjacent property lot lines.
 - C. Calculations. Stress sheets and calculations showing the structure is designed for dead load and 30 pounds per square foot wind pressure in any direction in the amount required by this and all other laws and ordinances of the City.
 - D. Erector. Name of the person or association erecting structure.
 - E. Valuation. Valuation of sign.
 - F. Other. Such other information as the Code Official shall require in order to show full compliance with this and all other laws and ordinances of the City.
3. Permit Expiration. If the work authorized under a sign permit has not been commenced within six months after the date of issuance, the permit shall become null and void, and the applicant must re-apply for a sign permit prior to installing a sign.
4. Permit Fees. A fee, as determined by resolution of the Council, shall accompany all applications for sign permits.
5. Revocation of Permits. The Code Official is hereby authorized and empowered to revoke any sign permits issued by the City upon failure of the holder thereof to comply with any provisions of this chapter.
6. Penalty for No Permit. In the event the erection, construction, or reconstruction of any sign is commenced without first obtaining a permit, there shall be, in addition to the required sign permit fee, an on-site inspection fee of \$50.00. This provision does not preclude any enforcement or penalty provisions contained in this code.

7. Inspections Required. All construction or work for which a permit is required shall be subject to inspection by the Code Official.
8. Maintenance and Safety Inspections. The Code Official may cause to be inspected from time to time, as deemed necessary, any sign regulated by this chapter for the purpose of ascertaining whether the same is secure, and whether it is in need of removal or repair and complies with this chapter.

173.04 PROHIBITED SIGNS. The following devices and locations are specifically prohibited:

1. In Public Rights-of-Way. No sign or sign structure other than an official traffic, street, or related sign approved for placement by the controlling public agency shall be placed on any street or highway right-of-way, except certain Temporary Signs as defined within this chapter. No sign shall be attached to any utility pole, light standard, street tree, or any other public facility located within the public right-of-way.
2. Without Consent of Owner. No sign or sign structure shall be placed on private property without the consent of the owner or authorized agent thereof.
3. Imitation or Resemblance to Traffic Control and Safety Signs. No sign or sign structure shall be erected at any location where it may by reason of its size, shape, design, location, content, coloring, or manner of illumination constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or which may be confused with an official traffic control device. No rotating beacon, beam, or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light and no such words as "Stop," "Look," "Danger," or any other lights, words, phrases, symbols, or characters which in any manner may interfere with, mislead, or confuse vehicle operators shall be used in a location which is visible to vehicular traffic. No sign shall be located in such a manner as to impede the corner visual clearance.
4. Exits Shall Remain Unobstructed. No sign shall be erected so as to prevent free ingress to or egress from any door, window, fire escape or any other exit required by the Building Code or Fire Code of the City, or by any other portion of this Code of Ordinances.
5. Unsafe Attachments. No sign shall be attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape.
6. Portable Signs. Portable signs, except as permitted as temporary signs.
7. Vehicle Signage. Any sign attached to or placed on a vehicle or trailer parked on public or private property. This section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
8. Revolving Signs. No portion or part of a sign shall revolve nor shall the entire sign revolve.
9. Roof Signs. No roof signs shall be allowed.
10. Swinging Signs. No swinging signs over 24 square inches shall be allowed.

11. Wall and Fence Signs. Painting or affixing a sign to a wall or fence is prohibited. An advertising sign message or copy shall not be painted or affixed directly on a wall or fence.
12. Projecting Signs. Projecting signs, unless specifically approved by the Commission and Council. See specific sign regulations in this chapter for details.
13. Off-Premises Signs, including billboard signs.
14. Banners and Pennants. No banners, pennants, twirling signs, balloons, or other similar devices shall be allowed as permanent signs but may be permitted for temporary purposes as specified in the Temporary Signs section.
15. Bench Signs.

173.05 EXEMPT SIGNS. The following signs are exempt from the provisions of this chapter.

1. Miscellaneous Signs. Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs and signs that warn of danger, hazards, or unsafe conditions.
2. Official Flags and Emblems. Display of any official flag or emblem of a nation, state, or city.
3. City Entrance. City identification and entrance signs installed by the City.
4. Inside Signs. Any sign which is located within a building and not intended to be visible from outside the building.
5. Art. Works of fine art that are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
6. Temporary Decorations. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays that are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
7. Small Vehicle Signs. Signs no larger than one square foot applied directly or attached directly to the body of a car, bus, trailer, or other vehicle are exempt from the regulations of this section if such vehicle has a valid registration, is utilized in the normal course of a business or in the operator's usual routine activities, and such vehicle is not used primarily for the display of such sign or signs.
8. Nameplates. Nameplates that are posted in conjunction with doorbells or mailboxes and do not exceed 24 square inches in surface area.
9. Legal Postings. Legally required signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
10. Information Signs, as defined in Section 173.02.
11. Address Signs. Address signs, not exceeding one square foot in surface area, containing only the address of the premises upon which it is located and limited to no more than one sign for every 40 feet of lot street frontage.
12. Window Informational Signs. Window informational sign displaying information about the operation of the business, such as days and hours of operation, telephone number, and credit cards accepted. Such signs shall not exceed a maximum area of two square feet.

173.06 SIGNS IN RESIDENTIAL ZONES.

1. Neighborhood or Development Signs. Residential developments or neighborhoods of four or more dwelling units shall be permitted one freestanding monument sign for each public street frontage or each entrance. Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall be two square feet, plus one square foot for each dwelling unit or lot, but shall not exceed 25 square feet in area per sign face.
2. Non-residential Uses. Each non-residential principal use shall be permitted wall signs and one freestanding monument sign per public street frontage, subject to the following size requirements.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed one square foot for each lineal foot of building wall when viewed in elevation, not to exceed 40 square feet.
 - B. Maximum Freestanding Sign Area. One sign is permitted per public street access. The surface area for each sign shall not exceed 25 square feet and the height shall not exceed 5 feet.

173.07 SIGNS IN COMMERCIAL ZONES AND THE PUBLIC ZONE.

1. Development Complexes/Multi-Tenant Buildings. Development complexes shall be permitted one freestanding monument sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus 10 additional square feet per business, enterprise, institution or franchise within development complex, but no more than 50 percent of the base allowable sign area.
2. Business and Public Use Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed the following requirements for each building wall to which the signage is attached.
 - (1) In the C-1-A and Public districts, one square foot for each lineal foot of building wall when viewed in elevation, not to exceed the following maximums:
 - (a) 40 square feet for building walls up to 50 feet in length.
 - (b) 80 square feet for building walls over 50 feet in length.
 - (2) In the C-1-B, C-2-A and C-3 zone districts, two square feet for each lineal foot of building wall when viewed in elevation, not to exceed 300 square feet.
 - B. Maximum Freestanding Sign Area.
 - (1) In the C-1-A and Public districts, one sign is permitted per public street access. The surface area for each sign shall not exceed 50 square feet,

except for development complexes as specified in section 173.07(1), and the height shall not exceed 20 feet.

- (2) In the C-1-B, C-2-A and C-3 zone districts, one sign is permitted per street frontage. The surface area for each sign shall not exceed 100 square feet, except for development complexes as specified in section 173.07(1), and the height shall not exceed 24 feet.

C. Canopy Sign Area and Dimensions.

- (1) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
- (2) The maximum allowable horizontal length of a canopy sign shall be equal to the width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
- (3) The minimum vertical clearance between the lower edge of a canopy or awning and the ground shall be eight feet.

173.08 SIGNS IN OFFICE/RESEARCH PARK AND INDUSTRIAL ZONES.

1. Development Complexes/Multi-Tenant Buildings. Development complexes shall be permitted one freestanding monument sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus 10 additional square feet per business, enterprise, institution or franchise within development complex, but not more than 50 percent of the base allowable sign area.
2. Building Identification Signs. One building identification sign for each building shall be permitted provided that no such sign shall exceed 25 square feet.
3. Business Signs. Each enterprise, institution, or business shall be permitted wall signs, one canopy sign per street frontage, and one freestanding monument sign per public street frontage, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum size requirement is not exceeded for a particular property.
 - A. Maximum Wall Sign Area. The total area of wall signage shall not exceed three square feet for each lineal foot of building wall the sign is attached to when viewed in elevation, not to exceed 300 square feet.
 - B. Maximum Sign Area. One freestanding sign is permitted per street frontage. The surface area for each sign shall be one square foot for each lineal foot of street frontage, not to exceed 100 square feet, except for development complexes as specified in section 173.08(1), and the height shall not exceed 24 feet.
 - C. Canopy Sign Area and Dimensions.
 - (1) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, or similar structure from

which the sign is attached, as measured perpendicular to the building wall.

- (2) The maximum allowable horizontal length of a canopy sign shall be equal to the width of the canopy, awning, or similar structure from which the sign is attached, as measured perpendicular to the building wall.
- (3) The minimum vertical clearance between the lower edge of a canopy or awning and the ground shall be eight feet.

173.09 INTERSTATE FRONTAGE SIGNS SPECIAL ALLOWANCES. Lots with at least 200 feet of frontage on Interstate 380 are eligible for increased freestanding sign size and height dimensions as specified in this section in recognition of the larger lot sizes, building sizes, and the larger visual field associated with such development.

1. Height. The maximum height of freestanding signs may be 5 feet taller than the average height of the principal building on the lot but shall not exceed 40 feet maximum. This is intended to be a bonus standard for taller buildings, and shorter buildings are entitled to the standard maximum height for the zoning district in which they are located.
2. Area. The maximum area of freestanding signs shall be 150 square feet, plus a bonus of 40 additional square feet per business, enterprise, institution or franchise within the development complex, provided that such bonus shall not exceed 200 square feet.

173.10 GENERAL SIGN REGULATIONS.

1. Freestanding signs must be monument signs. Freestanding pole signs are prohibited.
2. Sign Illumination. All sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public right-of-way and neighboring properties.
3. Measurement of Sign Area. The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.
4. Condition and Maintenance. All signs, together with supports, braces, and anchors, shall be of rust-inhibitive material or treatment and shall be maintained in good condition in the opinion of the Code Official. The display surfaces of all signs shall be kept neatly painted or posted at all times.
5. Electronic Message Signs. Electronic message signs that display time and temperature or provide changing messages are permitted.
6. Code Compliance. The construction, installation, erection, anchorage, and maintenance of all signs are subject to the applicable provisions of this section, the Building Code and other applicable codes. All signs and sign structures shall be

designed and constructed to withstand load pressures as regulated by the Building Code.

7. Landscaping. All freestanding signs shall have one square foot of landscaping at the base of the sign for each two square feet of sign surface area.
8. Corner Visual Clearance. Signs shall not be located within the corner visual clearance area. Additional limitations upon location, size, and height of any such signs may be required by the City if additional requirements are necessary to meet standard traffic engineering practices.
9. Interference with Utilities. Signs and their supporting structures shall not interfere with any equipment or lines for utilities including water, sewage, gas, electricity, or communications.
10. Obstruction to Doors, Windows, or Fire Escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire extinguisher system. No sign shall obstruct or interfere with any opening required for ventilation.
11. Sign Mounting. All signs shall be mounted in one of the following manners:
 - A. Flat against a building or wall, or
 - B. Back to back in pairs, so that the backs of such signs will be screened from public view, or
 - C. In clusters in an arrangement that will screen the backs of the signs from public view, or
 - D. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color that blends with the surrounding environment.

173.11 SPECIFIC SIGN REGULATIONS. The conditions of this section are applicable to all signs.

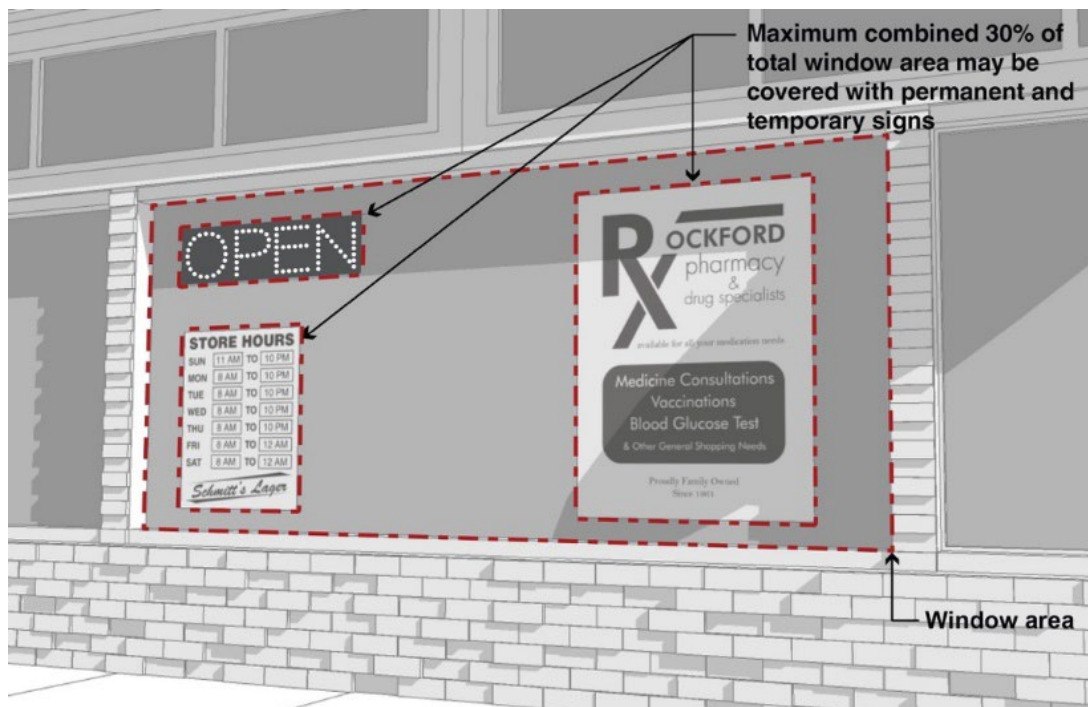
1. Setback. No part of any sign shall be closer than two feet from the established property line.
2. Minimum Clearances over Access Ways. Unless a greater or lesser minimum height is specifically listed for a particular sign, any part of a sign which projects into or over any access way shall have a minimum height of not less than the following:
 - A. Vehicular way: 14 feet.
 - B. Pedestrian way: 8 feet.
3. Minimum Distance Between Signs. All freestanding signs in the districts in which they are allowed shall have a minimum distance separation of 150 feet.
4. Directional Signs.
 - A. No more than two directional signs per street entrance shall be permitted for any enterprise, business, or institution are permitted at each entrance/exit. One additional directional sign may be permitted at each interior driveway intersection, drive-through lane, or other circulation point. Building mounted signs shall be limited to one per building elevation.

- B. Such signs shall be for the sole purpose of ensuring safe and convenient access to the property. Signs are limited to the following maximum dimensions: two feet in length and two feet in height.
 - C. No such sign shall exceed two square feet in area in the residential zones and shall not exceed three square feet in area in all other zones. A freestanding sign is limited to five feet in height and must be five feet from any lot line that abuts a street.
 - D. A permit is not required for a directional sign except for an illuminated sign requiring the installation of an electrical branch circuit.
5. Community Event Message Signs.
- A. A nonprofit organization shall be eligible to apply for a conditional use permit to allow a community event message sign to allow the display of changing messages and information on such matters as the date, time, location, and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:
 - (1) Each nonprofit organization shall be eligible for no more than one wall sign or one freestanding monument sign.
 - (2) The maximum area available shall be 50 percent of the base permitted sign area if located in a residential zone or 100 percent if located in any other zone.
 - (3) Permanent advertising of a commercial nature shall be allowed only in commercial zones and shall not exceed 25 percent of the total area of the community event message sign.
 - (4) The sign shall be made reasonably available to other community-based nonprofit organizations for the display of information about special events or other announcements of a noncommercial nature.
 - (5) The sign shall not be of a size or sited in such a manner that will substantially hinder the visibility of other legal signs on adjacent properties.
 - B. In reviewing an application for a community event message sign, the Commission and Board of Adjustment shall consider the following objectives, and may impose conditions to ensure that these objectives are met:
 - (1) By virtue of the sign's design, size, location, and other factors, including appropriate landscaping, the sign shall be harmonious and compatible with its surrounding, and consistent with community aesthetic sensibilities.
 - (2) The sign shall not be erected or any electronic or electric changing copy be controlled in a manner that will be a substantial distraction to motorists, thus causing a traffic hazard.
6. Projecting Signs. Projecting signs are allowed only upon approval by the Council after review and recommendation by the Commission. Application for the sign permit shall be consistent with Section 173.03 regarding submission materials. Projecting signs shall meet all setback, clearance, area, number, and general regulations in this chapter.

The City shall determine if the sign is appropriate for the location proposed and if the design is consistent with City aesthetic design goals regarding the following factors:

- A. Signs may be attached only to building walls. They may not be hung from roofs, fences, or eaves.
 - B. Colors and design theme are required to be consistent with the building to which the sign is attached.
 - C. Projection is required to be minimized to the maximum extent possible.
 - D. If lit, internal lighting is required.
 - E. All messages on the sign shall relate to the principal on-site use.
 - F. The mounting technique shall be safe and attractive.
 - G. Other considerations unique to the specific sign proposed and the site.
7. Intersection Landscaped Areas. No signage of any kind is permitted within the landscaped areas at street intersections and no signage shall be placed so that it obscures said landscaped areas.
8. Window Signs.
- A. Window signs are permitted for all nonresidential uses in all districts.
 - B. All window signs, whether temporary or permanent, are limited to no more than 30% of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
 - C. Window signs include neon or LED signs. Flashing neon or LED is prohibited.
 - D. A permit is not required for a window sign.

Window Sign



173.12 TEMPORARY SIGNS.

1. Political Signs.
 - A. Political signs shall be permitted in all zones but not within any public street right-of-way or on any public land.
 - B. Such signs shall not exceed 8 square feet in area and shall not exceed 42 inches in height.
 - C. Political signs established in violation of this section may be immediately removed by the City.
 - D. Permits are not required for temporary political signs.
2. Real Estate Signs.
 - A. Real estate signs shall be permitted in all zones, provided that all such signs shall be located on the property to which they apply, except as provided in Paragraph G of this section.
 - B. Signs are limited to one per street frontage.
 - C. Signs may be either freestanding, wall, or window signs.
 - D. Signs are limited to 12 square feet in the interim development and residential districts and 32 square feet in all other districts.
 - E. Freestanding signs are limited to six feet in height in the interim development and residential districts and eight feet in height in all other districts. All signs must be located a minimum of five feet from any lot line and shall not be located within the corner visual clearance pursuant to Section 167.01.
 - F. Real estate signs shall be removed within five days of final closing, lease, or rental.
 - G. In addition to lot-specific real estate signs, signs advertising the sale of lots within a subdivision shall be permitted. No more than one sign per entrance into the subdivision shall be allowed, and each sign shall be no greater than 32 square feet in area, no greater than 8 feet in height, and in place no longer than a period of three years.
 - H. Permits are not required for temporary real estate signs.
3. Special Sale Signs. Special sale signs, including banner signs and vertical signs as specified by the City, may be displayed for no more than 10 continuous days up to five times per calendar year. Notwithstanding the foregoing, a new business may display such sign(s) for a period of 30 continuous days as a single event. Horizontal banners, yard signs, trailer signs, and all other similar signage are not allowed to substitute under any condition for the sign designs permitted by the City. A permit is required.
 - A. Banner Signs.
 - (1) Sale and grand opening signs as defined herein are permitted in all zones except residential. Such signs shall be removed immediately upon termination of the special event or at the end of 10 days, whichever comes first.
 - (2) All such signs must be attached to the façade, wall, or window of the building occupying or conducting the sale or event which they advertise, or erected on temporary posts/supports within one foot of the façade, wall, or window.

- (3) No business shall have more than two such signs for each façade or wall of the building to which they are attached.
 - (4) The total sign size shall not exceed 50 percent of the size of the permitted wall sign or 25 square feet in area, whichever is greater.
- B. Vertical Signs.
 - (1) Special event vertical as defined herein are permitted in all zones except residential. Such signs shall be removed immediately upon termination of the special event or at the end of 10 days, whichever comes first. Only sail-shaped vertical flag signs consistent with City specifications are allowed under these rules.
 - (2) The signs may be inserted into the ground, freestanding on a weighted base, or attached to a building, but in all cases shall be kept vertical.
 - (3) The signs shall be located only on the private property hosting the event, and not within any part of the City right-of-way.
 - (4) The number of vertical signs allowed per property shall be as follows:
 - a. For lots with a single business: Two signs per street frontage are permitted; however, one additional sign is permitted for each additional 50 feet of frontage over 100'.
 - b. For multi-tenant lots: Two signs per street frontage are permitted; however, one additional sign is permitted for each additional 50 feet of frontage over 100'. Tenants of multi-tenant lots shall ensure that collectively the display of vertical signs does not exceed the maximum number requirement, and any fines or penalties assessed for violation of these requirements may be assessed to the owners of all such signs placed on the multi-tenant lot.
- 4. Garage Sale Signs.
 - A. Garage sale signs are permitted in all zones but only on the property to which they apply.
 - B. Garage sale signs shall be displayed not for more than 48 hours before or more than four hours after the end of the sale.
 - C. Such signs shall not be larger than four square feet and no more than 2 signs may be posted for any garage sale.
 - D. Such signs shall not be located within the street right-of-way between the curb and sidewalk. They shall not be located on gravel shoulders, within landscaped areas or obstructing landscaped areas at street intersections, nor shall they be attached to any traffic control posts or other public structures.
 - E. A permit is not required for garage sale signs.
- 5. Community Event Signs. Promotional signs advertising a special community event such as a fair, farmer's market, or parade may be permitted to be located over the public right-of-way or on public property. The size, location, and method of erection of such signs shall be subject to approval by the City Administrator or designee.
- 6. Construction Activity Signs. One temporary sign is permitted per each street frontage. Such temporary signs are subject to the following:

- A. Such temporary signs are permitted in all districts on sites with an active or upcoming construction projects.
 - B. Such temporary signs may be installed only after approval of a site plan and/or building permit for such activity. Signs may be installed no more than two months prior to active construction. Signs must be removed once construction is complete or the permit expires, whichever occurs first.
 - C. Such temporary signs may be constructed as either freestanding signs or wall signs, and subject to the following:
 - (1) Signs are limited to 32 square feet in area.
 - (2) Freestanding signs are limited to eight feet in height
 - (3) Freestanding signs must be located a minimum of five feet from any lot line.
 - (4) Signs may not be illuminated.
- A permit is not required for construction activity signs.

173.13 CHANGE IN USE. Whenever the use of land or structure changes, any signs that do not relate to the new use or to any product or service associated with the new use shall be removed or appropriately altered consistent with the provisions of this section. Furthermore, it shall be the responsibility of the property owner of the land to remove any sign or signs on premises where the associated use has been discontinued for a period of more than 90 days.

173.14 NONCONFORMING SIGNS. Whenever a business, person, enterprise, or institution for which existing signage does not conform to the requirements of this chapter seeks to structurally alter or enlarge an existing sign or erect or install a new sign, the provisions of this section shall apply as follows:

- 1. The alteration, enlargement, installation, or erection of signage shall not increase the degree of nonconformity.
- 2. If the value of the structural alteration to a nonconforming sign equals or exceeds 50 percent of the value of the sign, as determined by the Code Official, the sign shall be made to conform to all provisions of this chapter.
- 3. Enlargement, installation, or erection of conforming signage shall be accompanied by a reduction in the degree of nonconformity for other signage existing on the premises. This reduction in nonconformity can be accomplished by reduction in size of existing sign (if nonconforming by square feet), removal (if nonconforming by the number of signs), relocation (if nonconforming by location), or a combination of reduction, removal, and relocation of nonconforming signage shall equal, as nearly as practical, 75 percent of the value of the new or enlarged conforming signage or the costs necessary to bring all signage on the premises into conformance with this section, whichever is the lesser requirement.
- 4. The provisions of items 2 and 3 of this section do not apply to temporary or illegal signs. Temporary signs that do not comply with the requirements of this chapter and other illegal signs shall be removed upon notification of the sign's nonconformity.

SECTION 7. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 8. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 9. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 10. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on January 25, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty
Leader on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



Rental Code

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 146 OF THE NORTH LIBERTY
CODE OF ORDINANCES, GOVERNING RENTAL HOUSING PROCEDURES
AND REGULATIONS AND STRUCTURE PROCEDURE REQUIREMENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF SECTION 146.05. Section 146.05 of the Code of Ordinances is amended to read as follows:

146.05 RENTAL PERMIT PROCEDURES.

1. Rental Permit Required. It is unlawful for any person to let to another for rent or occupancy any dwelling, dwelling unit or rooming unit, unless the owner or operator holds a valid rental permit issued by the Building Department in the name of the owner or operator and applicable to those portions of the specific structure used for residential purposes.
2. Rental Permit. A Rental Permit shall be a document indicating compliance with Sections 146.20 and 146.21 of the Housing Code and shall be valid for a period of one calendar year running from January 1 through December 31. The Rental Permit shall be transferable from one owner or operator at any time prior to its expiration, termination or revocation. The owner or operator shall notify the Building Department within thirty (30) calendar days of any conveyance or transfer of interest and provide the name and address of all persons who have acquired any interest therein. In the event that the Building Department has not been notified within thirty (30) calendar days, the rental permit shall be transferred from one owner or operator to another only upon payment of a full year's permit fee, the amount of which is established by Resolution of the City Council. The Rental Permit shall state the date of issuance, the address of the structure to which it is applicable, the name of the new owner or operator to which it is applicable, and its new expiration date. Any dwellings, dwelling units or rooming units being let for rent and occupancy without a valid rental permit may be ordered vacated.
3. Application for Rental Permit. The owner or operator shall file an application for Rental Permit with the Building Department on a form provided by the Building Department. Any owner or operator who does not reside within fifty (50) miles of the City shall be required to designate a person who resides within fifty (50) miles of the City who will be responsible for ensuring compliance with this Code.
4. Issuance of Rental Permit. When all of the provisions of Sections 146.20, 146.21 and 146.22 of the Housing Code have been met by the owner or operator, the Building Department shall issue a Rental Permit upon payment of all permit and reinspection fees, the amounts of which shall be set by resolution of the City Council.

5. Expiration of Rental Permit. Rental Permits shall be valid through December 31 of each year, unless the Rental Permit has been suspended or revoked, and provided that all fees have been paid.

SECTION 2. AMENDMENT OF SECTION 146.19. Section 146.19 of the Code of Ordinances is amended to read as follows:

146.19 STRUCTURE COMPLIANCE STANDARDS.

In addition to the standards set out in the IPMC:

1. The structure must be located in a zoning district that allows the use proposed for the structure.
2. Every supplied piece of equipment, facility, or required utility shall be installed so that it will function safely.
3. Off Street Parking shall be in accordance with Section 169.01, including but not limited to size, location, and surfacing.

SECTION 3. CREATION OF SECTION 146.22. Section 146.22 of the Code of Ordinances is created to read as follows:

- A. ~~The number and size of the spaces shall meet the requirements of the Zoning Ordinance in effect at the time of building permit issuance.~~
- B. ~~The spaces and drives and aisles serving these spaces shall be hard surfaced, i.e., gravel surfacing is not permitted. For those properties not in compliance with this specific provision, the owner shall have six (6) years to hard surface all off-street parking spaces.~~
- C. ~~The spaces shall be well marked.~~

146.22 RENTAL HOUSING UNIT OCCUPANCY LIMITS REGULATIONS.

~~Cities' ability nationwide to control resident density has traditionally been accomplished through limitations on the number of non-family members living together, contemplated and utilized to address a traditional familial living situation. However, effective January 1, 2018, state law prohibits the use of family definitions to control rental unit occupancy. If left unaddressed by this ordinance, that change would likely lead to fundamental negative impacts to residential areas in the City caused by overpopulation of existing units and uncontrolled density of persons in new units. Potential impacts include increased noise, increased traffic and parking congestion, and stress on sanitary sewer and garbage collection systems that are designed and operated to serve defined population densities. To address these impacts, the definition of "Dwelling unit," only when applied to rental housing units, means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this code, and additionally meets shall be subject to:~~

1. ~~Be occupied by no more than 3 adults, for dwelling units up to 800 square feet in size, and by no more than 5 adults for dwelling units over 800 square feet in size; and~~
~~Is occupied by not more than 2 adults per bedroom; and~~
2. ~~Have no more than 4 resident vehicles per unit; and~~

3. ~~Provide enough adequate off-street parking spaces on the property to park all resident vehicles in spaces that meet code requirements in accordance with Section 169.01, including but not limited to size, location, and surfacing.~~
~~Has a valid rental permit.~~

SECTION 4. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 6. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on _____, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. _____ in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK

Ordinance No. 2022-03

**AN ORDINANCE AMENDING CHAPTER 146 OF THE NORTH LIBERTY
CODE OF ORDINANCES, GOVERNING RENTAL HOUSING PROCEDURES
AND REGULATIONS AND STRUCTURE PROCEDURE REQUIREMENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT OF SECTION 146.05. Section 146.05 of the Code of Ordinances is amended to read as follows:

146.05 RENTAL PERMIT PROCEDURES.

1. Rental Permit Required. It is unlawful for any person to let to another for rent or occupancy any dwelling, dwelling unit or rooming unit, unless the owner or operator holds a valid rental permit issued by the Building Department in the name of the owner or operator and applicable to those portions of the specific structure used for residential purposes.
2. Rental Permit. A Rental Permit shall be a document indicating compliance with Sections 146.20 and 146.21 of the Housing Code and shall be valid for a period of one calendar year running from January 1 through December 31. The Rental Permit shall be transferable from one owner or operator at any time prior to its expiration, termination or revocation. The owner or operator shall notify the Building Department within thirty (30) calendar days of any conveyance or transfer of interest and provide the name and address of all persons who have acquired any interest therein. In the event that the Building Department has not been notified within thirty (30) calendar days, the rental permit shall be transferred from one owner or operator to another only upon payment of a full year's permit fee, the amount of which is established by Resolution of the City Council. The Rental Permit shall state the date of issuance, the address of the structure to which it is applicable, the name of the new owner or operator to which it is applicable, and its new expiration date. Any dwellings, dwelling units or rooming units being let for rent and occupancy without a valid rental permit may be ordered vacated.
3. Application for Rental Permit. The owner or operator shall file an application for Rental Permit with the Building Department on a form provided by the Building Department. Any owner or operator who does not reside within fifty (50) miles of the City shall be required to designate a person who resides within fifty (50) miles of the City who will be responsible for ensuring compliance with this Code.
4. Issuance of Rental Permit. When all of the provisions of Sections 146.20, 146.21 and 146.22 of the Housing Code have been met by the owner or operator, the Building Department shall issue a Rental Permit upon payment of all permit and reinspection fees, the amounts of which shall be set by resolution of the City Council.

5. Expiration of Rental Permit. Rental Permits shall be valid through December 31 of each year, unless the Rental Permit has been suspended or revoked, and provided that all fees have been paid.

SECTION 2. AMENDMENT OF SECTION 146.19. Section 146.19 of the Code of Ordinances is amended to read as follows:

146.19 STRUCTURE COMPLIANCE STANDARDS.

In addition to the standards set out in the IPMC:

1. The structure must be located in a zoning district that allows the use proposed for the structure.
2. Every supplied piece of equipment, facility, or required utility shall be installed so that it will function safely.
3. Off Street Parking shall be in accordance with Section 169.01, including but not limited to size, location, and surfacing.

SECTION 3. CREATION OF SECTION 146.22. Section 146.22 of the Code of Ordinances is created to read as follows:

146.22 RENTAL HOUSING REGULATIONS.

Rental housing units shall:

1. Be occupied by no more than 3 adults, for dwelling units up to 800 square feet in size, and by no more than 5 adults for dwelling units over 800 square feet in size; and
2. Have no more than 4 resident vehicles per unit; and
3. Provide adequate off-street parking spaces to park all resident vehicles in spaces in accordance with Section 169.01, including but not limited to size, location, and surfacing.

SECTION 4. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 6. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on January 25, 2022.

Second reading on _____, 2022.

Third and final reading on _____, 2022.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2022-03 in the North Liberty *Leader* on the ____ day of _____, 2022.

TRACEY MULCAHEY, CITY CLERK



City Rezoning



January 4, 2022

Chris Hoffman, Mayor
City of North Liberty
3 Quail Creek Circle
North Liberty IA 52317

Re: Request of the City of North Liberty for the following Zoning Map Amendments (Rezoning): C-2-A Highway Commercial District and RM-8 Multi-Unit Residence District to P Public Use District on property located at the southwest corner of West Forevergreen Road and Coral Ridge Avenue; RM-6 Multi-Unit Residence District to RM-8 Multi-Unit Residence District on properties located at 22 through 77 Jaro Way; and RS-O Single-Unit Residential Special Use District to RS-4 Single-Unit Residence District Professional Office Overlay District on property located at 205 West Penn Street..

Mayor Hoffman:

The North Liberty Planning Commission considered the above-reference request at its January 4, 2022 meeting. The Planning Commission took the following action:

Findings:

1. The zoning map amendments would be consistent with the North Liberty Comprehensive Plan Future Land Use Map designations;
2. The zoning map amendment would facilitate amendments in the proposed Ordinance amending the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the zoning maps amendments to the City Council with a recommendation for approval.

The vote for approval was 5-0.

Becky Keogh, Chairperson
City of North Liberty Planning Commission



To **City of North Liberty Planning Commission**
From **Ryan Rusnak, AICP**
Date **January 4, 2021**
Re **Request of the City of North Liberty for the following Zoning Map Amendments (Rezoning): C-2-A Highway Commercial District and RM-8 Multi-Unit Residence District to P Public Use District on property located at the southwest corner of West Forevergreen Road and Coral Ridge Avenue; RM-6 Multi-Unit Residence District to RM-8 Multi-Unit Residence District on properties located at 22 through 77 Jaro Way; and RS-O Single-Unit Residential Special Use District to RS-4 Single-Unit Residence District Professional Office Overlay District on property located at 205 West Penn Street.**

North Liberty City staff has reviewed the subject submission, and offer comments presented in this memo. The staff review team includes the following personnel:

Ryan Heiar, City Administrator
Tracey Mulcahey, Assistant City Administrator
Grant Lientz, City Attorney
Tom Palmer, City Building Official
Kevin Trom, City Engineer
Ryan Rusnak, Planning Director

Request Summary:

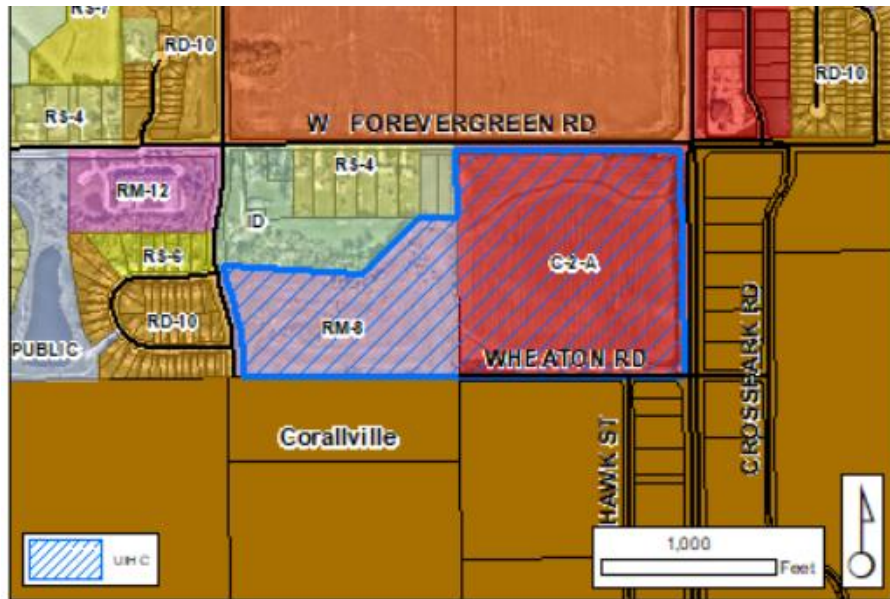
These rezonings are a companion request to the proposed Ordinance amending the Zoning Code.

1. UIHC - C-2-A Highway Commercial District and RM-8 Multi-Unit Residence District to P Public Use District.

Notably, the proposed Ordinance only lists healthcare institutions (AKA hospitals) as a permitted use in the P District.

Consistency with Comprehensive Plan:

The western parcel is designed Residential while the eastern parcel is designated Commercial on the Future Land Use Map. If the properties are designated Public, the P Public Use District would be consistent with the Public Future Land Use Map designation.

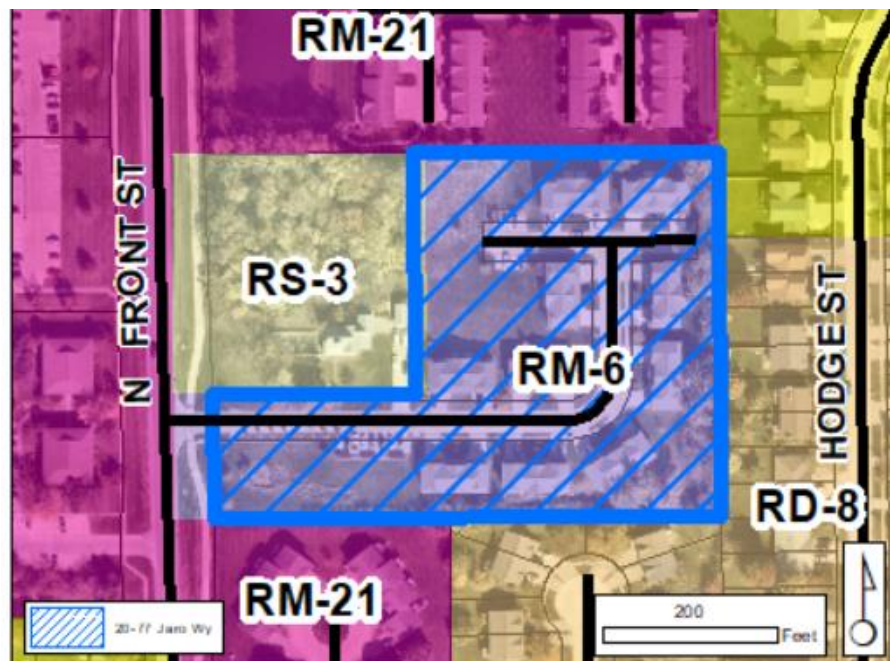


2. 22 through 77 Jaro Way – RM-6 Multi-Unit Residence District to RM-8 Multi-Unit Residence District.

Notably, the proposed Ordinance would delete the RM-6 District.

Consistency with Comprehensive Plan:

The property is designed Residential. The RM-8 District would be consistent with the Residential Land Use Map designation.

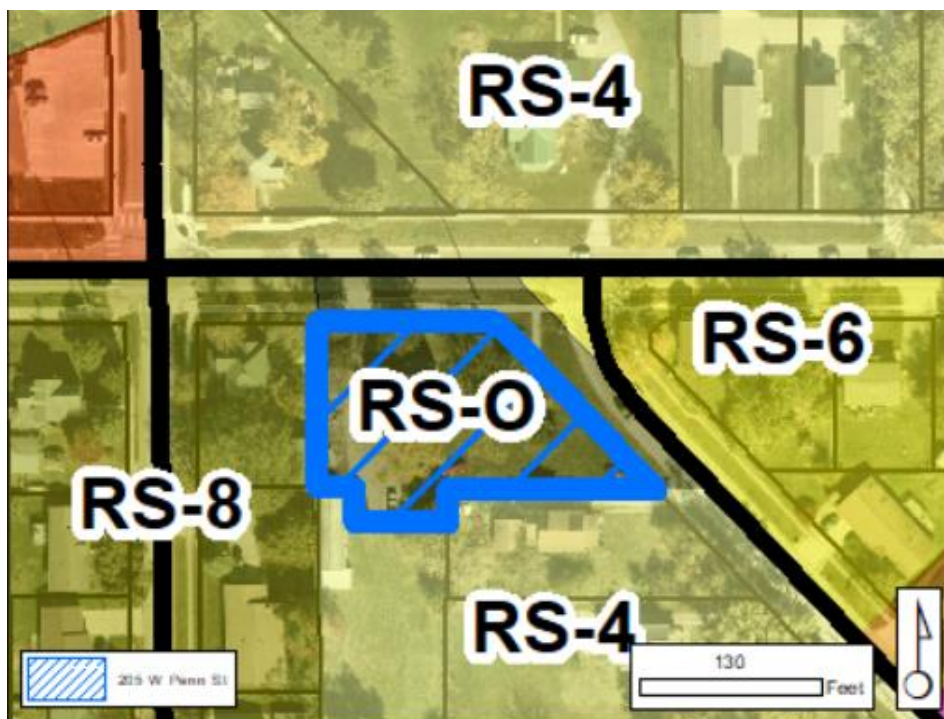


3. RS-O Single-Unit Residential Special Use District to RS-4 Single-Unit Residence District Professional Office Overlay District

Notably, the proposed Ordinance would delete the RS-O District and create the PO Professional Office Overlay District.

Consistency with Comprehensive Plan:

The property is designed Residential. The RS-4 PO District would be consistent with the Residential Land Use Map designation.



Public Input:

No public input has been received. Letters were sent to affected property owners.

Staff Recommendation:

Finding:

1. The zoning map amendments would be consistent with the North Liberty Comprehensive Plan Future Land Use Map designations;
2. The zoning map amendment would facilitate amendments in the proposed Ordinance amending the Zoning Code.

Recommendation:

Staff recommends the Planning Commission accept the two listed findings and forward the zoning maps amendments to the City Council with a recommendation for approval.

Ordinance No. 2022-04

**AN ORDINANCE AMENDING ZONING ON VARIOUS
PROPERTIES IN THE CITY OF NORTH LIBERTY, IOWA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LIBERTY, IOWA:

SECTION 1. AMENDMENT. Chapter 167 of the North Liberty Code of Ordinances (2013) is hereby amended by amending the zoning for the properties described as follows:

On 56.19 acres, more or less, on property located at the southwest corner of West Forevergreen Road and Coral Ridge Avenue from C-2-A Highway Commercial District and RM-8 Multi-Unit Residence District to P Public Use District. The property is more particularly described as follows: the Northeast Quarter of the Southwest Quarter of Section 24, Township 80 North Range 7 west of the Fifth Principal Meridian, Johnson County, Iowa, less and except the right-of-way described in Deed Book 6152, Page 55 of the Johnson County Recorder's Office; and Outlot C of Fox Valley Part One, North Liberty, Iowa, in accordance with the Plat thereof, recorded in Plat Book 54, Page 57 of the records of the Johnson County Recorder's Office.

On 4.10 acres, more or less, on property located on Jaro Way, which is located on the east of North Front Street approximately 440 feet north of East Penn Street from RM-6 Multi-Unit Residence District to RM-8 Multi-Unit Residence District. The property is more particular described as follows: Lot 2 of Front Street Place, North Liberty, Johnson County, Iowa, in accordance with the Plat thereof, Recorded in Plat Book 59, Page 102 in the records of the Johnson County Recorder's Office.

On .5 acres, more or less, on property located at the southwest corner of West Penn Street and North Dubuque Street from RS-O Single-Unit Residential Special Use District to RS-4 Single-Unit Residence District Professional Office Overlay District. The property is more particularly described as follows: Part of the Northeast Quarter of the Southeast Quarter of Section 12, Township 80 North, Range 7 West of the 5th P.M., City of North Liberty, Iowa and is more particularly described as follows: Commencing at the northeast corner of Lot 64 of the subdivision Interurban Railway Addition to North Liberty, Iowa, less and except the East Penn Street right-of-way, also being the point of beginning, thence south along the east line of said Interurban Railway Addition to the North Liberty, Iowa to a point 14 feet south of the northeast corner of Lot 61 of Interurban Railway Addition to the North Liberty, Iowa, thence east 25 feet on a line parallel with the north line as extended westerly of Johnson County, Iowa Parcel ID 0612404002 (465 N. Dubuque Street), thence south 25 feet on a line parallel with the west line of said Johnson County, Iowa Parcel ID 0612404002, thence east on a line parallel with the north line as extended westerly of said of Johnson County, Iowa Parcel ID 0612404002 to the west line of Johnson County, Iowa Parcel ID 0612404002, then north along the west line of said Johnson County, Iowa Parcel ID 0612404002 to the northwest corner of said Johnson County, Iowa Parcel ID 0612404002, thence east along the north line of said Johnson County,

Iowa Parcel ID 0612404002 to its intersection with the west line of North Dubuque Street right of way, thence northwesterly along the west line of said North Dubuque Street right of way to its intersection with the south line of the Penn Street right-of-way, thence west along said south line of the Penn Street right-of-way to the point of beginning.

On 29.46 acres, more or less, on property located at the southwest corner of South Kansas Avenue and Landon Road from C-3 Concept Commercial District to C-3 Higher-Intensity Commercial District. The property is more particularly described as follows: Lot 2 of The Villas At Liberty Executive Park – Part One, North Liberty, Iowa, in accordance with the Plat thereof, Recorded in Plat Book 52 Page 187 in the records of the Jonson County Recorder's Office, Lot 4 of The Villas At Liberty Executive Park – Part Two, in accordance with the Plat thereof, Recorded in Plat Book 52 Page 188 in the records of the Jonson County Recorder's Office, Lot 5 of The Villas At Executive Park – Part Three, in accordance with the Plat thereof, Recorded in Plat Book 52 Page 189 in the records of the Jonson County Recorder's Office, and Lot 10 of The Villas at Liberty Executive Park – Part Four, in accordance with the Plat thereof, Recorded in Plat Book 52 Page 190 in the records of the Jonson County Recorder's Office. The following conditions are hereby imposed upon said rezoning as listed in the January 4, 2022 North Liberty Planning Commission report: The following uses be prohibited:

- A. Heavy Retail Establishment.
- B. Enclosed Self-Storage Facility.
- C. Outdoor Self-Storage Facility.
- D. Vehicle Dealership, New and Used.

SECTION 2. CONDITIONS IMPOSED. At the January 4, 2022 meeting the Planning Commission accepted the two listed findings (The zoning map amendments would be consistent with the North Liberty Comprehensive Plan Future Land Use Map; and zoning map amendment.) and forwards the request for a zoning map amendment to the City Council with a recommendation for approval with no conditions.

SECTION 3. ZONING MAP. It is hereby authorized and directed that the Zoning Map of the City of North Liberty, Iowa, be changed to conform to this amendment upon final passage, approval and publication of this ordinance as provided by law.

SECTION 4. RECORDATION. The City Clerk is hereby authorized and directed to record this ordinance at the Johnson County Recorder's office upon final passage and approval.

SECTION 5. REPEALER. All Ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SCRIVENER'S ERROR. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee without further public hearing.

SECTION 7. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

First reading on January 25, 2022.

Second reading on _____.

Third and final reading on _____.

CITY OF NORTH LIBERTY:

CHRIS HOFFMAN, MAYOR

ATTEST:

I, Tracey Mulcahey, City Clerk of the City of North Liberty, hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings, the above was adopted.

TRACEY MULCAHEY, CITY CLERK

I certify that the forgoing was published as Ordinance No. 2022-04 in the *North Liberty Leader* on the ____ of ____, 2022.

TRACEY MULCAHEY, CITY CLERK



Additional Information



To **Mayor and City Council**
CC **City Administrator**
From **Tom Palmer, Building Official**
Date **2/2/2022**
Re **Monthly Report**

January Permits:

35 permits were issued in January with estimated construction value of \$746,000.00. Staff completed 229 inspections during the month of January.

Rental/Code Compliance Cases:

Two new rental permit applications received in January. As of January 31st, 1,000 rental permit renewals were requested. Ninety-one code compliance cases were processed in January.

Casey's Project:

General contractor completed the project December 31st and received the certificate of occupancy on January 12th. Construction activity began on September 7, 2021. The new store was opened to the public on January 15th.





Januray Permit Tally Report

Permit Type	Construction Value	Total Fees
Group: Automatic Fire Sprinkler System		
	\$908.00	\$75.00
Group Total: 1		
Group: Commercial Alteration		
	\$225,500.00	\$3,223.20
Group Total: 4		
Group: Communication Tower		
	\$254,000.00	\$1,856.15
Group Total: 1		
Group: Construction Site Runoff		
	\$0.00	\$150.00
Group Total: 1		
Group: Display of Fireworks		
	\$0.00	\$0.00
Group Total: 1		
Group: Fence		
	\$6,730.00	\$25.00
Group Total: 1		
Group: Fire Alarm & Detection Equipment		
	\$10,636.18	\$400.00
Group Total: 4		
Group: Gas Detection Systems		
	\$1.00	\$100.00
Group Total: 1		
Group: Mechanical Electrical Plumbing (MEP)		
	\$15,240.00	\$274.96
Group Total: 5		
Group: Medical Gas Systems		
	\$0.00	\$150.00
Group Total: 1		
Group: New Commercial		
	\$20,000.00	\$900.75
Group Total: 2		
Group: Open Burning- Bonfire		

	\$0.00	\$0.00
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Group Total: 1

Group: Open Burning- Open Flame before an Audience

	\$0.00	\$0.00
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Group Total: 1

Group: Operational- Temp LPG

	\$1,000.00	\$100.00
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Group Total: 2

Group: Permanent Sign

	\$90,949.00	\$50.00
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Group Total: 1

Group: Rental Renewal

	\$0.00	\$73,688.00
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Group Total: 1000

Group: Residential Alteration

	\$120,592.00	\$1,815.70
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Group Total: 6

Group: Right of Way

	\$750.00	\$23.50
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Group Total: 1

Group: Urban Chickens

	\$0.00	\$20.00
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Group Total: 1

	\$746,306.18	\$82,852.26
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Total Records: 1035

Certificate of Occupancy Monthly Report

Applicant	Parcel Address	Project Description	Permit Type	Date C.O. Issued
Grand Rail Development	2901 Stoner Ct Unit B-7	Tenant Improvement	Building	1/12/2022
Bi-State Contracting	1243 Vintage Lane	Single Family Home	Building	1/19/2022
Caleb Shield	760 Clover Hill Drive	Ranch style Detached Condo	Building	1/10/2022
Bi-State Contracting	1246 Vintage Lane	Single Family Home	Building	1/24/2022
Bi-State Contracting	1248 Vintage Lane	Single Family Home	Building	1/24/2022
Legacy Greenbuilders and developers	1220 Ogden Lane	new single family dwelling	Building	1/13/2022
Daniel Willrich	245 S Highway 965	Construction of Casey's Convenience store	Building	1/12/2022

Code Compliance Report

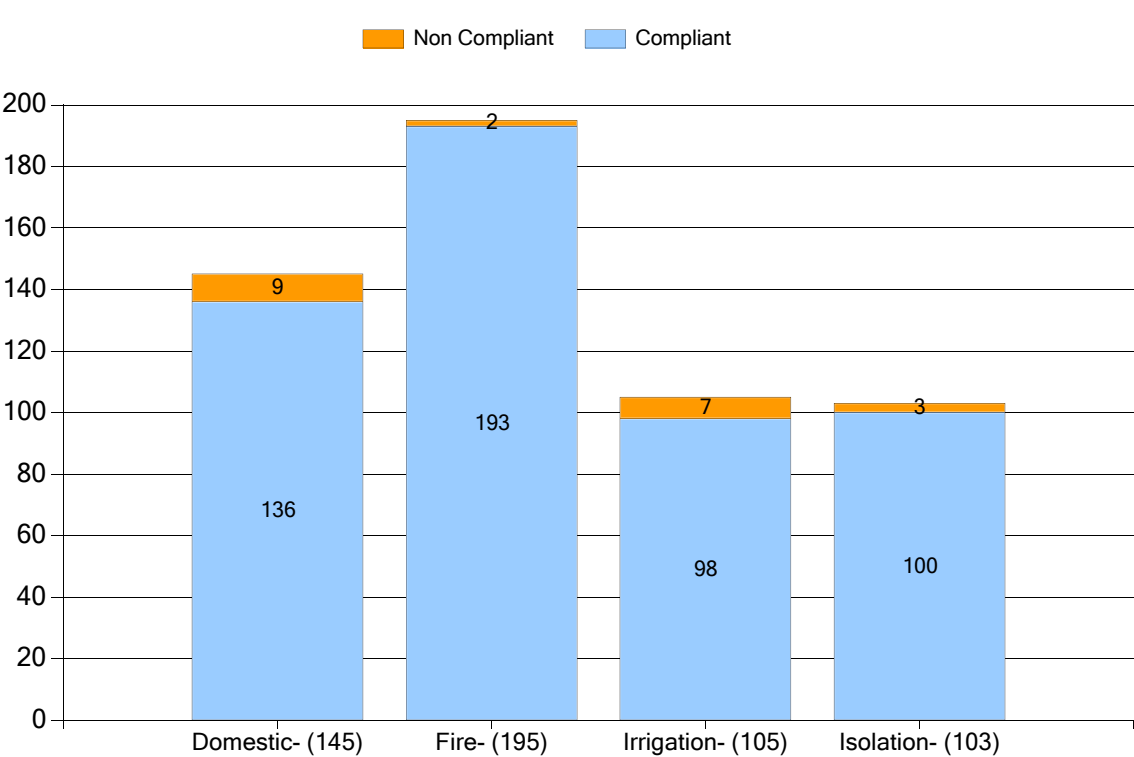
01/01/2022 - 01/31/2022

Case Date	Case #	Status	Complaint	Reporting Code
1/4/2022	20220001	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220002	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220003	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220004	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220005	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220006	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220007	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220008	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220009	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220010	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220011	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220012	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220013	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220014	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220015	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220016	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220017	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220018	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220019	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220020	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220021	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220022	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220023	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220024	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220025	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220026	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220027	Closed	Unshoveled sidewalk	Zoning Code
1/4/2022	20220028	Open	Unshoveled sidewalk	Zoning Code
1/4/2022	20220029	Closed	Unshoveled sidewalk	Zoning Code
1/7/2022	20220030	Open	Unshoveled Sidewalk	Zoning Code

1/7/2022	20220031	Open	Unshoveled Sidewalk	Zoning Code
1/7/2022	20220032	Open	Unshoveled Sidewalk	Zoning Code
1/7/2022	20220033	Open	Unshoveled Sidewalk	Zoning Code
1/10/2022	20220034	Open	Renting the home without obtaining a rental permit	Housing Code
1/10/2022	20220035	Open	Unshoveled Sidewalk	Zoning Code
1/10/2022	20220036	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220037	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220038	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220039	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220040	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220041	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220042	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220043	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220044	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220045	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220046	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220047	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220048	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220049	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220050	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220051	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220052	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220053	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220054	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220055	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220056	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220057	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220058	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220059	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220060	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220061	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220062	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220063	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220064	Open	Unshoveled Sidewalk	Zoning Code
1/11/2022	20220065	Open	Unshoveled Sidewalk	Zoning Code

1/11/2022	20220066	Open	Unshoveled Sidewalk	Zoning Code
1/13/2022	20220067	Open	Section 136.03 - Removal of snow, ice, and accumulations.	Nuisance
1/13/2022	20220068	Closed	Section 136.03 - Removal of snow, ice, and accumulations.	Nuisance
1/13/2022	20220069	Open	Section 136.03 - Removal of snow, ice, and accumulations.	Nuisance
1/13/2022	20220070	Open	Section 136.03 - Removal of snow, ice, and accumulations.	Nuisance
1/18/2022	20220071	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220072	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220073	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220074	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220075	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220076	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220077	Open	Unshoveled Sidewalk	Zoning Code
1/18/2022	20220078	Open	Unshoveled Sidewalk	Zoning Code
1/20/2022	20220079	Open	Unshoveled Sidewalk	Zoning Code
1/20/2022	20220080	Open	Unshoveled Sidewalk	Zoning Code
1/25/2022	20220081	Open	Unshoveled Sidewalk	Zoning Code
1/25/2022	20220082	Open	Improper Parking	Zoning Code
1/27/2022	20220083	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220084	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220085	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220086	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220087	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220088	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220089	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220090	Open	past due annual backflow preventer test report	Building Code
1/27/2022	20220091	Open	past due annual backflow preventer test report	Building Code

Breakdown of Backflow Preventer Compliance



- Fire = Fire Protection / Fire Detector Bypass
- Domestic = Domestic / Domestic Bypass
- Irrigation = Lawn Irrigation
- Isolation = All Others



To **Mayor, City Council, Communications Advisory Commission**
CC **City Administrator Ryan Heiar**
From **Communications Director Nick Bergus**
Date **Feb. 3, 2021**
Re **Communications Staff Report**

COVID-19

Through increased cases counts, we continued to amplify our public health partners on vaccinations, boosters and masking. Our work this month was impacted by COVID-19 as it limited the availability of staff and sources and forced changes and cancelations to events.

Beat the Bitter

Jillian, with department support, led the execution of our annual celebration of winter on Jan. 29, with the debut of North Liberty Lights and the 5K-ish Glow Run, and Jan. 30, with Fire & Ice and fireworks. We saw about 250 runners, walkers and joggers spread across two 5K-ish starts, and an estimated 3,000 for Fire & Ice, which was by far our largest turnout to date. The North Liberty Lights display will remain at Liberty Centre Pond through February. Our thanks to Recreation Department staff, including Matt Meseck and Shelly Simpson, and Parks Department staff for their help setting up, executing and breaking down the event.

Derek produced event producing promos and StoryWalk audio recordings for the Library's contribution to Fire & Ice, and Derek and Thron documented both the 5kish Glow Run and Fire & Ice events.

During planning in the fall, our hope was to primarily return to week-long form, thinking ticket sales and activities might return to pre-pandemic levels, though we hedged our bets by only working towards a single indoor event (Snuggie Crawl, scheduled for Feb. 5) and setting aside another growing event (Igloo Jam). The winter COVID-19 surge led us to cancel the Snuggie Crawl and go without its supporting revenue. We also postponed our plan for a larger, intergenerational version of the 55+ Senior Connections Lunch originally planned for Feb. 4.

Still, with City Slate support and reserves, we were successfully able to offer the community something to do in the middle of winter.

Welcoming America: Rural Welcoming Initiative

The City of North Liberty has been selected by Welcoming America for the 2022 Rural Welcoming Initiative. The program supports efforts to make communities of 50,000 people or fewer more welcoming for immigrants and refugees. Membership benefits include coaching calls with Welcoming America staff, peer exchange opportunities, access to grant funding and more. Micah began coordinating North Liberty's RWI efforts in January and will work with staff throughout the year to advance this work. North Liberty's RWI action team also includes Angela McConville (Administration), Kellee Forkenbrock (Library) and Zach Pilcher (Recreation).

A Story and an Act of Service

Micah and Library executed A Story and an Act of Service, an event that honors the life and legacy of Dr. Martin Luther King Jr. About three dozen participants joined a part of the event, including storytime and assembling hygiene kits.

Connected to Tomorrow

In January, we worked with Planning and consultant RDG to roll out the public input elements of the Connected to Tomorrow comprehensive plan project. Discussion was included in the January edition of the North Liberty Bulletin and we pushed the Community Roundtable, which was moved online, on social media and through emails. Derek worked with both Ryan Rusnak and Mayor Chris Hoffman to record script reads for a video promoting the project, which he is complete in February.

City Slate

We started rolling out the new City Slate of events for the year, with Lighthouse in the Library, North Liberty Lights and Fire & Ice all part of the collection in January. We're diving in to plans for other collaborative programs with staff including summer concerts and Blues & BBQ .

is set, while still allowing for flexibility throughout the year. The 40+ events on the 2022 City Slate schedule are a collection of large programs from across city departments that are free to attendees. The events will be funded largely from the dollars raised in our sponsorship drive with some expenses covered by existing city programming dollars. Jillian and Nick spent time in December mapping out a promotion plan for the slate, creating artwork and delegating specific programs to committees. We're working on building a webpage now and will launch the City Slate in the coming weeks.

Other Items

We produced City Council meetings and submitted them to the Iowa City government channel.

Staff represented the city at the Building Better Bridges conference, attending Business Partnership's Community Leadership Program and in the United Way's Community Impact Council site visits.

Staff gave interviews with local news outlets about Beat the Bitter and North Liberty Lights and the Outreach & Equity Coordinator position.

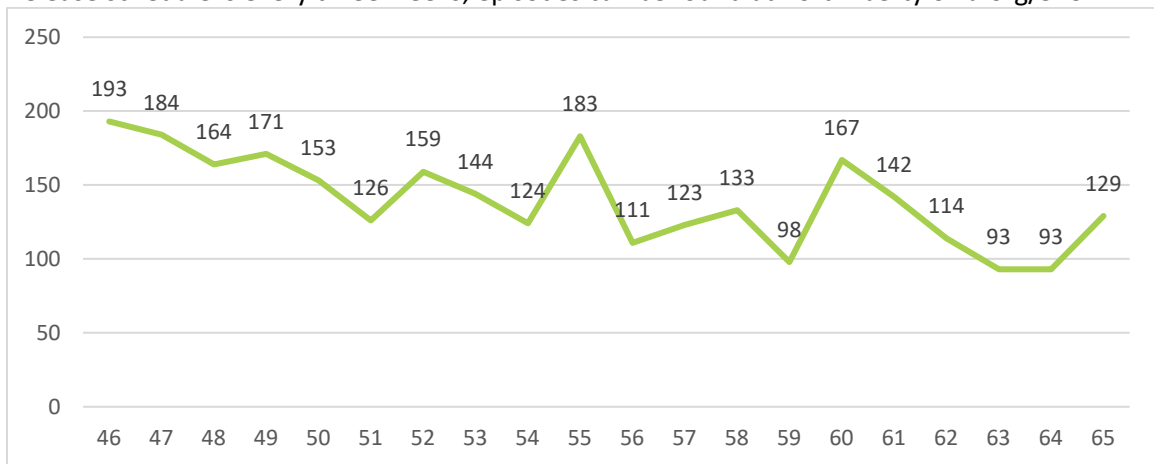
We posted news releases about upcoming programs, holiday hours, special election, winning the Severson Challenge, Behind the Badge and more.

Completed Videos

Title	Requested By	Completed	Duration
Communications Advisory Commission	Administration	Jan. 3	0:16
Planning and Zoning Commission	Administration	Jan. 4	1:03
Parks and Recreation Commission	Administration	Jan. 6	1:19
City Council	Administration	Jan. 11	0:49
Tree and Storm Water Advisory Board	Administration	Jan. 12	0:19
Promo: Beat the Bitter 5K-ish	Communications	Jan. 13	0:01
City Council	Administration	Jan. 18	2:22
LITL: New Year, New Career panel	Library	Jan. 21	0:50
Library Board of Trustees	Administration	Jan. 24	0:59
City Council	Administration	Jan. 25	2:37
Good Neighbor Meeting	Planning	Jan. 28	0:33
Eye on: North Liberty Lights	Communications	Jan.	0:03
Total completed productions: 12	Duration of new video: 11.18 hours		

52317 Podcast

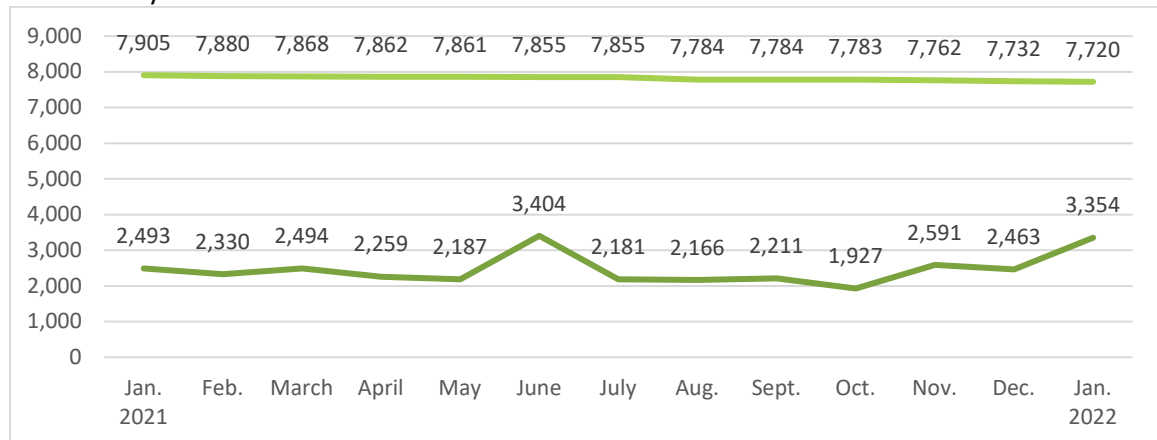
Release schedule is every three weeks; episodes can be found at northlibertyiowa.org/52317.



Downloads is the number times the podcast file was downloaded to a player, including a podcast client, webpage-embedded player or other device since its publication. Numbers are as reported by service provider LibSyn as of the date of this report. **Episodes** 65: LaLa Boutique; 64: Kirkwood Workplace Learning Connection; 63: Leash on Life; 62: Chomp Delivery; 61: Speedy Mike's Carwash; 60: Flip Salon & Spa; 59: Rock Valley Physical Therapy; 58: NASA; 57: Animal Kingdom; 56: Concha Audiology; 55: Silver Rooster Tattoo; 54: Aero Performance and Physical Therapy; 53: Breathe; 52: Meadowlark Psychiatric Services; 51: Psychiatric Associates; 50: Letter B; 49: Fryvecind Voice Studio; 48: A Chocolate Studio; 47: Corridor Rentals; 46: MixHomeMercantile

North Liberty Bulletin Email Newsletters

In October, an update to Apple's Mail app made measuring opens more difficult and may impact the accuracy in the future.

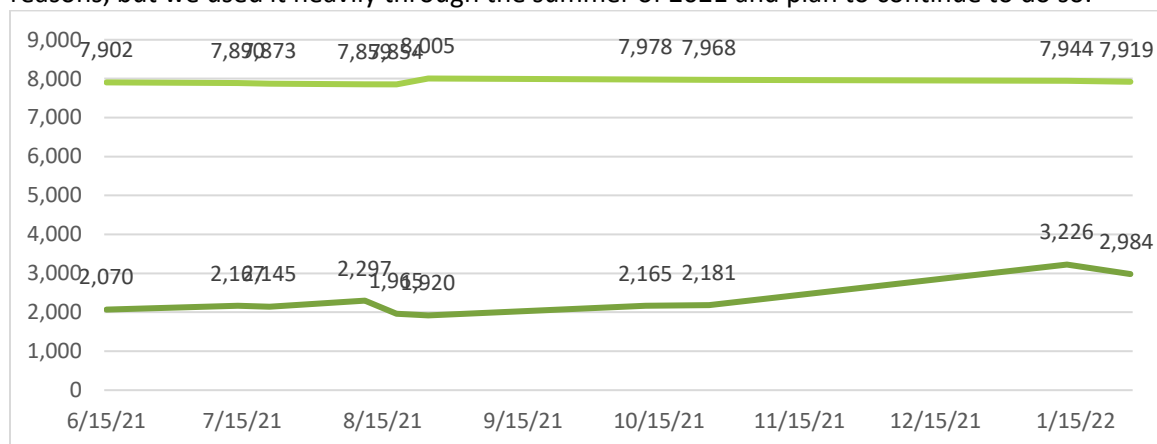


Recipients is the number of email addresses to which an issue of the Bulletin was sent and is represented by the top line. **Opens** is the number of unique recipients who opened the Bulletin and is represented by the bottom line; the standard open rate for government is 25.4%. Numbers are as reported by service provider Mailchimp.

Subject lines Jan: Tomorrowland; Dec: Conspiring, to eat cookies, by the fire; Nov: Not sure you know how psychologically healthy that actually is; Oct: Pumpkin spice spooky decorative gourd season; Sept: My fall plans vs; Aug: Summer send-off 🌸 July: My dog hates fireworks; June: Magical world of normal-ism; May: It's no walk in the park; April: Anything dirty or dingy or dusty; March: A really weird lion; Feb: Hi, neighbor 🐼; Jan: Storms ☁️

Know Before You Go Emails

We developed and began sending "Know Before You Go" emails at the end of 2019 for community events that could accommodate large numbers of attendees without registration as a way to leverage the city's email list. The format didn't get a lot of use in 2020 for obvious reasons, but we used it heavily through the summer of 2021 and plan to continue to do so.



Recipients is the number of email addresses to which an issue of the Bulletin was sent and is represented by the top line. **Opens** is the number of unique recipients who opened the Bulletin and is represented by the bottom line; the standard open rate for government is 25.4%. Numbers are as reported by service provider Mailchimp.

Events: Drive-in Movies (June); Drive-in Movies (July); Inflatables Day; Eastern Iowa Circus; Concert in the Park and fireworks; Playground Crawl; Moonlight Walk; Haunted Happenings; Lighthouse in the Library (Jan.), Fire & Ice

Social Media

Month	Facebook		Twitter		Instagram	Nextdoor
	New likes	Reach	New follows	Impressions	Followers	Members
Jan 2022			7	40,500	2,600	5,411
Dec 2021	32	19,971	11	23,500	2,575	5,383
Nov 2021	14	20,182	9	30,400	2,570	5,361
Oct 2021	50	35,617	2	20,600	2,537	5,279
Sept 2021	60	26,516	11	21,900	2,521	5,237
Aug 2021	59	26,710	15	40,100	2,497	5,178
July 2021	80	21,523	3	34,600	2,471	5,114
June 2021	72	25,066	-4	45,400	2,456	5,076
May 2021	73	23,940	-19	42,200	2,418	5,018
April 2021	33	24,980	19	49,800	2,381	4,959
March 2021	72	100,455	18	61,600	2,342	4,900
Feb 2021	96	24,756	22	48,700	2,305	4,818
Jan 2021	55	19,163	-4	32,500	2,276	4,760

Facebook new likes is the net number of new users following the city's Facebook page; it does not include new *followers*. **Facebook reach** is the number of unique users who saw any of the city's Facebook content, reported on a 28-day period. **Twitter new follows** is the net number of new users following the city on Twitter. **Twitter impressions** is the total number of times a tweet from the city was shown to a user. **Instagram new follows** is the net number of new users liking the city's Instagram account. **Nextdoor members** is the number of verified North Liberty residents who are users and able to receive our agency messages.

Website Statistics

Month	Sessions	Users	Pageviews	Pgs/Session	Avg Session
Jan 2022	26,218	20,351	47,444	1.81	1:07
Dec 2021	17,011	13,056	33,502	1.97	1:12
Nov 2021	20,196	15,122	39,415	1.95	1:12
Oct 2021	17,041	13,190	32,858	1.93	1:10
Sept 2021	22,849	14,800	44,285	1.94	1:16
Aug 2021	29,557	21,990	54,762	1.85	1:12
July 2021	32,559	24,967	63,686	1.96	1:11
June 2021	22,840	19,955	64,284	2.03	1:28
May 2021	24,221	17,537	49,636	2.05	1:24
April 2021	22,452	13,855	44,847	1.37	1:24
March 2021	23,993	14,861	46,159	1.92	1:15
Feb 2021	27,228	20,540	47,047	1.73	1:06
Jan 2021	20,264	13,628	39,600	1.95	1:11

Sessions is the number of time-bound user interactions with the website. **Users** is the number of unique devices loading the site in that month. **Pageviews** is the total number of pages loaded or reloaded. **Pgs/Session** is the number of pages loaded per session. **Avg. Session** is the average length, in minutes and seconds, of user interactions. All stats are monthly.

MAKING WINTER BRIGHT

Cold. Dull. Sad. Dark. These are regularly used to describe Iowan winters. (There are, of course, many other word choices but those aren't appropriate for me to write in a professional note).

Well, I'm proposing a new adjective for the season: bright. Because when our community came together Jan. 29 and 30 in our snowy parks to embrace winter, I felt joyful, I saw attendees of all ages dazzled, and we literally made the nights brighter with lights and fire.

The 5K-ish Glow Run presented by GEICO Careers has been dubbed a "must-do" by a participant, who was joined by 249 other walkers, joggers and runners for the inaugural event to celebrate the debut of North Liberty Lights. 135 illuminated units created a dozen winter scenes around the pond's loop for a unique arctic run or stroll. In our post-event survey, 97% of participants said they plan to sign up for the 5K-ish Glow Run and bring their friends again next year, so we're already brainstorming for 2023.

An estimated 3,000 attendees joined us for Fire & Ice presented by GreenState Credit Union. When attendees weren't admiring ice sculptures, ice skating, watching fire performers, taking their photo inside a life-size snow globe or enjoying a ride in the horse-drawn wagon, they drank 1,000 cups of hot chocolate, ate hundreds of bags of popcorn and s'mores and visited sponsor booths for loads of goodies before the fireworks finale. According to one attendee we "knocked it out of the park," and others agree, with 91% of guests rating the event a 4 or 5 out of 5 stars in our post-event survey. And with 54% of survey respondents reporting that this was the first year they have attended the event, I think it is safe to assume Fire & Ice will continue to grow.

And the lights aren't off yet. The North Liberty Lights presented by GEICO Careers display is illuminated nightly through the end of February for folks to enjoy for free at their leisure around Liberty Centre Pond.

Beat the Bitter is on a mission to make folks love winter, and I think we're getting closer each year. Thank you for your support. I hope the festival brightens your winter, too.

Jill Miller

BEAT
THE
BITTER























TO: City Administrator and City Council
FROM: Jennie Garner, Library Director
DATE: Feb 3, 2022
SUBJECT: Monthly Library Report

Library News

The library is seeing steady increases in foot traffic and happy to see kids coming back in. It's so fun to see a group of teens playing board games on a school cancellation day in the Teen Lounge again. We continue to provide daily snacks with the help of Table to Table, one of many of our community partners.

As librarians, we pride ourselves on collaborations and our willingness to share ideas with each other rather than reinventing the wheel. In October, three of us from North Liberty Library (NLL), presented a breakout session called *Policies of Yes* at the Association for Rural & Small Libraries annual conference in Reno, NV. The session centered on our local work to craft inclusive policies to help drive our approach to serving the public and working to create a sense of belonging for all in the library space. This month, we presented this topic to over 100 librarians virtually for the annual Iowa Libraries Online Conference and presented virtually by invitation to about 60 librarians for the Central Kansas Library System.

NLL staff has geared up to continue this work with support and research done by our internal JEDI (justice+) Committee made up of six library employees and the City's new outreach and equity coordinator, Micah. Their agenda for the next monthly meeting is to focus on defining what JEDI means for our community and they may rename their committee. More to come on that.

At the first meeting the committee held in January, they created this vision statement:

This committee tackles DEI efforts by empowering community members to voice thought and needs to make the library a safe and inclusive space for all.

The committee and efforts we're making are in place to create an inclusive environment and serve our community in a space where they are given dignity and respect. In line with this work, we are seeking to have a presence at some national tables to represent North Liberty and small libraries in order to share our local work and to gather best practices to bring back to our community. As you may know, libraries are one of the few public places where anyone is welcome to enter and access services at no cost.

I recently joined a project called Libraries as Bridges (#LaB) and am working on the Collaborator team. One of the champions of this project, Shamichael Hallman, Memphis Public Library, was a guest on our Love, Light and Lit Podcast in the fall. You can listen to that podcast here: <https://tinyurl.com/mppd8u3m>. Shamichael also has a [TEDTalk](#) that can provide insight into the work we hope to accomplish: Our group will be attending a meeting with the American Academy of Arts and Sciences on Feb. 25 to share more information about these efforts in hopes of garnering their support.

Additionally, I was invited to travel to Washington DC in March to take part in a convening on the impact of literacy and reading on social well-being and civic engagement, hosted by the Institute of Museum and Library Services (IMLS). The IMLS Empowering Readers, Empowering Citizens will host a series of panels. I am slated to serve on a panel on March 2 with the Pat Losinski, (Columbus, OH) and Kelvin Watson (Las Vegas, NV) to Strategic Alignment of Library Resources. More information is available at the convening website: <https://citizensandreaders.cmpinc.net/>. I look forward to sharing more about this event and the experience when I return.

Scroll for January Highlights

Scroll for November Program Highlights



The kids enjoyed reading to Korra at her first visit to the library. Therapy dogs are safe, non-judgmental listeners for kids who may struggle with reading or need to practice their skills.

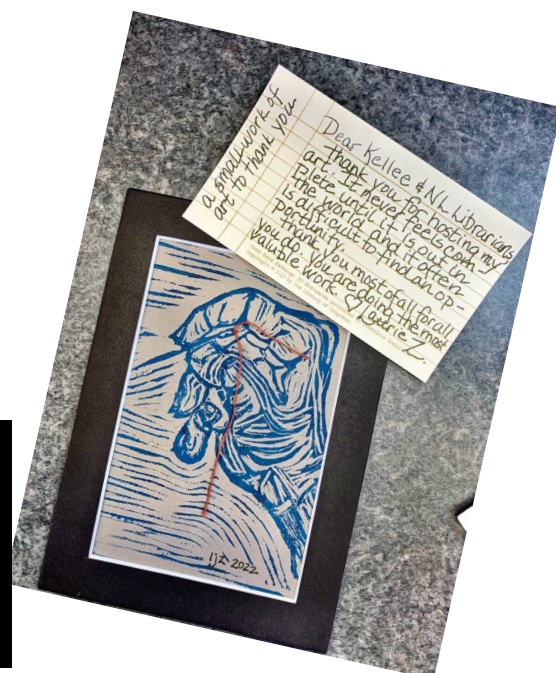


Since October, NLL has distributed over 3100 COVID test kits in partnership with Johnson County Public Health.



Working with an organization that takes books to Zambia, the library was recently able to rehome some discarded materials that were no longer being used to a library in Zambia. The resident who requested the used materials on behalf of the group was kind enough to share photos.

The local artist who's work was displayed in January donated a beautiful unique piece of art. It's wonderful that we are able to display permanently works from artists who've shown their work at NLL





North Liberty
IOWA

MEMORANDUM



To: **Mayor and City Council
Parks and Recreation Commission
City Administrator**

From: **Guy Goldsmith, Director of Parks, Building and Grounds**

Date: **February 1, 2022**

Re: **Monthly Report**

We performed various building maintenance tasks as needed this month. We continue to work with Shive Hattery and Contractors regarding the Pool Heater Project and the Community Center future Roof Replacement Project.

We maintained equipment as needed this month. We performed preventative maintenance and repaired winter equipment as time permitted. We continue to prepare for the upcoming growing season by performing preventative maintenance and repairs on ball field maintenance, mowing, trimming and landscaping equipment.

We removed snow and ice from city parking lots, sidewalks and trails this past month.

Park staff continues to resurface the ice rink at the tennis courts on a weekly basis. The rink has been very popular with residents especially in the evenings under the lights.

We continue to organize and clean-up our shop as time allows.

Park staff completed annual training requirements through Target Solutions. We also attended Question Persuade Refer (QPR) training and Community Services training on January 13th.

We continue to reviewed plans for the upcoming Dubuque Street Improvements Project as well as the future City Administration building. The electrical and gas service abandonment has been completed at 405 & 407 North Front Street and 430 North Dubuque Street in preparation of the upcoming demolition project to begin on February 14th. City staff meet with Shive Hattery to discuss mechanical/plumbing/fire protection and landscaping plans for the new City Administration building project.

The Tree & Storm Water Board met on January 12th. We discussed tree grants, upcoming Muddy Creek and Trail clean-up day scheduled for April 9th as well as other storm water related items.

We met with NLCBS ball club, Diamond Dreams and Liberty High baseball regarding field usage and future improvements at the Babe Ruth field for this upcoming season. We continue to review and revise the Parks FY2223 budget and capital projects items to prepare for the next fiscal year. Department heads met on January 19th to help provide

input on the City's Comprehensive Plan.

Parks staff assisted at Penn Meadows Park with the "Beat the Bitter" event held over the January 29-30 weekend.



Parks Crew resurfacing the Ice Rink.



Ice Skating under the lights.



Parks Crew and Beat the Bitter Camp Fire.



Parks Department removing snow and ice prior to Beat the Bitter at Penn Meadows Park.



North Liberty Police Monthly Report January 2022

Training:

- Members attended monthly Canine, Bomb Squad, Tactical Team, and Dive team training (64 hours)
- Two members attend quarterly Honor Guard Training (16 hours)
- Officer Jacobi is continuing his Field Officer Training and is partnered with a FTO for each shift.
- Three members attended an online training on TikTok and Snapchat forensic investigations (6 hours).

Public Relations:

- Officers stopped in at the Beat the Bitter Festivities.
- Continue to be requested to work the Liberty High School sporting events. This overtime is paid by the ICCSD.
- Officers worked the University of Iowa sporting events as requested. This overtime is paid for by the University.
- We sent out a public notice for a joint Community Police Academy with other agencies in the county. The theme is Behind the Badge and will meet for 4 weeks on Wednesday evenings at JECC. The program starts March 23rd and runs through April 13th. Applications and more information can be found at <https://northlibertyiowa.org/2022/01/26/north-liberty-partners-with-local-law-enforcement-agencies-to-offer-a-look-behind-the-badge/>. We also met with KCRG for an on camera interview on the program and why community members should sign up.
- We notified the public of a scam involving individuals calling people with our listed phone number. The caller demanded money for an outstanding jury duty warrant. NLPD will not ask for money or gift cards for any ticket, warrant or other fee involving the police department.
- We hosted a PD tour and leadership discussion on being a good citizen to the Lion Scouts with Cub Scout pack 120.
- Five (5) child safety seat checks were completed this month.
- An officer read a book to a kindergarten class at Garner Elementary and talked about being a good neighbor and friend to others. This interaction was at the request of a teacher.

Equipment:

- New Patrol Car 215 was outfitted, stripped and put in-service. The was a new purchase approved for the 2021-2022 budget cycle.

Traffic Contacts	265
Parking Contacts	123
Vehicle Inspections	23
Vehicle Unlocks	24
Crash Investigations	20
Public Assists	381
Assist other Agency	118
Crimes Against Persons Report	11
Crimes Against Property Report	12
Other Reports	22
Arrests	28
Warrants	6
Alcohol/Narcotics Charges	12
Crimes Against Persons Charges	9
Crimes Against Property Charges	0
Other Charges	19
Animal Calls	34
Total Calls for Service	1703
*Total Calls for Service for the year	1703

Enforcement/Crime:

- During two snow emergencies we issued 111 snow emergency tickets. Over 200 cars were warned prior to the snow events to move the vehicles off of the roads.
- Two false complaints were filed against officers late in 2021. The cases were reviewed by the county attorney office and charges of making a false statement to law enforcement charges were filed against the complainants. Charges were filed since the allegations did not have any merit after the County Attorney review and the department internal investigation. Both reviews consisted of reviewing statements, along with the audio and video recordings of the interactions. Both charges were simple misdemeanors.
- Several officers worked traffic enforcement and a joint wide project under the Governor Traffic Safety Bureau (GTSB) grant.
- We responded to 3 attempt to locate calls for people attempting to pass stolen checks which may be linked to the event below.
- We had three vehicles broken into and purses, bags, and checks stolen while they were at the gym. We encourage people to remove or hide any valuables in their car. This is typical behavior of the felony lane gang that comes through the state a few times a year. The individuals are from out of state, have stolen or removed license plates from rental cars, use the stolen identities to cash checks, and are difficult to track down. We continue to check our local hotel for these vehicles.

Department Admin:

- We have a North Liberty native and DMACC Criminal Justice unpaid college intern observing at the department for the next three months.
- Held the new recruit POST-test and physical agility. We have two non-certified candidates still on the list and we will be holding interviews next month. We hosted four (4) certified officers for interviews before the hiring panel. The top candidate was given a conditional job offer which she accepted. We will offer a start date once the MMPI, physical, drug screen, and FBI fingerprints are returned. We anticipate a start date in March.
- Several officers and their family members have tested positive with COVID this month.
- Chief and Lieutenant attended a regional meeting at the JECC hosted by the Iowa Law Enforcement Academy. This was to demonstrate what they have to offer and any needs for officer training.
- Chief attended several meetings this month (in person and over Zoom) including the traffic study group, local chief's monthly meetings with the county attorney, the EMA commission budget session, the Iowa Police Chief Association's weekly legislative committee priorities, the North Liberty City council work session for the budget proposal, the bomb team assessment training day at their facility, E-911 board meeting, the JECC-UAC (User Advisory Committee) meeting, bi-weekly law enforcement meeting with our vendor, Tac 10, Guidelink Center advisory board, and the department head comprehensive planning meeting.
- Updated several policies including Animal Control, Drug-Free workplace, and the JECC-radio procedures.
- All supervisors completed annual evaluations for their staff members.
- We continued to work with our RMS vendor to get the contact card information correct and verifiable, so we can provide it to Dr. Barnum by Feb.
- Continue to work with our vendor on the NIBRS (National Incident Based Reporting System) reporting pieces migration, so that information shared is accurate and meeting the reporting requirements.
- Records continues to work on gathering the 2021 data for the Annual Report. This data is also verified through the NIBRS program held by the State of Iowa and the FBI crime reporting.



To **Park & Recreation Commission Board Members**
CC **Mayor, City Council, City Administrator**
From **Shelly Simpson**
Date **February 1, 2022**
Re **Monthly Report – January 2022**

January is a busy month as we begin the first month of our WS programs. Facility usage also increases with New Year's resolutions to meet health & fitness desires explode. We continue in finalizing our pool heater project and staff does their best in enforcing the City Mask Policy. This remains challenging, to say the least, on everyone. Matt M and I assisted with Beat the Bitter events.

Recdesk Database:

Reviewing our Recdesk database; we have 9,982 residents (64%) and 5,658 non-residents (36%) totaling 15,640 individuals. Increase of 271 from last month.

Aqua Programs:

With the new year, many Aqua classes returned with good participation. We had approximately 73 registered participants, plus daily drop-ins. Arthritis Aqua, Aqua Zumba, Aqua Bootcamp and Easy Does It had the most attendance. Aqua Program revenues were \$434.50, with most registration dollars taken in December.

Swim Lessons:

Swim lessons resumed in January with 117 registered participants. Private lessons continue to be most popular. Swim lesson revenues were \$2,503.26, with most registration dollars taken in December.

Leagues/Sports:

January brings the start of our largest youth basketball program. This is a cooperative league with Coralville and Tiffin and utilizes numerous local gymnasiums on Saturdays. Our registration totaled 270 boys and 169 girls for approximately 448 in Grades 1-6. The younger grade, Gr. 1-2, has the most participants.

Rookie Basketball for Kindergarteners totaled 64 participants. Pee Wee Sports (Basketball) totaled 37 participants and our Youth Competitive League for Grades 5-7 had 13 boy teams and 8 girl teams; totaling 21 teams.

Adult Co-ed Volleyball had 6 teams and Men's Basketball had 8 teams registered. Sport/Leagues revenues were \$1,000, with most registration dollars taken in December.

BASP: Before School – 15; After School – 49 participants. We also offered an All-Day on Jan 17 but was canceled due to lack of enrollment. This month, BASP revenues totaled \$11,525.

Rec Programs:

With the new year, many fitness aerobic classes returned with positive participation. We had approximately 17 registered participants, plus daily drop-ins. Body Blast, Body Sculpt, Bootcamp, Cardio Pump and Senior CBS continue to be mainstays and we added a Gentle Yoga class.

Tippi Toes Dance classes resumed in January with approximately 34 participants. Baby Ballet, Ballet Tap Jazz, and Hip Hop Jazz seem to be most popular.

Senior Connections Lunches, continued in January with 49 meals provided. The first two dates of January were low due to extreme cold or snow impacts.
Classes/Programs revenue totaled \$5,906.50.

Pools:

We continue to do our best in meeting various needs of lap swimmers, water fitness classes, open swim time and swim lessons in the Indoor Pool. Season Pool Pass revenues - \$1,603; Daily Pool Fees - \$1,272; Pool Rentals - \$1,080 and Concessions revenue - \$0;

Weight & Exercise Area / Track:

Weight fee revenues - \$13,298; Split membership revenues - \$7,285.

Offsite Programs: We have limited part-time staff to cover additional facilities, so offsite uses are very limited at this time.

Gymnasiums:

Gymnasium Rental revenues - \$2,760.

Rentals:

Community Center Rental revenues - \$1,382.92; Shelter rental revenues - \$38.76; Field Rental revenues - \$0

Revenues:

Revenues (January) totaled \$50,378.68

Additional Reports: Recdesk Monthly Revenue, Dashboard Summary, Membership Summary and Organizational Activity.



To **Mayor and City Council**
CC **City Administrator Ryan Heiar**
From **Street Superintendent Michael Pentecost**
Date **February 1, 2022**
Re **Street Department Staff Monthly Report for January**

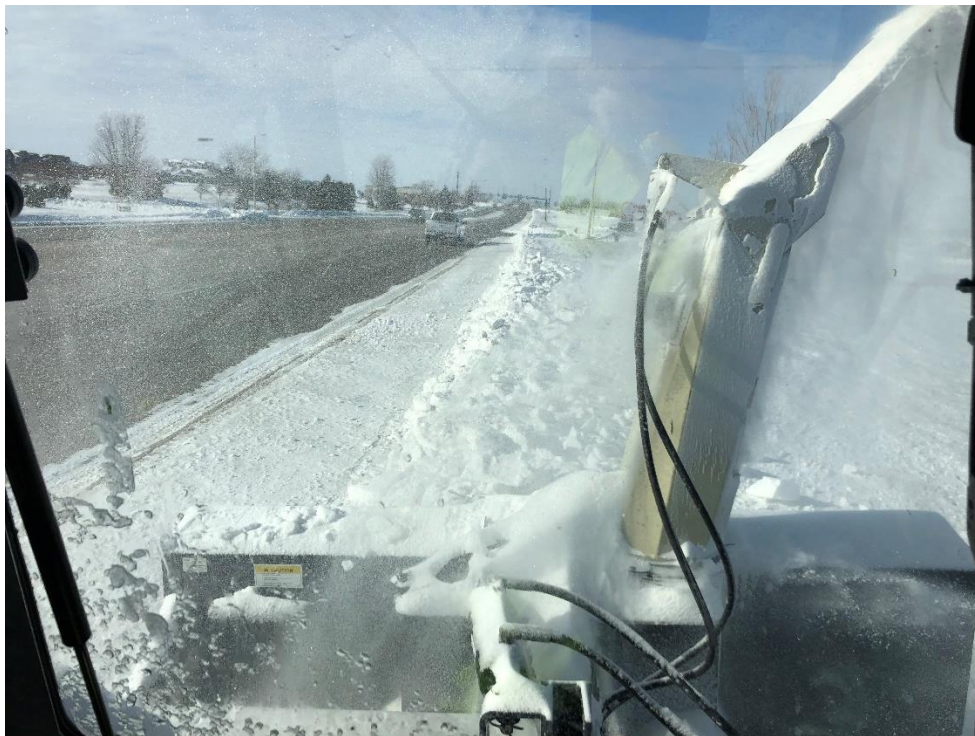
The following items took place in the month of **January** that involved the Streets Department.

- Locating of City Utilities (80 job tickets) ongoing
 - a. This is a decrease of just under 50% from January 2021 likely because of cold weather
- Continued animal control services (7 responses to animal issues)
- Cemetery plot locates (2 in total)
- Projects/Meetings
 - a. Ranshaw Way Phase 5
 - i. Electric contractor installing street lights
 - ii. Much of work at stop until spring
 - b. Southwest Growth Project
 - i. Staff working with engineers to close up project
 - c. Dubuque St Phase 1
 - i. Residential and business electric conversion complete
 - ii. MidAmerican gas is currently working on utility relocates as well
 - iii. Mediacom still needing to relocate utility
 - d. North Jones Blvd extension
 - i. Design at 70% complete
 - ii. Staff met with various property owners affected by project
- Zoning applications meeting with staff and sub-division review
- Department head comprehensive plan meeting
- Traffic Controls Committee meeting to discuss various complaints and requests for changes/installation of signage and incidents
 - a. Mobile message board placed on Ranshaw Way southbound to help with new traffic pattern
 - b. Responses returned to requested individuals with committee decisions made
- Traffic signal repairs at W Forevergreen/I380 on part failure
 - a. Signals placed in "flash mode" until vendor could get us replacement parts
- Installation and repair of various street signs
- Staff conducted monthly safety inspections for all street equipment and buildings
- Staff conducted monthly warning siren testing in all 8 locations
- Annual safety and lanyard inspection/documentation
- Service and maintenance of various equipment

- Staff powered down all holiday décor locations and will remove during more favorable weather
- Budgetary presentation and explanation on CIP and operating budgets to Mayor and Council
- Training
 - a. All staff participated in Question, Persuade, Refer (QPR) session for suicidal prevention training by CommUnity Crises Services
- Sanitary Sewer
 - a. Meeting with staff and Shive to discuss scope of sewer upsize project in the Ashley/Jordon area
- Winter Operations
 - a. Prep for snow events on 1-1, 1-2, 1-5, 1-8, 1-13, 1-14, 1-15, 1-17, and 1-23
 - b. Anti-ice applied
 - i. On 1-8 we applied 1808 gallons on 42 lane miles costing \$173
 - ii. On 1-13 we applied 9174 gallons on 133 lane miles costing \$880
 - c. Staff worked a total of 454 overtime hours for winter operations this month
 - d. 500 tons of salt delivered public works to restock supply
 - e. Preparations made for each potential weather event consist of making sure staff, equipment, and supplies are ready with monitoring of conditions before, during and after events
 - f. After each winter event all equipment is cleaned and inspected for needed maintenance
 - g. Water and Storm water staff helped fill in for street staff that were on Covid quarantine protocol



Equipment prepared and loaded ready for weather event



Clearing of drift piles on W Penn St to make room for more snow storage



To **City Council, Mayor and City Administrator**
From **Drew Lammers**
Date **Feb. 1, 2022**
Re **January 2022 Water Pollution Control Plant (WPCP) Report**

1. All scheduled preventative maintenance at the plant and lift stations was completed. Staff stayed very busy with numerous operational jobs throughout the month. One submersible mixer for the anaerobic basin was sent to the motor shop for seal and power cord replacement. A spare mixer has been installed.
2. This month's staff safety meeting was on Lock-Out/Tag-Out. Staff completed target solutions online training as well as reviewed safety training topics as a group. All Safety equipment and first aid stations throughout the facility were inventoried and restocked.
3. Maintenance staff finished an additional spray wash installation for the pretreatment bar screen. This was added to wash organics from debris before it is compacted and sent to the landfill. This should result in a cleaner product as well as send organic loadings downstream into the treatment system which is beneficial for treatment micro-organisms.
4. Staff assisted utility contractors with several emergency generator power transfers at Jasper Ave. lift station. One of the transfers lasted 30 hrs. WPCP staff monitored generator and lift station operations throughout the transfers. All equipment performed properly during the power interruptions.
5. 112.22 dry metric tons of bio-solids were hauled from the treatment facility to a local farm field for fertilized land application. This took 46 semi loads to empty the bio-solids storage building which was completely full after 169 days. The hauling and land application process was completed in approximately 3.5 days. Having the ability to produce dry cake solids remains extremely advantageous for our treatment process. There is significant cost savings as well as added storage capacity and reduced hauling and application times for dewatered bio-solids.
6. Operations and Laboratory staff completed all quarterly lab quality assurance/quality control testing. Several samples are duplicated and tested both in-house and with a contract lab to verify accuracy and proficient methods. All parameter calibrations are also verified by using multiple vendor calibration standards and spike matrixes. Every test verified proficient testing methods and reproducible results within our state-certified laboratory.

Drew Lammers - WPCP Superintendent



To **North Liberty Mayor and City Council Members**
CC **City Administrator Ryan Heiar**
From **Water Superintendent Greg Metternich**
Date **February 1, 2022**
Re **Monthly Report – January 2022**

In the month of January, we treated a total of 34,630,000 gallons of water, our average daily flow was 1,117,000 gallons, and our maximum daily flow was 1,321,000 gallons. The total amount of water used in the distribution system was 1.07% higher than January 2021.

We had a busy month with 8,898 accounts read, 24 re-reads, 86 service orders, 83 shut-offs, 43 re-connects for water service, 191 shut-off notices delivered, 3 new meter set inspections, 12-meter change outs, 12 MIU change outs, assisted 14 customers with data logging information, 64 calls for service, and 10 after hour or emergency calls. Our monthly total service work averaged 25 calls per day.

We experienced several communication alarms with Well #5's VFD drive. Pinnacle Engineering determined it was either a control timing issue, meaning it was taking too long for the data to be sent and received, or a data card connection problem. We went ahead and made changes in the program to allow longer intervals for the send/receive, and moved the data card to a different port. The drive has been running without any issues for the last couple of weeks.

With the revisions to the Lead and Copper Rule that went into effect December 16, 2021, all community water systems are required to inventory all public and private services lines. The system inventory must be completed by October 2024. Since January, I've had one employee diligently collecting information from several sources and compiling our inventory list to include size, type, year installed, and document any past repairs. We're in the process of entering this data into our GIS system. Currently we have about 8,900 service lines, and have documented about 40% of the system so far. I fully expect we'll have about 10% without any documentation that will require us to hydro-excavate the service line. Our end goal is to have every service documented, if we do not, and list the service as "unknown" the EPA will consider it as Lead and will trigger different requirements.

The cold weather last month created several problems with frozen pipes. We had a multiuse building on Sugarcreek Ln that froze a pipe on the second level and flooded the lower level of the building, one of our flush stations froze and broke a pipe, and the ASR building had a pipe burst. All of the repairs to our facilities were relatively easy and everything is back in working order.

Water Superintendent
Greg Metternich



Parks & Recreation Commission
February 3, 2022, 7:00pm
City Council Chambers, 1 Quail Creek Circle, North Liberty, Iowa

This meeting may be accessed live by the public in person or on the internet at northlibertyiowa.org/live, on Facebook at facebook.com/northliberty or on YouTube at youtube.com/c/northliberty. Meetings are rebroadcast on cable and available on-demand on northlibertyiowa.org.

1. Call to Order
2. Approval of Minutes
 - a. January 6, 2022
3. Reports
 - a. Parks Report
 - b. Recreation/Pool Report
 - c. Questions, Concerns, Updates
4. New Business
5. Old Business
 - a. Board vacancy remains.
 - b. Community Vision
Keep up to date on community ideas and concerns with City Comprehensive Plan. Visit website at northlibertyiowa.org/connectedtotomorrow.
6. Next Meeting
 - a. Thursday, March 3, 2022 at 7:00pm.
- 7.. Adjourn

Revenue By Period - GL Account Summary

Start Date: 1/1/2022 12:00 AM End Date: 1/31/2022 11:59 PM

Payment Methods: CA, CK, CC, IC, EC, CR

User(s)/Cashier(s): - All -

Regular Revenue

		DEBITS									CREDITS	
<u>**Gross</u>	<u>**Net</u>	<u>Cash</u>	<u>Check</u>	<u>CC (Gross)</u>	<u>CC (Net)</u>	<u>ACH (Gross)</u>	<u>ACH (Net)</u>	<u>Internal CC</u>	<u>Acct Credit</u>	<u>Other</u>	<u>Refunds</u>	<u>Other</u>
000 - Household Credit Account												
306.75	306.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,730.00	0.00	-1,423.25
001-0000-4310-01 - Pool Rentals												
1,080.00	1,047.60	0.00	0.00	1,080.00	1,047.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00
001-0000-4310-02 - Community Center Rentals (Room Rental)												
1,382.92	1,349.41	14.17	155.00	1,116.25	1,082.74	0.00	0.00	0.00	97.50	0.00	0.00	0.00
001-0000-4310-03 - Gymnasium Rentals												
2,760.00	2,697.60	0.00	680.00	2,080.00	2,017.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00
001-0000-4310-04 - Shleter Rental												
38.75	37.59	0.00	0.00	38.75	37.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00
001-0000-4500-10 - Weight Fees												
13,298.00	12,987.47	3,048.00	62.00	10,351.00	10,040.47	0.00	0.00	0.00	120.00	0.00	-283.00	0.00
001-0000-4500-11 - Class/Programs												
5,906.50	5,726.11	338.50	0.00	5,985.50	5,805.11	0.00	0.00	0.00	77.50	0.00	-495.00	0.00
001-0000-4500-12 - League Fees												
1,000.00	970.00	0.00	0.00	1,000.00	970.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
001-0000-4500-13 - Before/After School												
11,525.00	11,174.45	0.00	0.00	11,685.00	11,334.45	0.00	0.00	0.00	0.00	0.00	-160.00	0.00
001-0000-4500-19 - Season Pool Pass												
1,603.00	1,556.95	2.00	36.00	1,535.00	1,488.95	0.00	0.00	0.00	30.00	0.00	0.00	0.00

Revenue By Period - GL Account Summary

Start Date: 1/1/2022 12:00 AM End Date: 1/31/2022 11:59 PM

Payment Methods: CA, CK, CC, IC, EC, CR

User(s)/Cashier(s): - All -

001-0000-4500-20 - Daily Pool Fees												
1,272.00	1,253.67	661.00	0.00	611.00	592.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00
001-0000-4500-21 - Swim Lessons												
2,503.26	2,410.07	150.00	0.00	3,039.75	2,946.56	0.00	0.00	0.00	70.25	0.00	-756.74	0.00
001-0000-4500-22 - Aquatic Program/Classes												
434.50	396.22	108.50	0.00	1,244.00	1,205.72	0.00	0.00	0.00	139.50	0.00	-1,057.50	0.00
NONE - Unassigned												
-17.00	-17.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-17.00	0.00
Split - Membership - Black & Gold												
7,285.00	7,093.43	54.00	0.00	6,385.50	6,193.93	0.00	0.00	0.00	845.50	0.00	0.00	0.00
50,378.68	48,990.32	4,376.17	933.00	46,151.75	44,763.39	0.00	0.00	\$0.00	1,380.25	1,730.00	-2,769.24	-1,423.25

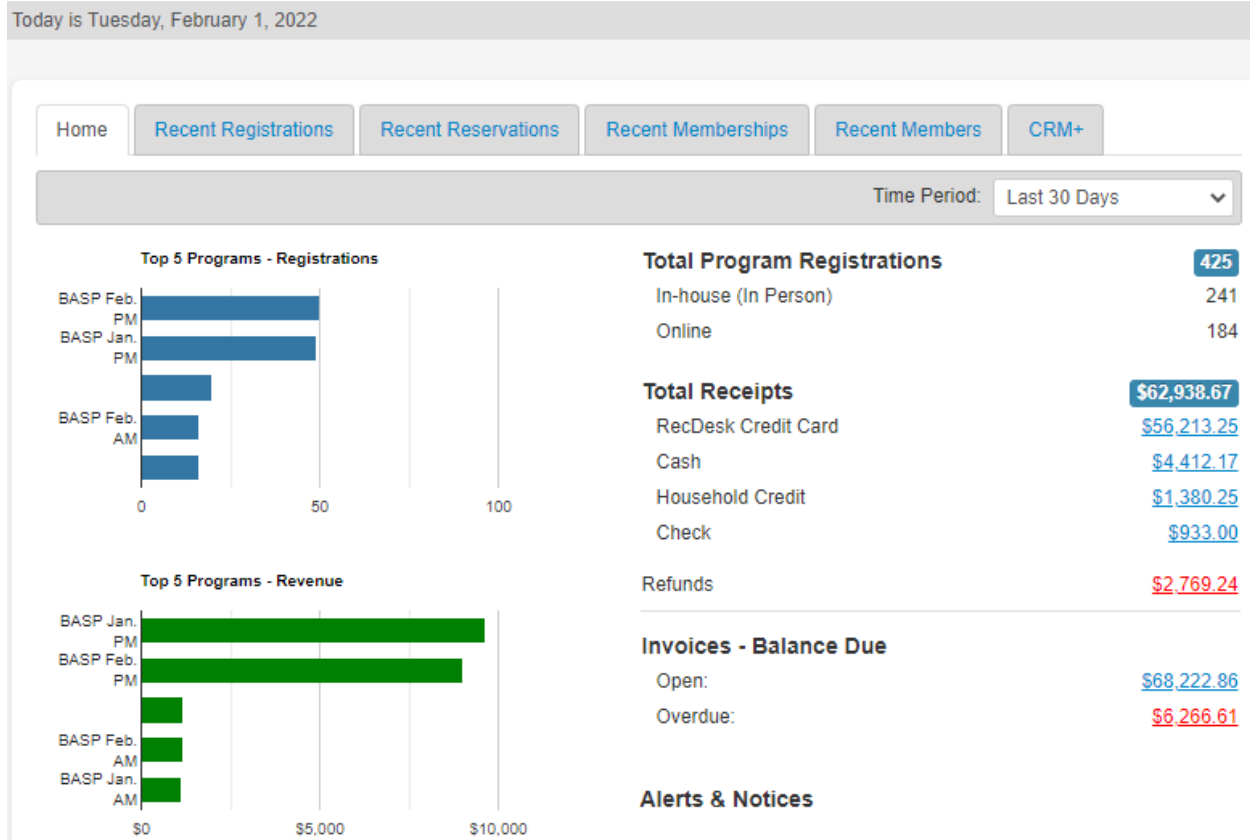
** Difference between GROSS and NET calculation is that NET uses CC (Net) value instead of CC (Gross) value

Sales Tax

DEBITS											CREDITS	
**Gross	**Net	Cash	Check	CC (Gross)	CC (Net)	ACH (Gross)	ACH (Net)	Internal CC	Acct Credit	Other	Refunds	Other
		0.00	0.00	0.00	0.00	0.00	0.00	\$0.00	0.00	0.00		0.00

** Difference between GROSS and NET calculation is that NET uses CC (Net) value instead of CC (Gross) value

Dashboard Summary; January 2022:



Membership Counts; January 2022:

Summary By Month

	Jan, 2022
New Primaries	369
All New	479
Primary Renewals	91
All Renewals	123
Active Primaries	1794
All Active	2556

Organization Activity; January 2022:

Organization Activity

From 1/2/2022 to 2/1/2022

	Registrations	Reservations	Memberships	Check-Ins	Profiles Created	POS Transactions
All	421	63	617	6260	325	1026
Resident	281	35	441	4210	163	
Non-Resident	140	28	176	2050	162	
No Residency Set	0	0	0	0	0	
Demographics						
< 18	286	1	129	618	77	
18 - 65	49	62	398	3753	215	
65+	86	0	89	1886	32	
Male	186	22	326	3567	158	
Female	235	41	291	2688	167	
Other Genders	0	0	0	5	0	
Online vs In-House						
Online	180	0	75	N/A	158	
In-Person	241	63	542	N/A	167	

Planning Commission
February 1, 2022

Call to Order

Planning Commission Chair Becky Keogh called the February 1, 2022 Planning Commission to order at 6:30 p.m. Commission members present: Barry A'Hearn, Josey Bathke, Jason Heisler, Becky Keogh, Patrick Staber, Dave Willer; absent: Brian Vincent.

Others present: Ryan Rusnak, Ryan Heiar, Tracey Mulcahey, Grant Lientz, Kevin Trom, Katie Colony, John Marner and other interested parties.

Approval of the Agenda

Bathke moved, Staber seconded to approve the agenda. The vote was all ayes. Agenda approved.

Colony Pumpkin Patch Conditional Use

Staff Presentation

Rusnak presented the request of Colony Acres, LLC, dba Colony Pumpkin Patch on behalf of Colony 1927 for an Agricultural Experience Conditional Use on approximately 63.17 acres of property located on the east side of Front Street NE approximately 130 feet south of East Tartan Drive (2780 Front Street NE). Staff recommends the Planning Commission accept the two listed findings:

1. The approval of the Agricultural Experience Conditional Use would allow the Colony Pumpkin Patch to operate within the City of North Liberty;
2. The Agricultural Experience use complying with the use standards would ensure compatibility with the area; and

forward the request for an Agricultural Experience Conditional Use on approximately 63.17 acres of property located on the east side of Front Street NE approximately 130 feet south of East Tartan Drive (2780 Front Street NE) to the Board of Adjustment with a recommendation for approval subject to the following conditions:

1. That the property be annexed into the City of North Liberty; and
2. That the buildings identified in the staff report not meeting the design standards be permitted to be used in conjunction with the use.

Applicant Presentation

Katie Colony was present and offered to answer questions.

Public Comments

No comments were offered. A letter of support was sent to the Commission earlier today.

Questions and Comments

The Commission discussed the application including future change of business, grandfathering in of existing structures, and replacement of existing structures if damaged.

Recommendation to the Board of Adjustment

Heisler moved, Willer seconded that the Planning Commission accept the two listed findings and forward the request to the Board of Adjustment with a recommendation for approval subject to the two conditions listed by City staff. The vote was: ayes – Keogh, Bathke, Willer, Heisler, A’Hearn, Staber; nays – none; absent – Vincent. Motion carried.

TSS Investments, LLC Site Plan

Staff Presentation

Rusnak presented the request of TSS Investments, LLC to approve a Site Plan for a new building on approximately 2.4 acres of property located at 340 Herky Street. Staff recommends the Planning Commission accept the two listed findings:

1. The industrial use of the property would be consistent with the current I-1 Industrial District and the Comprehensive Plan Future Land Use Map designation of Industrial;
2. The site plan would achieve consistency with North Liberty Code of Ordinances Section 165.04(2) entitled, “Site Plan Requirements” Section 169.12 entitled “Other Design Standards” and other Code of Ordinance requirements;

and forward the request to approve a site plan for a new building at 340 Herky Street to the City Council with a recommendation for approval.

Applicant Presentation

John Marner, MMS Consultants, was present on behalf of the applicant and offered to answer questions.

Public Comments

No public comments were offered.

Questions and Comments

The Commission had no questions or comments on the application.

Recommendation to the City Council

A’Hearn moved, Staber seconded that the Planning Commission accept the two listed findings and forward the site plan to the City Council with a recommendation for approval. The vote was: ayes – Heisler, Willer, Keogh, A’Hearn, Staber, Bathke; nays – none; absent – Vincent. Motion carried.

Public Hearing for Amendment to Previously Approved Planned Area Development

Staff Presentation

Rusnak presented the request of Vintage Estates of North Liberty for an amendment to a previously approved RS-4 PAD Single-Unit Residence District Planned Area Development. The property contains 8.42 acres and is located on the west side of South Jones Boulevard west of

the terminus of Cory Court. Staff recommends the Planning Commission accept the three listed findings:

1. The zoning map amendment would be consistent with the North Liberty Comprehensive Plan Land Use Plan;
2. The proposed use and density of the development would be compatible with the area;
3. The zoning map amendment achieves consistency with Section 168.12 of the North Liberty Code of Ordinances, entitled "PAD Zone – Planned Area Development Overlay District and the site plan achieves consistency with Section 165.04(2) of the North Liberty Code of Ordinances entitled, "Site Plan Requirements;" and

forward the request of Vintage Estates of North Liberty for an amendment to a previously approved RS-4 PAD Single – Unit Residence District Planned Area Development to the City Council with a recommendation for approval subject to the following conditions:

1. That the development be subject to the design standards and maximum height limitations for buildings in the single-unit residence district;
2. That no building in the proposed development have basements;
3. That the setback reduction not affect the design of the stormwater management system.

Applicant Presentation

Jason Ledden, Snyder and Associates was present on behalf of the applicant and offered additional information on the request.

Public Comments

No public comments were offered.

Questions and Comments

The Commission discussed the application including the change in the setbacks, setbacks on multi-family generally, the need for this type of housing in the community, and the numbers of units sold.

Recommendation to the City Council

Willer moved, Heisler seconded that the Planning Commission accept the three listed findings and forward the amendment to the City Council with a recommendation for approval subject to the three conditions listed by City staff. The vote was: ayes – Staber, Willer, A'Hearn, Bathke, Heisler, Keogh; nays – none; absent – Vincent. Motion carried.

Approval of Previous Minutes

Bathke moved, Staber seconded to approve the minutes of the January 4, 2022 meeting. The vote was all ayes. Minutes approved.

Old Business

No old business was presented.

New Business

Rusnak provided an update on the Comprehensive Plan and residential housing growth.

Adjournment

At 6:59 p.m., Staber moved, Willer seconded to adjourn. The vote was all ayes. Meeting adjourned.

Signed:

Tracey Mulcahey, City Clerk

A group of people, mostly children and young adults, are gathered around a large campfire at night. They are wearing winter clothing like hats, scarves, and jackets. The scene is dimly lit, with the primary light source being the fire. In the background, there is a chain-link fence and some trees. The overall atmosphere is cold but cozy.

Beat the Bitter

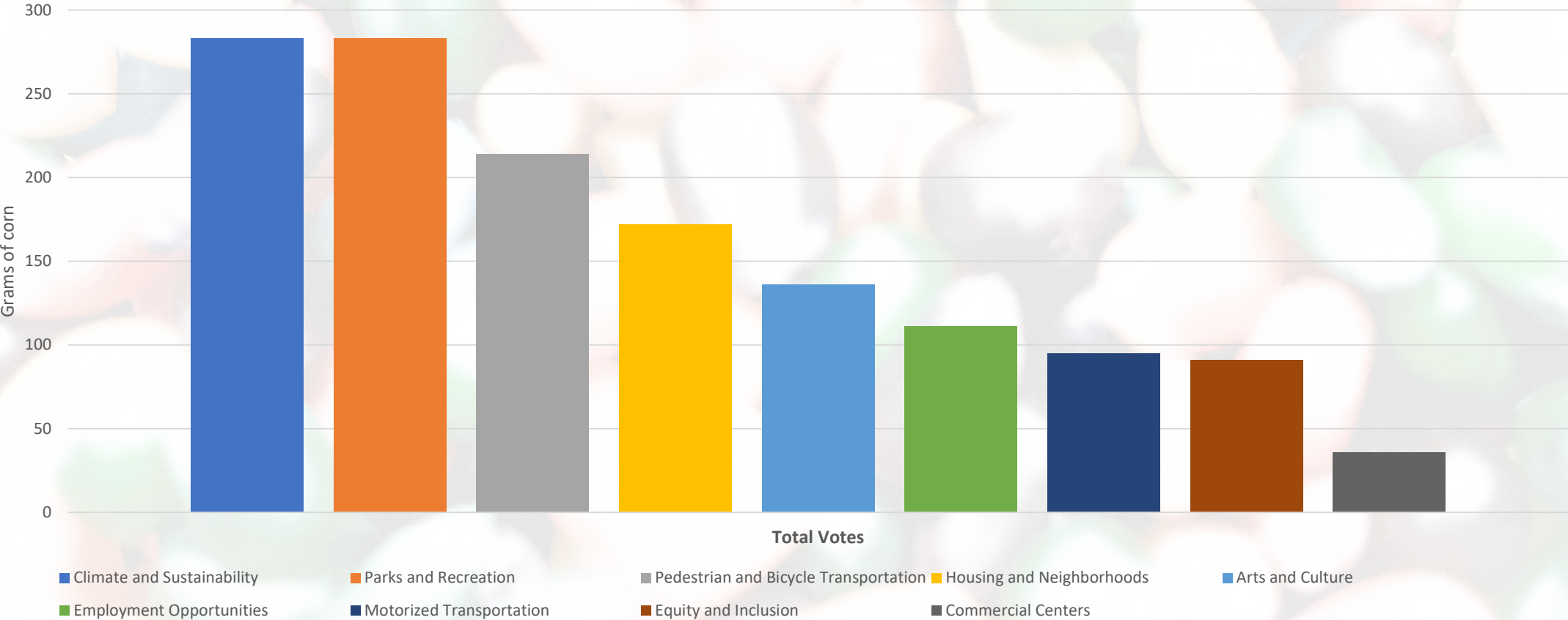
Fire and Ice
Community Survey





Results

Vote For Your Priorities For The Future Of North Liberty



Results: Break down

Vote For Your Priorities For The Future Of North Liberty

