

## CHAPTER 165 ZONING REGULATIONS

### SECTION 1 ADMINISTRATION AND ENFORCEMENT

#### § 1.001 SHORT TITLE

This chapter shall be known and may be cited and referred to as the "Zoning Ordinance."

#### § 1.002 PURPOSE AND INTERPRETATION

- (A) Purpose. The requirements listed in this Ordinance are intended to guide the appropriate use and development of land, in order to promote the health, safety, morals, and general welfare of the City of West Burlington, Iowa.
- (B) Interpretation
  - (1) In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control. If any other statute, ordinance or regulation imposes higher standards than are required by this ordinance, such statute, ordinance or regulation shall control.
  - (2) The words "will" and "shall" are mandatory and the word "may" is permissive.

#### § 1.003 DEFINITIONS

For the purpose of this Ordinance, certain terms or words are used in a limited or specific sense, as defined below.

**Accessory Dwelling Unit:** A residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building.

**Alley:** A traffic-way of approximately 16 feet in width dedicated to public use, which affords secondary means of vehicular access to the back or sides of properties otherwise abutting a street.

**Apartment:** Dwelling space which takes the form of a room or suite, along with dining and bath facilities, contained within a larger complex of dwelling units.

**Studio or efficiency apartment:** An apartment unit in which the kitchen, living, and sleeping quarters are contained in a single room.

**Arterial street:** Any street or roadway designed to carry large volumes of traffic; in this case, referring to roads classified as arterials by the Iowa Department of Transportation.

**Assembly firm:** A firm or company which performs the fitting together or assembling of pre-manufactured parts into a complete product, or component of a larger product.

**Assisted living facility or nursing home:** An establishment or institution where accommodation and personal/nursing care is provided on a long-term basis, for 3 or more persons who are unable to care for themselves, due to advanced age and/or illness.

**Bar, tavern, or night club:** Any business where alcoholic beverages are sold for on-site consumption, but not including restaurants or similar establishments where the primary business activity is serving food; live entertainment or music, and space for dancing may be provided.

**Bed and breakfast:** Similar to a hotel or motel, where temporary lodging (60 days or less) is provided for guests or travelers, but situated in a private home, with a limited number of guest rooms.

**Billboard:** A sign having more than 100 square feet of display surface, which is either erected and attached to the ground, or attached to or supported by a building or structure, for the purpose of displaying advertisements.

**Block:** Property having frontage on one side of a street and lying between two nearest intersecting or intercepting streets; block length requirements are found in Chapter 170, "Subdivision Regulations".

**Board of Adjustment:** The officially designated Board appointed by the City Council under provisions of Chapter 414 of the Code of Iowa. The Board consists of five (5) members, one member being an appointee from the Planning and Zoning Commission.

**Boundary line:** The line which separates a lot from adjoining lots, or rights-of-way.

**Front boundary line:** The boundary line along the primary street on which the lot fronts.

**Rear boundary line:** The boundary line that is opposite to a front boundary line, separating it from an alley, or adjacent lots to the rear.

**Side boundary line:** Any boundary line which is not a front or rear lot line.

**Building:** Any structure designed or built for shelter, enclosure, support, or protection of people, animals, or property of any kind.

**Accessory building:** A structure which is secondary or subordinate to the principal building on the same lot.

**Nonconforming building:** A building, structure, or portion thereof, lawfully existing at the time of adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform to the regulations of the district in which it is located; The same applies when an amendment is made to the Zoning Ordinance, which affects the building in question.

**Temporary building:** A building, office trailer, or piece of land to be used for a limited period of time while construction is taking place.

**Building area:** The amount of land on a lot occupied by the principal and accessory buildings.

**Building height:** The vertical distance from ground level to the highest point of the roof of the building, including cornices, gables, dormers, or the top of a pitched or hipped roof; ‘ground level’ refers to the average elevation at the corners of the exterior walls of a building.

**Building Inspector:** The person designated by the City Council of West Burlington to act in the official capacity of inspector of buildings and property, and enforce all city and state building codes. The Building Inspector may defer duties to the Planning and Zoning Administrator.

**Building permit:** A permit signed and issued by the Building Inspector stating that a proposed improvement complies with provisions of this Ordinance and such other codes and ordinances as may be applicable.

**Existing building permits:** Building permits in existence prior to the enactment of this Ordinance, or any amendments to the Ordinance.

**Business:** An enterprise involving the purchase, sale, or exchange of goods, wares, merchandise, or services, as well as the maintenance or operation of offices, or recreational and amusement enterprises, for profit.

**Retail Business:** A business engaged in the sale of commodities or goods directly to consumers, usually in smaller quantities.

**Wholesale Business:** An establishment where goods, merchandise, or commodities, including both raw materials and manufactured items, are sold in larger quantities for resale to retailers.

**Car wash:** An establishment where the primary source of business is the cleaning and washing of vehicles with soap, water, wax, and associated equipment.

**Carport:** A roofed structure providing space for the parking of motor vehicles, enclosed on no more than three sides; for the purpose of this Ordinance, a carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements.

**Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**Certificate of occupancy:** A certificate issued and signed by the Building Inspector, stating that the occupancy and use of land, or any buildings or structures on the property, has no apparent variance(s) with the provisions of all ordinances and codes of the city and the State of Iowa.

**City Engineer:** The designated, licensed engineer for the City of West Burlington.

**Civic Use:** Publicly or privately owned and managed facilities for meetings, conventions or exhibitions and other community, social, and multi- purpose uses. Typical uses include community halls, governmental offices and public safety facilities.

**Club:** A building, or portion of a building, owned or operated by a corporation, organization, or private individual(s) for a social, educational, or recreational purpose, but not primarily for profit, or to render a service which is customarily carried on as a business.

**Commercial animal confinement operation:** Any place, structure, building, or land where wild or domesticated animals are confined, housed, penned, or stored for the purpose of feeding, holding for shipment, storing, or holding prior to auction, whether for immediate or future sale.

**Comprehensive Plan:** The adopted long-range plan for orderly growth and development of the City of West Burlington, covering such topics as transportation, utilities, parks and recreation, and land use.

**Community center:** A building or group of buildings dedicated to a community's civic, educational, or recreational activities.

**Condemnation or eminent domain:** The legal right of government to acquire, or "take," private property when it can demonstrate the property is being taken for public use or public purpose, and that the owner will receive just compensation.

**Condominium:** A multiple-unit dwelling in which the title of each dwelling unit is held in separate ownership, while the surrounding real estate (common grounds, passageways, etc.) is under shared ownership of the individual title holders.

**Convenience store:** A business establishment with a limited range of household goods and groceries, often, but not always, in conjunction with a gas or service station.

**Conversion of dwellings:** The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of living units.

**Cul-de-sac:** A minor street with a circular turnaround.

**Daycare or child care facility:** Any place, home, structure, or institution for the daytime care of three or more young children, by professional caregivers for compensation.

**Direct selling establishment:** A business involving the marketing and selling of products directly to consumers away from a fixed retail location.

**Dormitory:** A residence hall for students attending a college or university.

**Driveway:** An access way for vehicles entering from, or exiting onto, a public or private roadway.

**Duplex:** A two-unit residence with separate entrances and exits for each unit.

**Durable surface:** A surface providing an adequate base to support the traffic for which the area is designed (i.e. concrete).

**Dust-free surface:** A surface on which the creation of dust shall be controlled to prevent it from easily and regularly leaving the property.

**Dwelling:** A building intended for residential occupation, which may include one or more individual dwelling units; dwellings must conform to all current building, electrical, plumbing, fire, and safety codes.

**Dwelling unit:** An individual residence, used by one or more persons maintaining a common household. This may constitute the entirety of a building or a portion thereof. This definition does not include a room in a hotel or motel, or a tent, cabin, trailer, motor home, recreational vehicle, or any other dwelling unit not placed on a permanent foundation.

**Easement:** The right given by the owner of a tract of land to another party for a specified limited use of that land, such as an access way or utility line.

**Essential services:** The erection, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water systems, or water transmission or distributing systems. This includes poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, reasonably necessary for furnishing governmental agencies, and/or the public health, safety, or general welfare.

**Fairgrounds:** An outdoor area of land, set aside for holding a public fair, usually involving the exhibition of livestock and agricultural projects, as well as other special exhibition events.

**Family or household:** One or more persons residing within the same dwelling unit.

**Farm:** An area used for the growing of agricultural crops and/or the raising of livestock.

**Fence:** A structure built for the purpose of physically separating adjacent areas of land, for one or more of the reasons listed below, as pertaining to specific types of fences.

**Boundary fence:** A fence built for the purpose of delineating a property boundary between lots or parcels of land in separate ownership.

**Decorative fence:** A structure used primarily for landscaping purposes.

**Impound fence:** A security fence used to keep hazardous materials or activities from becoming dangerous to the public, or to protect animals or children by keeping them on a property.

**Privacy fence:** A structure used to provide a degree of privacy for residents of private property, by shielding parts of the property from outside view.

**Screening fence:** A structure used to protect from public view areas that might be offensive, unsightly, or degrading to the neighborhood.

**Security fence:** A structure placed in a manner to secure an area from unauthorized or undesirable entrance or exit.

**Front porch:** A covered shelter projecting from the front of a dwelling, which may be a partially enclosed, open air space, or an entirely enclosed space.

**Funeral home:** A building or part thereof used for funeral services. The buildings may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall not include facilities for cremation.

**Garage:** A detached accessory building, or portion of a principal building, primarily designed to house motor vehicles, or associated tools and equipment.

**Municipal or public garage:** A garage for use by a public or quasi-public entity or department.

**Private garage:** A garage included on the property of a residential dwelling, for use by the occupants of that dwelling.

**Gas station:** A place where gasoline, diesel oil, kerosene, or other motor fuel, or lubricating oil or grease for operating motor vehicles, is offered for sale to the public, often in conjunction with a convenience store.

**Grade level:** The elevation of the land surface on a property, and the baseline used to measure the height of the buildings and fixtures erected upon it.

**Gym:** An indoor facility that includes uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna, and pro shop.

**Home-Based Business:** Any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

**No-Impact Home-Based Business:** A home-based business that meets all of the following criteria:

- (1) The total number of on-site employees and clients does not exceed the city's occupancy limit for the residential property as specified in the International Property Maintenance Code.
- (2) The business activities meet all of the following conditions:
  - (a) The activities involve only the sale of lawful goods and services.
  - (b) The activities do not generate on-street parking or a substantial increase in traffic within the residential area.
  - (c) The activities occur entirely within the residential dwelling or in the yard of the residential property.
  - (d) The activities are not visible from an adjacent property or street.

**Hospital:** A place, institution, or facility for the treatment of the sick or injured, where patients may receive medical or surgical care as out-patients or in-patients.

**Hotel or motel:** A building or group of buildings used primarily for the temporary lodging (60 days or less) of guests or travelers, which is offered to the public for monetary compensation and supervised through an attendant of a central office at all hours.

**Impervious surface:** Any form of ground cover which prevents the ready absorption and retention of water during rainfall events, resulting in runoff. These surfaces include, but are not limited to, buildings, roads, driveways, walkways, patios, solid decks, and tennis courts.

**Infill development:** New development that occurs in an area of the city that is already surrounded by a concentration of developed (non-agricultural) land. This may involve redevelopment on a property where the previous use has been removed or demolished, or development on land previously unoccupied by structures.

**Institution:** A nonprofit or quasi-public place, establishment, or building, such as a church, library, private or public school, hospital, or other healthcare treatment or assistance facility.

**Kennel:** Any lot or premises on which are kept four (4) or more dogs, cats, or domesticated animals for, housed for temporary boarding, or for sale.

**Land Use Plan or Future Land Use Plan:** The official land use plan associated with the Comprehensive Plan, intended to guide the appropriate future development of land in the City of West Burlington.

**Laundromat:** A for-profit establishment providing washing and drying machines or equipment to be used by patrons or customers on the premises.

**Livestock or farm animal:** A domesticated animal kept or maintained for sale, lease, or personal use by humans, including but not limited to dairy animals, poultry, beef cattle, sheep, swine, horses, mules, or goats.

**Loading space:** An off-street space or berth used for loading or unloading equipment, materials, or merchandise.

**Lot:** An area of land comprised of one or more adjacent parcels under common ownership.

**Corner lot:** A lot abutting the junction of two (2) or more intersecting streets.

**Interior lot:** Any lot other than a corner lot, with all of its frontage along a single street.

**Through lot:** A lot with frontage on two non-intersecting streets, one on either side of the property.

**Zoning lot:** A single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

**Lot area:** The total area included within lot lines.

**Lot coverage:** The percentage of the lot area covered by structures, including primary and accessory buildings.

**Lot depth:** The mean horizontal distance between the front and rear lot lines.

**Lot line.** A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of the public right-of-way shall be the lot line for applying this chapter.

**Front lot line.** That boundary of a lot that abuts an existing or dedicated public street or a private road. In the case of a corner lot in a residentially zoned area, it shall be the shortest dimension of the lot abutting the street or road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the city. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

**Rear Lot line.** That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

**Side lot line.** Any boundary of a lot that is not a front lot line or a rear lot line.

**Lot of record:** A lot which is part of a subdivision, the plat of which has been legally recorded.

**Lot width:** The dimension of a lot, measured between side lot lines on the building line setback.

**Medical clinic:** A place, institution, or facility where patients are admitted for examination, consultation, or treatment by registered and licensed physicians, but not lodged overnight; see also "hospital."

**Mixed use:** A situation in which a building or property with multiple uses contains more than one type of Principal Use (residential, commercial, or industrial).

**Mobile home:** A manufactured, portable dwelling unit used or designed for human occupancy on a permanent basis.

**Mobile home park:** A lot or tract of land under single ownership which has been designed or improved and/or is intended to be used or rented for the occupancy of multiple mobile homes.

**Motor vehicle dealership:** A business that sells new or used motor vehicles, with an inventory of vehicles stored on site for public viewing.

**Motor vehicle repair business:** An enclosed building, structure, or place where motor vehicles and light trucks of less than five (5) tons are taken for work upon engines and other parts of the vehicle.

**Multiple use:** A property or building which houses two (2) or more offices, businesses, or sales establishments that are compatible in character to one another.

**New Construction:** A building or structure that is new in its entirety, built from the ground up, and has never been occupied or used for any purpose.

**Office:** A room, set of rooms, building, or place where clerical, administrative, and similar professional activities are conducted; does not involve retail sales or manufacturing on site.

**Professional office:** A small office, usually single-story, occupied by one or two users, tenants, or firms, which may include any of the following: civic, religious or charitable organizations, physicians, dentists, architects, engineers, lawyers, or finance, real estate, and insurance professionals.

**Office building:** A larger office complex, with multiple distinct tenants and/or multiple building stories.

**Outdoor sales:** A place where goods, merchandise, or products are regularly sold from an area not under a permanent roof, canopy, or other protection; does not include garage or yard sales, which are infrequent and do not constitute retail sale.

**Outdoor storage:** The storage of goods, material, or products in an area not within a building or structure, and not protected by any canopy or similar enclosure.

**Parcel:** A defined area of land whose boundaries are established in a deed or plat, which is recorded in the office of the recorder of Des Moines County, Iowa.

**Parking space:** Any surface area of such shape and dimensions as to be appropriate and usable for the temporary parking of a single motor vehicle, whether located along a street, in a separate off-street parking area, or a private driveway.

**Accessory parking area:** A surface area with one or more parking spaces, intended to serve a specific building or business. This may be located on the same property as that place, or an adjoining or nearby property other than public right-of-way.

**Off-street parking:** Any surface area that is separate from a public street or alley, designed for the temporary parking of a motor vehicle.

**Permeable pavers:** Any type of pavement material that allows the absorption of stormwater through the surface. This is used as a functional substitute for an impervious pavement type that prevents such absorption.

**Person:** A corporation, firm, partnership, association, organization, or any group acting as a unit, as well as a natural person.

**Planning and Zoning Administrator:** A member of city staff or their designee whose role is to interpret, administer, and enforce the Zoning Ordinance. The Planning and Zoning Administrator may defer duties to the Building Inspector or another city staff designee.

**Planning and Zoning Commission:** A seven (7) member commission, appointed by the City Council, that acts in an advisory capacity to the Council, upon matters concerning planning and zoning, and to the application of Zoning and Subdivision Ordinances.

**Rain barrel or Cistern:** A device designed to collect and store rainwater from the roof of a building, diverting it before it results in runoff or enters a storm sewer.

**Rain Garden:** A shallow depression of ground that is planted with deep-rooted native plants and grasses for the purpose of absorbing stormwater runoff from impervious surfaces.

**Recreational vehicle:** A vehicular type portable structure without a permanent foundation, which can be towed, hauled, or driven, primarily designed as a temporary living accommodation for recreational camping and travel use. This includes, but is not limited to: travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational area (public):** An area designated by the city, state, County, or federal government for members of the public to use for athletic or leisure activities.

**Restaurant:** A business where the principal operation involves the preparation, dispensing, and consumption of food and beverages, including cafes, cafeterias, coffee shops, diners, tea rooms, and dining rooms. This definition does not include bars, taverns, or night clubs.

**Sit-down or dine-in restaurant:** A dining establishment where food is consumed on-site and prepared for individual patrons after placing an order.

**Fast food or carry-out restaurant:** A quick service restaurant where food is consumed at indoor or outdoor tables, or taken off the premises, often including a drive-thru facility.

**Retail Sales and Services:** Stores and shops selling goods over the counter for use away from the point of purchase or offer services available on the premises. Large items, such as motor vehicles and boats, or exterior sales lots and repair garages, are not included in this category of uses.

**Rezoning:** A change in designation or boundaries of the Zoning Map, involving one or more land parcels.

**Right-of-way:** The land on which the public has a right to pass, not considered part of a specific lot or parcel.

**Salvage yard or junk yard:** A lot, land area, or structure used for the collection, storage, or sale of waste paper, rags, scrap metal, inoperable vehicles, or discarded materials, or for the collection, storage, dismantling, and salvaging of machinery, parts, materials, or vehicles. The term “junk yard” includes storage facilities for towing businesses, auto wrecking yards, and metal crushing or compacting yards.

**School:** Any institution—publicly or privately owned—whose primary purpose is education in a particular discipline.

**Elementary, middle, or high school:** Any general educational institution for students typically in the range of 5 to 18 years of age.

**College or university:** A post-secondary educational institution, with emphasis on many branches of advanced learning.

**Nursery school or preschool:** A school for young children, typically in the range of 3 to 5 years of age.

**Trade, technical, business, or vocational school:** A post-secondary institution for education in a specific professional field or trade.

**Screening:** The use of certain materials to shield one type of land use from an adjacent use that is incompatible, providing insulation for visual nuisances or noise. This may involve fencing, a physical wall, shrubbery, or other landscaping features.

**Senior Housing:** A type of multi-family housing where the occupancy of which is limited to persons 55 years of age or older. The facility may include medical facilities or care. Senior housing shall typically consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior project.

**Service station:** One or more buildings or structures on a property where gasoline, oil, grease, batteries, tires, shock absorbers, brakes, tune-ups, and motor vehicle accessories may be supplied and dispensed at retail. Incidental repairs and maintenance may also be available.

**Setback:** The required distance that a principal or accessory building must be positioned from the front, rear, or side lot lines.

**Front setback:** The distance from the front lot line to the primary front wall of the structure, not including open-air porches, decks, balconies, bay windows, or other overhang features and projections. For corner lots, the distance between the side wall of the structure and the side street is functionally considered a front setback.

**Side setback:** The distance from the side lot line to the primary side wall of the structure, not including open-air porches, decks, balconies, bay windows, or other overhang features and projections. When the two sides are not of even width, “least width” refers to the side with the smaller width, and “sum least width” refers to the combined total width of both sides.

**Rear setback:** The distance from the rear lot line to the primary rear wall of the structure, not including decks, balconies, bay windows, or other overhang features and projections.

**Shopping center:** An adjacent grouping of retail stores and service establishments with ample parking provided. The facilities either share one roof with stores facing an enclosed area for pedestrians and shoppers or share parking facilities and external access points, designed to serve a neighborhood, community, or regional market.

**Short term rental:** A dwelling unit, or portion thereof, rented for a period of less than 30 consecutive days.

**Host:** The property owner or designated operator responsible for managing the short-term rental.

**Sidewalk:** A paved surface on public right-of-way used as a pedestrian walkway, usually parallel to and separated from the street.

**Sign:** Any medium, including its structure and component parts, used to attract attention to the subject matter for identification, description, or advertising purposes.

**On-site sign:** A sign erected on the property to which it is calling attention.

**Off-site sign:** A sign erected on a property separate from the one to which it is calling attention.

**Storage:** A place for the temporary or long-term safekeeping of goods.

**Storage, Self-Service.** A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

**Story:** The space between two subsequent floor levels of a building. When the average story height of a building exceeds 12 feet, each 12 feet of the total building height is functionally considered a full story, except for the first story, which may be 15 feet high.

**Streets:** Passages or ways providing the primary means of vehicular travel through the community.

**Structure:** Anything built or constructed, sitting on a permanent location on the ground, or attached to something having a location on the ground.

**Structural alterations:** Any change in the support features of a building, including, but not limited to, bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or exterior walls.

**Subdivision:** The division or re-division of a tract or parcel of land into two (2) or more lots, plots, sites, or other divisions of land, for the purpose of transferring ownership or preparing for immediate or future development. It can also refer to the consolidation of parcels for the same purpose.

**Subdivision Ordinance:** The ordinance approved, adopted, and recorded by the West Burlington City Council, outlining specific rules and regulations concerning the division, subdivision, resubdivision, or consolidation of land, tracts, parcels, plots, sites, or lots, as well as the standards and rules governing plats and subdivisions, which must be complied with before a subdivision is legally recognized and recorded in the Des Moines County Recorder's office.

**Swimming pool:** A tank of water either above or below grade level, in which the depth of water exceeds two (2) feet; may include hot tubs and Jacuzzis.

**Townhomes:** Three or more attached dwellings in a continuous row, each situated on a separate lot and separated from one another by a common or party wall, constituting the "zero-lot line."

**Trailer:** A vehicular, portable structure built on a chassis, not constituting a mobile home or recreational vehicle, designed to be towed behind a motor vehicle.

**Truck terminal:** A structure, building, or place where large trucks load, unload, dispense, pick up, and temporarily store merchandise or materials, located at either end of a carrier line or a junction point with other lines, including classifying yards, docks, and management offices.

**Use:** The purpose or activity for which land or buildings are designed, arranged, intended, occupied, or maintained.

**Accessory use:** Any activity which is secondary or subordinate to the principal use present on the same lot.

**Nonconforming use:** A use which lawfully occupies a building or lot at the time of adoption of this Ordinance, but which no longer conforms with the requirements of the district in which it is located; applies when an amendment is made to the Zoning Ordinance affecting the property in question.

**Permitted use:** Any use that is allowed by permit in a given Zoning District, subject to the restrictions applicable to that District.

**Prohibited use:** Any use that is not identified as a permitted, temporary, accessory, or special use for a given District, according to this Ordinance.

**Principal use:** The primary use of a particular lot, whether this is the only use present or accompanied by other secondary uses.

**Special use:** A use that is permitted in a given District but only upon authorization from the Board of Adjustment.

**Temporary use:** The short-term use of a building or lot in any District for a purpose or use that does not conform to the regulations prescribed in this Ordinance, provided that such use is of a true temporary nature and does not involve the erection of permanent buildings.

**Variance:** The relaxation of terms or deviation from the requirements of this Ordinance, as requested and applied for by an individual property owner, and approved by the Board of Adjustment upon determination that certain necessary conditions exist. See Section 1.004 (C)(6).

**Veterinary clinic:** A building or facility where sick or injured animals may receive veterinary care as out-patients or inpatients.

**Warehouse:** A structure or building for the deposit or holding of merchandise, commodities, materials, or goods, not to be used as a direct selling establishment, whether retail or wholesale.

**Wind Energy System:** An electrical generating facility comprised of a wind turbine and accessory facilities, including, but not limited to, power lines, transformers, substations, and meteorological towers.

**Yard:** An open area of land, part of a larger property, which is unoccupied by buildings and unobstructed by paved surfaces.

**Front yard:** An open space extending across the width of a lot, between the principal building and the front lot line.

**Rear yard:** An open space extending across the width of a lot, between the principal building and the rear lot line.

**Side yard:** An open space extending from the front yard to the rear yard, between the principal building and the side lot line.

**Zoning:** The regulation of the use of private property, for the purpose of promoting the orderly development of the community.

**Spot zoning:** A discouraged practice where the zoning of a small area of property differs arbitrarily from that of the surrounding area.

## § 1.004 BOARD OF ADJUSTMENT

(A) Creation, Membership and Procedure. A Board of Adjustment consisting of five (5) members shall be appointed by the City Council, in accordance with provisions of Chapter 414 of the Code of Iowa. At least one such member shall be named from among the members of the West Burlington Planning and Zoning Commission. The appointing authority may remove any member of the Board of Adjustment for cause and after public hearing.

- (1) The Board shall elect its own Chairperson and shall have the power to adopt rules and regulations for its own government, not inconsistent with State law or with the provisions of this or any other city ordinance. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson may administer oaths and compel attendance of witnesses. The Secretary of the Planning and Zoning Commission shall act as the Board's Secretary.
- (2) Meetings of the Board shall be open to the public. Minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as public record.
- (3) Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which it is required to pass under the ordinance, or to effect any variation in the requirements of this Ordinance.
- (4) The Board may call on the city departments for assistance in the performance of its duties, and it shall be the duty of these departments to render such assistance to the Board as may reasonably be required.

(B) Applications and Appeals.

- (1) Planning and Zoning Administrator and Board of Adjustment. It is the intent of these zoning regulations that all questions of interpretation and enforcement shall be first presented to the Planning and Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Planning and Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute.
- (2) An application to the Board of Adjustment, in cases in which it has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by governmental officer, department, board or bureau.
  - (a) Such application shall be filed with the City Clerk, who shall transmit all the fees, together with all plans, specifications and other papers pertaining to the application to the Board.
  - (b) Should the application be withdrawn prior to the publication of a legal notice, such fee will be returned upon written request of the applicant.
- (3) An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Building Inspector. Such appeal shall be taken within 30 days of the Board's decision, by filing with the Building Inspector a notice of appeal specifying the grounds thereof.
  - (a) The City Clerk shall promptly transmit to the Board such notice of appeal, together with all the plans, fees, and papers constituting the record upon which the action appealed from was taken.
  - (b) Should the appeal be withdrawn prior to the publication of a legal notice, the fee will be returned upon written request of the applicant.
- (4) The Board shall fix a reasonable time for the hearing of an application or an appeal. It shall give at least seven (7) days' notice of the time and place of such hearing by insertion in a newspaper of general circulation in the community. It shall also, at least five (5) days prior to the hearing, mail notices to the applicant or appellant, the Building Inspector, the owner(s) the property in question, as well as all other properties within 300 feet of that property. Any party may appear at such a hearing in person, or by agent or attorney. The Board shall decide the application or appeal within a reasonable time subsequent to the hearing.
- (5) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board that by reason of facts stated in the certification, a stay would cause imminent peril to life

or property, in the opinion of this official. In such case, proceedings shall not be stayed, unless order may, on due cause shown, be granted by the Board on application, after notice to the Building Inspector, or by a court record.

(C) Powers of the Board of Adjustment. The Board shall have jurisdiction in matters discussed in this Ordinance, and shall have the specific and general powers described here. The Board shall have authority to permit the following:

- (1) Special Uses. A special use permit is required for any use designated as a “special use” in the zoning ordinance for the applicable zoning district. No use requiring a special use permit may commence without obtaining approval from the Zoning Board of Adjustment in accordance with this section.
  - (a) Application Requirements. Applicants must submit a completed special use permit application to the Planning and Zoning Administrator. The application must include:
    1. A detailed site plan showing property boundaries, existing and proposed structures, parking, landscaping, and other relevant features.
    2. A narrative describing the proposed use and how it complies with the special use criteria established in this ordinance.
    3. Any additional information requested by the Planning and Zoning Administrator to evaluate compliance with applicable standards.
    4. Applicable fees must be paid at the time of submission.
  - (b) Evaluation Process for Special Uses.
    1. Before authorizing a Special Use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and their consistency with the proposed use or development.
    2. The Board shall deny a Special Use if it determines any of the following conditions to be true:
      - a. The proposed use is inconsistent with the Comprehensive Plan.
      - b. The proposed use would be considered hazardous, harmful, or offensive, by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects.

- c. The proposed use would be substantially injurious to the present or future use and enjoyment of properties in the immediate vicinity.
- d. The proposed use would substantially diminish or impair property values in the immediate vicinity.
- e. The proposed use would be detrimental to, or otherwise endanger the public health, safety, comfort, morals or general welfare of the community.

3. The burden of proof that the proposed Special Use meets the standards of this Ordinance rests solely with the applicant. If the applicant fails to provide sufficient information and documentation that this is the case, the Board shall deny the Special Use.
4. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, engineering, or similar professional research organizations, and can be applied to the proposed use to assist it in reaching a fair and objective decision.
5. Upon authorization, the Board may impose such requirements and conditions for the particular Special Use, as are deemed necessary for the protection of adjacent properties and the public interest.
6. A Special Use granted by the Board shall become null and void if the use for which it was granted has ceased to be present for more than one year.

(2) Nonconforming Uses. The substitution for a nonconforming use, provided that no structural alterations are made, other than those required by law or ordinance. Any substituting use shall be of a classification that is equally restrictive, or more restrictive than the nonconforming use.

(3) Temporary Uses and Permits. In otherwise undeveloped areas of the city, a temporary use (as defined in Section 1.003) shall be incidental to, and encourage the future development of these areas. The permit granted shall be temporary and revocable for a period of no greater than 12 months, subject to such conditions necessary to safeguard the public health, safety, convenience, and general welfare.

(4) Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this Ordinance for the particular section or District in question. Administrative Review. The Board has the power to hear and decide appeals where it is alleged

by the appellant that there is error in an order, requirement, decision, grant or refusal made by the Building Inspector in the enforcement of the provisions of the regulation.

(5) Variances. In specific cases on appeal, the Board may authorize a variance from the terms of the regulation, in situations where, owing to special conditions, a literal enforcement of the provisions of the regulation will result in unnecessary hardship for the applicant.

(a) A variance may be appropriate in the following situations:

1. A property is exceptionally narrow, shallow, or otherwise oddly shaped, at the time of enactment of this Ordinance.
2. The property has exceptional topographic conditions, such as an excessive slope, or low elevation area prone to flooding.
3. The property has any other extraordinary and exceptional conditions or characteristics, in which use or development of the property would be heavily restricted by the literal enforcement of the provisions of this ordinance.

(b) In authorizing a variance, the Board may attach such conditions as it may deem necessary to the enforcement of the Ordinance, regarding the location, character and other features or the proposed building, structure, or use.

(c) No such variance shall be authorized by the Board unless it finds beyond reasonable doubt that all of the following conditions exist:

1. The owner has been deprived of all beneficial or productive use of their land, which cannot yield a reasonable return from any uses permitted in that Zoning District.
2. The plight of the owner is due to unique circumstances, and not to the general conditions of the neighborhood or District.
3. The use to be authorized by the variance will not alter the essential character of the neighborhood or District.

(d) No granting of a variance shall be authorized unless the Board finds the specific circumstance is not representative of a common occurrence, which is likely to result in additional variance requests, to the extent that an amendment to the Ordinance may be necessary, to address this matter.

(e) The Board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed.

(f) In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:

1. Shape and area of the lot in question.
2. Bulk and floor area of the main building or structure.
3. Setback of proposed sign from all property lines.
4. Zoning and use of surrounding lots.
5. Unusual or exceptional topography.
6. Compatibility with general intent of the Zoning Regulation to encourage development without detracting from the use and enjoyment of surrounding property.

(6) Action of Board of Adjustment.

(a) Appeals. Pursuant to a decision on appeal, in accordance with the provisions of the Code of Iowa and of this Ordinance, the Board may reverse or affirm – wholly or partly – or modify the order, requirement, decision or determination being appealed from. It may also make any order, requirement, decision or determination as ought to be made, in the opinion of the Board. To that end, the Board has all the powers of the officer from whom the appeal is taken.

(b) Variances. When authorizing a variance, no such action of the Board shall become effective until it is reviewed by the Council, provided such review occurs within thirty (30) days of such action. The Council may remand any decision to the Board for further study. The effective date of any action so remanded shall be 30 days from the date of the remand.

(c) Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of, and all amendments and modifications to Chapter 414 of the Code of Iowa.

(D) Board of Adjustment Decisions. All decisions made by the Board of Adjustment, including denials, shall be based on the specific criteria and standards set forth in this zoning ordinance. Denials must include a written explanation detailing the ordinance provisions that were not satisfied by the application. This ensures that all actions of the Board are consistent, transparent, and defensible, in accordance with the requirements of this ordinance and applicable law.

## § 1.005 ENFORCEMENT AND DUTIES OF BUILDING INSPECTOR

It shall be the duty of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this Ordinance, along with the administrative provisions of the Building Code.

(A) Every application for a building permit shall be accompanied by plans in duplicate, drawn to scale, showing the following:

- (1) the actual shape and dimensions of the lot to be built upon
- (2) the exact location, size and height of the building or structure to be erected or altered
- (3) the existing and intended use of each building or part
- (4) the proposed number of dwelling units, if any
- (5) any other information, with regard to the lot and neighboring lots, as may be necessary for the enforcement of the Ordinance.

One copy of such plans shall be signed and returned to the applicant when approved by the Building Inspector, together with such permit as may be granted.

(B) Prior to building construction, lot pins shall be set based on the actual survey by a registered Iowa land surveyor. They shall be reset in the proper location, if disturbed by construction or grading work.

(C) Certificate of Occupancy.

- (1) Before using any building, or portion of building hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the Building Inspector. Such Certificate shall show that such building, or portion of building, and its proposed use conform to the provisions of this Ordinance.
- (2) Temporary Certificate. If the Building Official determines that no substantial hazard will result from the occupancy of a portion of building, prior to the completed construction of the entire building, a Temporary Certificate of Occupancy may be issued. This certificate may be used for one or more portions of a building or structure, in the period leading up to the completion of the entire building or structure.
- (3) Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises, and shall not be removed except by the Building Official.
- (4) Revocation. The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Code, under the following conditions:
  - (a) The Certificate is issued in error.

- (b) The Certificate was issued on the basis of incorrect information being supplied.
- (c) It is determined that the building, structure, or portion of building or structure, is in violation of any Ordinance, or any of the provisions of this Code.

(D) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of the provisions of this Ordinance, the City Attorney, in addition to other remedies under the Code of Iowa, is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

(E) Penalty

- (1) Except as otherwise provided in this Code, any person violating any provision of this Code shall be guilty of a municipal infraction as defined in Chapter 3 of this Code of Ordinances and upon conviction shall be punished according to penalties imposed by Section 364.22(1) of the Code of Iowa for municipal infraction offenses.
- (2) Where there is a continuing violation of any provision of this Code, each day of violation shall constitute a separate offense.
- (3) Wherever there is a conflict between the penalty prescribed by this section and the penalty prescribed by State law, the provisions of State law shall govern.
- (4) A violation of any provision of this Code which also involves the issuance of a city license or permit shall constitute grounds for revocation of said license or permit.
- (5) Liability Of Employers And Agents. When the provisions of any section of this Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.
- (6) A person violating any of the provisions of this Code shall, in addition to the penalties prescribed herein, be assessed the cost of prosecution.

(F) License.

- (1) When a person is convicted of a violation of any section of this Code, any license previously issued to said person by the city may be revoked by the court or by the Council.

(G) Liability Of Officers.

(1) No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(H) Enforcement

- (1) The West Burlington Chief of Police or designee of the Chief of Police shall have the authority to enforce any provision of this code.
- (2) The City Administrator or Building Official or designee of the City Administrator or Building Official shall have the authority to administer and enforce this code. In addition, certain individuals designated within the code or by the City Administrator, Building Official, or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.
- (3) The City Administrator, Building Official or any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.
- (4) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Administrator, Police Officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.
- (5) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

(I) Administrative Citations

- (1) Purpose and Scope.

- (a) The City Council seeks to establish an alternative method of enforcement for City Code violations. To protect the health, safety and welfare of the citizens of West Burlington, it is the City Council's intent to create a process for the use of administrative citations and imposition of administrative fees that will provide the public and the city with an effective alternative method for addressing City Code violations rather than relying on the Criminal or Civil Court system.
- (b) Alternative Methods of Enforcement: A violation of this Code is a municipal infraction pursuant to Chapter 3 of this Code of Ordinances; however, this section seeks to gain compliance with this Code prior to the commencement of any formal Civil or Criminal Court action. The administrative citation proceedings are in addition to any other legal or equitable remedy available to the city for City Code violations. The city may, in its discretion, choose not to issue an administrative citation and may immediately initiate criminal charges or Civil Court actions instead.
- (c) Authority to Issue Compliance Letters and Administrative Citations. The city officers, employees and agents identified in Section 1.005 of this ordinance are authorized to issue compliance letters and administrative citations for violations of this Code.

(2) Compliance Letter:

- (a) Contents of Compliance Letter. If an authorized city officer, employee or agent determines that a City Code violation has occurred, when appropriate, a compliance letter shall be issued to the owner of the property and/or license holder. The compliance letter shall contain the following information:
  1. A description or address of the property on which the City Code violation has occurred;
  2. The nature of the violation, including a reference to the appropriate City Code section;
  3. A compliance deadline providing a reasonable time for compliance based on the nature of the violation;
  4. A statement that failure to correct the violation may result in the imposition of an administrative citation, including a re-inspection fee or civil fine;
- (b) Service of Compliance Letter. The compliance letter shall be served on the property owner by regular first class mail sent to the last known legal address or by personal service.

- (3) Reasonable Extensions. Following service of the compliance letter, the city shall attempt to work with the property owner or licensee to resolve the violation, including but not limited to offering reasonable extensions for compliance.
- (4) Exceptions To Issuance of a Compliance Letter: For violations of any of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided below.
- (5) Repeat Offenses. If the same owner commits a subsequent violation within 18 months after a compliance letter has been issued for a same or similar offense, no compliance letter shall be required for the new violation and an administrative citation may be issued immediately.
- (6) Administrative Citation.
  - (a) Issuance. Upon property owner's failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the city, or for any offense for which a compliance letter is not required, an administrative citation may be issued to the owner. The administrative citation shall be served on the person or property owner by certified mail or by personal service and shall contain the following information:
    1. A description of the location and nature of the violation(s);
    2. A copy of the relevant portion of this Code that the person is alleged to have violated;
    3. The amount of the administrative penalty, which shall be due and payable to the city within 30 days of the date the citation is mailed by certified mail or personally served;
    4. A statement that the violation must be corrected or a subsequent administrative or a criminal citation may be issued;
    5. A statement that failure to pay the administrative citation fines may result in it being assessed against the property.
  - (b) Payment of Administrative Citation Fee/Fines and Correction of Violation. If the owner pays the administrative citation fee or fines and corrects the City Code violation, no further action will be taken against the owner or the owner's real property for that same violation.
  - (c) Payment of Administrative Citation Fee/Fines Without Correction of Violation. If the owner pays the administrative citation fee or fines but fails to correct the City Code violation, the city may issue a subsequent administrative citation, initiate civil or criminal proceedings or initiate any

other proceedings or remedies available in order to enforce correction of the City Code violation.

(d) No Payment of Re-Inspection Fee and No Correction of Violation. If the owner fails to pay the administrative citation fee or fines and fails to correct the City Code violation, the city may do any of the following, or any combination thereof:

1. Assess the administrative fee or fine against the property;
2. Issue a subsequent administrative citation, thereby commencing a new administrative citation process;
3. Initiate civil or criminal proceedings;
4. Initiate other enforcement action authorized by law.

(J) Nuisance Abatement

(1) Nuisance abatement shall be subject to the provisions of Chapter 50 in this Code of Ordinances.

(K) Junk Vehicles

(1) See Chapter 51 Junk and Junk Vehicles for further enforcement information.

## **§ 1.006 AMENDMENT TO ZONING ORDINANCE**

(A) In accordance with the provisions of Chapter 414, of the Code of Iowa, the City Council may, from time to time, make amendments to the specific regulations of the Zoning Ordinance. It may also amend the Zoning Map, by regulating the number, shape or area of the Districts previously established. No such amendment shall become effective, unless the proposed change(s) involved are first submitted to the Planning and Zoning Commission for their approval. The Commission shall be allowed a reasonable period of time – no less than 30 days – to review and report on these matters.

(B) Public Hearing and Notice. Before submitting its recommendation and report to the City Council, the Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall provide a notice of the time and place of such hearing, no less than seven (7), and no more than thirty (30) days prior to the hearing, by publication in a newspaper of general circulation in the community. It shall also mail notices to all property owners directly involved, or within 300 feet of the area affected by the amendment.

(C) Public Petition. Any person desiring a change in the Zoning of property may submit a petition to request such a change. In doing so, they shall accompany this petition with a fee in the amount of \$45.00, to cover the cost of processing the application. Should the application be withdrawn prior to the publication of a legal notice, this fee will be returned upon written request of the applicant.

- (D) Public Viewing of Materials. During the seven (7) days prior to the public hearing, the text of the proposed amendment, along with any relevant maps or plans, shall be provided for public examination – online, and in a physical copy, available in the office of the City Clerk.
- (E) No regulation which differs from the recommendation made by the Planning and Zoning Commission shall become effective unless passed by not less than three-fourths (3/4) of all members of the City Council.
- (F) Public Protest. If a written protest against a proposed amendment is submitted to the City Clerk, and is signed and acknowledged by the owners of 20 percent or more of all properties directly affected by the amendment, combined with any properties within 300 feet of this area, such amendment shall not become effective, unless approved by a vote of three-fourths (3/4) of all members of the City Council.
- (G) Omission from Notification. This section is intended to maximize the exposure of a proposed amendment to the Zoning Ordinance, to all persons who may be substantially interested in such a change. If the name of a property owner was unintentionally omitted from the notification list, this shall not invalidate the passing of an amendment, as long as the omission was not intentional.

#### **§ 1.007 TEMPORARY PERMITS**

- (A) A publication fee of \$45 is required at the time of application to the Board.
- (B) Each permit shall specify the location of the building or yard and the area of permitted operation. It shall be valid for a period of no greater than six calendar months, and shall not be renewed for more than four successive periods at the same location.

#### **§ 1.008 ADMINISTRATIVE PERMIT**

- (C) Application Submission
  - (1) The applicant shall submit a completed application form provided by the city.
  - (2) The application must include the following:
    - (a) A site plan drawn to scale, showing property boundaries, existing and proposed structures, setbacks, parking, and other relevant site features.
    - (b) A written project description, including the nature of the proposed use or development.
    - (c) Documentation of compliance with applicable development standards (e.g., landscaping, parking, signage).
    - (d) Any additional information required by the Planning and Zoning Administrator to ensure compliance with this Code.
  - (3) Payment of the applicable fee as set forth in the city fee schedule.

(D) Administrative Review

- (1) The Planning and Zoning Administrator and Building Inspector shall review the completed application to determine compliance with the provisions of this Code and any applicable General Plan policies.
- (2) The Planning and Zoning Administrator and Building Inspector may consult with other departments or external agencies as needed to evaluate the application.
- (3) If necessary, the Planning and Zoning Administrator may request additional information or revisions from the applicant during the review period.

(E) Decision

- (1) The Planning and Zoning Administrator and Building Inspector shall render a decision to approve, conditionally approve, or deny the application within 30 calendar days after the application is deemed complete.
- (2) The decision shall include:
  - (a) Written approval or denial of the application.
  - (b) Conditions of approval, if applicable.

(F) Permit Issuance

- (1) Upon approval or conditional approval, the Planning and Zoning Administrator and Building Inspector shall issue the administrative permit.
- (2) The permit shall be prominently displayed or readily available at the project site during construction or operation, if applicable.

(G) Expiration and Extensions

- (1) An administrative permit shall expire 12 months from the date of issuance unless substantial progress has been made.
- (2) The Planning and Zoning Administrator and Building Inspector may grant a single extension of up to 6 months if the applicant submits a written request before the expiration date.

(H) Revocation

- (1) The Planning and Zoning Administrator and Building Inspector may revoke an administrative permit if:
  - (a) The permit was obtained through fraudulent means.
  - (b) The approved use or development fails to comply with the permit conditions or applicable Code requirements.

## **SECTION 2 ZONING DISTRICTS AND USES**

### **§ 2.001 DISTRICTS AND MAP**

(A) For the purpose of this Ordinance, the following Base Zoning Districts are designated:

- (1) A-1 Agricultural District
- (2) R-1 Rural Estate Residence District
- (3) R-2 Single-Family Residence District
- (4) R-3 Single and Two-Family Residence District
- (5) R-4 Multi-Family Residence District
- (6) R-5 High Density Residence District
- (7) R-6 Campground Residence District
- (8) B-1 Limited Retail Business District
- (9) B-2 General Business District
- (10) I-1 General Industrial District
- (11) I-2 Heavy Industrial District
- (12) SU-CC Specific Use: Community College District
- (13) SU-MC Specific Use: Medical Center District

(B) In addition, the following is established as an Overlay District, with additional regulations that complement the underlying Base Districts above:

- (1) O-OT Old Town Overlay District

(C) Additional Overlay Districts may be established, through an amendment of this Ordinance, including those established for the purpose of accommodating a Planned Unit Development (PUD), as outlined in Section 2.003.

(D) The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map" which is hereby made a part of this Ordinance. The Official Zoning Map is maintained at City Hall. The district boundary lines on said map are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alley projected, railroad right-of-way, or the corporate boundary. Questions concerning the exact location of District boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as provided in this Ordinance. All territory which may hereafter be annexed to the community shall be classed automatically as being in an "A-1 Agricultural District", until such classification is changed by amendment of this Ordinance.

## § 2.002 DISTRICT PURPOSE

- (A) A-1 Agricultural District
  - (1) Purpose. This district is established to provide for the protection, regulation, and continued agricultural use of tracts of land not planned for future residential, business, or industrial uses.
- (B) R-1 Rural Estate Residence District
  - (1) Purpose. This district is intended to provide for development of single-family detached dwellings in rural areas at the fringe of the developed area of the city, where municipal sewer infrastructure is not yet in place. Residences, blocks, and lots in this district may not conform in shape and size with ordinary rectangular alignment anticipated in the other Residential Districts. Certain adaptations may be allowed to accommodate alternative designs for streets and lot layouts in this district.
- (C) R-2 Single Family Residence District
  - (1) Purpose. This district is intended to provide for the development of low-density, single-family dwellings, without the intrusion of business or industry. Uses other than single-family residences will be restricted.
- (D) R-3 Single Family and Two Family Residence District
  - (1) Purpose. This district is intended to provide for the development of single-family and two-family detached or semi-detached dwelling units, at a low to moderate density, without the intrusion of business or industrial development.
- (E) R-4 Multi-Family Residence District
  - (1) Purpose. This district is designed to provide higher density multiple-family residential development, without the intrusion of business or industrial development.
- (F) R-5 High Density Residence District
  - (1) Purpose. R-5 High-Density Residence District is intended to provide for residential development at higher densities, accommodating a variety of housing types such as apartment complexes, townhomes, and condominiums. This district is designed to support compact, efficient use of land with proximity to public transit, employment centers, and amenities.
- (G) R-6 Recreational Vehicle District
  - (1) Purpose. This district is designed to regulate recreational vehicle parks in the City of West Burlington, Iowa, and to provide the minimum standard specifications for the construction, installation, maintenance, and operation of said parks. Further, it is unlawful for any person to hereafter establish, maintain, conduct or otherwise

operate within the corporate limits of West Burlington, Iowa, any Recreational Vehicle Park, unless such person will first obtain a special exception and/or other approval for the use of the described area as provided for herein. As stated previously, a recreational vehicle or travel trailer may not be used for human occupancy on any premises outside of a Recreational Vehicle Park District.

(H) B-1 Limited Retail Business District

(1) Purpose. The Limited Retail Business District is intended to govern the location, intensity and method of development in and around the central business district of West Burlington. This district is intended to provide for the grouping together of business establishments which generally serve a local, community market area, with the character, appearance and operations of these being compatible with the existing character of the surrounding residential neighborhoods.

(I) B-2 General Business District

(1) Purpose. This district is intended to govern the location, intensity and method of development for commercial activities - retail, wholesale, or service businesses – which serve a larger, regional market, and do not involve on-site manufacturing, assembling, or fabrication. These regulations are intended to provide for the grouping of businesses that are compatible with one another, and not objectionable to the community as a whole.

(J) I-1 Limited Industrial District

(1) Purpose. The Limited Industrial District is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner, and to protect adjacent uses, both within and outside the district. The district regulations are designed to permit the operations of most manufacturing, wholesaling, and warehousing activities, in which there is sufficient control of any external effects on neighboring uses, including lands in other districts, as well as separate industrial firms. Some retail uses are permitted, in which they directly service or complement the industries present.

(K) I-2 Heavy Industrial District

(1) Purpose. The Heavy Industrial District is intended to provide lands for use by heavy or intense industries. The district is designed primarily for manufacturing, assembling, and fabricating activities, including large scale or specialized operations whose external effects will be felt to some degree by surrounding districts. As such, Residential development is prohibited in this district. Less restriction is placed upon outdoor use and storage. Certain uses that are economically necessary in function, but likely to create a nuisance, are permitted only in this district, by special use permit.

- (L) SU-CC Community College District
  - (1) Purpose. This District is intended to help guide the future development and expansion of Southeastern Community College, as well as the Des Moines County Fairgrounds, whose facilities share the property.
- (M) SU-MC Medical Center District
  - (1) Purpose. This District is intended to help guide the future development and expansion of the Great River Medical Center, a large regional hospital campus. The District contains agricultural lands owned by the Medical Center, which are intended for future, orderly development that is complementary to the hospital facility.
- (N) O-OT Old Town Overlay
  - (1) Purpose. The Old Town Overlay District is intended to conserve the existing ambiance of residential neighborhoods in close proximity to Downtown West Burlington. These constitute the earliest platted areas in the city, and are generally characterized by lots with a width of less than 70 feet, and a lot area of less than 7,500 square feet.

The regulations established for the O-OT Overlay District are intended to accommodate residential lot dimensions of a considerably higher density than elsewhere in the city. They are also intended to ensure that infill development and redevelopment in this area are consistent with the established aesthetic character of the neighborhood.
  - (2) Description. This overlay district encompasses all residential blocks contained within the initial subdivisions of Original Town, 1st Addition, 2nd Addition, 3rd Addition, and 4th Addition, as well as several blocks of land to the immediate south and west of these subdivisions. This reflects the approximate extent of development in West Burlington in 1930.

The two Downtown blocks bounded by Mount Pleasant, Swan, Wheeler, and Leffler Streets are not included in this Overlay. The precise boundaries of this District are indicated on the Official Zoning Map.
  - (3) Relation to Base Zoning Districts. Functioning as an overlay, this District is meant to work in conjunction with the underlying Base Zoning Districts. It serves to modify specific provisions, so that they are either more restrictive or less restrictive than the Base District.
  - (4) All requirements established by the Base District, which are not explicitly modified by the Overlay District, shall be enforced as written.
  - (5) Non-Residential Uses. All non-residential uses shall be exempt from the requirements of this Overlay District. If a lot in the B-1 Base District is converted

from a residential use to a commercial or service use, the requirements of the Overlay District shall cease to apply to this lot.

## § 2.003 PLANNED UNIT DEVELOPMENT

- (A) Purpose. In some situations, the nature of a proposed development project may require special planning between the developer and the city. This may relate to factors such as the density, physical layout, or arrangement of individual uses, which differ substantially from the requirements of a particular Zoning District.
- (B) In the event that such a proposal is encountered, the city may establish a Planned Unit Development (PUD) Overlay District, to apply to that specific circumstance. This PUD may be used to accommodate innovative or imaginative approaches to design and development, through a negotiated contract between the city and one or more private entities. While the specific provisions will vary considerably from one such District to another, each shall comply with the basic requirements listed below.
- (C) Requirements of a Planned Unit Development.
  - (1) A PUD may contain residential, business, service, or industrial uses. It may also be mixed use, containing a combination of two or more of the aforementioned uses, with the exception of residential and industrial, on the condition that these uses are deemed to be fully compatible with one another.
  - (2) As an Overlay District, the PUD shall serve to complement the underlying Base Zoning District, by modifying specific provisions, to accommodate the proposed development in question.
  - (3) Open Space
    - (a) No PUD shall be approved unless such development provides for permanent landscaped or natural opens space.
    - (b) Common open space shall comprise at least twenty percent (20%) of the gross area and is to be used for recreational, park, or environmental amenities, but shall not include public or private streets, driveways, buildings, parking lots, or loading areas.
  - (4) Building Spacing.
    - (a) Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers and landscaping shall be used for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining low-rise buildings.
  - (5) Traffic Circulation

- (a) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
- (b) Minor streets within PUDs shall not be connected to local streets to encourage their use by through traffic.
- (c) The pedestrian circulation system and its related walkways shall be separated from the vehicular street system unless specifically stated elsewhere in the approved development.
- (d) All nonresidential land uses within a PUD should have direct access to a major street or frontage road.
- (e) Standards of design and construction for roadways, within residential PUDs, may be modified as is deemed appropriate by city staff.
- (6) Community Services: PUD approvals shall not be granted unless such facilities as water lines, sanitary sewer lines, and major streets exist in sufficient quantity to serve the PUD.
- (D) All requirements established by the Base District, which are not explicitly modified by the Overlay District, shall be enforced as written. As such, when an Overlay District is established, its provisions must clearly state which elements are made to be more flexible, and which are meant to comply entirely with the requirements of the Base District.
- (E) Establishment of a PUD Overlay District.
  - (1) Submission of Preliminary Plan. The owner(s) of a tract of land where a PUD is proposed shall submit a preliminary plan for the use and development of the property, to the Planning and Zoning Commission for its review.
  - (2) Review by Planning and Zoning Commission. The Planning and Zoning Commission will study the plan, hold a public hearing, and report its findings on whether the plan is compatible with the basic requirements of this Ordinance. In addition, the Commission shall ascertain whether the proposed development complies with the following conditions:
    - (a) The applicant has demonstrated a need to provide adequate facilities at the proposed location, by means of market studies and/or such other evidence as the Planning and Zoning Commission may require.
    - (b) The proposed site for the PUD is adequate in size to provide convenient facilities for the population which it may be reasonably expected to serve, allowing for reasonable future expansion.
    - (c) The proposed PUD is at a location where traffic congestion does not presently exist, or is not likely to be created as a result of the development,

on all streets used for primary access to the site. Prevention of future traffic congestion may be accomplished through the allocation of new streets or service drives, the precise arrangement of entrances and exits, and by internal provisions for parking and traffic flow.

- (d) The plan provides for a PUD consisting of one or more groups of buildings of integrated and harmonious designs, together with adequate and properly arranged traffic and parking facilities and landscaping. The project is arranged in an attractive and efficient manner, being convenient, pleasant and safe to use.
- (e) If a mix of land use types is present, the uses in question are deemed to be compatible with one another, under the density and physical layout of the proposed development.
- (f) The proposed development is compatible with adjoining or surrounding land uses, and would have no adverse effects upon them.
- (g) The applicant is financially able to carry out the proposed project, construction shall begin within two years of approval, and the project will be completed within a reasonable amount of time.

(3) Final Development Plan. Upon determination by the Planning and Zoning Commission that the proposed PUD, as shown in the preliminary plan, appears to conform to the requirements listed above, the applicant(s) shall prepare and submit a final development plan, which shall incorporate any changes or modifications required by the Commission.

(4) Draft of Overlay District. If the final development plan is found to comply with all applicable requirements, the Planning and Zoning Commission shall work with the city to draft the provisions of an Overlay District for the location of the PUD, using the final development plan as a model for the necessary relaxation of certain requirements of the Base District.

(5) Recommendation to Council. The Planning and Zoning Commission shall submit the final plan, along with its report and recommendation to create an Overlay District, to the City Council. The Council may accept, reject, or modify the plan, consistent with the intent and meaning of this Ordinance.

(6) Creation of District. If approved by the City Council, an Overlay District shall be established for the PUD in question, and the Zoning Map will be amended to reflect this change.

(7) Sign Requirements. Subject to the provisions of Section 4.035 of this Ordinance and approval by the Board of Adjustment, all signs within the PUD shall be controlled by written agreement between the owners and tenants of commercial

space, with the intent to prevent excessive advertising and promote a harmonious appearance of the development as a whole.

(8) Compensation Expenses. The developer shall be responsible for reasonable expenses incurred by the Planning and Zoning Commission in obtaining technical services to review development plans.

## § 2.004 USE CHART

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit		A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Accessory Dwelling Unit	A	A	A	A										
Adult oriented establishments										P				
Agricultural structures and activities, no livestock	P								P	P	P	P		
Agricultural structures and activities, livestock	P												S	S
Airports and landing strips	S													
Automotive body shop									P	P	P			
Automotive repair facility									P	P	P			
Animal hospital, veterinary clinic or kennel	P								P	P				
Animal shelter	P									P	P			
Appliance Store								P	P					
Assisted living facility or nursing home					AD	AD			P					P
Recreational facilities									AD	AD	AD	AD	P	
Auto Accessory Store								P	P	P	P			
Automotive salvage facility, including wrecking and dismantling											S			
Bakery (with baking limited to products for on-site sales)								P	P			P	P	
Bank or similar financial enterprise								P	P	P				
Bar or night club								P	P	P				
Barber, beauty shop or salon								P	P	P				
Bed and breakfast			AD	AD	AD			P	P					
hotel or motel								P	P	P				
Beverage bottling or distribution facility								P	P	P				

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit													
Use	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Bowling alley, pool hall, or similar recreational facility								P	P	P		P	
Brewery or micro distillery								P	P	P			
Bus terminal								P	P				
Cannabis-medical								S	S	S		S	
Car wash								AD	AD				
Carpentry, electrical, HVAC, plumbing or sign painting business, and similar establishments								P	P	P			
Cemetery	P							P					
Chickens, keeping of	P	AD	AD	AD									
Civic Uses		P	P	P	P	P	P	P	P	P	P	P	P
Club that operates as a non-profit or not-for-profit and provides an indoor recreation venue for local sports leagues and teams, as well as regional athletic tournaments.										P			
College												P	
Commercial greenhouse								P	P	P			
Commercial outdoor recreational facilities such as a baseball field, driving range, skating rink, or swimming pool	P							P	P				
Commercial testing laboratory										AD			
Commercial truck terminal										AD			
Communication towers and antenna	A	A	A	A	A	A		A	A	A	A	A	A
Daycare facility, Childcare		P	P	P	P			P	P			P	P
Dormitory												P	
Drug store or pharmacy								P	P				P
Dwelling, Single Family	P	P	P	P									
Dwelling, two-family or duplex				P	P								
Equipment shed or storage facility	A									A	A		

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit													
Use	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P
Events	T	T	T	T	T	T	T	T	T	T	T	T	T
Exterminator										P	P		
Fast food restaurant with drive thru								P	P	P			
Funeral home, no incinerator									P	P			
Furniture repair and upholstering								P	P	P	P		
Gas and service stations								P	P	P	P		
Government office	P	P	P	P	P	P	P	P	P	P	P	P	P
Gym or other fitness facility								P	P	P		P	P
Home-based business	AD		AD	AD	AD								
No-impact Home- based business	A	A	A	A	A	A	A	A			A	A	
Hospice care facility													P
Hospital													P
Incinerator											S		P
Laboratory and research firm involved in the research, experimentation or testing of materials, goods or products										P	P		
Laundry and dry cleaning facility (not self-service)								AD	AD	AD	AD	AD	AD
Living quarters within the principal structure for persons employed on the premises, such as a caretaker or housekeeper	A	A	A	A	A								
Lumber yard										P	P		
Manufacturing, light										P	P		
Manufacturing, heavy											P		
Meat market								P	P				
Meatpacking, but not a stockyard or slaughterhouse											AD		
Medical clinic										P		P	P
Meeting hall, club, or fraternal organization								P	P	P		P	
Mining, and/or the extraction of minerals, sand, gravel, topsoil, or											S		

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit													
Use	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
other aggregates, including equipment, buildings, or structures for screening, crushing, washing or storage													
Mixed use buildings								P	P			P	P
Motor vehicle dealership									P	P	P		
Multi-family dwellings with greater than 4 attached dwelling units, including, but not limited to apartments					P	P						P	
Multi-family dwellings with up to 4 attached dwelling units, including, but not limited to: condominiums and townhomes				P	P								
Municipal, administrative, or public service buildings or facilities (without service yards or storage)	P	P	P	P	P	P	P	P	P	P	P	P	P
Music or dance studio								P	P	P			
nursery school, elementary, middle or high school, public library, or similar cultural use	P	P	P	P	P	P	P	P	P	P	P	P	P
Outdoor sales or rental									P	P	P		
Outdoor seating accessory to a restaurant								AD	AD				
Outdoor storage									AD	AD	AD		
Parking of one licensed recreational vehicle	T	T	T	T	T		P						
Place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P
Planing mill and sawmill, in a building that is not completely enclosed											P		
Planing mill and sawmill, in a completely enclosed building									P	P			
Power generating station										P			

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit													
Use	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Private garages or parking areas	A						A	A	A	A	A	A	A
Private garages or parking areas limited to one detached garage per lot		A	A	A	A	A							
Private hospital					S				S				P
Private swimming pools, provided that access is appropriately controlled by security fencing	A	A	A	A	A	A							
Privately operated country clubs, golf courses, swimming clubs, and similar recreational facilities	S	S	S	S	S		S						
Professional office – medical or dental								P	P	P			P
Professional office – non-medical professions	P				P	P		P	P	P	P	P	P
Public parks, private parks, playgrounds and recreational areas	P	P	P	P	P	P	P		S		P		P
Public service and municipal garage										S			
Radio and television station									P	P	P		
Railroad rights-of-way and trackage, not including switching, storage, terminal facilities or freight yards	P									P	P		
Real estate subdivision sign	T							T	T	T	T		
Recreational Vehicle Campsite							P						
Renewable Energy, wind	S												
Restaurant - sit-down or fast food, no drive-thru								AD	P	P	P		
Retail/multi-tenant structure								P	P				
Retail sales and services								P	P			P	P
Sale of nursery and greenhouse products	P							P	P	P			
sanitary landfill	S												
Self-service laundry							P	P	P				
Self-service storage								S	S	P			

P=Permitted, A=Accessory, S=Special Use, T=Temporary, AD=Administrative Permit													
<b>Use</b>	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>R-6</b>	<b>B-1</b>	<b>B-2</b>	<b>I-1</b>	<b>I-2</b>	<b>SU-CC</b>	<b>SU-MC</b>
Sewage treatment plant											S		
Short Term Rental, vacation rental	P	P	P	P	P	P	P				P		
Solar, residential up to 10 kw	A	A	A	A	A	A	A	S	S	A	A	A	A
Storage yard for building supplies and equipment									P		P		
Storage, sale and/or rental of trailers, farm implements and other similar equipment on an open lot	P								P		P		
Temporary building, office, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the District.										T	T		
Theater (not including drive-in theaters)								P	P				
Transformer, booster, or pressure regulating stations, without service or storage, when fenced for security and screening		P	P	P	P	P	P	P	P	P	P	P	P
Transit or other transportation facility									P	P	P		
Truck Stop										P	P		
Vocational, technical or trade school										P		P	
Warehousing and distribution										S	P	P	
Water reservoir										S	S		
Wholesale businesses								P	P	P			
Wind energy system	S									S	S	S	S

Accessory uses, buildings, or other structures customarily incidental to, and commonly associated with a permitted principal use or special use may be permitted, provided they are operated and maintained under the same ownership, on the same lot, and do not include structures or features inconsistent with the permitted principal use or special use. An accessory structure or use shall only be permitted when a principal structure or use is established first.

The Planning and Zoning Administrator shall have authority to determine if a use that is not listed in code is similar enough to a listed use. The Planning and Zoning Administrator may also defer to the Board of Adjustment to determine if a use that is not listed in code is similar enough to a listed use.

## SECTION 3 DEVELOPMENT STANDARDS

### § 3.001 DIMENSIONAL REQUIREMENTS CHART

Dimensional Standard	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC	O-OT
Principal Structure Height	45	45 ft	45 ft	45 ft	75 ft	75 ft	n/a	45 ft	60 ft	75 ft	75 ft	60 ft	60 ft	n/a
Accessory Structure Height	none	24 ft	24 ft	24 ft	24 ft	12 ft	n/a	n/a	Shall not exceed principal structure height					
Minimum Lot Area	4 acres	20,000 SF	7,500 SF	Single-family: 7,000 SF Two-family: 5,000 SF Townhome/Condo: 3,500 SF Apartment: 2,000 SF Studio/Efficiency Apartment: 1,500 SF	Single-family: 6,000 SF Two-family: 5,000 SF Townhome/Condo: 3,500 SF Apartment: 2,000 SF Studio/Efficiency Apartment: 1,500 SF	Townhome/Condo: 3,500 SF Apartment: 2,000 SF Studio/Efficiency Apartment: 1,500 SF	5 acres	n/a	n/a	20,000 SF	40,000 SF	n/a	n/a	5,000 per dwelling unit
Minimum Lot Width	330 ft	70 ft	50 ft	50 ft	50 ft	45 ft	50 ft	none	50 ft	100 ft	150 ft	n/a	n/a	n/a

Minimum Front Yard Setback	60 ft	35 ft	30 ft	20 ft	half the principal building height	15 ft	15 ft	none	15 ft	30 ft	50 ft	Principal structure: 50 ft, accessory structure: 30 ft	Principal structure: 50 ft, accessory structure: 30 ft	15 ft, front porches: 10 ft
Dimensional Standard	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC	O-OT
Minimum Side Setback - Least Width	30 ft	10 ft	7.5 ft	7.5 ft	10 ft	10 ft between structures	10 ft	abutting residential district: the least width required in that particular Residential District, other circumstances : none	5 ft	10 ft	10 ft	n/a	n/a	5 ft,
Minimum Rear Setback	60 ft	35 ft.	35 ft	35 ft	30 ft	10 ft	30 ft	abutting residential district: 20 ft. other circumstances : 10 ft	5 ft	20 ft	abutting residential district: 50 ft. other circumstances : 20 ft	n/a	n/a	n/a
Minimum Street Frontage	For dwellings : 37.5 ft Note 5	For dwellings : 37.5 ft	For dwellings : 37.5 ft	.37 .5	For dwellings: 37.5 ft	For dwellings: 37.5 ft			For dwellings : 37.5 ft	For dwellings : 37.5 ft	For dwellings: 37.5 ft			
Impervious Surface Maximum	40%	40%	40%	45% Note 6	60% note 6	60% Note 6	n/a	100%	80%	50%	60%	80%	80%	n/a
Maximum Floor	none	none	none	none	none	none	none	30,000 SF	none	none	none	none	none	none

Area (per story)											
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1. All residential properties in B-1 and B-2 Districts shall conform to the Building and Lot Requirements, and Yard Measurements for the R-4 Multi-Family Residence District
2. An approved engineered plan shall be required for all development increasing the impervious surface in the R-4 district
3. Lot width on cul-de-sacs shall be measured at the front setback building line rather than the front lot line. Cul-de-sacs shall not be required to meet minimum street frontage requirements.
4. Reference the Airport Approach Regulations in Chapter 163 of the code of Ordinances for additional dimensional requirements for properties within the Airport Overlay District.
5. Exception- cul-de-sac
6. Requires a Storm Water Protection Plan stamped by a IA state licensed civil engineer

### **§ 3.002 OLD TOWN OVERLAY ADDITIONAL REQUIREMENTS**

- (A) Additional Requirements for Infill Development. These provisions shall apply exclusively to the development of new dwellings. Dwellings built prior to the establishment of this Overlay District shall be exempt from these requirements. However, no pre-existing dwellings shall be structurally altered in such a way that directly results in them no longer complying with any of these requirements.
- (B) Equivalent Setback. Wherever applicable, when a new dwelling is constructed, and the adjacent dwellings on each side have a front setback that is equivalent to one another, the new building shall conform to this same setback. If this is not the case, then a “contextual setback” shall be used, as described in Section 165.22(3).
- (C) Maximum Front Setback. No new dwelling shall be constructed with a front setback of greater than 25 feet, unless a neighboring dwelling has a setback of 30 feet or greater. In such cases, a contextual setback is required.
- (D) Maximum Lot Width. No new dwelling shall be constructed on a lot of greater than 80 feet in width.
- (E) Street-facing Façade. The front façade and primary entrance of each dwelling unit shall face the street on which the property fronts. For corner lots, the front façade and primary entrance of the dwelling(s) shall face the street that is parallel with the rear alley.
- (F) Alley Access. All garages shall be situated at the rear of the dwelling unit, with auto access from the alley, rather than the street on which the lot fronts. This shall apply to corner lots, as well.
- (G) Porches. Each dwelling unit shall include a space at the front entrance, which can function as a porch. This shall constitute a partially-enclosed area with an overhang, and

at minimum, a wooden or paved surface large enough to provide seating for one or more people, unobstructed by the doorway.

- (H) Recommendations. While not required by this Ordinance, the city encourages that the following elements be incorporated into an infill development project in the Old Town Overlay District, whenever deemed feasible by the developer.
- (I) Placement of Windows. An abundance of blank walls distracts from the visual character of Old Town, in which the coordinated placement of windows helps create a welcoming sense of safety and enclosure around the street and sidewalk.
- (J) Decorative Landscaping. The inclusion of vegetative landscaping at the front of a dwelling help contribute to the aesthetic appeal of Old Town, particular in the area around the porch.
- (K) Full-Length Porches with Columns. Traditionally, dwellings in Old Town were constructed with open-air porches that spanned the full width of the building, with vertical columns strategically placed around the porch.
- (L) Detached Garages. While garages attached to the principal structure are allowed, detached garages are preferable, as they allow a direct connection from the alley, and open up additional land for storm water drainage, in between the impervious space of the dwelling and garage.
- (M) Lot Width. While the consolidation of multiple adjacent parcels into a wider lot is allowed, up to a width of 80 feet, it is encouraged that dwellings be developed within the original 50-foot lots, whenever possible.
- (N) Minimum Height. The majority of original dwellings in Old Town have a height of 1.5 or 2 stories. While 1-story dwellings are allowed, it is encouraged that they conform to the established pattern of the neighborhood, whenever possible.
- (O) Tree Canopy. As it is recognized that consistent tree cover contributes to the established character of these neighborhoods, it is encouraged that trees be planted in the front yard of each new dwelling in Old Town, whether in the terrace area or the area between the dwelling and the sidewalk.

### **§ 3.003 REQUIREMENTS FOR ALL DWELLINGS**

- (A) Street Frontage Requirement. No lot created after the adoption of this Ordinance shall contain any building used as a dwelling, unless it meets one of the following conditions:
  - (1) The lot has at least 37.5 feet of street frontage
  - (2) The lot has a permanent, exclusive, and non-obstructed easement at least 37.5 feet in width, which provides access to a public street.
- (B) Minimum Ground Floor Area. Dwellings shall contain the following amount of usable floor area, exclusive of open porches, garages, or steps:

	Ground Floor	Total Floor Area
1 story dwelling	800 SF	
1.5 – 2 story dwelling	600 SF	1,000 SF

(C) Conversion of Dwellings. The conversion of any building into a dwelling or the conversion of any dwelling as to accommodate an increased number of dwelling units or families shall be permitted only under the following conditions:

- (1) The building is within a District in which a new building designed for similar occupancy would be permitted under the Ordinance.
- (2) The resulting occupancy will comply with requirements governing new construction in such District, including:
  - (a) Minimum lot size
  - (b) Lot area per dwelling unit,
  - (c) Dimensions of yards and other open spaces
  - (d) Off-street parking.
- (3) Each conversion shall also be subject also to further requirements, as may be specified within the regulations applying to each respective District.

(D) Lot Area Requirements.

- (1) Existing Lots of Record. In any district where dwellings are permitted, a single-family detached dwelling may be constructed on any lot of record existing at the time this Ordinance was enacted; provided that the owner does not own any adjoining property, and yard spaces satisfy the requirements of the District, unless modified by the Board of Adjustment as set forth under Section 1.004.
- (2) Lots Not Served by Sewer and/or Water. In any district, where neither municipal water nor sanitary sewer is accessible, the lot shall conform to the following lot dimensions, based on the likelihood of future access being provided:

	Minimum Lot Area	Minimum Lot Width
no immediate plans access	20,000 SF	100 ft.
plans exist for future access	10,000 SF	75 ft.

In order to meet the criteria of the second option above, the City Engineer or County Health Officer shall have certified that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

(E) Yards and Open Space Areas.

- (1) No lot, yard, court, parking area or other open space shall be so reduced in size, so that it constitutes less than the minimum required by the regulation. If such an area is already less than the minimum requirement, it shall not be further reduced.

- (2) No required open space provided by any building or structure shall substitute for any open space required for another building or structure. This shall apply to required private garages and parking areas, as well.
- (F) Driveway and Sidewalk Requirements
  - (1) All driveway alterations, additions, or repairs shall be subject to provisions in Chapter 140 in this Code of Ordinances
  - (2) All sidewalk alterations, additions, or repairs shall be subject to the provisions in Chapter 136 in this Code of Ordinances.

### **§ 3.004 STORM WATER DRAINAGE CONTROLS**

- (A) Storm Water Controls for New Development. When development occurs, the following requirements shall apply, as a means of controlling the negative effects of excessive storm water runoff:
  - (1) The developer shall provide sufficient documentation to ensure that, when completed, new development will not increase the amount of storm water runoff onto adjacent and downstream properties. If necessary for this purpose, the developer shall also submit plans for site improvements, such as the creation of retention or detention ponds, at strategically placed locations.
  - (2) In areas with especially steep slope or poorly drained soils, these topographical and geological limitations shall be incorporated into the development plan.
  - (3) No existing water channel (creek, river, or stream) shall have its natural course further altered for the purpose of private development. These features shall be retained in their natural state, to ensure that patterns of topography and drainage are not disturbed.
  - (4) Private development shall not alter the placement of trees and other riparian vegetation lining the banks of a stream channel, as these contribute to natural drainage patterns.
  - (5) If any existing stationary water feature (lake, pond, or wetland) must be altered for the purpose of development, a water feature of equal retention capacity shall be created in the nearby vicinity, to ensure that natural patterns of topography and drainage are not disturbed.
- (B) Maximum Impervious Surface. For all residential properties, a certain percentage of the land shall be devoted to green space, unobstructed by impervious surfaces, defined as any form of ground cover which prevents the ready absorption and retention of water. This requirement is intended to reduce the effects of storm water runoff, and enhance the capacity of the city sewer system, in managing rainfall events in each neighborhood or subdivision.

- (1) This requirement shall apply to buildings, driveways, walkways, patios, tennis courts, or any other similar structure or surface which meets the definition of an impervious surface.
- (2) A deck is not considered impervious if it is slatted, with gaps for water to easily pass through to the soil below. If it is composed of a solid material without any gaps, a deck is considered impervious. If there is a solid barrier covering the ground underneath, any kind of deck – slatted or solid – is considered impervious.
- (3) This requirement shall not apply to swimming pools, as this is not considered an impervious surface, due to its retention capacity in normal rainfall events.
- (4) This provision shall apply exclusively to new development and redevelopment. Buildings and structures existing prior to the establishment of this provision 13 shall be exempt from its requirements.
- (5) The requirements shall apply, however, to any structural additions that increase the physical footprint of an existing dwelling. They shall also apply to the installation of new features such as patios, tennis courts, or walkways, where none existed previously.
  - (a) If the existing dwelling has already reached or exceeded the maximum impervious surface allowable, then no such additions shall be permitted.
  - (b) If the existing dwelling has not yet reached the maximum impervious surface allowable, then additions shall only be permitted if they do not result in the dwelling exceeding the maximum.
- (6) If the owner plans to rebuild or replace an existing impervious structure or surface, and this property already exceeds the amount of impervious surface allowed, then its replacement shall not increase the amount of impervious surface present. The amount must either decrease or remain the same as before the replacement. This shall also apply to the rebuilding of structures that were damaged by fire, flood, earthquake, or natural disaster.
- (7) Under these conditions, any other nonconforming aspects of a property shall be required to conform, based on the stipulations of this ordinance.
- (8) Substitutions. In the event that a desired building addition or paved surface conflicts with the requirement for maximum impervious surface on a lot, the following methods may be used to accommodate the proposed addition:
  - (a) Permeable Pavers. When adding a driveway, walkway, or patio, permeable pavers may be used as a substitute for impervious materials. In addition, existing paved surfaces may be replaced with permeable pavers, in the event that a new building addition would result in the Maximum Impervious Surface being exceeded for the lot.

- (b) Rain Barrels. Above-ground devices for the collection and storage of excess rainwater may be installed, to offset the effects of storm water runoff.
- (c) Cisterns. Similar to a rain barrel, an underground cistern may be used as a substitution. To ensure the safety of the device, it is required that the Building Inspector shall inspect and evaluate any cistern intended to be used for this purpose.
- (d) Rain Gardens. Rain gardens planted with native plants and grass may be used, if positioned in a location especially suited to capture storm water runoff, such as adjacent to a downspout, sump pump drain line, or any elevated impervious surface.

(9) In each case, if such components are to be installed for this purpose, the owner or developer shall produce advanced documentation, showing the precise form of materials to be used, to prove that they have sufficient capacity to handle excess runoff, and are in conformance with all applicable industry standards.

(10) If the components are already present prior to the application for a permit, the owner shall allow the Building Inspector to inspect and evaluate them, to prove that they have sufficient capacity to handle excess runoff, and are in conformance with all applicable industry standards.

(11) All of the preceding strategies are encouraged by the city, regardless of whether or not the Maximum Impervious Surface has been reached. While they are especially helpful in such a circumstance, they are a desirable addition in any other context, alone or in combination with one another.

(C) Stormwater Management Requirements for Residential Properties

(1) Purpose and Intent

(a) The purpose of this section is to ensure compliance with stormwater management standards and to prevent the discharge of rainwater directly into the municipal sewer system. This regulation aims to reduce the risk of sewer overflows, improve water quality, and promote sustainable stormwater practices.

(2) Applicability

(a) This section applies to all new residential construction, including single-family and multi-family dwellings, within the city limits.

(b) Existing residential properties are subject to this section if the city determines there is reasonable cause to believe rainwater is being discharged into the municipal sewer system.

(3) Prohibition on Rainwater Discharge into Sewer System

- (a) No residential property shall discharge rainwater directly into the municipal sewer system. All stormwater must be managed on-site in accordance with approved stormwater management practices, such as rain gardens, infiltration trenches, retention basins, or connection to an approved stormwater drainage system.
- (b) The property owner is responsible for ensuring compliance with this prohibition.

(4) Certification Requirements

- (a) For new construction:
  1. Prior to the issuance of a Certificate of Occupancy, the property owner or developer shall submit a signed Stormwater Certification to the city, affirming that the property complies with the prohibition in Subsection (3).
  2. The certification must include documentation of the stormwater management system installed, such as design plans, specifications, and inspection reports.
- (b) For existing properties:
  1. If the city identifies reasonable cause to believe a property is discharging rainwater into the sewer system, the property owner shall, upon request, submit a signed Stormwater Certification and supporting documentation within 30 days of notice from the city.

(5) Enforcement and Penalties

- (a) Noncompliance with the requirements of this section may result in penalties as provided under Section 1.005 of this code.
- (b) The city may require additional testing to verify compliance at the property owner's expense.

(D) Additional Requirements

- (1) See Chapter 162 Floodplain Management for further stormwater regulations.

**§ 3.005 HEIGHT LIMITS**

(A) Height limitations stipulated elsewhere in this Ordinance shall not apply for the following:

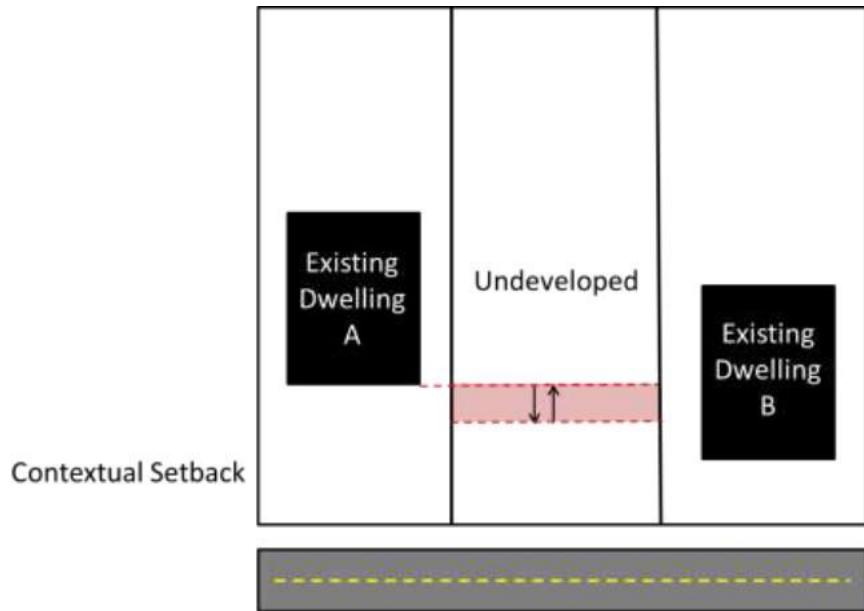
- (1) Barns, silos, or other agricultural structures, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building.

However, if, in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

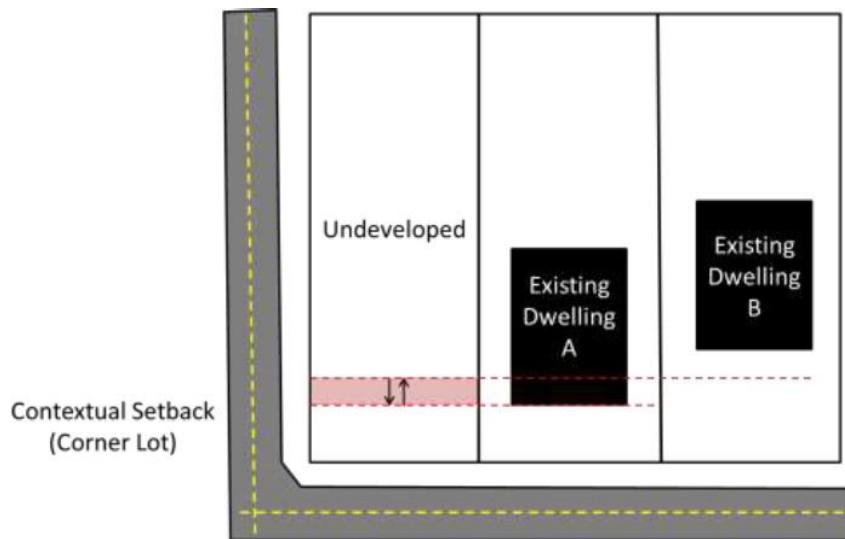
- (2) Places of public assembly such as houses of worship, schools, and other permitted public and semi-public buildings shall not exceed 6 stories or 75 feet in height, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its front side and rear yards shall be increased in width or depth by an additional foot over the front side and rear yards required for the highest building otherwise permitted in the district.
- (3) Bulkheads, conveyors, derricks, elevator penthouse, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

### **§ 3.006 FRONT YARD EXEMPTIONS AND MODIFICATIONS**

- (A) Structures of projections into front yards may be permitted as follows:
  - (1) Front porches, provided that no porch, open-air or enclosed, may extend further than 5 feet beyond the minimum front setback line of the District in which it is located.
  - (2) Bay windows or balconies that project no further than 3 feet, and occupy no more than 1/3 of the length of the front wall. These projections shall not extend beyond either side wall of the building foundation
  - (3) Overhang features such as belt courses, leaders, sills, and pilasters, provided they extend no greater than 3 feet above the roofline, or 5 feet from the front wall of the building foundation
  - (4) Chimneys or flues
- (B) Contextual Setback. In any Residential District, when new development occurs within a block where front yard setback is consistently less or greater than the required minimum, the new development shall be allowed to use a 'contextual setback' for the front yard.
  - (1) In a contextual setback arrangement, the front setback of the new dwelling shall be anywhere between the average setback of the adjoining lots, and that which has the deepest of the two.

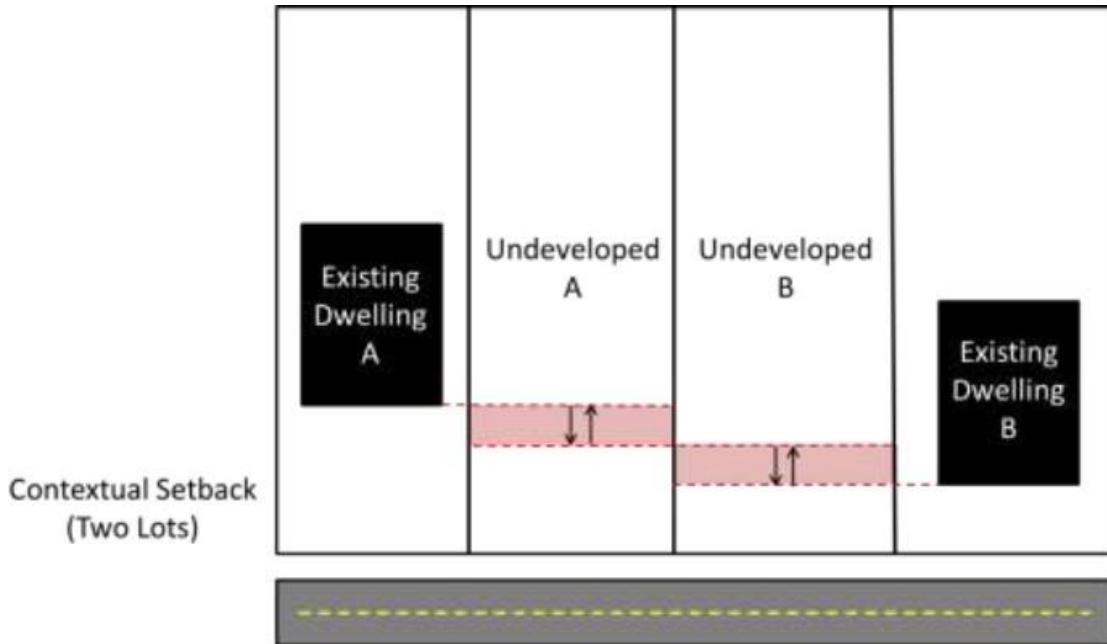


(2) In the case of a corner lot, the contextual setback shall apply to the adjoining lot and that which immediately follows. In such a case, the new front yard shall be anywhere between the average depth of those two, and the depth of the adjoining lot.



(3) When two adjacent lots in the middle of a block are developed simultaneously, and the existing dwellings on adjoining lots have an uneven setback, there are two options: 1) the setbacks of both new dwellings shall be equivalent to the average setback of the two existing dwellings, or 2) the setbacks of the two new dwellings

shall be staggered, to create a gradual transition from the setback of one dwelling to the next, as indicated below:



### § 3.007 SIDE YARD EXEMPTIONS AND MODIFICATIONS

- (A) When a side yard abuts a District boundary line, if the requirements of the adjacent District are more restrictive than those of the District in which the lot is contained, the width of the side yard shall not be less than that required in the adjacent District. Where a lot in an Industrial or Business District abuts a lot in a Residential District, the side yard shall be increased by 3 feet for each story that the building exceeds the height limit of the adjacent Residential District.
- (B) When a lot is narrower than the width specified for the District in which it is located, and the lot of record existed prior to the establishment of this Ordinance, side yard width may be reduced by 3 inches for every foot less than the width required in the District.
- (C) Side yards may be measured to the center line of adjoining alleys, but when a side yard is required, no building or structure shall be erected within 5 feet of such alley.
- (D) Corner Lots
  - (1) For corner lots, the side yard facing the side street shall be functionally considered a front yard, subject to the same required setback as the actual front yard.
  - (2) For corner lots of between 50 and 60 feet in width, the minimum side yard setback shall be 20 feet from the side street lot line.

- (3) For corner lots of less than 50 feet in width, the minimum side yard setback for principal or accessory buildings shall be 13 feet from the side street lot line.
- (E) Structures or projections into the side yard may be permitted as follows:
  - (1) Fire escapes, at least 3 feet from the side lot line.
  - (2) Bay windows or balconies that project no further than 3 feet, and occupy no more than 1/3 of the length of the side wall. These projections shall not extend beyond either the front or rear wall of the building foundation
  - (3) Overhang features such as belt courses, leaders, sills, and pilasters, provided they extend no greater than 3 feet above the roofline, or more than 1.5 feet from the side wall of the building foundation
  - (4) Terraces, steps, open-air porches, stoops, or similar features, provided they are at least 3 feet from a side lot line, and not situated higher than the ground floor of the building.
  - (5) Chimneys and flues.

#### **§ 3.008 REAR YARD EXEMPTIONS AND MODIFICATIONS**

- (A) When a lot of record predates the enactment of this ordinance, and has a depth of less than 100 feet, the depth of the rear yard may be reduced by 3 inches, for every foot that the lot depth is below 100; provided that:
  - (1) No rear yard shall be less than 10 feet deep, regardless of circumstance
  - (2) The building is not higher than 2 1/2 stories.
  - (3) The owner of the lot does not own the adjoining property to the rear.
- (B) Structures or projections into rear yards may be permitted as follows:
  - (1) Fire escapes, projecting no further than 6 feet.
  - (2) Bay windows or balconies that project no further than 3 feet, and occupy no more than 1/2 of the length of the rear wall. These projections shall not extend beyond either side wall of the building foundation.
  - (3) Overhang features such as belt courses, leaders, sills, and pilasters, provided they extend no greater than 3 feet above the roofline, or more than 1.5 feet from the rear wall of the building foundation.
  - (4) Chimneys and flues

#### **§ 3.009 PARKING**

- (A) Purpose. This section is meant to regulate off-street parking that is provided in conjunction with private development. Parking in public lots and rights-of-way is addressed in Chapter 79 of this Code of Ordinances.

(B) Required Off-Street Parking Areas.

- (1) Off-street accessory parking areas shall be provided in connection with the uses included below, of the amount indicated for each.
- (2) For Residential properties, such parking shall be located directly on the property served. For Business properties, such parking may also be on an adjoining or nearby property within 100 feet.
- (3) Minimum Parking Required. In the case of any use which is not specifically mentioned below, the provisions for a similar use which is mentioned shall apply. The Planning and Zoning Administrator shall have the authority to determine if a use not listed is similar to a use listed to determine required number of parking spaces.
- (4) Required minimum parking. The required number of minimum parking spaces shall only apply to new construction. The minimum number of parking spaces for each use shall be as follows:
  - (a) Residential. (Residential minimum parking requirements shall have flexibility through the development process if a project meets the goals and policies of the Comprehensive Plan to achieve affordable housing).
    1. Single and two-family dwellings. Each dwelling unit shall include at least two surfaced spaces.
    2. Multiple-family dwellings. Two spaces per dwelling unit, one of which must be enclosed, plus an additional one-half (0.5) parking space per every five dwelling units for visitors.
      - a. Senior housing shall be exempt from the enclosed space requirement above.
  - (b) Bed and breakfast establishments. Two spaces for the principal dwelling unit plus one space for each rental unit.
  - (c) Assisted living facilities. One space for each bed, plus one space for each three employees at maximum shift other than doctors.
  - (d) Hotel, motel. One space for each rental unit.
  - (e) Nursing home. One space for each six beds for which accommodations are offered, plus one space for each two employees at maximum shift.
  - (f) Schools. One and one-half (1.5) spaces for each classroom.
  - (g) Place of worship and other places of assembly. One space for each three seats.

- (h) Theater. One space per five patrons at the maximum occupancy load of the facility, plus one space per employee on the largest work shift.
- (i) Hospital. One space for each four hospital beds.
- (j) Medical or dental clinic. two spaces per staff doctor or dentist.
- (k) Gym. One space for each 200 square feet of floor area.
- (l) Vehicle related retail/service. One parking space for every two employees plus one additional space for every garage or bay area.
- (m) Restaurant, drive-in or take out. One space for each 15 square feet of floor area allocated to patron service and counter area, plus one space for every two and one-half (2.5) seats based on design capacity.
- (n) Retail sales and services. One space for every 300 square feet of floor area.
- (o) Office. Three parking spaces plus one additional space for every 400 square feet over 1,000 square feet.
- (p) Funeral homes. Eight spaces for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
- (q) Industrial, warehouse, storage, handling of bulk goods. One parking space for every two employees at maximum capacity per shift.

(C) Multiple types of use in a single building, or in a complex of several buildings on a single site.

- (1) In instances where more than one type of use occupies the same building or parcel, the total number of required spaces shall be based upon the parking requirements for each use. Parking need will be based on existing and potential uses of the building.
- (2) In cases where potential future uses will generate additional parking demand, the city may require proof of parking plan for the difference between the immediate and potential parking needs. In cases where potential users are unknown, parking shall be calculated using 80% of the gross floor area of the building.

(D) Units of Measurement

- (1) Parking Spaces. Each parking space shall be rectangular in shape, and no less than 8½ feet wide and 20 feet long, or less than 170 square feet in area, exclusive of access drives or aisles.
- (2) Loading Space. Each loading space shall be no less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

(3) Floor Area. In the case of merchandising or service types of uses, “floor area” means the gross floor area used or intended to be used by employees, or by customers, patrons or clients. Floor area does not include area used principally for non-public purposes, such as restrooms, utilities, dressing rooms, or storage.

(E) Performance Standards.

- (1) Materials and Grading. Off-street accessory parking areas and driveways shall be of usable shape, and shall be improved in accordance with the requirements of Chapter 140 of this Code of Ordinances 12 , with a durable, dust-free surface, and so graded and drained as to dispose of all surface water accumulation within the area.
- (2) Permeable Pavers. A permeable paving surface may be used for private driveways and parking areas, as a substitute for traditional concrete or asphalt paving. In this situation, the owner or developer shall produce advanced documentation, showing the precise form of permeable paving to be used, to ensure its conformance with all applicable industry standards.
- (3) Lighting. Any lighting used to illuminate parking areas shall be arranged as to reflect the light away from abutting streets and roadways, as well as adjoining premises.
- (4) ADA Requirements. The minimum number of accessible parking spaces for persons with disabilities shall conform to the requirements of the Americans with Disabilities Act (ADA).
- (5) Improper Usage. No required off-street parking and loading spaces shall be used for the storage of merchandise, materials, waste containers, or inoperable junk vehicles.

(F) Required Loading Spaces.

- (1) In each District, all uses and establishments that require the pick-up and drop-off of materials or merchandise, by designated distribution vehicles, at least one off-street loading space shall be provided and maintained on the property, with access from an alley, driveway, or similar easement.
- (2) If the establishment has a gross floor area of greater than 15,000 square feet, then one additional loading space shall be provided for each additional 10,000 square feet of floor area.
- (3) Such loading space(s) may occupy all or any part of a required rear yard or, with authorization of the Board of Adjustment, part of any other yard on the same lot.

(G) Exemptions.

- (1) On appeal, the Board of Adjustment may authorize a modification, reduction or waiver of the foregoing requirements, if it finds that in a particular case, the

peculiar nature of the use, or another exceptional circumstance would justify such an action.

- (2) If advised to do so, Planning Commission, in consultation with other city departments and agencies concerned, shall undertake studies of various areas of the city, for the purpose of determining whether there is a need for additional off-street public parking facilities. Where such need is found, the Planning Commission shall report its recommendation for the establishment of off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and the area they are intended to serve.

(H) **Parking Lot Coverage Requirements**

- (1) Properties shall be required to provide a minimum of one (1) square foot of landscaping for each parking space provided in addition to any other landscaping required by this regulation.
- (2) All parking spaces shall be located within one hundred (100) feet of landscaped parking islands or directional aisles. Such landscaped area shall be a minimum of fifty (50) square feet in size and include vegetation. This requirement does not apply to parking ramps.
- (3) All landscaping required by this section shall be located within the parking lot or directly adjacent to the parking lot.

(I) **Additional Requirements**

- (1) See Chapter 79 Parking in this Code of Ordinances for further parking information.

**§ 3.010 LANDSCAPING**

(A) For use with this regulation, the following terms are defined:

**Berm:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Buffer:** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, designed to set apart or screen one use area from another.

**Evergreen Tree:** A plant species with foliage that persists and remains green year-round (does not include arborvitae or similar screening trees).

**Ground Cover:** The area of land or ground that is completely covered with vegetation and/or landscape material. This area shall not include ground where vegetation is growing over the land, but is not planted upon such land (such as a tree growing over a parking lot). Grass shall only count as ground cover when planted in conjunction with other landscape material.

**Landscape Area:** An area that is permanently devoted to and maintained with landscaping materials. Such areas can include, but are not limited to traffic aisles, traffic islands, buffers, entrances, exits, etc.

**Landscape Material:** Living trees, shrubs, and ground cover (including tall grasses, decorative rocks, mulch or tree bark, and similar materials), fences and other similar natural and decorative materials.

**Landscape Plan:** Plan drawn to scale showing the location and amount of landscape material and vegetation on a property. Plan should provide details and/or examples of type of material and plantings that will occur.

**Landscaping:** The modification of the landscape for an aesthetic or functional purpose; including, but not limited to bringing the soil surface to a smooth finished grade, installing trees, shrubs, ground cover, and other vegetation and landscaping material to produce a pleasing visual effect on the area, and improving the overall physical environment.

**Ornamental Tree:** A tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree (does not include evergreen or shade trees).

**Parking Island (Directional Aisle):** A raised area located within or on the perimeter of a parking lot utilized to delineate, separate, or direct traffic and/or parking areas.

**Parking Lot:** An off-street, surfaced, open area used for the temporary storage of five (5) or more motor vehicles. Such lot is available to the public, whether residents, visitors or employees, for compensation or for free.

**Shade Tree:** A woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively (does not include flowering, fruit, or other short-growth trees).

**Vegetation:** All trees, shrubs, grasses, flowers, vegetative ground cover, and other plants that are living.

**(B) Application.**

(1) All development and construction shall comply with the provisions in this regulation as applicable. In the event of any conflict between two or more requirements in this chapter or in the Municipal Code relating to landscaping, buffering, or screening, the more strict provision shall apply.

(2) Landscape plans shall be required in the following instances:

(a) B-1, B-2, I-1, I-2 and PUD Zoning Districts

1. Any new development or construction on a lot that is ten thousand (10,000) square feet in size or greater.

2. Any alteration to an existing building or development as described in (a) above, which increases or decreases the floor area of a structure or building on a lot by twenty-five percent (25%) or more.
3. Any redevelopment, renovation, or alteration of an existing building or development site as described in (a) above, which constitutes twenty-five percent (25%) or more of the assessed value of the redeveloped building.
4. Any parking lot that is constructed to contain ten (10) or more total parking spaces.

(b) R-1, R-2, R-3, R-4, and R-5 Zoning Districts

1. Any new development or construction where a building is constructed on one (1) lot that is ten thousand (10,000) square feet in size or greater. This requirement shall not apply to single-family and two-family buildings or construction unless specified as part of a PUD.
2. Any alteration to an existing multi-family building or development site as described in (a) above, which increases or decreases the floor area of a structure or building by more than fifty percent (50%).
3. Any parking lot that is constructed or altered to contain five (5) or more total parking spaces.

(C) Landscape Plans

- (1) Landscape plans shall be submitted as described below:
  - (a) Landscape plans shall be submitted at the time of application for building permits with all other construction plans.
  - (b) The location, amount, and type of all vegetation and landscaping material to be utilized shall be identified on the landscape plan.
  - (c) The following shall be identified on the landscape plans:
    1. The total area (square feet) that is required to be landscaped, based on these regulations.
    2. The total amount of vegetation planted (in square feet of ground cover).
    3. The total amount of landscape material used (in square feet of ground cover).

(D) Landscape Requirements

(1) Landscape material, screening, and buffering shall be provided, as required by this chapter, according to the following provisions for development and construction. Existing trees and vegetation that meet the requirements of this chapter may be incorporated into the site design and shall reduce the required new landscaping by an equal amount if approved by the Planning and Zoning Department.

(a) Location of Landscaping: All landscaping that is required shall be located in areas that are directly visible from the parking lot area by customers or patrons entering and exiting the building and/or by those traveling on the adjacent right-of-way. Such landscaping shall be located in a required front yard or side yard on a property as follows:

1. Within a parking lot (landscaped island or aisle).
2. Directly adjacent to a parking lot.
3. Directly adjacent to or in front of the building.
4. Along front and side property lines.
5. A landscaped berm or buffer in a back yard or side yard shall only be applied toward the landscape requirement for developments that are directly adjacent to a separate or different land use:
  - a. Such that adjacent B-1 and B-2 areas may not apply a landscaped berm or buffer toward the landscape requirement.
  - b. Such that adjacent B and R or I zoning districts may apply a landscape berm or buffer toward the landscape requirement.

(2) Lot Coverage Requirements

(a) Landscaping shall be provided at a rate of one hundred (100) square feet of landscape material for each ten thousand (10,000) square feet of lot area for the first fifty thousand (50,000) square feet of lot area and forty (40) square feet of landscape material for each ten thousand (10,000) square feet of lot area thereafter.

(b) Non-living landscape material, such as decorative rocks, mulch, or tree bark shall not exceed twenty-five percent (25%) of the required landscape area.

(c) For each seventy-five (75) square feet of landscaping that is required by this regulation, one tree shall be required to be planted as follows:

1. A shade tree must be at least six (6) feet in height when planted and/or have a trunk diameter of at least two (2) inches.
2. An evergreen tree or ornamental tree must be at least four (4) feet in height when planted and/or have a trunk diameter of at least one and one-half (1½) inches.
3. Required trees must be provided at a minimum rate of one shade or evergreen tree for every two ornamental trees.

(d) Additional trees beyond what is required may be substituted and will be the equivalent of twenty-five (25) square feet of landscaping material per tree for up to fifty percent (50%) of the landscape requirements.

(3) Parking Lot Coverage Requirements

- (a) Properties shall be required to provide a minimum of one (1) square foot of landscaping for each parking space provided in addition to any other landscaping required by this regulation.
- (b) All parking spaces shall be located within one hundred (100) feet of landscaped parking islands or directional aisles. Such landscaped area shall be a minimum of fifty (50) square feet in size and include vegetation. This requirement does not apply to parking ramps.
- (c) All landscaping required by this section shall be located within the parking lot or directly adjacent to the parking lot.

(E) Additional Requirements

- (1) All landscape material and vegetation required by the provisions of this chapter shall adhere to the following provisions:
  - (a) Only landscaped areas on private property shall count towards the landscape area required by this chapter. Landscaping in the dedicated city right-of-way shall not count towards the required area.
  - (b) Landscape buffers shall be required for commercial (B-1, B-2) and industrial (I-1 and I-2) properties that are located adjacent to residential (R-1, R-2, R-3, R-4, R-5) properties. Such buffer shall include a minimum of six-foot tall evergreen or ornamental evergreen trees placed fifteen-foot on center at the side and rear lot lines (not required to extend into front yard area along the side). Such requirement shall not count towards and is in addition to lot coverage and parking lot landscape requirements.
  - (c) Landscaping that is required as part of the parking lot coverage requirement from Section 3.010 (D), shall be planted within or directly adjacent to the parking area (landscaping that is adjacent to the parking area must be within of five (5) lineal feet of the parking lot).

- (d) All landscape material and vegetation shall remain viable and in good condition at all times. Any material or vegetation that dies or becomes displaced shall be replaced with similar or like materials or vegetation.
- (e) All vegetation shall be suitable for Iowa climate and site characteristics as identified and approved by the Planning and Zoning Department.
- (f) All landscaping shall include a combination of vegetative and landscape material.
- (g) Grass shall not qualify as landscaping unless planted as part of a landscape area that includes shrubs, trees, flowers, and/or other landscape material.
- (h) No bare ground shall be left exposed. Grass and other appropriate groundcover or vegetation shall cover all non-paved and non-built areas.
- (i) Landscaping shall not reduce or impair automobile vision, site lines, or safety.
- (j) Landscaping that is arranged at traffic intersections, including parking lots entrances, shall not exceed a height of two and one-half (2½) feet above street grade, unless such landscaping is not visually obtrusive and is approved by the Planning and Zoning Department

(F) Additional Requirements

- (1) See Chapter 53 Grass and Weeds; Trees in this code of Ordinances for further landscaping requirements.

**§ 3.011 SCREENING**

- (A) Types of screening materials. Screening required in this chapter shall consist of: earth mounds, berms, or ground forms; fences and walls; or landscaping (plant materials) or landscaped fixtures (such as timbers), used in combination or singularly, so as to block direct visual access to an object from adjoining properties and public streets throughout the year.
- (B) Placement, height, and traffic visibility. The screening required in this chapter shall not be less than 6 feet in height. All screening shall be approved by the city. On a corner lot, no screening or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way. Visibility shall be unobstructed between a height of 3 feet and 10 feet above the center line grades of the intersecting driveways and/or streets, within a triangular area described as follows: beginning at the intersection of the edge of an intersecting driveway and/or curb line of an intersecting street right-of-way, thence to a point 30 feet along the edge of the intersecting driveway or curb line, thence diagonally to a point 30 feet from the point of beginning on the curb line of the intersecting street right-of-way.

- (C) Responsibility for screening. The owner or occupant of the premises containing the use or features to be screened shall provide the required screening.
- (D) Approval for screening. Plans for screening shall be approved in the site plan review process.

### **§ 3.012 RESIDENTIAL NATIVE PRAIRIE PLANTINGS**

- (A) Purpose and Intent. The purpose of this section is to encourage the use of native prairie plantings in residential areas for their environmental benefits, including supporting biodiversity, improving soil health, and reducing water runoff, while ensuring such plantings do not create a nuisance or safety hazard.
- (B) Applicability. This section applies to all residential properties within the city limits.
- (C) Definition. For the purposes of this section, "native prairie plantings" refers to plant species recommended in the USDA Iowa Native Prairie Planting Guide or equivalent resources approved by the city, including grasses, forbs, and wildflowers native to the region.
- (D) Standards for Native Prairie Plantings
  - (1) Height Limit: Native prairie plantings are permitted in residential yards with a maximum height of 3 feet.
  - (2) Setback Requirements:
    - (a) Prairie plantings must be set back at least 2 feet from property lines unless a mutually agreed buffer is established with the adjacent property owner.
    - (b) Plantings near intersections or driveways must be reviewed for adequate traffic visibility.
  - (3) Maintenance:
    - (a) Plantings must be maintained to prevent encroachment onto neighboring properties or public rights-of-way.
    - (b) Property owners must remove any invasive species, as defined by the city, that may appear within the native prairie area.
  - (4) Fire Safety: Prairie plantings must not be located within 5 feet of any structure unless separated by a maintained, non-combustible barrier, such as a mowed lawn or gravel area.
- (E) Exemptions from Nuisance Regulations
  - (1) Native prairie plantings installed and maintained in compliance with this section are not considered a nuisance under the city's property maintenance or weed control ordinances.

(2) Property owners must register their native prairie planting with the city's planning and zoning department to receive this exemption. Registration requires submission of a simple plan or description of the planting area and species list.

(F) Planting Mix

(1) A yard utilizing native prairie plantings shall have at least two of the following four types of plantings:

- (a) Grasses
- (b) Sedges
- (c) Forbs
- (d) Shrubs

(G) Enforcement and Penalties

(H) Noncompliance with the standards in this section may result in the property owner being required to abate the violation or restore the area to compliance.

(I) The city may issue fines or other penalties for repeat violations as provided in Section 1.005 of this code.

**§ 3.013 ACCESSORY STRUCTURES**

- (A) No accessory building and/or structure may be erected in any required front yard.
- (B) Accessory structures shall be considered along with the principal structure in regards to lot coverage. The square footage of the principal structure combined with the square footage of the accessory structure(s) shall not exceed the maximum lot coverage allowed by the District regulations.
- (C) The total area of all accessory structures on a single residential lot or property shall not exceed a maximum of two thousand (2,000) square feet, except that lots in excess of two acres in size shall be allowed up to three thousand (3,000) square feet of accessory structures.
- (D) Where a garage is facing and being entered from the alley, it must be located a minimum of five (5) feet from the alley line, measured from the furthest architectural projection currently or within 12 months of construction of the accessory structure.
- (E) Accessory structures, including but not limited to garages, are prohibited as stand-alone structures, except as expressly permitted by this Code. Any destruction or demolition of a primary structure in this District shall also include demolition of any accessory structures on the parcel, unless it is the intent of the owner, expressed in writing to the Planning and Zoning Administrator of the City, to commence construction of a new primary structure within six months of said demolition. In such cases where the intent of the owner is to rebuild the primary structure, a building permit for the rebuilding of the

primary structure shall be obtained by the owner within sixty (60) days of demolition of the existing primary structure. If said building permit is not obtained by the owner within sixty (60) days of demolition, or if work is not commenced within six months of said demolition, or if the structure is not completed and an occupancy permit obtained within one (1) year of the obtaining of the building permit, the accessory structure shall be immediately demolished at the owner's expense. Relief from this provision shall only be obtained with the expressed written permission of the Planning and Zoning Administrator upon a showing of substantial construction progress and reasonable assurance of reasonably prompt completion.

(F) Accessory Dwelling Units.

- (1) 1,000 square feet or 50% of the size of the single-family residence, whichever is larger. It also would be subject to potential state historic building code restrictions.
- (2) If a manufactured home or mobile home is used as an ADU, the bill says it shall be placed on a permanent foundation to be converted to real property and assessed for real estate taxes.

## **SECTION 4 GENERAL USE STANDARDS**

### **§ 4.001 GENERAL**

(A) The following requirements apply to all relevant lots, buildings, and/or uses in the City of West Burlington, regardless of the District in which they are located.

Except as explicitly outlined below, no building, portion of building, or parcel of land shall be used, and no structure shall be erected, constructed, occupied, moved, altered or repaired, except when in conformity with the regulations specified for the District in which it is located.

(B) Validity of Existing Building Permits. Nothing contained in this ordinance shall require any change in the layout, plans, construction, size or designated use of any development, building, structure or portion of structure, for which official approvals and required building permits have been granted prior the enactment of the Ordinance, or any relevant amendments to the Ordinance. In conformance with such plans, the construction shall have been started prior to the effective date of the Ordinance or amendment, completed within the subsequent six-month period, and not discontinued until completion, except for reasons beyond the builder's control.

(C) Multiple Uses. A lot may contain more than one principal use, provided all uses are conforming and compatible. In B-1 and B-2 Districts, an administrative permit is required for all lots involving more than one principal use.

## **§ 4.002 ADULT ORIENTED ESTABLISHMENTS**

- (A) Adult oriented establishments shall be in accordance with Chapter 161 in this code of ordinances.

## **§ 4.003 AGRICULTURE AND AGRICULTURAL BUILDINGS INCLUDING ACCESSORY USES/BUILDINGS**

- (A) In the A-1 district, livestock shall not be housed or fed within 200 feet of any lot in a Residential District and
- (B) In the A-1 district, accessory agricultural uses shall be located no less than 20 feet from a street or highway right-of-way line.

## **§ 4.004 ANIMAL HOSPITAL, VETERINARY CLINIC**

- (A) In business districts, buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in a Residential District.

## **§ 4.005 ASSISTED LIVING FACILITY OR NURSING HOME**

- (A) An assisted living facility or nursing home shall be on a lot of 20,000 SF or more, and shall be at least 50 feet from any other property occupied by a permitted residential use.

## **§ 4.006 AUTOMOTIVE BODY SHOP**

- (A) Outdoor storage of any wrecked vehicle shall be on a durable, dust-free surface.
- (B) Outdoor storage shall be screened from view of the street or neighboring properties.
- (C) Automotive body shops may be considered incidental and secondary to the function of an auto dealership; provided, however, that the use meets the standards of this ordinance.

## **§ 4.007 AUTOMOTIVE SALVAGE FACILITY**

- (A) all operations shall be conducted within an area enclosed on all sides with aesthetically acceptable solid wall or fence, no less than 8 feet high;
- (B) Such operation shall not visible from adjoining properties or the nearest street;
- (C) Such operation shall be properly maintained and kept in acceptable appearance.

## **§ 4.008 COMMERCIAL OUTDOOR RECREATIONAL FACILITIES SUCH AS A BASEBALL FIELD, DRIVING RANGE, SKATING RINK, OR SWIMMING POOL**

- (A) Facilities shall not be within 200 feet of any Residential District

## **§ 4.009 COMMUNICATIONS TOWER AND ANTENNA**

- (A) In residential and the SU districts communication towers and antennas shall be no greater than 100 feet in height.
- (B) In business districts communication towers and antennas shall be no greater than 180 feet in height, as regulated by Chapter 114 of this Code of Ordinances.
- (C) In industrial districts communication towers and antennas shall be no greater than 360 feet in height.

## **§ 4.010 ESSENTIAL SERVICES**

- (A) Essential Services. Essential services shall be permitted as authorized and regulated by law and other community regulations, as it is the intention to exempt such essential services from the application of additional regulation.

## **§ 4.011 FENCES**

- (A) Agriculture District
  - (1) Boundary Fence
    - (a) May be placed up to the actual boundary line between two properties of separate ownership
    - (b) May be of wood, metal, or concrete (alone or in combination), or of living trees and/or shrubs.
    - (c) May be solid, slatted, decorative, or secure in nature
    - (d) May not exceed 6 feet in height above grade level, unless approved by the Board of Adjustment
    - (e) Barbed wire may be used as the material for, or upon, a boundary fence.
  - (2) Decorative Fence
    - (a) May be used in connection with landscaping purposes
    - (b) Shall not exceed 3 feet in height above grade level in a front yard shall be set back at least one foot from the front lot line
    - (c) Shall not exceed 5 feet in height above grade level in a side or rear yard
    - (d) In a front yard, any fencing other than a split-rail or picket fence made of wrought iron, wood, or vinyl shall require the approval of the Board of Adjustment.
  - (3) Internal Fence

- (a) There is no regulation of agricultural fences in the interior of a property in the A-1 District.
- (4) Residential Properties
  - (a) Properties used solely for residential purposes shall be subject to the regulations for Security, Impoundment, and Privacy Fencing specified in Section 4.011 (B).
- (B) Residential Districts
  - (1) Boundary Fence
    - (a) May be placed up to the actual boundary line between two properties of separate ownership
    - (b) Not allowed in any front yard
    - (c) Material may be of wood, metal, concrete or a combination of wood, metal and concrete, or of living shrubs, as long as they do not encroach upon the adjoining property
    - (d) May be solid, slatted, decorative, or secure in nature
    - (e) May not exceed 5 feet in height above grade level, unless approved by the Board of Adjustment
  - (2) Decorative Fence
    - (a) May be used for landscaping purposes, in any yard – front, side, or rear
    - (b) Shall not exceed 4 feet above grade level
    - (c) In a front yard, any fencing other than a split-rail or picket fence made of wrought iron, wood, or vinyl shall require the approval of the Board of Adjustment.
  - (3) Privacy Fence
    - (a) Not allowed in any front yard
    - (b) May be placed up to rear and side lot lines
    - (c) Shall not exceed 6.5 feet above grade level, or the floor level of the patio, deck, or swimming facility for which it is constructed.
  - (4) Security and/or Impoundment Fence
    - (a) Not allowed in any front yard
    - (b) Must be placed at least three (3) feet inside the rear and side lot lines

- (c) Shall not exceed 6.5 feet above grade level, or the floor level of the patio, deck or swimming facility for which they are constructed.
- (5) Prohibited Materials. Barbed wire shall not be used for any fencing in a Residential District.
- (6) Corner Lots. The following provisions apply to solely corner lots:
  - (a) No fence, structure, or planting shall be erected or maintained within 20 feet of the lot corner, unless reviewed for traffic safety and visibility, and approved by the Public Works Director, Police Chief, and the City Administrator.

(C) Business Districts

- (1) Boundary Fence
  - (a) May be placed up to the actual boundary line between two properties of separate ownership
  - (b) Material may be of wood, metal, or concrete (alone or in combination), or of living trees and/or shrubs, as long as they do not encroach upon the adjoining property.
  - (c) May be solid, slatted, decorative, or secure in nature may not exceed 8 feet in height above grade level.
- (2) Decorative Fence
  - (a) May be used for landscaping purposes
  - (b) May extend to the property line, in any yard
  - (c) Shall not exceed 5 feet in height above grade level
- (3) Screening Fence
  - (a) May be of common fencing materials, constructed in a manner to provide substantial shielding of the site from public vision
  - (b) May extend to the property line, in any yard
- (4) Security and/or Impoundment Fence
  - (a) May not exceed 8 feet in height above grade level may extend to the property line, in any yard
  - (b) In the B-2 District only, Security or Impoundment Fencing may have a top addition of barbed wire, which shall be positioned at least 6 feet above grade level, be no greater than 2 feet in width, and not extend over the

adjoining property line. If the fence itself is exactly 8 feet, or nearly 8 feet in height, the barbed wire may extend above this point

- (5) Residential Uses. Properties within the B-1 and B-2 Districts, which are used for residential purposes, shall be subject to the Fencing requirements listed in Section 4.011 (B).
- (6) Adjacent Residential Districts. If a non-residential property directly adjoins a Residential District (or any other property currently used for residential purposes), not separated by a public right-of-way, any boundary fence that is adjacent to the Residential District (or other residential use) shall not exceed 5 feet in height above grade level.
- (7) Barbed Wire and Adjacent Districts. In the B-2 District, barbed wire shall not be used along any fence that directly borders a B-1 District, or any Residential District, unless separated by a public right-of-way.

(D) Industrial Districts

- (1) Boundary Fence
  - (a) May be placed up to the actual boundary line between two properties of separate ownership
  - (b) Material may be of wood, metal, or concrete (alone or in combination), or of living trees and/or shrubs, as long as they do not encroach upon the adjoining property. may be solid, slatted, decorative, or secure in nature
  - (c) There are no restrictions on the height of a boundary fence.
  - (d) Barbed wire may be used as a top addition to a boundary fence
  - (e) Barbed wire shall be at least 6 feet above grade level, no greater than 2 feet in width, and not extend over the adjoining property line.
- (2) Decorative Fence
  - (a) May be used for landscaping purposes
  - (b) May extend to the property line, in any yard
  - (c) Shall not exceed 5 feet in height above grade level
- (3) Screening Fence
  - (a) May be used to fulfill the requirement of screening for industrial and related uses
  - (b) May be of common fencing materials, constructed in a manner to provide substantial shielding of the site from public vision

- (4) Security and/or Impoundment Fence
  - (a) May not exceed 8 feet in height above grade level may extend to the property line, in any yard
  - (b) Barbed wire may be used as a top addition to a security and/or impoundment fence. Barbed wire shall be at least 6 feet above grade level, no greater than 2 feet in width, and not extend over the adjoining property line. If the fence itself is exactly 8 feet, or nearly 8 feet in height, the barbed wire may extend above this point.
- (5) Adjacent Residential Districts. If a property directly adjoins a Residential District (or any other property currently used for residential purposes), not separated by a public right-of-way, any boundary fence that is adjacent to the Residential District (or other residential use) shall not exceed 8 feet in height above grade level.
- (6) Barbed Wire and Adjacent Districts. Barbed wire shall not be used along any boundary fence that directly borders a B-1 District, or any Residential District, unless separated by a public right-of-way.

#### **§ 4.012 HOME BASED BUSINESS**

- (E) Definitions. For the purposes of this ordinance, the following definitions apply:
  - (1) Goods – Any merchandise, equipment, products, supplies, or materials.
  - (2) Home-Based Business – Any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.
  - (3) No-Impact Home-Based Business – A home-based business that meets all of the following criteria:
    - (a) The total number of on-site employees and clients does not exceed the city's occupancy limit for the residential property as specified in the International Property Maintenance Code.
    - (b) The business activities meet all of the following conditions:
      1. The activities involve only the sale of lawful goods and services.
      2. The activities do not generate on-street parking or a substantial increase in traffic within the residential area.
      3. The activities occur entirely within the residential dwelling or in the yard of the residential property.
      4. The activities are not visible from an adjacent property or street.

(F) No-Impact Home-Based Businesses. A no-impact home-based business shall be allowed without the requirement to obtain a permit, license, variance, or other prior approval from the city.

(G) General Requirements for Home-Based Businesses. A home-based business must comply with the following:

- (1) Residential Character – The business shall not alter the residential character of the property or surrounding neighborhood. No exterior modifications, signage, or displays that indicate a business is being operated on the premises shall be permitted, except as allowed by city sign regulations.
- (2) Traffic and Parking – The business shall not generate on-street parking or an increase in traffic that is inconsistent with the normal residential use of the property. The number of employees and clients on-site at any given time shall not exceed the city's occupancy limit for the property.
- (3) Public Health and Safety – The business shall comply with all applicable fire and building codes, health and sanitation regulations, and any other public safety requirements established by the city, county, or state.
- (4) Storage and Visibility – All business activities, including storage of materials, shall take place entirely within enclosed structures or areas not visible from an adjacent property or public street.
- (5) Noise and Nuisance Restrictions – The business shall not create noise, vibration, smoke, dust, odors, heat, glare, or electrical interference detectable beyond the property lines.

(H) Prohibited Home-Based Business Activities

- (1) The following activities shall not be permitted as home-based businesses:
  - (a) The sale of alcoholic beverages or illegal drugs.
  - (b) The operation or maintenance of a structured sober living home.
  - (c) The creation or sale of pornography, provision of nude or topless dancing, or any other adult-oriented business.
  - (d) Any activity that is prohibited by federal, state, or local law.

(I) Violations of this section shall be subject to Section 1.005.

**§ 4.013 HOTEL, MOTEL, OR BED AND BREAKFAST**

(A) No hotel or motel shall have a vehicular entrance or exit within 200 feet from a property occupied by a school, public playground, house of worship, hospital, library, or similar institution, unless it is located on a separate block, or fronts along a different street, provided that the properties are not directly adjoined.

- (B) Any lot to be used for a motel or hotel shall be no less than 15,000 square feet in area, and contain no less than 1,000 square feet of lot area per sleeping unit. In aggregate, all buildings and structures on the lot shall occupy no greater than 25 percent of the lot area.
- (C) All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.
- (D) No enlargements or extensions to any hotel or motel shall be permitted, unless the existing facility is made to substantially conform with all of the requirements for the new construction of such an establishment.

#### **§ 4.014 INDUSTRIAL USES**

- (A) All industrial operations, including off-street loading activities, shall take place within completely enclosed buildings, unless otherwise specified.
- (B) All industrial operations, with the exception of off-street loading activities, shall take place within a completely enclosed building, unless otherwise specified.

#### **§ 4.015 KEEPING OF CHICKENS**

- (A) Purpose and Intent
  - (1) The purpose of this section is to regulate the keeping of chickens in residential areas to promote urban agriculture, provide access to fresh eggs, and enhance sustainability while minimizing potential impacts on neighboring properties.
- (B) Applicability
  - (1) The keeping of chickens is permitted as an accessory use in the R-1, R-2, and R-3 zoning districts and requires an administrative permit prior to approval.
- (C) General Standards
  - (1) Permitted Animals:
    - (a) Only hens are permitted; roosters are prohibited.
    - (b) The maximum number of chickens is up to 8 hens.
  - (2) Enclosures:
    - (a) Chickens must be housed in a secure, predator-resistant coop with an attached outdoor run.
    - (b) Coops and runs must meet the following standards:
      1. Minimum Coop Size: 4 square feet per chicken.
      2. Minimum Run Size: 10 square feet per chicken.
      3. Maximum Height: 10 feet.

- (c) Coops and runs must be located in the rear yard and set back at least:
  - 1. 10 feet from all property lines.
  - 2. 25 feet from any neighboring residential dwelling.
- (d) Coops and runs must be maintained in a clean and sanitary condition, free from odors, vermin, and waste accumulation.

(D) Waste Management

- (1) Chicken waste must be managed to prevent nuisances or health hazards:
  - (a) Waste must be composted, properly disposed of, or incorporated into a garden or yard without creating odors detectable beyond the property line.
  - (b) All feed must be stored in sealed, pest-proof containers.

(E) Prohibited Activities

- (1) Chickens shall not be slaughtered on residential properties.
- (2) Chickens shall not be kept for commercial purposes, including the sale of eggs or meat, unless permitted under separate home occupation or zoning provisions.

(F) Licensing and Registration

- (1) Property owners must obtain a chicken-keeping permit from the city prior to acquiring chickens.
- (2) The permit application must include:
  - (a) A site plan showing the location of the coop and run in relation to property lines and neighboring structures.
  - (b) Confirmation that the property meets the requirements of this section.

(G) Lot Size

- (1) The keeping of chickens shall be limited to a maximum of one and one half (1.5) hen per two thousand (2000) square feet of lot area and any such activity must be located entirely within a rear yard.

**§ 4.016 KINDERGARDEN OR DAYCARE FACILITIES**

- (A) In Residential Districts, any play lot shall be suitably fenced and screened, as determined by the Board of Adjustment.

**§ 4.017 MINING**

- (A) No open pit or shaft shall be less than 200 feet from any public road.
- (B) No buildings or structures shall be located less than 200 feet from any property line.

(C) The borders of the property shall be fenced.

#### **§ 4.018 MIXED USE BUILDINGS**

(A) In Business Districts, the ground floor shall be occupied by commercial or service businesses, and the upper story or stories may be occupied by residential dwelling units.

#### **§ 4.019 MOBILE HOME PARK**

(A) Additional information on mobile and manufactured homes can be found in Section 146 of this Code of Ordinances.

(B) Mobile Home Park Requirements. Parks are subject to the following conditions:

- (1) Each mobile home park shall be at least 5 acres in size, and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park, unless they are separated by a natural or artificial barrier.
- (2) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water. Storm sewers and water retention ponds may be required.
- (3) Each mobile home space shall be large enough to provide a distance of 10 feet between the side lot line and any mobile home or structure on the space, a front yard of not less than 15 feet and a rear yard of not less than 10 feet.
- (4) All mobile home spaces shall abut upon a hard-surfaced and dust-free access drive of not less than 20 feet in width which shall have unobstructed access to a public street.
- (5) All driveways and sidewalks in the park shall be hard-surfaced and lighted at night with electrical lights whose output shall be no less than 220 average lumens each (light output approximately equivalent to a 25-watt tungsten bulb), spaced at intervals of not more than 100 feet.
- (6) Each mobile home park shall provide service buildings to house such toilet, bathing and other sanitary facilities and such laundry facilities as may be prescribed.
- (7) Each trailer or mobile home space shall be serviced by not less than a 100-amp electrical service.
- (8) Adequate sanitary facilities and supply of pure water shall be provided to each mobile home space.
- (9) Each park shall comply with the regulations set forth by the General Assembly of Iowa.

## **§ 4.020 MOTOR VEHICLE BUSINESSES**

- (A) No motor vehicle repair business, gas station, or car wash shall have a vehicular entrance or exit within 200 feet of any property occupied by a school, public playground, house of worship, hospital, library, or similar institution. No such entrance or exit shall be located within 20 feet of any Residential District.
- (B) No portion of any building or structure being used as a motor vehicle repair business, gas station, or car wash shall be located within 100 feet of any property occupied by the aforementioned institutional uses.
- (C) Activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing, and greasing shall be conducted within the building. There shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

## **§ 4.021 MULTI-FAMILY COMPLEXES GREATER THAN 4 UNITS PER BUILDING**

- (A) **Parking Requirements.** For parking requirements of multi-family housing complexes, see Section 3.009.
- (B) **Outdoor Leisure Space and Recreational Areas.** The following requirements apply to all multi-family complexes of greater than 4 dwelling units per building:
  - (1) **Leisure Space.** Each ground-level dwelling unit shall include an outdoor leisure space consisting of a porch, patio or deck. Each above ground dwelling unit shall include an outdoor leisure space consisting of a balcony or deck.
  - (2) **Recreational Area for Children.** Each complex shall include a recreational area for children living in said complex consisting of commercial type playground equipment meeting all applicable safety codes and standards. The minimum size of this area shall be 25 square feet per dwelling unit.
  - (3) If the complex has access to a separate public park, within 500 feet, then this may substitute for an on-site facility.
  - (4) **Recreational Green Space.** Each complex shall include an open area of green space, to be used for recreational purposes, by residents of the complex. It shall not constitute less than 10 percent of the land area on which the complex is located. This space shall be safely separated from areas with motor vehicle traffic, including streets, driveways, and parking lots.
  - (5) If the complex has access to a separate public park, within 500 feet, then this may substitute for an on-site facility.
- (C) **Landscaping, Screening and Security.** The following requirements apply to all multi-family complexes of greater than 4 dwelling units per building:

- (1) Each complex shall include attractive landscaping with shrubbery, ornamental trees, flower beds, etc.
- (2) Each complex shall be screened to separate it from directly adjacent properties. Said screening may consist of privacy fencing, berms or shrubbery.
- (3) The parking facilities at each complex shall be lighted with security lights with reflectors that prevent direct light from encroaching upon neighboring properties.
- (4) The trash receptacles at each complex shall be screened by fencing and placed in areas so as not to be offensive to tenants of the complex or to neighboring properties.

#### **§ 4.022 MUNICIPAL ADMINISTRATIVE OR PUBLIC SERVICE BUILDINGS OR PROPERTIES**

- (A) In Agriculture and Residential Districts, buildings shall be located no less than 20 feet from any lot in a Residential District.

#### **§ 4.023 NOISE GENERATING BUSINESS**

- (A) These will be allowed when occupying a completely enclosed building. If the building contains any openings other than stationary windows or required fire exits, it shall be located at least 100 feet from any Residential District
- (B) Noise generating businesses include the following:
  - (1) Beverage bottling or distribution facility
  - (2) Bowling alley, pool hall, or similar recreational facility
  - (3) Carpentry, electrical, HVAC, plumbing or sign painting business, and similar establishments
  - (4) Bar, tavern, or night club
  - (5) Laundry and dry cleaning facility (not self-service)
  - (6) Printing, publishing, engraving or lithographic shop

#### **§ 4.024 NONCONFORMING USES AND STRUCTURES**

- (A) Purpose.
  - (1) Within the established districts set forth by this regulation or amendments that may be adopted at a later date, existing lots, uses of land, uses of structures, and structures that were lawful at the time of adoption of these regulations, but are now prohibited, restricted, and regulated under the terms of these regulations and/or future amendments. It is the intent of this regulation to allow these

nonconformities to continue until they are removed or fail to maintain their nonconforming status, but not to encourage their survival.

- (2) The objective of this regulation is to set the terms by which all nonconforming uses and lots will ultimately be brought into compliance with the terms of this title as it is adopted and amended. Such nonconformities have been found to be incompatible with permitted uses and structures within the zoning district in which they are found. However, single-family uses shall not, generally, be treated as nonconforming uses.
- (3) To avoid undue hardship, nothing in this regulation shall be deemed to require a change in plans, construction, or use of any building in which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations. Actual construction is hereby defined as placing or fastening materials in a permanent position, or where excavation, demolition, or removal in preparation for building has occurred, provided that work is carried on in a diligent manner.

(B) Discontinuance

- (1) Any nonconforming use of land or nonconforming use of structure that is idle, unoccupied, or vacant for one year or more is conclusively deemed discontinued, abandoned, and terminated, and shall lose its nonconforming rights. Any future uses shall be in compliance with the use regulations of the district in which it exists.
- (2) Any nonconforming use or structure that is removed, unlawfully constructed, altered, or operated at any time shall not be allowed to continue existence or use as a nonconforming use or structure. Any such nonconforming use that comes into compliance with the land use and/or zoning regulations of the zoning district in which it is located at any time shall not be allowed to be constructed, altered, or operated as a nonconforming use or structure in the future.
- (3) Nothing in this Chapter shall be interpreted as authorization for the continuance of the use of a structure or lot established unlawfully or in violation of the Zoning and Subdivision Regulations in effect prior to the effective date hereof.
- (4) All variances or appeals of this regulation shall be submitted to the Zoning Board of Adjustment.

(C) Single-family Uses

- (1) Nonconforming single-family uses may be rebuilt or restored if destroyed or damaged to any extent. This only applies to residential structures primarily utilized for housing purposes, including any attached structures. Such repair, reconstruction, or structural alteration shall not increase or extend the degree of nonconformity. Detached structures shall not be allowed to rebuild, except in

conformance with all requirements of this Title. Nonconforming structures shall not be repaired, reconstructed, or structural altered except in compliance with all other provisions of this Title.

(D) Nonconforming Lots of Record

- (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this regulation notwithstanding other provisions of this regulation. This regulation shall apply even though such lot fails to meet the requirements of area, width, or both, that are generally applicable in the district; provided that front yard dimensions and requirements other than those applying to area, width, or both of the lot shall conform to all other regulations for the district in which such lot is located.

(E) Nonconforming Uses of Land

- (1) Where at the time of passage of these regulations a lawful use of land exists (preexisting), which would not be permitted by these regulations, the use may be continued as long as it remains lawful, provided:
  - (a) No such nonconforming use shall be enlarged or extended to occupy a greater area of land than was occupied at the effective date of adoption of these regulations unless herein provided.
  - (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this section.
  - (c) No additional structures that do not conform to the requirements of this regulation shall be erected in connection with such nonconforming use of land unless herein provided.

(F) Nonconforming Uses of Structures

- (1) If lawful use of a individual structure exists at the effective date of adoption or amendment of this regulation that would not be allowed in the district under the terms of this regulation, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - (a) No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (b) Any nonconforming use may be extended throughout any part of a building, which was designed for such use at the time of adoption or

amendment of this regulation, but no such use shall be extended to occupy any land outside such building.

- (c) When any structure committed to a nonconforming use is superceded by a permitted use, it shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(G) Nonconforming Structures

- (1) Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of these regulations by reasons of restrictions on area, height, yards, location on lot, or other requirements concerning structures, such structures may be continued so long as it remains otherwise lawful, provided:
  - (a) Where a structural projection of the principal building is located closer to the lot line than allowed by this regulation, the nonconforming side of the structure may be increased provided that the following requirements are met:
    1. The existing structural projection that is being added onto is no less than 10 feet from the front lot line, 4 feet from the side lot line, and 25 feet from the rear lot line.
    2. The addition shall not extend beyond the further most structural projection of the nonconforming side.
    3. The addition shall not exceed 250 square feet in size.
    4. The addition shall meet all other requirements of this Title.
  - (b) An addition to a principal structure that meets all setback, lot coverage, area, use, and all other applicable requirements of the district in which it is located and this Title may be greater than 250 square feet.
  - (c) A non-conforming accessory structure shall not be increased in size, except to bring the entire structure into conformance with all requirements of this Title.
  - (d) Should such nonconforming structure or nonconforming portion of the structure be destroyed or deteriorated by any means to an extent of more than sixty percent (60%) of its assessed value at time of destruction, such structure shall be allowed to be restored or reconstructed to its previous size, including area, height, and lot coverage; provided all other applicable building and zoning codes are met, including required setbacks, unless explicitly allowed elsewhere in this chapter. For the purpose of this regulation, the assessed value on record at the Des Moines County

Assessors office shall be used as the assessed value of a structure at the time of destruction.

(e) A nonconforming structure that is used as a single-family use or that is an accessory structure to a single-family use that is destroyed or deteriorated shall be allowed to be restored or reconstructed to its previous size, including area, height, lot coverage, and setback, provided all other applicable building and zoning codes are met. Such a structure may also be repaired or structurally altered, provided such construction does not increase or extend the degree of nonconformity and does not increase or extend any other nonconforming situation on the property, subject to the following conditions as applicable.

1. If such nonconforming structure, either primary or accessory, is closer than three (3) feet to the property line of an adjacent property, a maintenance easement agreement must be obtained from the adjacent property owner in order for such structure to be restored, reconstructed, structurally altered, or repaired (excluding repairs that amount to less than sixty percent (60%) of the assessed value of the structure), closer than three (3) feet to the property line.
2. If such accessory structure is closer than three (3) feet to any property line, a special use permit must be obtained from the Zoning Board of Adjustment before construction may commence.

(f) A nonconforming structure that is used as a multi-family use or that is an accessory structure to a multi-family use that is destroyed or deteriorated and is a contributing structure in a locally designated historic district shall be allowed to be restored or reconstructed to its previous size, including area, height, lot coverage, and setback, provided all other applicable building and zoning codes are met. Such a structure may be repaired or structurally altered, provided such construction does not increase or extend the degree of nonconformity and does not increase or extend any other nonconforming situation on the property, subject to the following conditions as applicable.

1. If such nonconforming structure, either primary or accessory, is closer than three (3) feet to the property line of an adjacent property, a maintenance easement agreement must be obtained from the adjacent property owner in order for such structure to be restored, reconstructed, structurally altered, or repaired (excluding repairs that amount to less than sixty percent (60%) of the assessed value of the structure), closer than three (3) feet to the property line.

2. If such accessory structure is closer than three (3) feet to any property line, a special use permit must be obtained from the Zoning Board of Adjustment before construction may commence.

(g) Illegal or unlawful and/or conforming uses are not subject to Section 501.2 of the 2015 International Building Code on Address Identification and subsequently adopted ICC codes.

(2) Accessory structures, including but not limited to garages, are prohibited as stand-alone structures, except as expressly permitted by this Code. Any destruction or demolition of a primary structure in this District shall also include demolition of any accessory structures on the parcel, unless it is the intent of the owner, expressed in writing to the Planning and Zoning Administrator of the City, to commence construction of a new primary structure within six months of said demolition. In such cases where the intent of the owner is to rebuild the primary structure, a building permit for the rebuilding of the primary structure shall be obtained by the owner within sixty (60) days of demolition of the existing primary structure. If said building permit is not obtained by the owner within sixty (60) days of demolition, or if work is not commenced within six months of said demolition, or if the structure is not completed and an occupancy permit obtained within one (1) year of the obtaining of the building permit, the accessory structure shall be immediately demolished at the owner's expense. Relief from this provision shall only be obtained with the expressed written permission of the Planning and Zoning Administrator upon a showing of substantial construction progress and reasonable assurance of reasonably prompt completion.

(H) Parking Requirements

- (1) The number of spaces as required by this ordinance shall apply only to new construction and to a use change on a property.
- (2) Any property that does not meet the minimum parking requirements at the time of adoption of this ordinance shall not be restricted in its current use, physical expansion, or redevelopment solely due to parking noncompliance. The inability to meet parking requirements shall not render the entire property subject to nonconforming use provisions, and the property may be used and developed to the full extent permitted by this ordinance.
- (3) Any change of use of a property shall require compliance with the minimum parking requirements of this ordinance.

**§ 4.025 NURSERY, SCHOOL, LIBRARY, OR SIMILAR USE**

(A) In the Agriculture District, the facilities shall be located no less than 50 feet from any Residential District.

(B) In Residential Districts, the facilities shall be located no less than 20 feet from any side lot line.

#### **§ 4.026 OUTDOOR STORAGE AND OUTDOOR SALES**

(A) The outdoor storage of materials, products, and goods is permitted, in the B-2, I-1 and I-2 district, if screened from adjacent properties and the public right-of-way by a solid fence or wall at least 6 feet in height. Outdoor storage of uncontaminated bulk materials is prohibited unless otherwise specified.

(B) All outdoor sales spaces shall be provided with a permanent, durable, dust-free surface, and shall be graded and drained as to dispose of all surface water.

(C) All commercial outdoor storage spaces used for driving or vehicle operation shall be provided with a permanent, impervious, durable, dust-free surface, and shall be graded and drained as to dispose of all surface water. Outdoor storage spaces not used for driving or vehicle operation may be on a permeable surface given the outdoor storage meets all other requirements of this ordinance.

#### **§ 4.027 PARKING, RECREATIONAL VEHICLE**

(A) In the Residential Districts, Recreational Vehicles parked shall be not more than 18 feet in length.

(B) Parking of a Recreational Vehicle shall be on a durable, dust free surface.

(C) Parking of a Recreational Vehicle may be in the front yard.

(D) Parking of a Recreational Vehicle shall not interfere with traffic visibility

(E) The parking of a trailer in any District, except in an approved mobile home park, for 48 hours or longer shall be prohibited, except for small utility trailers. In addition, a camping, utility, or boat trailer, with or without boat, may be stored in a rear yard, provided that no living quarters shall be maintained or any business conducted in connection with the trailer, while it is parked or stored.

#### **§ 4.028 PRIVATE HOSPITAL**

(A) In Residential Districts, the facilities shall be on a lot of 5 acres or more.

(B) Any such building be at least 50 feet from any lot in a Residential District.

#### **§ 4.029 PRIVATELY OPERATED COUNTRY CLUBS, GOLF COURSES, SWIMMING CLUBS, RIDING STABLES, AND SIMILAR RECREATION USES**

(A) In the Agriculture and Residential Districts, the facilities shall be located no less than 200 feet from any lot in a Residential District.

## § 4.030 RECREATIONAL VEHICLE PARK

Recreational Vehicle Parks are subject to the following conditions:

(A) Application for License to Operate a Recreational Vehicle Park. Any person desiring to operate or expand a Recreational Vehicle Park will first file an application for a Recreational Vehicle Park license with the Building and Zoning Enforcement Officer. The application will be in writing, signed by the applicant and landowner, and will be accompanied by an initial license fee payment.

The Building and Zoning Enforcement Officer will forward said application and related materials to the City Public Works Director, Police Chief, and Fire Chief for their review and consideration, and when they have rendered their decision, the application will then be forwarded to City Administrator for final consideration, and action thereon.

(B) Annual License, Inspection, and Fees. The annual license fee for each Recreational Vehicle Park will be set by Resolution of the City Council and payable to the City Clerk on or before the last day of April of each year.

The Recreational Vehicle Park operator will be required to coordinate an annual inspection with the Building and Zoning Enforcement Officer every year at least thirty (30) days prior to the expiration date of their license to allow for the on-site inspection of the various facilities of the Recreational Vehicle Park. The charge for the inspection will be borne by the Recreational Vehicle Park operator at a rate set by Resolution of the City Council.

Design, Development, and Maintenance Standards. The following listed standards will be used in the design, development, and maintenance of Recreational Vehicle Parks\parks:

- (1) Each RV Park shall be at least 5 acres in size, and shall maintain the minimum setbacks established for an R-4 Zoning District in Section 3.001. Each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless they are separated by a natural or artificial barrier.
- (2) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water. Storm sewers and water retention ponds may be required.
- (3) As required by city code, all service drives and parking areas within the park will be constructed of durable, dust-free material.
- (4) RV's shall be separated from each other and from other structures by at least ten (10) feet.
- (5) All driveways and sidewalks in the park shall be hard-surfaced and lighted at night with electrical lights whose output shall be no less than 220 average lumens each (light output approximately equivalent to a 25-watt tungsten bulb), spaced at intervals of not more than 100 feet.

- (6) Each Recreational Vehicle Park shall provide service buildings to house such toilet, bathing and other sanitary facilities and laundry facilities as prescribed.
- (7) Each RV space shall include a minimum of one off-street parking space in addition to the RV parking area.
- (8) Each RV space shall be serviced by not less than a 50-amp electrical service.
- (9) A maximum of ten (10) recreational vehicles will be permitted on any acre of ground, including streets within a Recreational Vehicle Park.
- (10) The main entrance will be off of a public highway or street, and the city must approve the location, width, grade, drainage, surface, etc.
- (11) A landscaped area at least 20 feet wide along exterior lot lines and street frontages shall be suitably planted and maintained to provide visual screening from adjacent properties and public roadways.
- (12) Individual campsites will be developed, and no more than one recreational vehicle will occupy a site at the same time.
- (13) Each campsite must be clearly numbered in a logical numbering system and visible from the service drive.
- (14) The Recreational Vehicle Park operator will provide an adequate system of enclosed refuse and garbage collection and necessary containers, and full use will be made of these services available for waste and garbage disposal. It will be the responsibility of the Recreational Vehicle Park operator to provide such adequate service as may be required by the city.
- (15) All construction, including electric and plumbing work, will be done to standards of national (including NFPA 1194), state, and local codes as each applies and will meet the approval of the appropriate inspecting official of the City of West Burlington.
- (16) Provisions will be made for emptying holding tanks, if applicable.
- (17) Adequate sanitary facilities will be provided for each site.
- (18) Each site will be provided with an adequate supply of safe, potable water for drinking and domestic services. An adequate supply of hot water will be provided at all times in the service buildings for bathing, washing, cleaning, and laundry facilities.
- (19) All fires will be made in stoves or other equipment provided for that purpose. Open, unattended fires will not be permitted.
- (20) The park operator will provide playground equipment suitable for small children.

(21) The Recreational Vehicle Park operator will provide the city with an up-to-date list of Park Rules that will be enforced by the Park Operator/Owner.

(C) Length of Stay

(1) No recreational vehicle shall be used as a permanent place of dwelling for indefinite periods of time. Continuous occupancy extending beyond ninety (90) days in any 12-month period is prohibited. An exception may be granted by the city if a tenant can provide documentation showing they are working locally and in a temporary capacity.

(2) The park operator will be required to keep an accurate and complete record of the overnight guests harbored in the park. Said records will include the guest's name, address, auto license number, year and make of car, date of arrival and departure. This record will be shown upon request to any duly authorized representative of any law enforcement agency.

(3) Any action toward removal of the wheels of a recreational vehicle, except for temporary purposes of repair or to attach the recreational vehicle to the grounds for stabilizing purposes, is hereby prohibited.

(4) The storage of recreational vehicles is prohibited. Any recreational vehicle not occupied for more than 30 days shall be deemed in storage.

(D) Construction Permit Required.

(1) A construction permit is required prior to:

(a) Adding, subtracting, or re-configuring campsites.

(b) Adding or extending water or sewer lines

(c) Construction of any structure

(E) Each and every rule and regulation promulgated by the Iowa State Department of Health and/or the Iowa Department of Natural Resources and all city regulations now in effect or which may hereafter be enacted affecting public health will be complied with."

#### **§ 4.031 SANITARY LANDFILLS**

(A) In the Agriculture District, facilities shall be in accordance with County and State regulations, and no sanitary landfill shall be operated within 1,320 feet of any Residential District.

#### **§ 4.032 SCREENING OF INDUSTRIAL USES**

(A) Where industrial and related uses are present, as a Permitted or Special Use, an aesthetically appropriate wall, fence, or landscaping feature shall be provided to adequately perform the following functions, at the indicated minimum height:

Function	Minimum Height
Restrict visibility of equipment, operations, storage and parking areas from any adjacent public space or street	5 feet
Restrict visibility of all operations and facilities from nearby residences, if the use is adjacent to a Residential District, either directly adjoining or across a public right-of-way	6 feet
Restrict pedestrian passage to parts or entirely of property if a potential hazard to the community exists	6 feet (in I-1); 8 feet (in I-2)

#### § 4.033 SCREENING OF BUSINESS USES

- (A) Ground mechanical equipment. Ground mechanical equipment shall be 100% screened from contiguous properties and adjacent streets by opaque landscaping, or a screen wall shall be provided that is compatible with the architectural treatment of the principal structure.
- (B) Screening adjoining use. Wherever a business use shares a lot line with any other use, or is across the street from a Residential District, a berm, fence, or screening comprised of compact evergreen trees or hedge or combination thereof, not less than 80% opaque at time of installation and not less than 6 feet in height, except adjacent to a street where it shall be not less than 3 feet and not more than 4 feet in height shall be erected or installed and maintained. All screening shall comply with Section 3.011 of this chapter.
- (C) Trash enclosure service structure. All trash, recyclable materials, and trash and recyclable materials handling equipment and compactors be screened from public view.

#### § 4.034 SEWAGE TREATMENT PLANT

- (A) The boundary of the property shall have a security fence or wall at least 6 feet high.

#### § 4.035 SIGNS

- (A) Purpose and Scope
  - (1) The purpose of this chapter is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of sign and sign structure not located within a building. A sign shall not be erected in a manner that would confuse or obstruct the view of or interfere with official traffic signs, signals or devices. The regulations of this chapter are not intended to permit a violation of the provisions of other ordinances.
- (B) Definitions

**Awning sign.** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.

**Attached sign.** A sign which is structurally connected to a building or depends upon that building for support.

**Balloon sign.** A transient sign consisting of graphics or any three-dimensional figure erected for the purposes of advertising, that is inflated with or supported by air or other gas.

**Banner sign.** A sign made of fabric or other nonrigid materials with no enclosing framework. This definition includes "feather" signs or similar banner signs which are supported on fewer than three sides with a rigid post or similar support.

**Billboard.** A sign having more than 100 square feet of display surface, which is either erected and attached to the ground or attached to or supported by a building or structure for the purpose of supporting changeable billboard signs. One sign on a billboard shall be permitted on any zoning lot for a period of not more than 60 days in any calendar year.

**Building Code.** The International Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

**Building Official.** The officer or other designated authority charged with the administration and enforcement of this chapter, or the Building Official's duly authorized representative.

**Canopy sign.** A permanent roof-like structure erected which is supported by the structure wall alone to provide shelter from the weather. The canopy fascia may be used to display a company logo and/or colors and shall be considered a sign.

**Continuously parked vehicle.** Means a vehicle which is parked or abandoned in any public parking lot or adjacent to the right-of-way for a period of time exceeding twenty-four (24) hours.

**Detached sign.** A sign which is self-supporting and structurally independent from any building.

**Display surface.** The area made available by the sign structure for the purpose of displaying the advertising message.

**Electric sign.** Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

**Encroachment.** To intrude or infringe upon the property of another or public right-of-way. An individual or business setting a sign in the public right-of-way, whether it be permanent, temporary, attached or detached.

Fin sign. A sign that is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

Flag. A sign, pennant, placard, valance or advertising display or sign constructed of light fabric, plastic, cardboard, wallboard, plywood, paper or other light materials, with or without frames. Pennants may be allowed year-round in all business and industrial districts.

Ground sign. A billboard or similar type of sign that is supported by one or more uprights, poles or braces in or upon the ground other than a fin sign or pole sign, as defined in this chapter.

Home occupation sign. This means a sign other than a nameplate to advertise any occupation, profession or activity that is a customary, incidental and secondary use of a residential unit carried on by a member of the immediate family residing on the premises. The sign shall not be not more than two (2) square feet in area and shall not alter the exterior of the property or affect the residential character of the neighborhood.

Incidental sign. A small sign, emblem or decal informing the public of information (such as hours of operation, credit cards accepted, professional signs etc.) or that directs attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located.

Legal setback line. The legal distance a structure shall be set back from the property lot line as determined by a survey.

Multi-tenancy sign. A sign advertising a shopping mall, shopping center, strip mall or campus complex depicting multiple tenants and/or the name of the shopping center.

Nonconforming sign. A sign that was legally erected prior to the adoption of the ordinance codified in this chapter but which violates the regulations of this chapter.

Obsolete sign. A sign which advertises an activity, business, product or service that is no longer conducted on the premises on which it is located. This is typically due to the closure or relocation of a business or other activity.

Pennant. A piece of fabric that comes to a point or swallowtail designed to move freely in the wind.

Pole sign. A sign wholly supported by a stand-alone structure in the ground.

Political campaign sign. A temporary sign relating to candidates or issues associated with a local, state or national election or referendum and not commercial in nature.

Portable sign. A display surface temporarily fixed to a standardized advertising structure that is regularly moved to different locations at periodic intervals. Signs mounted on sandwich boards, trailers, vehicles or connected to vehicles in any zoning district with hitch mechanisms are also considered to be portable signs.

Projecting sign. A sign other than a wall sign, which projects from and is supported by a wall of building or structure.

Public sign. A temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic control or direction. A public sign can be erected for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

Real estate sign. A sign advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed and shall not exceed two (2) in number and shall be set back from the surveyed property line or right-of-way. Signs shall not be placed upon any part of the city easement or right-of-way. Real estate signs may be placed in all districts.

Roof sign. A sign erected upon or above a roof or parapet of a building or structure.

Seasonal decorations. Signs pertaining to recognized national holidays and national observances.

Setback. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.

Sign area.

- (1) Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
- (2) The area of double-faced signs is calculated on the largest face only signs is calculated on the largest face only.
- (3) The sign area for ground signs is calculated as the area enclosing the extreme limits of the copy only.
- (4) In case of individual letters mounted to a wall, the total area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

Sign structure. Any structure that supports or is capable of supporting a sign as defined in this ordinance. A sign structure may be a single pole and may or may not be an integral part of the building.

Sign variances. Are exceptions from regulations that are in the sign regulations and are made for a specific case.

Snipe sign. A sign or poster which is tacked, nailed, posted, glued or otherwise attached to poles, stakes, fences, trees or to other like objects.

Structure. 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.

Temporary sign. Any sign, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, inflatable or other light materials, with or without frames, intended to be displayed for a period not exceeding sixty (60) days in any calendar year. Signs so constructed shall be placed in such a manner to prevent any movement caused by mechanical methods or wind conditions. These may include garage sales, rummage sales, auction, political candidates or ballot measures, concert signs, real estate signs, construction signs, and similar types of signs. The national flag, State flag and city flag, when properly displayed are exempt from this chapter.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

(C) Prohibited Signs

The signs listed below are expressly prohibited in all zoning districts

- (1) Any sign attached to or placed on a vehicle or trailer continuously parked on public property or public right-of-way; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Public transit vehicles and taxis are exempt from this provision.
- (2) Any sign not expressly allowed by this chapter.
- (3) Any sign that is not a public sign that is located in, on, under or over a public right of way, except as allowed in Section 4.035 (D)(5) below.
- (4) Any sign that violates or advertises activities that violate city, state or federal law.
- (5) Flashing signs, including those illuminated by or containing red or blue emergency flashing lights, intermittent, rotating, or moving light or lights. The prohibition shall not apply to electronic message centers.
- (6) Off premise advertising of portable signs.
- (7) Painted wall signs. Off-premise signs painted on building walls.
- (8) Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.

(D) Enforcement

- (1) Authority. The Building Official is hereby authorized and directed to enforce the provisions of this chapter. For these purposes the Building Official shall have the powers of a law enforcement officer. The Building Official has the authority to grant sign variances. A written request for a sign variance shall be filed with the Building Official.

- (2) Right of Entry. When necessary to make an inspection to enforce the provisions of this chapter, or whenever the Building Official or an authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition or code violation that makes the building or premises unsafe, dangerous or hazardous, the Building Official or an authorized representative may enter the building or premises at reasonable times to inspect the same or to perform the duties imposed upon the Building Official by this chapter. If the building or premises is occupied, the Building Official shall first present proper credentials and request entry. If the building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official or the authorized representative shall have recourse to the remedies provided by law to secure entry.
- (3) Appeals.
  - (a) An appeal to the Building Official may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any decision of the Building Official. Such appeal shall be taken within 30 days of the Building Official's decision, by filing a written request of appeal specifying the grounds thereof.
  - (b) The Building Official shall fix a reasonable time for the review of an application or an appeal. The Building Official shall decide the request or appeal within a reasonable time subsequent to the review.
- (4) Violations. It is unlawful for a person, firm or corporation to erect, construct, enlarge, alter, move, convert, equip or use a sign or sign structure in this jurisdiction, or cause or permit the same to be done, contrite to or in violation of the provisions of this chapter. General repair and maintenance shall be considered in accordance with this chapter.
- (5) Encroachment Standards.
  - (a) Projecting signs and awing signs that encroach into the public right-of-way are allowed after review and approval of the sign permit application by the Building Official and after confirmation that the signs meet the requirements of this chapter.
  - (b) A temporary sign or an incidental sign shall require a sign permit prior to its construction or installment.
  - (c) Detached signs shall not be allowed to encroach into any right of way unless approved by the Building Official through a sign permit application.

- (d) A canopy sign supported by structural pillars or columns into any right of way are not allowed in any zoning district and shall be considered a noncompliant sign.
- (e) Snipe signs are transient in nature and irreparable and may be cited or removed immediately upon observation of the violation(s). The Building Official is not required to give notice of removal and can cite a person immediately upon observation of a snipe sign placed in the city's right-of-way.

(E) Maintenance and Inspections

- (1) After any sign that requires approval permit is constructed, affixed or erected, the sign owner or sign contractor performing the work or service shall notify the Building Official for final inspection of the sign.
- (2) Signs and sign support structures, together with their supports, braces, guys and anchors, shall be kept in repair and proper state of preservation.
- (3) The display surfaces of signs shall be kept neatly painted or posted at all times.
- (4) The Building Official may order the removal of a sign that is not maintained. Signs for which a permit is required shall be subject to inspection by the Building Official.
- (5) Signs containing electrical wiring shall be subject to the provisions of the Electrical Code, and the electrical components used shall bear the label of an approved agency. Signs may be re-inspected at the discretion of the Building Official.
- (6) At times, the Building Official may direct any undesignated person to inspect any and all signs overhanging the streets, avenues or alleys or which are hung or fastened parallel or flush with the front or wall of any building within two feet of any street, avenue or alley and supports thereof. If the sign is considered dangerous or in the right of way, the Building Official shall immediately cite a person immediately and give a notice.
- (7) Every sign, including signs for which zoning permits are not required, shall be maintained in a safe, representable and good structural and aesthetic condition at all times, including replacing of defective parts and lettering, repainting, cleaning and other acts required for the maintenance of the sign.
- (8) The ground area around any detached sign shall be kept free and clean of weeds, trash and other debris. Landscaping at the base of the sign, if required, shall be maintained in a healthy and hardy condition.

- (9) Should a nonconforming sign be destroyed by any means to an extent of sixty percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
- (10) The Building Official may require footing inspections for signs having footings.
- (11) Materials utilized for signs and sign structures shall be of the quality and grade as specified for buildings in the Building Code.
- (12) 12. Signs declared as public nuisance:
  - (a) The owner of any obsolete sign is *prima facie* responsible for the maintenance of that sign upon public or private property in violation of this chapter.
  - (b) Each day the owner of an obsolete sign that is not maintained within the city is found in violation of this chapter and permits the violation to continue after the notice period provided in this section shall be a new violation of this chapter.
  - (c) Upon discovery of any obsolete sign that is not maintained upon private property within the corporate limits of West Burlington, a Building Official having authority or responsibility for enforcement of any provisions of this title, may notify in writing the owner of the obsolete sign, and the owner of the property upon which it is located that:
    1. The obsolete sign constitutes a violation under the provisions of this chapter.
    2. Failure to repair the obsolete sign shall be sufficient cause for removal and disposal by the city and assessment of costs.
    3. The owner of the obsolete sign that violates the provisions of this chapter, or the owner of the property upon which it is located, shall within sixty (60) days after service of a written notice from a Building Official having authority or responsibility for enforcement of any provisions of this title, remove or repair the sign.
    4. If the owner of an obsolete sign or the owner of the property upon which it is located shall fail to repair same in accordance with the requirements of this section, a Building Official having authority or responsibility for enforcement of any provisions of this Code, may abate the violation by causing the sign to be removed to a place of safekeeping and the cost of the removal and storage shall thereof be assessed against the owner of the obsolete sign, or to the owner of the property upon which it was located.

(F) Signs Allowed Without Requiring a Sign Permit

(1) Signs permitted in all Zoning Districts

- (a) Civic banners.
- (b) Seasonal decorations.
- (c) Home occupation signs.
- (d) Signs mounted inside a building, that are not visible from the exterior of the building.
- (e) Incidental signs.
- (f) Public signs. Signs at the SU-CC and SU-MC shall be considered public signs and shall not require a sign permit, provided they are located beyond the minimum setback given in this chapter.
- (g) Temporary signs.

(2) Conditions that do not require a sign permit

- (a) These exemptions shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance, and compliance with the provisions of this chapter or other laws or ordinances regulating signs.
- (b) Painting, repainting or cleaning of an advertising structure or changing the advertising copy on a billboard sign or sandwich board or message thereon shall not be considered an erection or alteration that requires a sign permit unless a structural change is made.

(G) General Regulations for Signs Not Requiring a Sign Permit

- (1) Signs shall not be illuminated unless otherwise provided in this chapter.
- (2) No strobe lighting shall be used to illuminate signs or for any other advertising purpose.
- (3) Signs shall not be located in, on, under or over any public right of way except as allowed in this chapter.
- (4) The sign area shall be applied to the total sign area allowed by the Building Official, unless otherwise provided in this chapter.
- (5) Signs are not subject to the setback requirements unless specifically stated in this chapter.
- (6) Signs shall not be placed within the specified minimum setback, unless otherwise provided in this chapter.

- (7) Signs must be constructed of a rigid material or erected tightly so as to appear of a rigid material.
- (8) Signs shall not be suspended by chains, hooks or cables or other devices that will allow the sign to swing due to wind action or other force. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (9) All billboards, signboards, and similar advertising signs shall be permanently attached to a structure and not be in motion of any sort.
- (10) Signs shall not have moving, rotating or animated parts.

(H) Sign Approval and Permits Required

- (1) Permit, Review and Approval Required. A sign requiring a permit shall not, hereafter, be erected, re-erected, constructed, or altered except as provided by this chapter, and after the Building Official has issued a sign permit that ensures that the proposed sign is in compliance with this chapter. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. Signs erected, re-erected, constructed, or altered, except as provided by this chapter, without a permit issued by the city will be subject to penalties as provided by this chapter.
- (2) These regulations shall not be construed to require building review and approval or a sign permit for a change of copy on a sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which zoning approval has previously been granted, provided that the sign or sign structure is not modified in any way.
- (3) Application for Permit: Application for a sign permit shall be made in writing on forms furnished by the Building Official. A copy of plans and specifications shall be submitted to the Building Official for each sign regulated by this title. Such plans shall show sufficient details about size of the sign, location and materials to be used and such other data as may be required for the Building Official to determine compliance with this title. If a sign proposes to encroach the public right-of-way, the submitted site plan should also include all existing fixed features such as tree wells, sign posts, parking meters, fire hydrants, etc. within twenty-feet (20') of the encroachment area. The Building Official may require the filing of other pertinent information when such information is necessary to ensure compliance with this chapter. A sign permit application can be found in Appendix B. Any sign placed within the minimum setback in Specific Use Districts as specified in section of this chapter will require approval of a sign permit.
- (4) Any temporary sign which contain or consist of banners, balloons, posters, pennants, flags, ribbons, streamers, spinners, portable signs, sign trailers or other similarly moving devices may be located in permitted zones through issuance of a

sign permit. Any devices when not part of any sign shall also be prohibited. Temporary sign permit holders will only be allowed to display portable signs only during the hours of business unless stated otherwise on the permit. Application of permits for temporary signs shall be limited to twice per calendar year.

(I) Sign Permit Fee

(1) A sign permit fee and a plan examination fee shall be paid in accordance with the schedule established by resolution of the Council. All permit fee shall be non-refundable.

(J) Maximum permitted Sign Area

(1) Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one street or private way, the total frontage shall be calculated as the longest frontage plus one-half the length of all additional frontages. The maximum permitted area is for all signs on a premise excluding incidental signs, building marker signs, and flags shall not exceed the lesser of the following:

Maximum Permitted Sign Area						
Zoning District	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Square feet of signage per linear foot of frontage	0.75	1.5	1.5	2	1.5	1.5

(K) Permitted Signs by Type and Zoning Districts

This section sets forth a list of detached, attached and miscellaneous signs that are either permitted, not permitted or permitted conditionally within each zoning district of the city. No sign that is permitted conditionally shall be located, erected or maintained except in compliance with the provisions contained herein. Signs shall not be allowed in a zoning district as indicated in the tables below.

(1) Detached Signs

Detached Signs													
Sign Types	A-1	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Pole	C	N	N	N	N	N	N	C	C	C	C	C	C
Ground	P	C	C	C	C	C	C	P	P	P	P	P	P
Electric	P	N	N	N	N	N	C	C	C	C	C	C	C
Billboard	N	C	C	C	N	N	N	N	C	C	C	N	N

Banner	P	N	N	N	P	P	C	P	P	P	P	P	P
P = Permitted for all Uses													
C = Permitted Conditionally													
N = Not Permitted													

Table below specifies the conditions that detached signs must meet to be permitted in each zoning district.

Sign Type	Conditions
Pole	
A-1, B-1, B-2, I-1, I-2, SU-CC, SU-MC	<ul style="list-style-type: none"> <li>May be placed within the required setback.</li> <li>Display from permanent established poles located on property</li> </ul>
Ground	
R-4, R-5	Permitted only for multi-family residential complexes in excess of 3 units.
R-1, R-2, R-3, R-6	Permitted for churches only when located in this district.
Electric	
B-1, B-2, I-1, I-2,	<ul style="list-style-type: none"> <li>Any sign that is allowed to be illuminated shall not have any flashing elements of red or blue emergency lights, unless a message center is allowed.</li> <li>External lighting used in conjunction with or the lighting of any sign, shall be directed only upon the sign to be illuminated. Any illumination of a sign, whether detached or attached, shall not be directed onto adjoining property or constitute a hazard to vehicles upon a public or arterial street.</li> </ul>
SU-CC, SU-MC	<ul style="list-style-type: none"> <li>The current use of the building and lot is to provide a medical or educational service.</li> <li>Signs shall not unduly shine into neighbors' property and/or distract traffic, as determined by the Building Official.</li> <li>Signs shall be dimmed in the evening hours to an appropriate brightness level.</li> <li>External lighting used in conjunction with or the lighting of any sign, shall be directed only upon the sign to be illuminated. Any illumination of a sign, whether detached or</li> </ul>

	attached, shall not be directed onto adjoining property or constitute a hazard to vehicles upon a public or arterial street.
Billboard	
B-2, I-1, I-2	<ul style="list-style-type: none"> <li>No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.</li> <li>No billboards, signboard, or similar advertising signs shall be located within 50 feet of any lot in an "R" district.</li> <li>No signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.</li> </ul>
R-1, R-2, R-3, R-4, R-5, R-6	Permitted for churches only when located in this district.

(2) Permitted Detached Signs by Numbers, Dimensions, and Locations. Table below sets forth the maximum permitted dimensions of each sign; the required setbacks for detached signs; and maximum permitted numbers of signs per premise. All signs shall be placed to meet set back requirements for the zoned district in which it is placed.

Zoning Districts	A-1	R-1	R-2	R-3	R-4 and R-5	R-6	B-1	B-2	I-1	I-2	SU- CC	SU- MC
Minimum front setback (ft.)	80 – Along Arterial Rd. 60 – Along all other streets				35	NA	0	0	30	30	50	50
Minimum rear setback (ft.)	100				Setbacks shall be approved by the Zoning Board of Adjustment	30	NA	0	20	20	NA	NA
Minimum side setback (ft.)	30					6	NA	10	10	10	NA	NA
Maximum area (sq. ft.)	200	NA	NA	NA	50	NA	200	100	300	300	50	50

Maximum height (ft.) of the structure above ground	50	NA	NA	NA	6	NA	25	25	35	35	35	35
Number permitted per premise	1	NA	NA	NA	1	NA	1	1	1	1	1 per 300 sq. ft.	1 per 300 sq. ft.

Zoning Districts	A-1	R-1	R-2	R-3	R-4 and R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Minimum front setback (ft.)	80 – Along Arterial Rd. 60 – Along all other streets		Setbacks shall be approved by the Zoning Board of Adjustment	NA		Setbacks shall be approved by the Zoning Board of Adjustment	NA	25	30	30	NA	NA
Minimum rear setback (ft.)	100		Setbacks shall be approved by the Zoning Board of Adjustment	NA		Setbacks shall be approved by the Zoning Board of Adjustment	NA	10	20	20	NA	NA
Minimum side setback (ft.)	30		Setbacks shall be approved by the Zoning Board of Adjustment	NA		Setbacks shall be approved by the Zoning Board of Adjustment	NA	10	10	10	NA	NA
Maximum area (sq. ft.)	300	200	200	200	NA	200	300	300	300	300	300	300

### (3) Attached Signs

Permitted Attached Signs: Table below sets forth the attached sign types permitted within each zoning district of the city.

Sign Types	A-1	R-1	R-2	R-3	R-4 and R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Awning	N	N	N	N	N		N	P	P	N	N	N
Canopy	N	N	N	NA	N		N	P	P	N	N	P
Projecting	N	N	N	N	N		N	P	P	P	P	N
Roof	C	N	N	N	N		N	C	C	C	N	N
Wall	P	N	N	N	N		N	P	P	P	P	P

(4) Table below specifies the conditions that attached signs must meet to be permitted in each zoning district.

Sign Type	Conditions
Roof	
A-1, B-1, B-2, I-1, I-2	Permitted only on one (1) structure on the premises.

(5) Permitted Attached Signs by Numbers, Dimensions, and Locations: Table below sets forth the maximum permitted dimensions of each sign; the required setbacks for attached signs; and maximum permitted % of street façade of signs per premise. All signs shall be placed to meet set back requirements for the zoned district in which it is placed.

Zoning Districts	A-1	R-1	R-2	R-3	R-4 and R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Minimum front setback (ft.)	80 – Along Arterial Rd. 60 – Along all other streets	NA	NA	NA	NA	NA	25	50	50	30	50	50
Maximum area (sq. ft.) or Maximum height (ft.)	Residential Uses: 2 sq. ft.	NA	NA	NA	NA	NA	Height = 50 ft., Area = 32 sq. ft. except when authorized by the Board of Adjustment.					

	All other uses: 32 sq. ft.											
% of street façade	NA	NA	NA	NA	NA	NA	20%	20%	20%	20%	20%	20%

(6) Miscellaneous Signs.

Permitted Miscellaneous Signs. Table below sets forth the attached sign types permitted within each zoning district of the city.

Sign Types	A-1	R-1	R-2	R-3	R-4 and R-5	R-6	B-1	B-2	I-1	I-2	SU-CC	SU-MC
Portable	C	C	C	C	C		C	C	C	C	C	C
Flag	N	N	N	N	N		N	N	C	C	N	N
Real Estate	C	C	C	C	C		C	C	C	C	C	C
Home Occupation	C	C	C	C	C		C	C	C	C	C	C
Incidental	C	C	C	C	C		C	C	C	C	C	C
Balloon	N	N	N	N	N		N	N	C	C	N	N

(7) Table below specifies the conditions that miscellaneous signs must meet to be permitted in each zoning district.

Sign Type	Conditions
Portable Sign	
B-1	<ul style="list-style-type: none"> <li>• Shall not exceed 50 square feet in area and shall not exceed 6 feet in height.</li> <li>• Portable signs may be displayed continuously over 60 days in a calendar year.</li> </ul>
A-1, R-1, R-2, R-3, R-4, R-5, R-6, B-2, I-1, I-2, SU-CC, SU-MC	<ul style="list-style-type: none"> <li>• Portable signs may be located in permitted zones through issuance of a sign permit for ten (10), fifteen (15), thirty (30) or sixty (60) day period in any given calendar year. Application of permits for temporary sign shall not exceed two 30-day periods total per address in a calendar year.</li> </ul>
Flag Sign	
B-2, I-1, I-2	Flag signs may be displayed continuously in permitted zones through issuance of a sign permit in a calendar year.

### Real Estate Sign

All zoning districts	<ul style="list-style-type: none"> <li>• May be erected in connection with any of the permitted principal uses of a nonresidential nature.</li> <li>• One (1) per street access, not to exceed 4 sq. ft. in area per sign.</li> <li>• May be illuminated but may not flash.</li> </ul>
	<ul style="list-style-type: none"> <li>• Signs should not be placed where they could cause a visual obstruction to pedestrian or vehicular traffic.</li> <li>• Area per individual sign should not exceed 6 sq. ft. for lots with &lt;200 ft. of street frontage.</li> <li>• Cumulative area should not exceed 32 sq. ft. for lots with &gt;200 ft. of street frontage.</li> </ul>

### Home Occupation Sign

All zoning districts	<ul style="list-style-type: none"> <li>• If located in a Residential District ®, signage for the activity should be discouraged. The sole exemption shall be a single, non-illuminated nameplate of no more than three (3) square feet in area, mounted on the exterior wall of the building.</li> </ul>
	<ul style="list-style-type: none"> <li>• If located in a Business or Agricultural District, the activity may be accompanied by a single non-illuminated sign, no more than three (3) square feet in area. It may either be mounted on the wall, or places on the ground, in which case the height shall not exceed four (4) feet.</li> </ul>

### Incidental Sign

All zoning districts	<ul style="list-style-type: none"> <li>• May be erected in connection with any of the permitted principal uses of a nonresidential nature.</li> <li>• One (1) per street access, not to exceed 4 sq. ft. in area per sign.</li> <li>• May be illuminated but may not flash.</li> </ul>

### Balloon Sign

B-2, I-1, I-2	Balloon signs may be displayed as temporary signs for special occasions in permitted zones through issuance of a sign permit for ten (10), fifteen (15), thirty (30) or sixty (60) day period in a calendar year. Application of permits for temporary sign shall not exceed two 30-day periods total per address in a calendar year
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**§ 4.036 WIND ENERGY SYSTEMS**

(A) As regulated by Chapter 115 of the Code of Ordinances

**§ 4.037 COMMUNICATION TOWERS AND ANTENNA**

(A) As regulations by Chapter 114 of the Code of Ordinances

**§ 4.038 DEMOLITION OF STRUCTURES**

(A) As regulated by Chapter 158 of the Code of Ordinances and below