

PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, JULY 16, 2019; 5:00 PM

COUNCIL CHAMBERS CITY HALL 226 WEST 4TH STREET

**REGULAR MEETING AGENDA**

I. Roll Call

II. Report of the City Council Activity: No new activity to report.

III. Secretary's Report

A. Consideration of the Minutes of the July 1, 2019 Meeting.

IV. Report of the Comprehensive Plan Committee

V. Zoning Activity

A. Old Business

B. New Business

- i. Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]
- ii. Case ORD19-02: Request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [Ward All]

VI. Subdivision Activity

A. Old Business: None

B. New Business: None

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn

City of Davenport  
Plan and Zoning Commission

Department: CPED  
Contact Info: Matt Flynn, 563-888-2286

**Date**  
**7/16/2019**

Subject:  
Consideration of the Minutes of the July 1, 2019 Meeting.

ATTACHMENTS:

Type	Description
▢ Backup Material	7-1-19 Minutes

Staff Workflow Reviewers

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	7/8/2019 - 8:54 AM

## MINUTES

### PLAN AND ZONING COMMISSION MEETING

CITY OF DAVENPORT, IOWA

MONDAY, JULY 1, 2019; 5:00 PM

COUNCIL CHAMBERS CITY HALL 226 WEST 4TH STREET

#### I. New Business

A. Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1] Melton provided background information. Petitioner Mark Cross gave an overview of his request. Neighbors Crissy Pratz and William Greenfield expressed support.

B. Case ORD18-08: Request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [Ward All] Rusnak provided an overview from staff. Adam Seitz of Advance Homes gave a presentation showing how some of the design standards for single family were problematic. Commissioners Lammers and Reinartz questioned removal of the notice language for rezonings.

The public hearing was closed at 5:35 pm.

#### REGULAR MEETING AGENDA

I. Roll Call Present: Lammers, Schneider, Medd, Tallman, Johnson, Inghram, Hepner, Reinartz, Maness. Excused: Connell. Staff: Flynn, Rusnak, Melton, Heyer, Longlet

#### II. Report of the City Council Activity

A. 1. First Consideration: Ordinance for case REZ19-06 being the request of Jasveer Saini to rezone .56 acres, more or less, of property located at 4607 North Pine Street from C-1 Neighborhood Commercial Zoning District to C-2 Corridor Commercial Zoning District. [Ward 8] FAILED

2. Third Consideration: Ordinance for Case REZ19-05: Request of John Wulf, to rezone 6401 West Kimberly Road from R-1 Single-Family Residential District to I-1 Light Industrial District; property contains 0.42 acres. [Ward 2] ADOPTED 2019-247

3. Resolution approving Case F19-07 of Advance Homes, Inc for the final plat Candlelight Village on 4.01 acres, being a replat of Lot 1 Candlelight Square 1<sup>st</sup> Addition located at 5330 Gaines St containing one lot zoned R-MF, Residential Multi-family District. [Ward 8] ADOPTED 2019-248

4. Resolution approving Case F19-10 of Dan Gunsteen for final plat WK First Addition on 1.71 acres, being a replat of portions of Westlyn and Georgetown Square Additions located at 3306 W Kimberly Rd containing 2 commercial lots. [Ward 2] ADOPTED 2019-249

### III. Secretary's Report

A. Consideration of the June 18, 2019 Minutes. Minutes were approved following a motion by Tallman and a second by Medd.

IV. Report of the Comprehensive Plan Committee Flynn reported initial work on a Mid Brady Planning Area Study

### V. Zoning Activity

A. Old Business: None

B. New Business

i. Case REZ19-08: Request to rezone 3870 Rockingham Road from R-4C, Single and Two Family Central Residential District to S-OS, Special Open Space District. Fairmount Cemetery and Crematory Association, petitioner. [Ward 1]

Motion by Johnson, seconded by Tallman, to recommend approval of the proposed rezoning, with the following findings and conditions:

#### Findings:

1. The rezoning request is consistent with the Comprehensive Plan in that it allows a transitional use on the edge of a RG, Residential General designation.
2. The proposed rezoning will allow for consolidation of cemetery operations, increasing its efficiency.
3. Proposed conditions will negate any potential negative impacts of the facility on surrounding properties.

#### Conditions:

1. That an agreement not to sever this property from the existing cemetery property is executed prior to any construction.
2. The proposed maintenance building not exceed 32 feet by 48 feet.
3. The proposed maintenance building be located as far north as possible.
4. The proposed maintenance building shall not be constructed of overly bright or reflective colors.
5. Any security lighting be completely shielded from the property to the east.
6. No long term outdoor storage of materials or equipment is allowed.
7. Site plan approval is required prior to any development on the site.

Motion passed unanimously.

### VI. Subdivision Activity

A. Old Business: None

B. New Business

- i. Case P19-02: Request of Riverside Real Estate Holding LLC for a preliminary plat for a 4 lot subdivision on .75 acres more or less of property located at the southeast corner of West 53rd Street and Marquette Street. [Ward 7]

Motion by Lammers, seconded by Maness, to recommend approval of the preliminary plat with the following findings and conditions.

Findings:

1. The preliminary plat conforms to the comprehensive plan Davenport+2035; and
2. The preliminary plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Conditions:

1. That the following note be removed from the preliminary plat: No water detention requirements are proposed with this subdivision;
2. That the following note be added to the preliminary plat: No driveway access to West 53rd Street.
3. That the following note be added to the preliminary plat: The driveway access on Marquette Street be located a minimum of 150' south of the intersection of West 53rd Street and Marquette Street; and
4. That the driveway access and drive be shown on the preliminary plat.

Motion passed unanimously.

- ii. Case F19-11: Request of Riverside Real Estate Holding LLC for a final plat for a 4 lot subdivision on .75 acres more or less of property located at the southeast corner of West 53rd Street and Marquette Street. [Ward 7]

Motion by Lanners, seconded by Medd, to recommend approval of the final plat with the following findings and conditions.

Findings:

1. The final plat conforms to the comprehensive plan Davenport+2035; and
2. The final plat (with conditions recommended by City staff) would achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat;
2. That the utility providers sign the plat when their easement needs have been met;
3. That the plat is tied to two quarter corners both labeled with description or two previously established lot corners both labeled with description of each corner;
4. That the following note be removed from the final plat: No water detention requirements are proposed with this subdivision;
5. That the following note be added to the final plat: No driveway access to West 53rd Street.
6. That the following note be added to the final plat: The driveway access on Marquette Street shall be located a minimum of 150' south of the intersection of West 53rd Street and Marquette Street; and
7. The final plat depict the cross access easement for the driveway.

Motion passed unanimously.

VII. Future Business

VIII. Communications

IX. Other Business

X. Adjourn The meeting adjourned at 5:50 pm.

City of Davenport  
Plan and Zoning Commission

Department: Community Planning and Economic Development  
Department  
Contact Info: Brandon Melton 563-888-2221  
brandon.melton@ci.davenport.ia.us

**Date**  
**7/16/2019**

**Subject:**

Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case REZ19-09 to the City Council with a recommendation for approval.

**Findings:**

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.
3. The proposed S-AG zoning would maintain the existing rural character of the land.

**Background:**

**Background:**

Reason for Request: The petitioner is requesting a rezoning to S-AG Agricultural District to accommodate the development of a commercial horse stable and associated facilities including an indoor training facility. The petitioner has expressed interest in creating horse riding trails through the property as well.

**Comprehensive Plan:**

Within Existing Urban Service Area: Partially

Within Urban Service Area 2035: Yes

Future Land Use Designation: Residential General (RG) – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered.

Agricultural Reserve (AR) - Areas located outside the Urban Service Boundary and unlikely to

develop in the foreseeable future. Uses should be limited to agriculture and open space, with only limited residential development needing minimal urban services.

Open Space and Public Land (OS) - Includes undeveloped open space, natural areas, floodplains and wetlands that may be or may not be planned for future park and recreation development.

Relevant Goals to be considered in this Case: Conserve, Protect, and Enhance our Natural Resources

### **Zoning:**

The property is currently zoned R-1 and R-2 Single-Family Residential Zoning District.

### **Technical Review:**

No specific concerns have been noted by the Technical Review Team.

### **Public Input:**

Letters were sent to property owners within 200 feet of the proposed request notifying them of the June 25, 2019 neighborhood meeting and the July 1, 2019 Plan and Zoning Commission Public Hearing.

A neighborhood meeting was held on June 25. Approximately twelve people attended the meeting.

A sign was posted on the property on June 21.

A Public Hearing was held on July 1, 2019. Two people spoke in favor of the petition.

### **Discussion:**

The new zoning ordinance includes approval standards for rezonings. Staff will be using these standards as part of the evaluation of rezoning requests.

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

#### **Staff Comments:**

While portions of the subject area are designated residential general, the majority is designated agricultural reserve or open space. Rezoning to S-AG is in line with the Comprehensive plan and furthers the goal: "Conserve, Protect, and Enhance our Natural Resources"

b. The compatibility with the zoning of nearby property.

#### **Staff Comments:**



While there is residential property adjacent there is also other farm land. Overall the area has a very rural character and S-AG is compatible.

c. The compatibility with established neighborhood character.

Staff Comments:

Residential development is rural in nature with minimal urban services. S-AG is in keeping with the established neighborhood character

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

Staff Comments:

The proposed S-AG zoning is consistent with existing vicinity uses.

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

Staff Comments:

The property is not suited for development of the proposed business under the existing R-1 and R-2 Zoning.

f. The extent to which the proposed amendment creates non-conformities.

Staff Comments:

The amendment will not create any non-conformities.

Conclusion:

Staff's opinion is that zoning this property S-AG is compatible with the existing character of the surrounding area.

#### **Recommendation:**

Staff recommends the Plan and Zoning Commission accept the listed findings and forward Case REZ19-09 to the City Council with a recommendation or approval.

#### **Findings:**

1. The subject property is primarily designated as Agricultural Reserve, but also has portions designated Open Space and Residential General.
2. The proposed S-AG zoning adequately protects the adjoining residential property from adverse impacts.

3. The proposed S-AG zoning would maintain the existing rural character of the land.

**ATTACHMENTS:**

Type	Description
▣ Backup Material	Zoning Map
▣ Backup Material	Land Use Map
▣ Backup Material	Aerial Map
▣ Backup Material	200 ft Public Hearing Notice
▣ Backup Material	Application

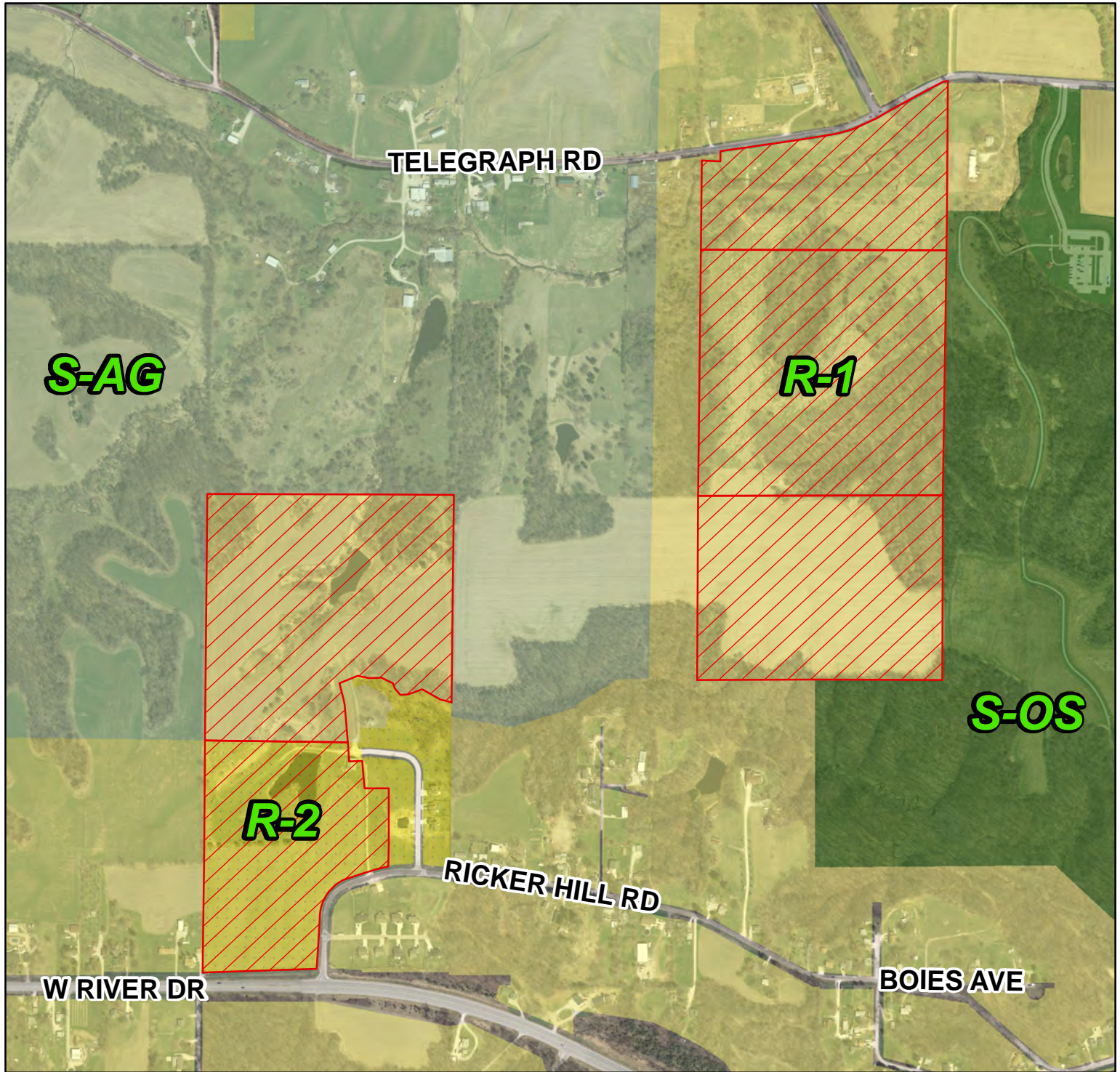
**Staff Workflow Reviewers**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	7/8/2019 - 11:00 AM

# Request for a Zoning Map Amendment (Rezoning)

## REZ19-09 - Mark Cross Stables R-1(2) - S-AG



### Legend

 Subject\_Properties

0 300 600 1,200 1,800 Feet  
1 inch = 750 feet



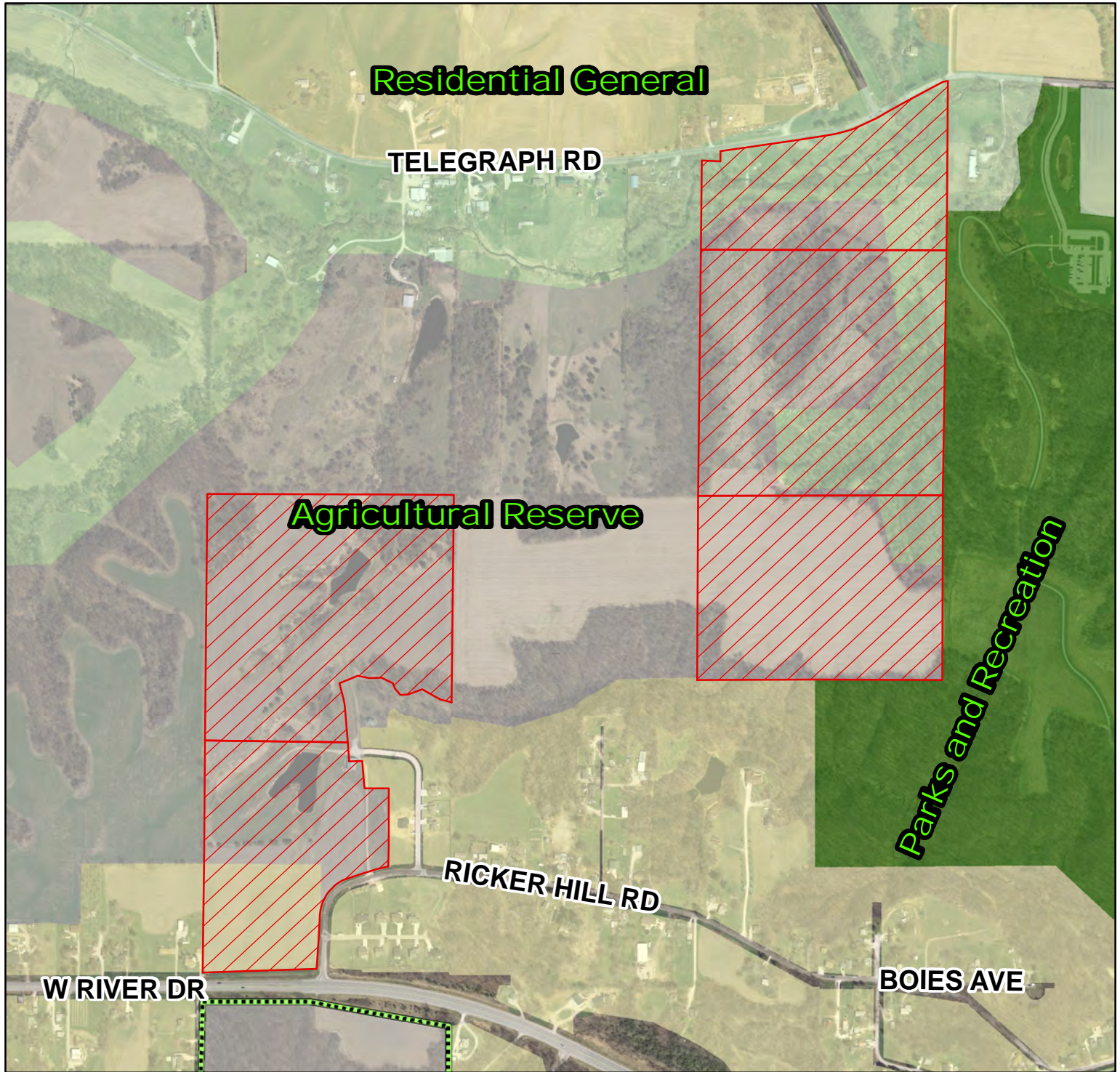
Private parties utilizing City GIS data do so at their own risk.  
The City of Davenport will not be responsible for any costs or  
liabilities incurred due to any differences between information  
provided and actual physical conditions.




# Request for a Zoning Map Amendment (Rezoning)

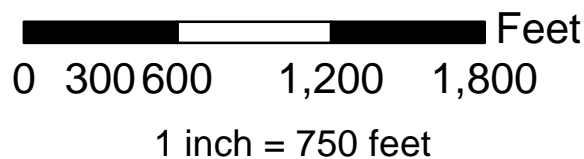
**REZ19-09 - Mark Cross Stables R-1(2) - S-AG**

## Future Land Use Map (Davenport +2035)



**Legend**

 Subject\_Properties



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



# REZ-19-09 - Mark Cross Stables

Legend







**PUBLIC HEARING NOTICE  
PLAN AND ZONING COMMISSION  
CITY OF DAVENPORT**



**Public Hearing Details:**

Date: 7/1/2019 Ward: **1st**  
Time: 5:00 PM  
Location: Council Chambers, Davenport City Hall, 226 W 4<sup>th</sup> St., Davenport, IA 52803 Davenport, Iowa  
Subject: Public hearing for a rezoning request before the Plan and Zoning Commission  
Case #: REZ19-09

To: All property owners within 200 feet of the subject property located at **between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively.**

**What is this All About?**

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request Description

**Case REZ19-09: Request of Mark Cross to rezone 146.98 acres, more or less, of property located between River Drive and Telegraph Road bounded roughly by Wisconsin Avenue and South Vermont Avenue to the east and west respectively from R-1 and R-2 Single-Family Residential to S-AG Agricultural District. [Ward 1]**

**What are the Next Steps after the Public Hearing?**

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

**Would You Like to Submit an Official Comment?**

As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) or CPED, 226 W 4th St, Davenport IA 52801.

**Do You Have Any Questions?**

If you have any questions on this request, or if you need accommodations for any reason, please contact Brandon Melton, the case planner assigned to this project at [brandon.melton@ci.davenport.ia.us](mailto:brandon.melton@ci.davenport.ia.us) or 563-326-6172. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

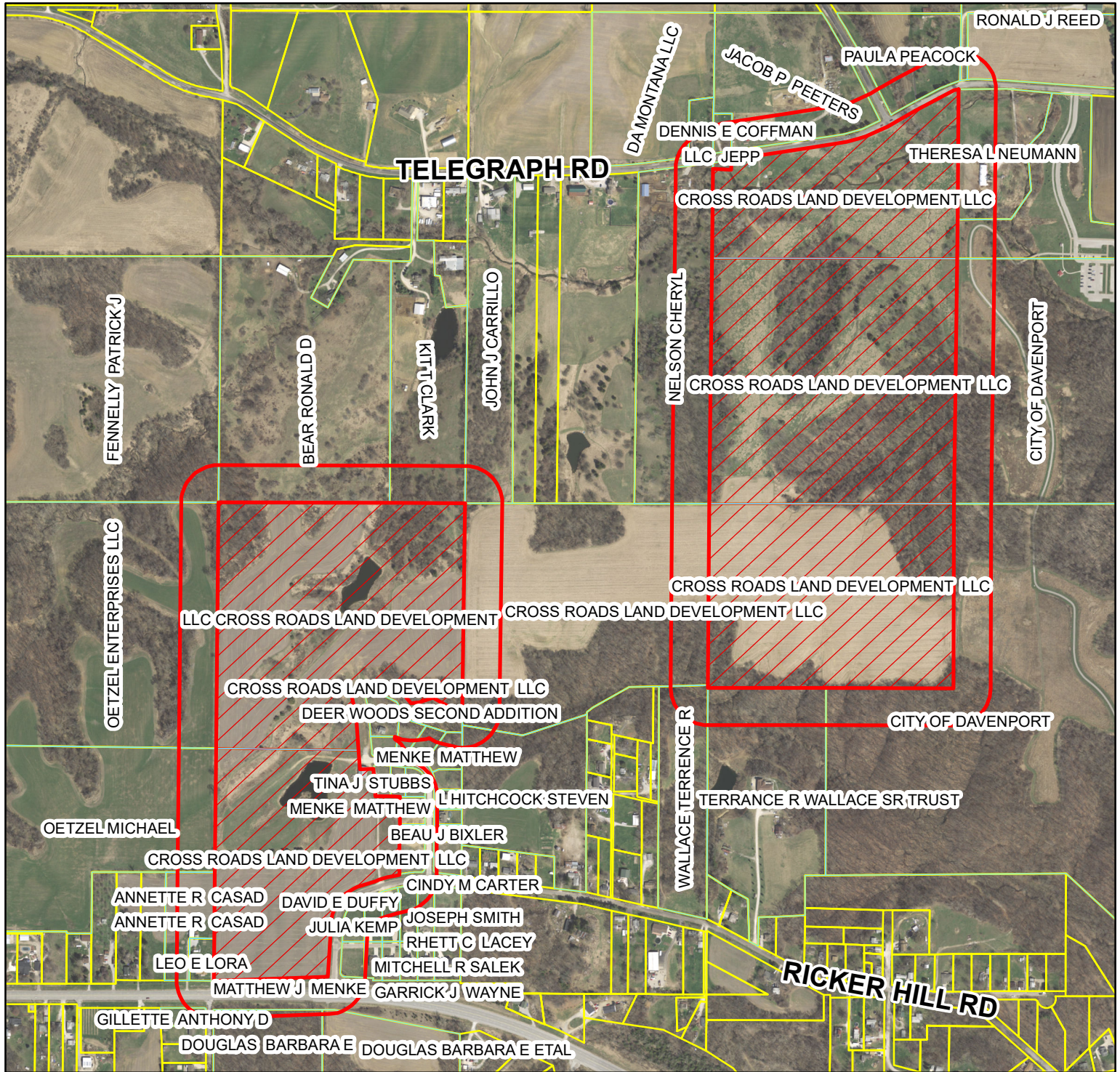
Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us) for updates.



# Request for a Zoning Map Amendment (Rezoning)

REZ19-09 - Mark Cross Stables R-1(2) - S-AG

## Adjacent Property Owner Notice Area



### Legend

- 200' Notice Area
- Adjacent Properties
- Subject Properties
- ParcelsALL

0 300 600 1,200 1,800 Feet  
1 inch = 750 feet



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

**Properties Notified**

<b>PARCEL #</b>	<b>PROPERTY ADDRESS</b>	<b>Owner Name</b>	<b>OWNER ADDRESS</b>	<b>OWNERCITY/STATE/ZIP</b>
20603-14		GILLETTE ANTHONY D	PO BOX 1544	BETTENDORF IA 52722
20605-03		DOUGLAS BARBARA E	4555 41ST ST	DES MOINES IA 50310
20605-04		DOUGLAS BARBARA E ETAL	ATTN: CAL WERNER	DAVENPORT IA 52801
23135-01		OETZEL ENTERPRISES	6132 W RIVER DR	DAVENPORT IA 52802
23139-33		CROSS ROADS LAND DEVELOPMENT LLC	PO BOX 80	CAMANICHE IA 52730
23151-11	5908 W RIVER DR	LEO E LORA	5908 W RIVER DR	DAVENPORT IA 52802
23153-01A	5642 BUCKHORN LN	JULIA KEMP	5642 BUCKHORN LN	DAVENPORT IA 52802-2309
23153-02A	5636 BUCKHORN LN	ROBERT A KENT	5636 BUCKHORN LN	DAVENPORT IA 52802
23153-03A	5630 BUCKHORN LN	DAVID E DUFFY	5630 BUCKHORN LN	DAVENPORT IA 52802
23153-04A	5624 BUCKHORN LN	RHETT C LACEY	5624 BUCKHORN LN	DAVENPORT IA 52802-2309
23153-05A	5618 BUCKHORN LN	JOSEPH SMITH	5618 BUCKHORN LN	DAVENPORT IA
23153-06A		DEER WOODS HOMEOWNER"S ASSN	5625 BUCKHORN LN	DAVENPORT IA 52802-2309
23155-24		WALLACE TERRENCE R	5128 RICKER HILL RD	DAVENPORT IA 52802
S2951-01A	4826 TELEGRAPH RD	RONALD J REED	4826 TELEGRAPH RD	DAVENPORT IA 52804
S3107-01B		NELSON CHERYL	1105 W 4TH ST	DAVENPORT IA 52802-3512
S3107-02		DA MONTANA LLC	9108 113TH ST	BLUE GRASS IA 52726
S3107-05	5208 TELEGRAPH RD	DENNIS E COFFMAN	5208 TELEGRAPH RD	DAVENPORT IA 52804-4719
S3119-05		FENNELLY PATRICK J	2313 W LOMBARD ST	DAVENPORT IA 52804
S3121-12D	5605 TELEGRAPH RD	KIT T CLARK	5605 TELEGRAPH RD	DAVENPORT IA 52804
S3121-12E		BEAR RONALD D	5609 TELEGRAPH RD	DAVENPORT IA 52804
S3123-03A	5505 TELEGRAPH RD	JOHN J CARRILLO	5505 TELEGRAPH RD	DAVENPORT IA 52804
S3201-01A	5010 TELEGRAPH RD	JACOB P PEETERS	9075 160TH ST	DAVENPORT IA 52804
S3201-02	4916 TELEGRAPH RD	PAUL A PEACOCK	4916 TELEGRAPH RD	DAVENPORT IA 52804
S3203-04C	4528 TELEGRAPH RD	RICHARD J COUSSENS REVOCABLE T	4528 TELEGRAPH RD	DAVENPORT IA 52804
S3203-05A	4723 TELEGRAPH RD	THERESA L NEUMANN	4723 TELEGRAPH RD	DAVENPORT IA 52804-4707
23137-01A		MENKE MATTHEW	15516 108TH AV PL	DAVENPORT IA 52804
23137-02A	723 DEER WOODS DR	BARRY L WALSH JR	723 DEER WOODS DR	DAVENPORT IA 52802-2335
23137-03A	717 DEER WOODS DR	BEAU J BIXLER	717 DEER WOODS DR	DAVENPORT IA 52802-2335
23137-04A	711 DEER WOODS DR	CHRISTOPHER	711 DEER WOODS DR	DAVENPORT IA 52802
23137-05A	703 DEER WOODS DR	ERIC S CURTIS	1533 HUNTINGTON DR	DUARTE CA 91010-2532
23137-06A	647 DEER WOODS DR	TINA J STUBBS	647 DEER WOODS DR	DAVENPORT IA 52802-2303
23137-07A		MENKE MATTHEW	15516 108TH AV	DAVENPORT IA 52804
23137-16A	714 DEER WOODS DR	CHAD J PRATZ	714 DEER WOODS DR	DAVENPORT IA 52802-2319
23137-18A	726 DEER WOODS DR	CINDY M CARTER	726 DEERWOODS DR	DAVENPORT IA 52802
23137-21A		DEER WOODS SECOND ADDITION	1500 S HOUSER ST	MUSCATINE IA 52761
23153-11A	5635 BUCKHORN LN	PAULA K MEYERMANN	5635 BUCKHORN LANE	DAVENPORT IA 52802
23153-12A	5643 BUCKHORN LN	MATTHEW J MENKE	5643 BUCKHORN LN	DAVENPORT IA 52802-2309
23155-06A	5408 RICKER HILL RD	L HITCHCOCK STEVEN	5408 RICKER HILL RD	DAVENPORT IA 52802-2231
23151-10	5920 W RIVER DR	ANNETTE R CASAD	5920 W RIVER DR	DAVENPORT IA 52802





Complete application can be emailed to [planning@ci.davenport.ia.us](mailto:planning@ci.davenport.ia.us)

**Property Address\*** Please see attached.

\*If no property address, please submit a legal description of the property.

**Applicant (Primary Contact)\*\***

Name: Mark Cross  
Company: Cross Roads Land Development, L.L.C.  
Address: PO Box 80  
City/State/Zip: Camanche, IA 52730  
Phone: 563-242-6871  
Email: transtar@mchsi.com

**Owner** (if different from Applicant)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Engineer** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Architect** (if applicable)

Name:   
Company:   
Address:   
City/State/Zip:   
Phone:   
Email:

**Attorney** (if applicable)

Name: Michael A. Koury  
Company: Bush, Motto, Green, Koury & Halligan, PLC  
Address: 5505 Victoria Ave. Ste. 100  
City/State/Zip: Davenport, IA 52807  
Phone: 563-344-4900  
Email: makoury@bmcklaw.com

\*\*If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.

*Application Form Type:*

**Plan and Zoning Commission**

Zoning Map Amendment (Rezoning) ☒  
Planned Unit Development ☐  
Zoning Ordinance Text Amendment ☐  
Right-of-way or Easement Vacation ☐  
Voluntary Annexation ☐

**Zoning Board of Adjustment**

Zoning Appeal ☐  
Special Use ☐  
Hardship Variance ☐

**Design Review Board**

Design Approval ☐  
Demolition Request in the Downtown ☐  
Demolition Request in the Village of East Davenport ☐

**Historic Preservation Commission**

Certificate of Appropriateness ☐  
Landmark Nomination ☐  
Demolition Request ☐

**Administrative**

Administrative Exception ☒  
Health Services and Congregate Living Permit ☐

**Request:**

Existing Zoning:

Proposed Zoning Map Amendment:

Purpose of the Request:

Please see attached.

Total Land Area:

Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No

**Submittal Requirements:**

- The completed application form.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
  - Zoning Map Amendment is less than 1 acre - \$400.
  - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
  - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
  - \$10.00 per sign; more than one sign may be required depending upon the area of the request.

**Formal Procedure:****(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

**(2) Plan and Zoning Commission public hearing:**

- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

**(3) Plan and Zoning Commission's consideration of the request:**

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

**Formal Procedure (continued):**

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

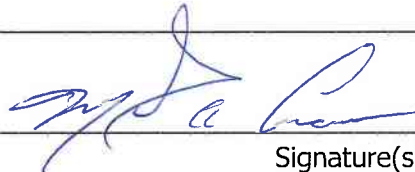
Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4<sup>th</sup> Street, Davenport, Iowa.

**Authorization to Act as Applicant**


I, Mark Cross, as Manager of Owner  
authorize Michael A. Koury of Bush, Motto, Creen, Koury & Halligan, P.L.C.  
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

  
Signature(s)

State of Iowa,  
County of Scott.  
Sworn and subscribed to before me

This 5<sup>th</sup> day of June 2014

Form of Identification

  
Notary Public

My Commission Expires: 5-10-20



## 2019 PLAN & ZONING COMMISSION CALENDAR

PLAN & ZONING COMMISSION SCHEDULE				CITY COUNCIL SCHEDULE		
<u>REZONING &amp; ROW VACATION</u> SUBMITTAL DEADLINE	<u>SUBDIVISION PLAT &amp; DEV. PLAN</u> SUBMITTAL DEADLINE	PLAN & ZONING COMMISSION PUBLIC HEARING (Preview for plats/plans)	PLAN & ZONING COMMISSION MEETING	COUNCIL ITEMS SUBMITTAL DEADLINE	COMMITTEE OF THE WHOLE PUBLIC HEARING	CITY COUNCIL MEETING
(12:00 PM - Monday)	(12:00 PM - Monday)	(5:00 PM - Tuesday)	(5:00 PM - Tuesday)	(12:00PM - Friday)	(5:30 PM - Wednesday)	(5:30 PM - Wednesday)
11/13/18	11/26/18	12/04/18	12/18/18	12/21/18	01/02/19	01/09/19
11/26/18	12/10/18	12/18/18	12/31/18	01/04/19	01/16/19	01/23/19
12/10/18	12/21/18	12/31/18	01/15/19	01/25/19	02/06/19	02/13/19
12/21/18	01/07/19	01/15/19	02/05/19	02/08/19	02/20/19	02/27/19
01/14/19	01/28/19	02/05/19	02/19/19	02/22/19	03/06/19	03/13/19
01/28/19	02/11/19	02/19/19	03/05/19	03/08/19	03/20/19	03/27/19
02/11/19	02/25/19	03/05/19	03/19/19	03/22/19	04/03/19	04/10/19
02/25/19	03/11/19	03/19/19	04/02/19	04/05/19	04/17/19	04/24/19
03/11/19	03/25/19	04/02/19	04/16/19	04/19/19	05/01/19	05/08/19
03/25/19	04/08/19	04/16/19	04/30/19	05/03/19	05/15/19	05/22/19
04/08/19	04/22/19	04/30/19	05/14/19	05/24/19	06/05/19	06/12/19
04/22/19	05/06/19	05/14/19	06/04/19	06/07/19	06/19/19	06/26/19
05/13/19	05/24/19	06/04/19	06/18/19	06/21/19	07/03/19	07/10/19
05/24/19	06/10/19	06/18/19	07/02/19	07/05/19	07/17/19	07/24/19
06/10/19	06/24/19	07/02/19	07/16/19	07/26/19	08/07/19	08/14/19
06/24/19	07/08/19	07/16/19	08/06/19	08/09/19	08/21/19	08/28/19
07/15/19	07/29/19	08/06/19	08/20/19	08/23/19	09/04/19	09/11/19
07/29/19	08/12/19	08/20/19	09/03/19	09/06/19	09/18/19	09/25/19
08/12/19	08/26/19	09/03/19	09/17/19	09/20/19	10/02/19	10/09/19
08/26/19	09/09/19	09/17/19	10/01/19	10/04/19	10/16/19	10/23/19
09/09/19	09/23/19	10/01/19	10/15/19	10/25/19	11/06/19	11/13/19
09/23/19	10/07/19	10/15/19	11/05/19	11/08/19	11/20/19	11/27/19
10/14/19	10/28/19	11/05/19	11/19/19	11/22/19	12/04/19	12/11/19
10/28/19	11/08/19	11/19/19	12/03/19	cancelled due to holiday		
11/11/19	11/25/19	12/03/19	12/17/19	12/13/19	01/02/20	01/08/20
11/25/19	12/09/19	12/17/19	12/31/19	12/27/19	01/15/20	01/22/20
12/09/19	12/23/19	12/31/19	01/14/20	01/17/20	02/05/20	02/12/20
12/23/19	01/06/20	01/14/20	02/04/20	01/31/20	02/19/20	02/26/20

- SUBMISSION & MEETING DATES MAY BE CHANGED DUE TO HOLIDAY - MARKED IN RED
- ORDINANCES REQUIRE THREE CONSIDERATIONS BEFORE CITY COUNCIL
- DATES SUBJECT TO CCHANE DUE TO HOLIDAYS - MARKED IN RED
- DELAYS MAY OCCUR UPON THE PETITION REACHING THE CITY COUNCIL'S AGENDA

<b>Parcel Number</b>	<b>Number of Acres</b>	<b>Existing Zoning</b>
23137-20B	22.93 acres	R-2
23137-19B	36.30 acres	R-1
23233-01	30 acres	R-1
S3217-07	40 acres	R-1
S3201-08	17.75 acres	R-1

#### **Purpose of Request**

The purpose of this rezoning request is to accommodate the following activities, uses, and improvements: two or more equine stables that will be used by and rented out to the public; one or more equine training facilities/arenas that will be used by and rented out to the public; office with bathrooms; grain storage; the sale of equines to the public; available trails for equine riding; the sale of bag feed, shampoo, supplies, etc. to tenants that are utilizing the stables and/or training facilities; and any and all related or ancillary uses and activities.

City of Davenport  
Plan and Zoning Commission

Department: Community Planning and Economic Development  
Department  
Contact Info: Ryan Rusnak 563-888-2022  
rrusnak@ci.davenport.ia.us

**Date**  
**7/12/2019**

**Subject:**

Case ORD19-02: Request of the City of Davenport to amend various sections of Title 17 of the Davenport City Code, entitled Zoning. [Ward All]

**Recommendation:**

Staff recommends the Plan and Zoning Commission accept the one listed finding and forward Case ORD19-02 to the City Council with a recommendation for approval.

**Background:**

Staff has been applying the Zoning Ordinance over the past six months. The proposed Zoning Ordinance amendment would correct scrivener's errors and content inconsistencies, clarify certain regulations and amend certain overly restrictive regulations.

Attached are the sections of the Zoning Ordinance that are proposed to be amended. Changes are highlighted in yellow. Text with strike through would be deleted and text with an underline would be added.

**Changes since the July 1, 2019 Plan and Zoning Commission public hearing.**

**Chapter 17.04:** Removed language from Section 17.04.050 related to garages and carports.

Purpose: Ordinance language and the diagram related to alley access has been relocated to Section 17.09.030.K, entitled "Garages, Detached and Carports". This is a more suitable location for general requirements.

**Chapter 17.08:** Revised the design standards for new dwellings.

Purpose: The revised language is based on input from area home buildings. The design standards would use a point system, which fulfills the City's goal of enhanced design from the street while allowing for flexibility in design.

**Chapter 17.09:** Revised section 17.09.030.K, entitled Detached Garages and Carports.

Purpose: Ordinance language and the diagram related to alley access has been relocated from Section 17.04.050, entitled "R-3C and R-4C District Design Standards". Also, content inconsistencies were corrected. Last, design guidelines for metal garages were expanded.

**Discussion regarding Chapter 17.14**

Staff discussed the proposed changes with the Assistance City Attorney. It was agreed that the language should remain with very little change.

Iowa state law requires public hearings for zoning map amendments to be advertised in a newspaper published at least once weekly and having general circulation in the city.

Although not required by state law, the City's practice is to post a sign on the property, send mailed noticed to property owners within 200 feet of the property and require the petitioner to hold a neighborhood meeting. **There is no intention of changing this practice.**

However, the current code language compels the City to post a sign on the property, send mailed noticed to property owners within 200 feet of the property and requires the petitioner to hold a neighborhood meeting. Any inconsistencies related to these actions would be subject to legal challenge. Attached is a summary judgement for the Portillo's rezoning in favor of the City where the defendant's attorney challenged the City's process related to notification. The summary judgement provides clarity to what is required by law. The Ordinance amendments would make tasks not required by state law permissive instead of required to protect the City from legal challenges.

**Recommendation:**

Finding:

1. The proposed Zoning Ordinance amendment would correct scriveners errors and content inconsistencies, clarify certain regulations and amend certain overly restrictive regulations.

Staff recommends the Plan and Zoning Commission accepted the listed finding and forward Case ORD19-02 to the City Council with a recommendation for approval.

**ATTACHMENTS:**

Type	Description
▢ Backup Material	ORD19-02
▢ Backup Material	McManus vs. the City of Davenport

**Staff Workflow Reviewers**

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Rusnak, Ryan	Approved	7/12/2019 - 12:43 PM



## CHAPTER 17.02. GENERAL DEFINITIONS AND MEASUREMENT METHODOLOGIES

Section 17.02.010	RULES OF INTERPRETATION
Section 17.02.020	GENERAL ABBREVIATIONS
Section 17.02.030	DEFINITION OF GENERAL TERMS
Section 17.02.040	RULES OF MEASUREMENT

### Section 17.02.010 Rules of Interpretation

The terms in the text of this Ordinance are interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The terms “must,” “shall,” and “will” are mandatory.
- D. The term “should” is mandatory unless extenuating circumstances warrant administrative flexibility.

~~D.E.~~ The term “may” is permissive.

~~E.F.~~ The terms “must not,” “will not,” and “shall not” are prohibiting.

~~F.G.~~ Any gender includes all genders.

~~G.H.~~ Whenever a defined word or term appears in the text of this Ordinance, its meaning must be construed as set forth in the definition. Words not defined must be interpreted in accordance with the definitions considered to be normal dictionary usage.

### Section 17.02.020 General Abbreviations

The following abbreviations may be used within this Ordinance:

- A. BTL is an abbreviation for “build-to line.”
- B. BTZ is an abbreviation for “build-to zone.”
- C. GFA is an abbreviation for “gross floor area.”
- D. ft is an abbreviation for “feet.”
- E. N/A is an abbreviation for “not applicable.”
- F. sf is an abbreviation for “square feet.”
- G. SF is an abbreviation for “single-family.”
- H. 2F is an abbreviation for “two-family.”
- I. TH is an abbreviation for “townhouse.”
- J. MF is an abbreviation for “multi-family.”

### Section 17.02.030 Definition of General Terms

The following are definitions of general terms used throughout this Ordinance with the exception of use definitions, which are defined in Chapter 17.08.

**Abut.** To share a common wall or lot line without being separated by a street or alley.

**Accessibility Ramp.** A ramp or similar structure that provides wheelchair or similar access to a structure.

**Accessory Structure.** A detached structure located on the same lot as the principal building that is incidental to the use of the principal building.

**Accessory Use.** A use of land or a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure.

**Addition.** Construction that increases the size of a structure in terms of building footprint, height, or floor area.

**Adjacent.** Close to or near something.

**Alley.** A public right-of-way that normally affords a secondary means of access to abutting property.

**Amateur (HAM) Radio Equipment.** An amateur (HAM) radio station licensed by the Federal Communications Commission (FCC), including equipment such as, but not limited to, a tower or building-mounted structure supporting a radiating antenna platform and other equipment.

**Ancillary.** In regard to principal uses, a structure or use that provides support and is typically integral to a principal structure or use.

**Aquaculture/Aquaponics.** A structure designed for the farming of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions

**Architectural Feature.** A part or projection that contributes to the aesthetics of a structure, exclusive of signs, that is not necessary for the structural integrity of the structure or to make the structure habitable.

**Attention Getting Device.** Signs, devices, or ornamentations designed for the purpose of attracting attention or promotion, except as otherwise expressly permitted in this Ordinance. Attention getting devices include banners, sails/feather signs, temporary on-premise pole signs, and the like. Federal, state, or local flags, or flags of fraternal, religious, and civic organizations, banners, and temporary holiday decorations are not considered attention getting devices.

**Awning.** A roof like structure typically made of cloth, metal, or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

**Balcony.** A roofed or unroofed platform that projects from the exterior wall of a structure above the ground floor, which is exposed to the open air, has direct access to the interior of the building, and is not supported by posts or columns extending to the ground.

**Banner.** A temporary sign printed upon flexible material mounted with or without rigid frames on a building or the ground.

**Bay Window.** A window that projects outward from the structure, which does not rest on the building foundation or on the ground.

**Berm.** An earthen mound designed to provide visual interest on a site, fully or partially screen undesirable views, reduce noise, or fulfill other similar purposes.

**Block.** Defined in Section 17.02.040.

**Blockface.** Defined in Section 17.02.040.

**Blue Roof.** A roof designed to store water and discharge rainfall.

**Book Exchange Box.** An outdoor accessory structure maintained by a property owner on private property where books and recorded performing arts and media are kept for public and/or exchanges with no fees or sales and are publicly accessible.

**Buffer Yard.** Land area with landscape plantings and other components used to separate one use from another and to shield or block noise, lights, or other nuisances.

**Build-To Line (BTL).** Defined in Section 17.02.040.

**Build-To Zone (BTZ).** Defined in Section 17.02.040.

**Build-To Percentage.** Defined in Section 17.02.040.

**Buildable Area.** The portion of a lot, excluding required setbacks, where a structure or building improvements may be erected.

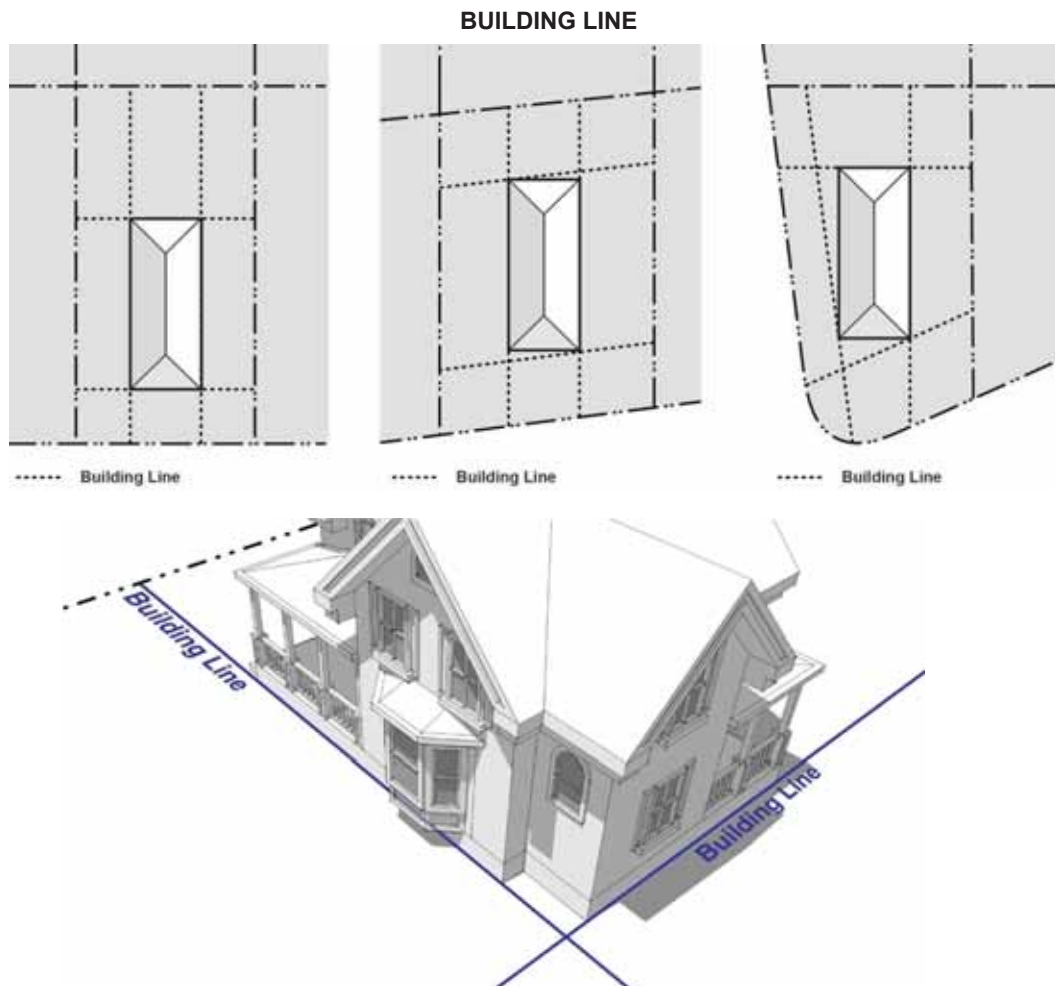
**Building.** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building Envelope.** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk, by other regulations, and/or by any combination thereof.

**Building Coverage.** Defined in Section 17.02.040.

**Building Height.** Defined in Section 17.02.040.

**Building Line.** A line measured at the building wall of a structure between parallel lot lines. For the purposes of establishing a building line, the building wall does not include permitted encroachments of architectural features, such as bay windows, eaves, and steps and stoops.



**Caliper.** Defined in Section 17.02.040.

**Canopy.** A canopy is a roof-like cover designed for protection from the weather or as a decorative embellishment affixed to a building or freestanding, with supports that extend to the ground.

**Carport.** An open-sided roofed vehicle shelter, usually formed by extension of the roof from the side of a building, but may be freestanding.

**Changeable Message Board.** A sign designed where a portion of the sign area allows for a message to be changed manually. A changeable message board sign does not include electronic message signs or portable reader-board sign.

**Chimney.** A vertical shaft of reinforced concrete, masonry or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

**Co-Location.** Placement of equipment from more than one service or service provider on a single tower or site.

**Contiguous.** See abut.

**Contour Line.** Contour lines denote elevation or altitude and depth on maps.

**Cross-Access.** A vehicular and/or pedestrian connection between abutting properties that connects the two sites and allows vehicles and/or pedestrians to travel between sites without the having to exit to the street.

**Day.** A calendar day.

**Deck.** A roofless outdoor space built as an above ground platform projecting from the wall of a structure and connected by structural supports at grade or by the structure.

**Development.** Any man-made change to land.

**Driveway.** A pathway for motor vehicles from a street to a lot used only for service purposes or for access to the lot.

**Dwelling.** A structure, or portion thereof, designed or used exclusively for human habitation. Each dwelling type must contain 24 feet of width at its largest dimension and be located on a permanent foundation. Every room within a dwelling unit must be accessible from every other room within the dwelling via a completely internal route within the envelope of the dwelling structure.

**Dwelling Unit.** A structure or portion of a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Easement.** Land designed by lawful agreement between the owner(s) of the land and an entity(s) for a specified use only by such entity(s).

**Eave.** The projecting lower edges of a roof overhanging the wall of a structure.

**Electronic Message Sign.** A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel(s) to form a message or messages in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time/temperature signs are not considered electronic message signs. Flashing signs, animated signs, and video display signs are not considered electronic message signs.

**Encroachment.** The extension or placement of any structure, or a component of such, into a required setback or right-of-way.

**Equine.** A member of the equus genus of mammals in the family Equidae, including horses and ponies. For the purposes of this Ordinance, zebras, while a member of the equus genus, are not permitted.

**Erect.** To build, construct, attach, hang, place, suspend, or affix.

**External Illumination.** Illumination by an artificial source of light not internal to the sign face.

**Exterior Lighting.** The illumination of an outside area or object by any man-made device that produces light by any means.

**Exterior Stairwell.** One or more flights of stairs, and the necessary landings and platforms connecting them, to form a continuous passage from the entryway of a floor or level to another in a structure located on the exterior of a principal building.

**Facade.** The vertical face of a building, including any insets and protrusions, which contribute the aesthetic and/or structure design of the building.

**Feather Flag/Sail.** A freestanding attention-getting device, vertical in orientation, typically constructed of cloth held taut by a single post.

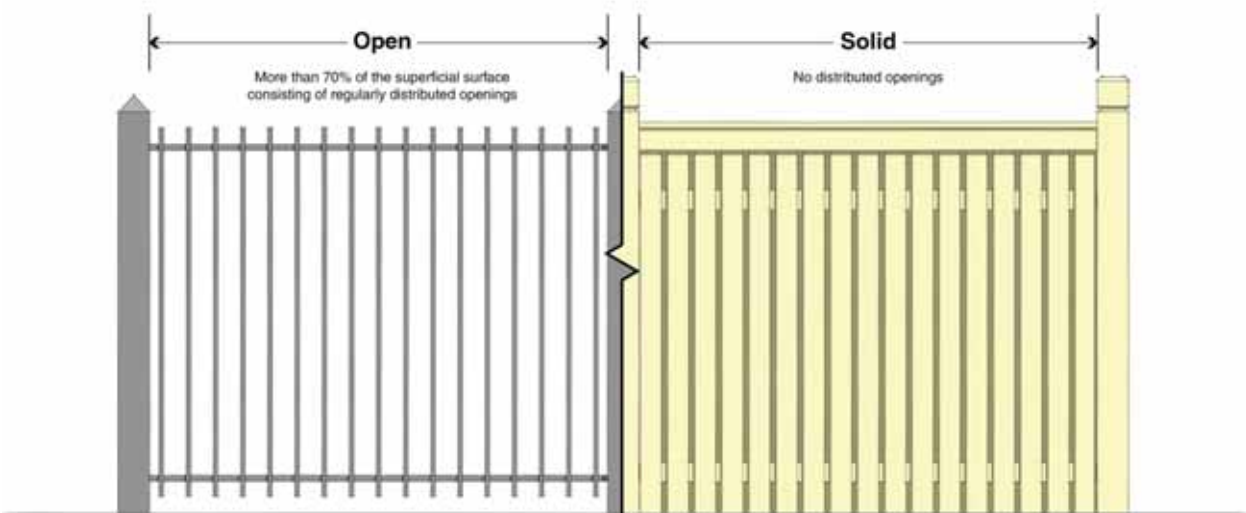
#### FEATHER FLAG/SAIL



**Fence.** A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry, or other similar material and is used as a barrier.

1. **Fence - Open.** A fence that has, over its entirety, more than 70% of the superficial surface consisting of regularly distributed openings.
2. **Fence - Solid.** A fence that has, over its entirety, no distributed openings. A shadowbox design fence is considered a solid fence. A chain link fence with slats is not considered a solid fence.

#### FENCE



**Flag.** Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations. Pennants and sails are not considered flags

**Floodlight.** A powerful light, typically in a grouping of several lights, used to illuminate the exterior of a building or sign.

**Foot-Candle.** A unit of measure of illuminance equal to one lumen of light spread over an area of one square foot.

**Garage.** A structure, either attached or detached, designed and/or used for the parking and storage of vehicles as an accessory structure to a residence. For the purposes of this definition, garage does not include an accessory structure with an access point of six feet or less in width or commercial parking structure.

**Gazebo.** A freestanding outdoor structure designed for recreational use and not for habitation.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewers' ability to see, cause discomfort, and, in extreme cases, cause momentary blindness.

**Grade.** Defined in Section 17.02.040.

**Green Roof.** A building roof partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

**Greenhouse (Accessory).** A structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

**Gross Floor Area (GFA).** Defined in Section 17.02.040.

**Hedge.** A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

**Home Occupation.** Any commercial activity carried out for economic gain by a resident, conducted as an accessory use in the resident's dwelling unit.

**Impervious Surface Coverage.** Defined in Section 17.02.040.

**Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities, including, but not limited to, water lines, sewer lines, and rights-of-way.

**Intensity of Use.** Square feet of gross floor area, number of dwelling units, number of employees, or other factor used as a basis for requiring off-street parking or loading facilities.

**Light Pole.** Pole on which a luminaire is mounted.

**Light Pole Banner.** Banners mounted on and with arms installed perpendicular to light poles.

**Loading Berth.** A space within a loading facility exclusive of driveways, aisles, maneuvering areas, ramps, columns, landscape, and structures for the temporary parking of a commercial delivery vehicle while loading or unloading goods or materials.

**Lot.** Defined in Section 17.02.040.

**Lot Area.** Defined in Section 17.02.040.

**Lot, Corner.** Defined in Section 17.02.040.

**Lot Depth.** Defined in Section 17.02.040.

**Lot, Interior.** Defined in Section 17.02.040.

**Lot Line.** Defined in Section 17.02.040.

**Lot Line, Corner.** Defined in Section 17.02.040.

**Lot Line, Front.** Defined in Section 17.02.040.

**Lot Line, Interior.** Defined in Section 17.02.040.

**Lot Line, Rear.** Defined in Section 17.02.040.

**Lot Line, Street.** Defined in Section 17.02.040.

**Lot, Through.** Defined in Section 17.02.040.

**Lot Width.** Defined in Section 17.02.040.

**Marquee.** A permanent roof-like structure constructed of permanent building materials that extends from the wall of a structure with no supports extending to the ground providing protection from the elements.

**Menuboard.** A sign constructed as part of drive-through facilities.

**Multi-Tenant Commercial Center.** A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant commercial centers are large shopping centers/malls and strip centers.

**Noncommercial Message.** The expression of noncommercial ideas and messages. A noncommercial message does not promote a business, product, service, commercial entertainment, or other commercial activity offered on or off the premises.

**Nits.** A luminance unit equal to one candle per square meter measured perpendicular to the rays from the source

**Off-Premise Commercial Sign – Temporary.** A temporary sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This includes any ground-mounted, building-mounted, or sign painted, pasted, or otherwise affixed to any tree, rock, fence, utility pole, hydrant, bridge, sidewalk, parkway, curb or street, bench, or trash receptacle that directs attention off-premises.

**Off-Street Parking.** The storage space for an automobile on premises other than streets or rights-of-way.

**Open Space.** That portion of land, either landscaped or left unimproved, which is used to meet active or passive recreation or spatial needs, and/or to protect water, air, or plant resources.

**Outdoor Display and Sales Area.** Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

**Outlot.** An area of land set aside within a retail center for a separate principal building that shares a circulation system and may share common parking with the larger retail center development but is separated from the principal building or buildings, typically located along the property line.

**Overlay District.** A district established in the Ordinance that is superimposed on one or more zoning districts or parts of zoning districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts.

**Owner.** Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records; a person shown as owner in the records of the tax assessor of the county in which the property is situated; or the agent of any such person and those in possession of a dwelling, dwelling unit, or premises.

**Parapet.** The extension of a false front or wall above a roof-line.

**Party Wall.** A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another, but is in joint use by each building.

**Patio.** A hard surface designed and intended for recreational use by people and not used as a parking space.



**Pergola.** An open structure, which may be either freestanding or attached to a structure, that forms a partially shaded pedestrian walkway, passageway, or sitting area, and is constructed of a semi-open roof and vertical posts that support cross-beams and a sturdy open lattice. It may also be used as an extension of a building entryway.

**Pervious Paving.** A range of sustainable materials and techniques for permeable paving with a base and sub-base that allow the movement of stormwater through the surface. Gravel and loose rock are not considered pervious paving.

**Portable Reader-Board.** A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include a-frame signs.

**Porch.** An architectural feature that projects from the exterior wall of a structure, often with steps leading up to it, has direct access to the street level of the building, and is covered by a roof or eaves.

**Porch – Unenclosed.** A porch that is open on all sides that do not abut a principal building wall.

**Porch – Enclosed.** A porch enclosed by walls, screens, lattice or other material. A screened-in porch is an enclosed porch.

**Porte Cochere.** A permanent structure built over a driveway or entry drive that provides temporary shelter to persons exiting a vehicle, but not serving as the only covered or enclosed vehicle shelter on-site.

**Property Line.** For the purposes of this Ordinance, a property line is a lot line. (See lot line definition.)

**Principal Building.** A non-accessory structure in which a principal use of the lot on which it is located is conducted.

**Principal Use.** The main use of land or structures as distinguished from an accessory use.

**Recreational Vehicle.** Any vehicle or boat designed for temporary living quarters, recreation, or temporary human habitation and not used as a commercial vehicle including, but not limited to, the following: boat/watercraft, camper trailer, motorized trailer, off-road vehicle, racing car or cycle, travel trailer, and truck camper.

**Right-of-Way.** A strip of land dedicated for use as a public way. In addition to the roadway, it typically incorporates the curbs, parkways, sidewalks, and shoulders.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

**Satellite Dish Antenna.** A dish antenna designed for transmitting signals to a receiver or receiving station or for receiving television, radio, data, communication or other signals from other antennas, satellites or other services.

**Searchlight.** An attention-getting device where an artificial light of high intensity is shined upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

**Setback.** Defined in Section 17.02.040.

**Setback, Front.** Defined in Section 17.02.040.

**Setback, Interior Side.** Defined in Section 17.02.040.

**Setback, Corner Side.** Defined in Section 17.02.040.

**Setback, Rear.** Defined in Section 17.02.040.

**Setback, Reverse Corner Side.** Defined in Section 17.02.040.

**Shed.** An accessory structure, often purchased pre-built or as a kit in pre-fabricated sections, that is not designed to be served by heat or plumbing and does not need to be placed on a permanent foundation. A shed is typically intended to store lawn, garden, or recreational equipment.



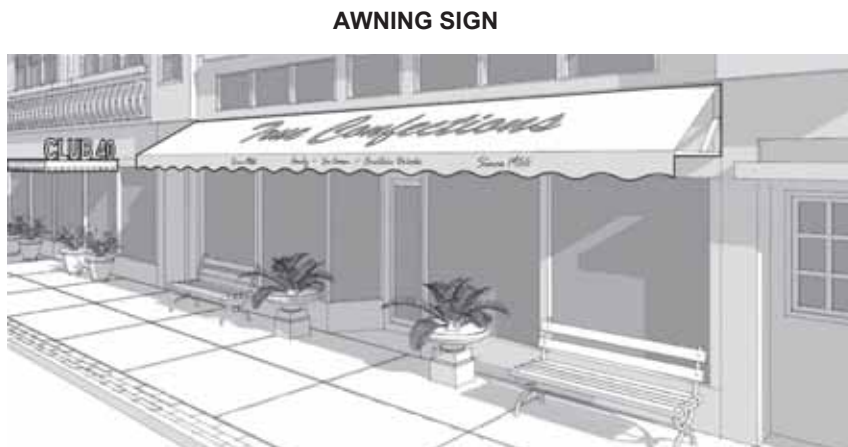
**Sign.** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right of way.

**Sign, A-Frame.** A temporary sign ordinarily in the shape of the letter “A” or some variation thereof, which is displayed on the ground, not permanently attached to the ground, and usually two-sided, generally connected at the top and separated at the bottom.



**Sign, Animated.** A sign that uses moving or changing lights to depict action, movement, or the optical illusion of movement of part of the sign structure, sign, or pictorial segment, or including the movement of any illumination or the flashing or varying of light intensity to create a special effect or scene. Animated signs do not include electronic message signs.

**Sign, Awning.** An awning is a roof-like cover designed for protection from the weather or as a decorative embellishment, which projects from a wall or roof of a structure over a window, walkway, or door, with no supports that extend to the ground. An awning sign is a sign printed or displayed upon an awning.

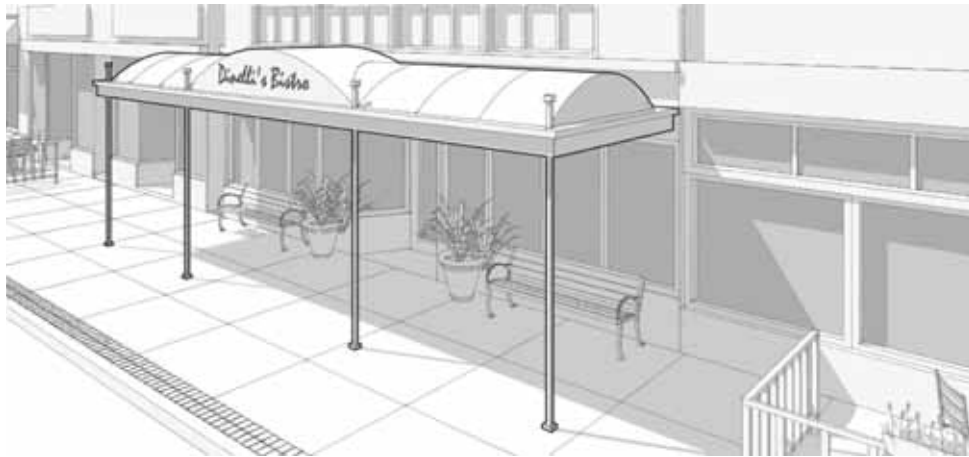


**Sign, Balloon.** A sign or advertising device designed to be airborne or inflated and tethered to the ground or other structure. This includes any air-inflated signs and any signs that inflate and move via air inflation.

**Sign, Canopy.** A canopy sign is a sign printed, mounted, or installed upon a canopy. A sign canopy may be one of two types:

- 1. Canopy - Non-Structural.** A roofed structure attached to a building, which is not integral to the structure, that is made of durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric, placed to extend outward from the building and supported both by mountings on the structure wall and by supports that extend to the ground.
- 2. Canopy - Structural.** A roofed structure constructed of permanent building materials, such as metal, brick, stone, wood or similar building materials, that is constructed as part of and attached to a building, and extends outward from the building and supported both by the structure and by supports that extend to the ground. Certain structural canopies may also be constructed freestanding accessory structures on the same lot with the principal use and/or structure.

#### **CANOPY SIGN: NON-STRUCTURAL**



#### **CANOPY SIGN: STRUCTURAL - ATTACHED**



## CANOPY SIGN: STRUCTURAL - FREESTANDING



**Sign, Flashing.** A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

**Sign, Freestanding.** A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure. There are three types of freestanding signs regulated by this Ordinance:

- 1. Freestanding Sign – Standard.** A freestanding sign that identifies an establishment that is not specifically categorized as a residential subdivision freestanding sign or a multi-tenant **retail commercial** center freestanding sign.
- 2. Freestanding Sign – Residential Subdivision.** A freestanding sign used to identify a residential subdivision.
- 3. Freestanding Sign – Multi-Tenant **Retail Commercial** Center.** A freestanding sign used to identify a commercial development with two or more tenants.

## FREESTANDING SIGN



### FREESTANDING SIGN



**Sign, Ghost.** A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community. A ghost sign is not an off-premise sign.

**Sign, Marquee.** A sign that is a part of or attached to a marquee. Where designed as a changeable message, sign, the changeable message portion may be manually changed or electronically changed when permitted by this Code.

### MARQUEE SIGN



**Sign, Moving.** A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles.

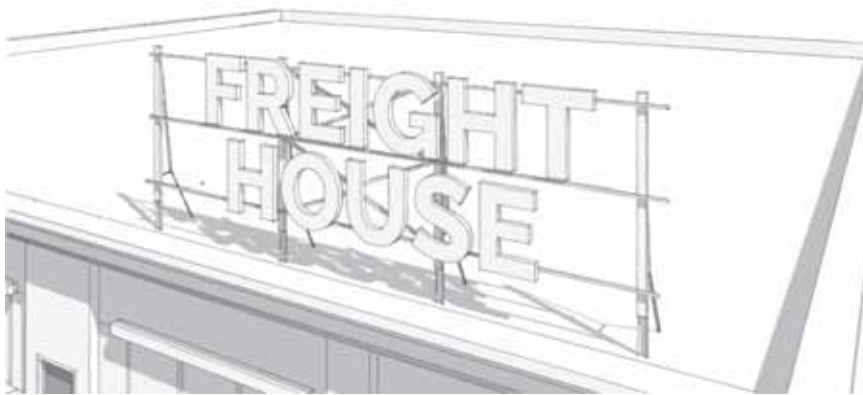
**Sign, Projecting.** A sign that is attached to a rigid structure that extends more than 18 inches beyond the surface of the structure to which it is attached. A marquee sign is not considered a projecting sign.

### PROJECTING SIGN



**Sign, Roof.** A sign that is erected, constructed, or maintained on and/or extending above the roof structure or parapet of any building with the principal support attached to the roof structure.

### ROOF SIGN



**Sign, Wall.** A sign that is attached directly to an exterior wall of a building or dependent upon a building for support and projects 18 inches or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs.

### WALL SIGN



**Sign, Window.** A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

#### WINDOW SIGN



**Stacking Space.** A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

**Standpipe.** A rigid vertical or horizontal pipe to which fire hoses can be connected, which may be building, ground, or roof mounted.

**Stoop.** An exterior floor having a maximum dimension of five feet wide by five feet long, typically constructed of wood, stone, concrete, and/or masonry, with a finished floor elevation higher than the adjacent ground level, often with steps leading up to it, and utilized primarily as an access platform to a structure. A stoop may be roofed and designed with railings, but cannot be enclosed.

**Street.** A public or private right-of-way that affords a primary means of vehicular, and may include cyclist and pedestrian, access to abutting property. A street does not include alleys or driveways.

**Structural Alteration.** Any change, other than incidental repairs, which would prolong the life of supporting members of a structure, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

**Structure.** A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

**Substantial Repair/Rehabilitation.** Substantial repair/rehabilitation occurs with any exterior change, other than routine exterior maintenance activities, that would prolong the life of the supporting members of a building. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed building or appraised value.

**Substantial Repair/Rehabilitation.** Substantial repair/rehabilitation occurs with any exterior change, the cost of which exceeds 50% of the assessed or appraised building value. Routine exterior maintenance activities such as painting, tuckpointing, replacing trim in kind, railings in kind, or replacing other nonstructural architectural details in kind are not considered to constitute a substantial repair/rehabilitation unless the cost of exceeds 50% of the assessed or appraised building value.

**Unified Control.** The combination of two or more tracts of land wherein each owner has agreed that his tract of land will be developed under the same development approvals.



**Use.** The purpose or activity for which the land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

**Video Display Sign.** A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming. This includes projection of an electronic video on a wall or other surface.

**White Roof.** A roof designed to deliver high solar reflectance, reducing heat transfer to the building and the ability to radiate absorbed, or non-reflected solar energy.

**Yard.** Defined in Section 17.02.040.

**Yard, Front.** Defined in Section 17.02.040.

**Yard, Interior Side.** Defined in Section 17.02.040.

**Yard, Corner Side.** Defined in Section 17.02.040.

**Yard, Rear.** Defined in Section 17.02.040.

**Yard, Reverse Corner Side.** Defined in Section 17.02.040.

**Zoning Lot.** A lot or combination of lots within a single block, which is designated by its owner or developer to be used, developed, or built upon as a unit. A zoning lot may coincide with a lot of record or may be comprised of one or more lots of record.

**Zoning Map.** The map or maps that are a part of this Ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

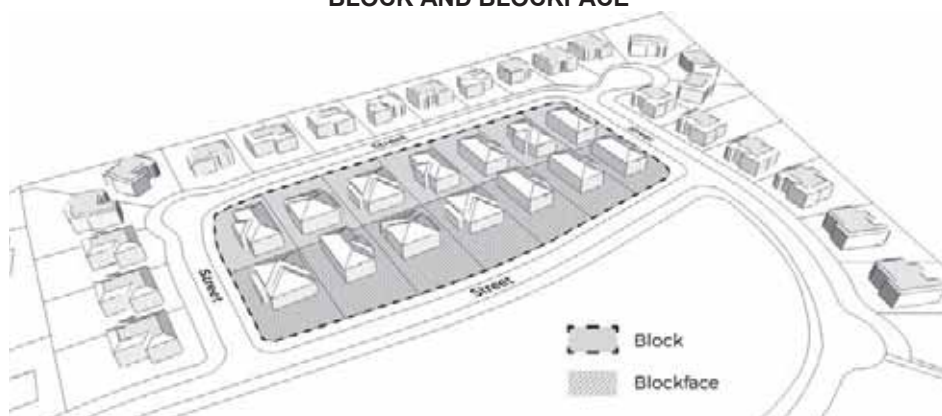
#### Section 17.02.040 Rules Of Measurement

This section provides the rules of measurement for the dimensional standards and locational characteristics within the Ordinance.

##### A. Block and Blockface

1. A block is a tract of land bounded by streets, or a combination of streets and railroad rights-of-way or municipal boundary lines.
2. Blockface is measured as that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

##### BLOCK AND BLOCKFACE

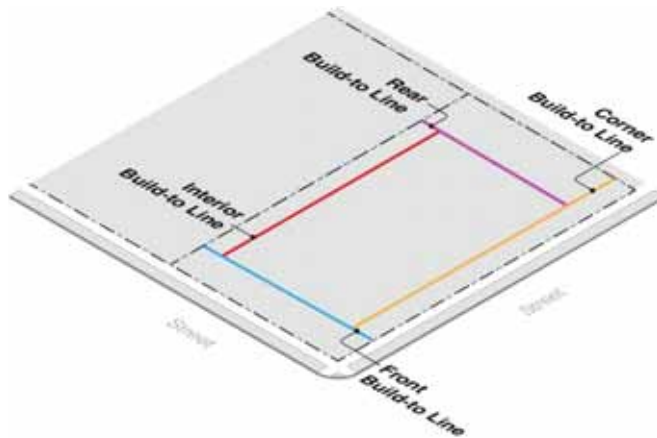


## B. Build-To Dimensions

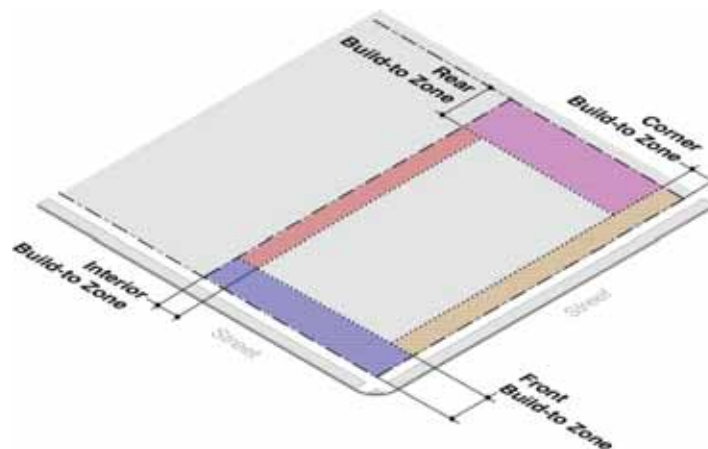
Certain dimensional requirements with the district require structures to be constructed at a build-to dimension. A build-to requirement is a boundary or alignment, parallel to a lot line, where a structure must be placed. This Ordinance includes three types of build-to dimensions:

1. A build-to line (BTL) is a set building line on a lot, measured perpendicular from the applicable lot line, where a building line must be located. The building line must be located on the build-to line. Facade articulation, such as window or wall recesses and projections are not counted as the building line, which begins at the applicable building wall.
2. A build-to zone (BTZ) is the area on a lot, measured perpendicular from the applicable lot line, where the building line must locate within the minimum and maximum range of setback provided. The building line must be located within the build-to zone. Facade articulation, such as window or wall recesses and projections are not counted as the building line, which begins at the applicable building wall.
3. A build-to percentage specifies the percentage of the building line that must be located within a build-to line or build-to zone. (Build-to percentage is measured as a percentage of the total building façade, not lot width.)

### BUILD-TO LINE

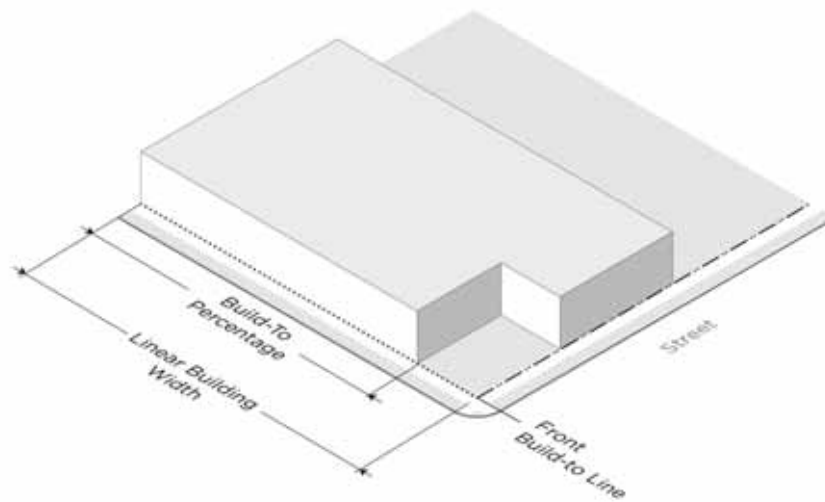


### BUILD-TO ZONE

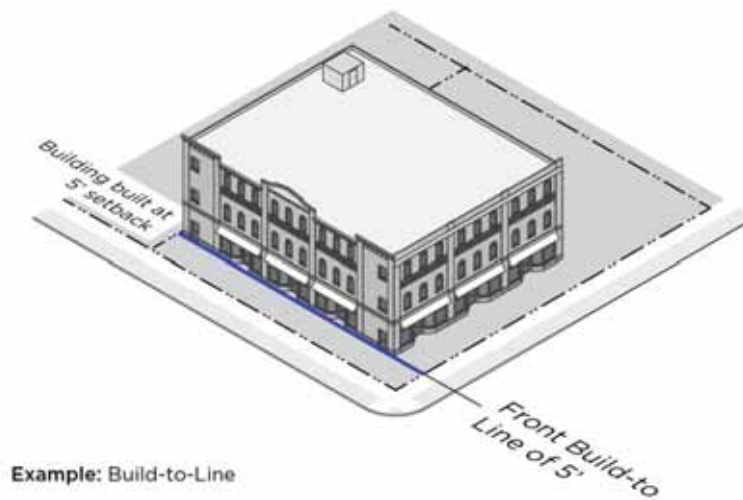




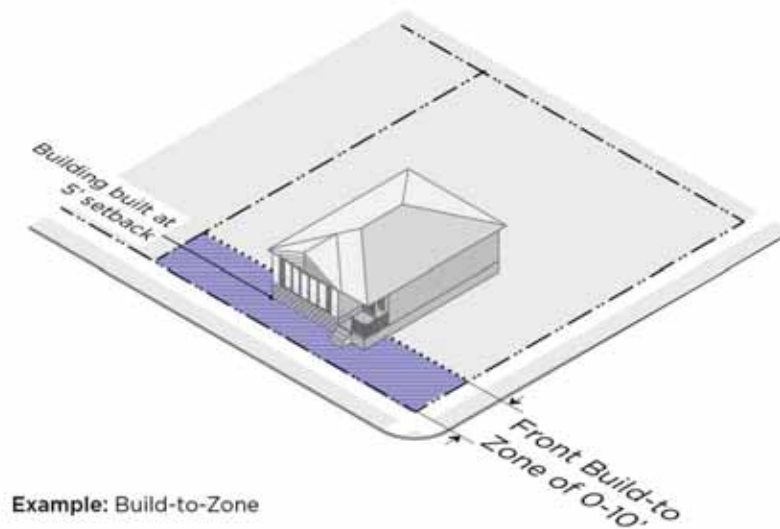
## BUILD-TO PERCENTAGE



*The following are examples of how build-to lines (BTL) and build-to zones (BTZ) are applied. When the front setback BTL is indicated as 5', the structure must be built at 5' from the front lot line. When the front setback BTZ is indicated as 0' to 10', the structure must be built within that range, shown in the example below as 5'; the property owner may choose any setback within that range.*



**Example: Build-to-Line**



### C. Building Coverage

That portion of the lot that is or may be covered by buildings and accessory structures.

### D. Building Height

1. Maximum building height is measured from grade (see Section 17.02.040.F) at each side of the building as follows:
  - a. The top of a flat roof, including structures designed with a decorative mansard roof concealing a flat roof.
  - b. The deck line of a mansard or gambrel roof.
  - c. The midpoint height between the eaves and the ridge in the case of a pitched roof.
  - d. Any dormers on the roof that extend past the roofline cannot exceed the maximum building height permitted in the district, as measured from the adjacent average grade, or its equivalent, to the top of the dormer.
2. For the purposes of building height measurement, roof types are defined as follows:
  - a. **Flat Roof:** A roof that is not pitched and where the surface of the roof is generally parallel to the ground. A mono-pitched roof, also called a shed roof, is a single-sloping roof surface, and is also considered a flat roof.
  - b. **Mansard or Gambrel Roof:** A two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep. A gambrel roof has vertical gable ends, while a mansard roof is hipped at the four corners of the building.
  - c. **Pitched Roof:** A gable or hip roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance in the direction of the slope or pitch of the roof. A hipped roof is sloped in two pairs of directions compared to the one pair of direction for a gable roof.
3. The following structures or parts thereof are exempt from maximum height limitations, unless otherwise limited by any height restriction imposed by any airport authority, or other similar federal, state, or local authority.
  - a. Public utility poles, towers, and wires. Public utilities do not include wireless telecommunications, solar panels, and wind turbines unless operated by a government agency.

b. Water tanks and standpipes.

c. Building appurtenances such as chimneys, parapet walls, skylights, steeples, flag poles, smokestacks, cooling towers, elevator bulkheads, fire towers, monuments, water towers, stacks, stage towers, or scenery lofts, tanks, ornamental towers and spires, rooftop accessory structures, recreational facilities, necessary mechanical appurtenances, or penthouses to house mechanical appurtenances.

### BUILDING HEIGHT



### E. Caliper

Tree caliper is the diameter of a tree trunk, measured at four and one-half feet above the adjacent ground.

### F. Grade

The average of the finished ground level of each wall of a building measured vertically along the façade and averaged.

### G. Gross Floor Area (GFA)

The gross floor area (GFA) of a structure is the sum of the gross horizontal areas of all floors of the structure as measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

### H. Impervious Surface Coverage

1. Impervious surface coverage is a measure of intensity of land use that represents the portion of a site that is occupied by structures, pavement, and other impervious surfaces that do not allow for the absorption of water into the ground. Maximum impervious surface of a lot is calculated as the percentage of all impervious surface area against the total area of the lot.

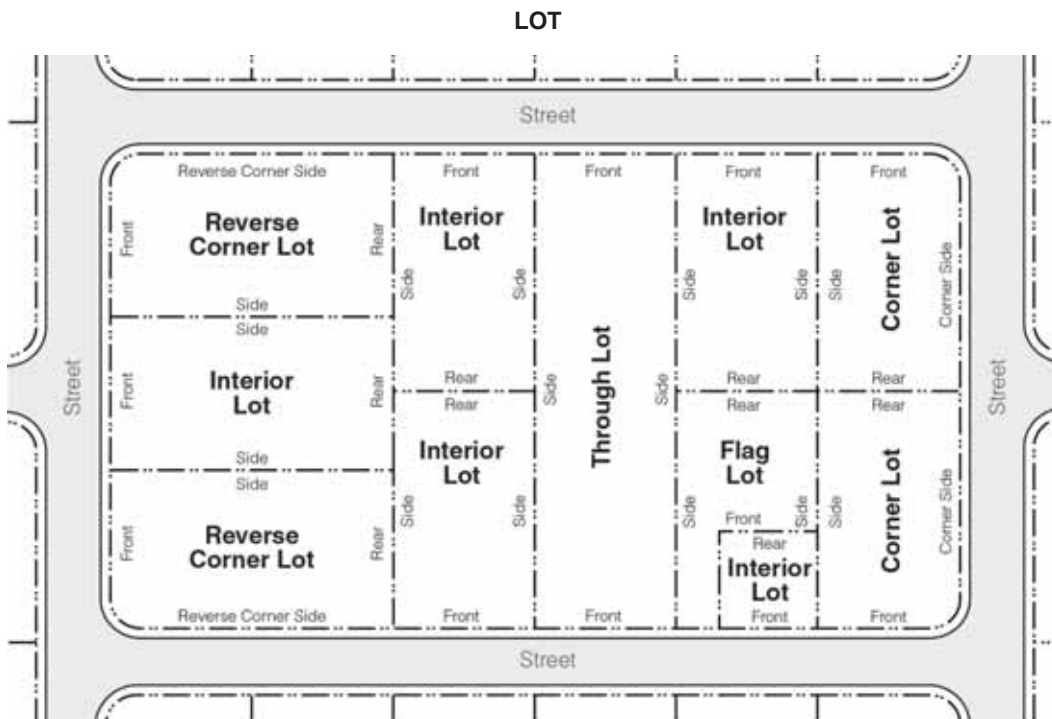
2. When pervious paving is used, it is calculated at a reduced percentage of impervious coverage, as follows:

- a. Pervious concrete and open grid paving systems are calculated as 50% impervious surface, provided that no barrier to infiltration is installed beneath the material. Open grid pavers must be installed on a sand base, without an impervious liner, to qualify.
- b. Other types of pervious surfaces, such as permeable pavers, porous asphalt, or gravel-crete, are credited based upon field performance data and coefficients of permeability provided by the manufacturer.

#### I. Lot

A lot is the basic development unit for determination of lot area, depth, and other dimensional regulations; or a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title. The following describes the types of lot configurations:

1. An interior lot is a lot other than a corner or through lot, bounded by two interior side lot lines.
2. A corner lot is a lot situated at the junction of, and abutting on, two or more intersecting streets.
3. A through lot is a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. A through lot is also called a double frontage lot.
4. A reverse corner lot is a corner lot where the side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.
5. A flag lot is platted so that the main building site area (the “flag”) is set back from the street on which it fronts and includes an access strip (the “pole”) connecting the main building site with the street.



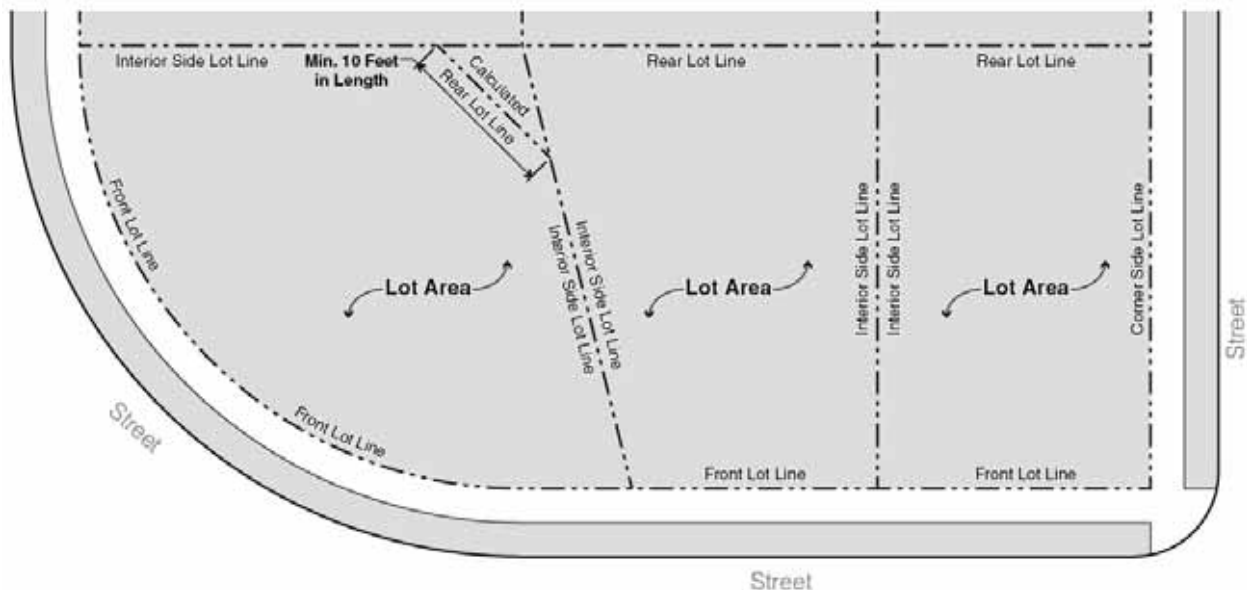
#### J. Lot Area

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

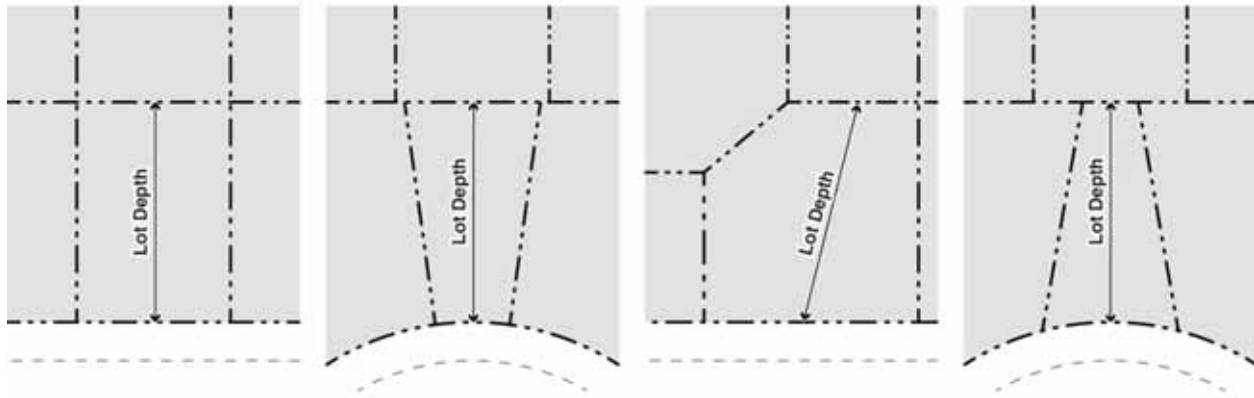
The distance from the front lot line to the rear lot line as measured from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of triangular or similarly irregularly shaped lots, the rear lot line used to measure lot depth is a calculated line of ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

A line of record bounding a lot, as indicated on an approved, filed, and recorded subdivision plat, which divides one lot from another lot or from a public or private street or any other public or private space and includes:

- ## LOT AREA & LOT LINES



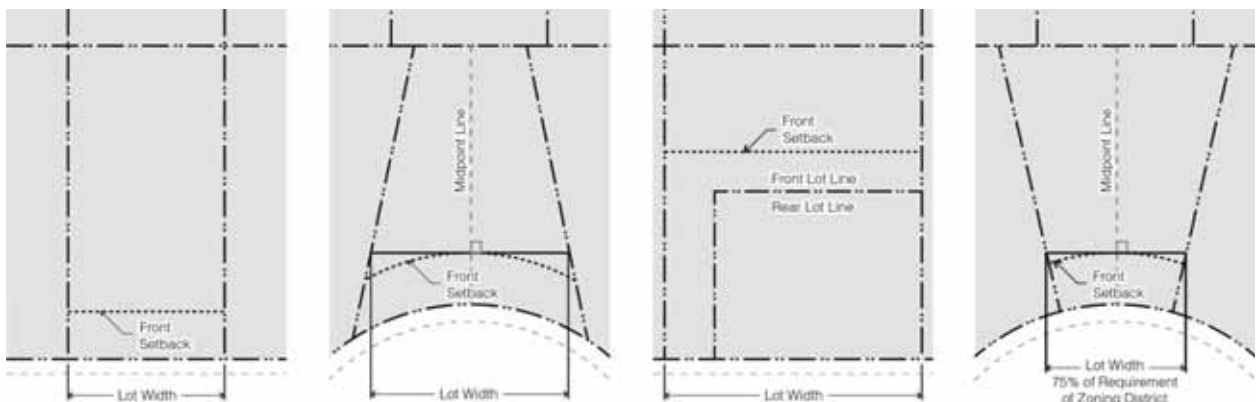
## LOT DEPTH



## M. Lot Width

1. For regular lots, lot width is the horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the required front setback, build-to line, or farthest build-to line comprising a build-to zone.
2. For cul-de-sac lots, on those lots with a curved front lot line, lot width is measured as follows:
  - a. A line is drawn at the midpoint of the lot between the side lot lines, extending from the front lot line to the rear lot line.
  - b. Where the required front setback intersects the midpoint line at a right angle, a line is drawn perpendicular to the midpoint line.
  - c. Lot width is determined as the length of the line between side lot lines.
  - d. Where the side lot lines angle to increase width towards the rear, the required lot width measured at the required setback is 75% of the lot width required by the zoning district.
3. For flag lots, lot width is measured at the required front setback as defined in this section.

## LOT WIDTH



## N. Separation Measurement

When uses are required to be measured a certain distance from another use or district, such separation distance is measured from a point of the lot line on which such use is proposed to be located to the nearest point on the lot line where the other use or district is located.

## O. Sign Dimensions

### 1. Calculation of Sign Area

a. The sign area of each sign is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment, symbols, logos, letters, characters, other figures, or frames, whether structural or decorative. The calculation of sign area does not include any supports or bracing. For channel letters or freestanding logos/symbols, the sign area is calculated as the customary, applicable mathematical formula for the total area of each square, circle, ellipse, rectangle, or triangle, or combination thereof, that encompasses each word, logo, image, background, and/or display.

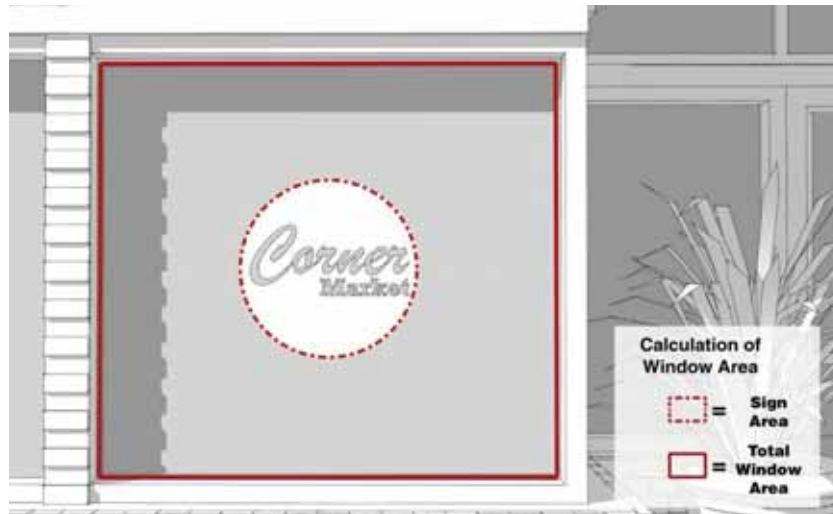
b. Window area for the purpose of calculating maximum area of window signs is calculated as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area. Total window area is calculated as length times width of the window area. Only the individual letters or logos of the window sign shall be used in the calculation of surface area. The transparent film around the perimeter of the individual letters or logos comprising the window sign and used to affix the window sign to the interior or exterior of a windowpane or glass door shall be exempt from the area calculations, provided that such portion of the transparent film maintains 100% transparency of the window.

### SIGN AREA





## SIGN AREA



### 2. Measurement of Sign Height

For ground signs, sign height is measured as the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including any decorative elements. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction, exclusive of any fill, berm, mound, or excavation solely for the purpose of locating the sign, whichever is lower.

## SIGN HEIGHT



### 3. Measurement of Vertical Clearance

For building-mounted signs, vertical clearance is measured as the vertical distance measured from the ground directly below the sign to the lowest point of the sign.



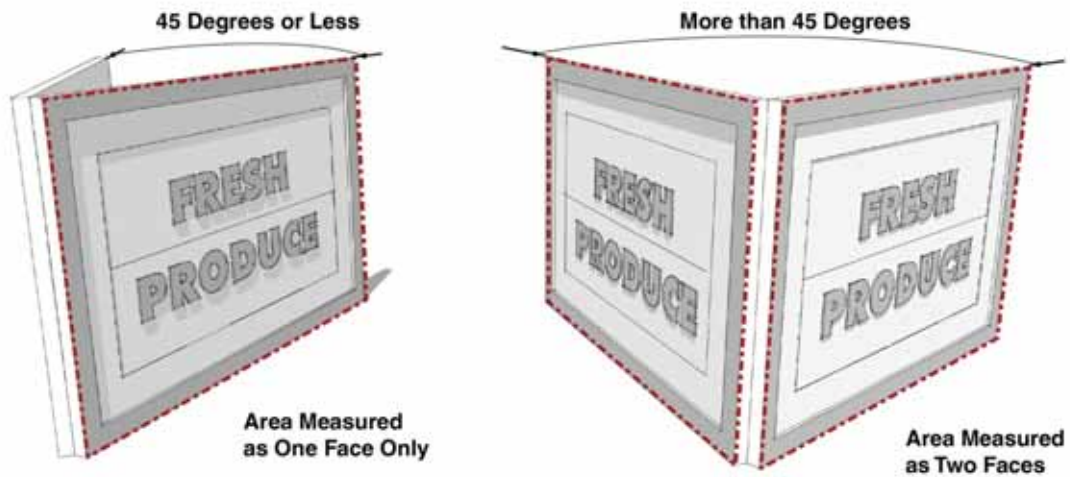
## VERTICAL CLEARANCE



### 4. Determination of Number of Sign Faces

If the interior angle between two sign faces is  $45^\circ$  (degrees) or less, the sign area is computed as the area of one face only. If the angle between two sign faces is greater than  $45^\circ$  (degrees), the total sign area is computed as the sum of the areas of the two faces.

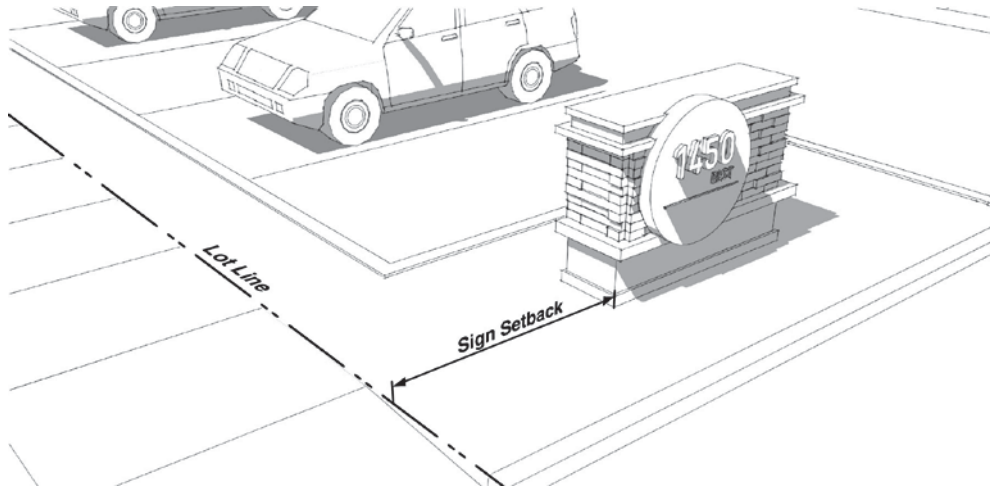
## SIGN FACE



## 5. Sign Setback

A required sign setback is measured from the applicable lot line to the closest component of the sign or sign structure.

### SIGN SETBACK



## P. Yards and Setbacks

### 1. General Definitions

- a. A yard is the open space area between the building line of a principal building and the adjoining lot lines, exclusive of facade articulation, such as window or wall recesses and projections.
- b. A required setback is the required minimum distance a principal building must be located from a lot line, which is unoccupied and unobstructed by any projections of a principal building, unless permitted by this Code.
  - i. A build-to zone or build-to line is considered a required setback.
  - ii. In the case of a build-to line it is where the principal building must be located.
  - iii. In the case of a build-to zone, it is the defined area (defined by minimum and maximum build-to lines) where the principal building must be located.
- c. A setback may be equal to or lesser than a yard.
- d. A setback is located along the applicable lot line for the minimum depth specified by the zoning district in which such lot is located.

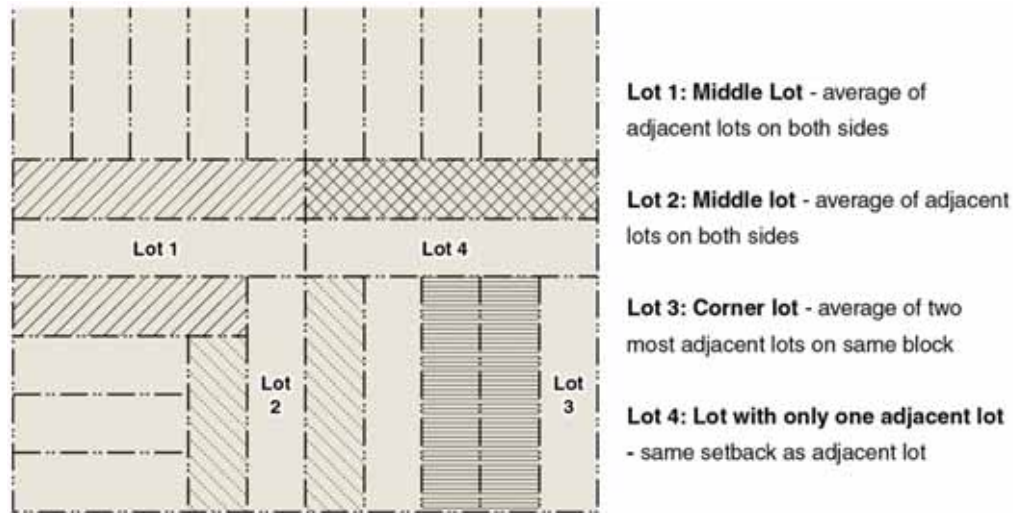
### 2. Front Yard and Front Setback

The front yard and front setback extend the full width of the lot between side lot lines measured perpendicular to the front lot line.

- a. Front Yard: A front yard is located between a principal building line and the front lot line.
- b. Front Setback: A front setback is the required minimum distance per the zoning district that a principal building must be located from the front lot line.
- c. A front setback is measured from the right-of-way line.
- d. Front setbacks on irregular lots are subject to the additional provisions:

- i. On a lot with a radial (curved) front lot line, the required front setback, as measured from the right-of-way line follows the curve of the lot line.
- ii. For flag lots, the front yard and setback is measured from the rear lot line of the lot that separates the flag portion of the lot from the street. For multiple flag lots that utilize a common drive, the front yard and setback may be measured from the lot line of the pole or access strip, as extended into the lot.
- e. Where front yard averaging is permitted, the average front setback of the adjacent lots on either side of a lot may be used to establish the required front setback. Averaging is based on the two adjacent lots on either side or, in the case of a corner lot, the next two adjacent lots. In the case of a lot configuration where only one lot is available for averaging, the required front setback is that of the adjacent lot.

#### FRONT YARD AVERAGING



### 3. Interior Side Yard and Interior Side Setback

The interior side yard and interior side setback extend along the interior side lot line between the front and rear yard or setback, measured perpendicular to the interior side lot line.

- a. **Interior Side Yard:** An interior side yard is located between a principal building line and the interior side lot line.
- b. **Interior Side Setback:** An interior side setback is the required minimum distance per the zoning district that a principal building must be located from the interior side lot line.
- c. For single-family semi-detached developments, the interior side yard and interior side setback are only applicable to the side of the unit not located on the lot line (no shared wall attachment to another unit). For townhouse developments, the interior side yard and interior side setback are only applicable to end units of the development.

### 4. Corner Side Yard and Corner Side Setback

The corner side yard and corner side setback extend along the corner side lot line between the front yard or front setback and the rear lot line, measured perpendicular to the corner side lot line.

- a. **Corner Side Yard:** A corner side yard is located between a principal building line and the corner side lot line.
- b. **Corner Side Setback:** A corner side setback is the required minimum distance per the zoning district that a principal building must be located from the corner side lot line.

## **5. Rear Yard and Rear Setback**

The rear yard and rear setback extend between interior side lot lines, measured perpendicular to the rear lot line.

- a.** Rear Yard: A rear yard is located between a principal building line and the rear lot line.
- b.** Rear Setback: A rear setback is the required minimum distance per the zoning district that a principal building must be located from the rear lot line.
- c.** In the case of a corner lot, the rear yard and rear setback extend between the interior side lot line to the required corner side setback, measured perpendicular to the rear lot line.

## **6. Reverse Corner Side Yard and Setback**

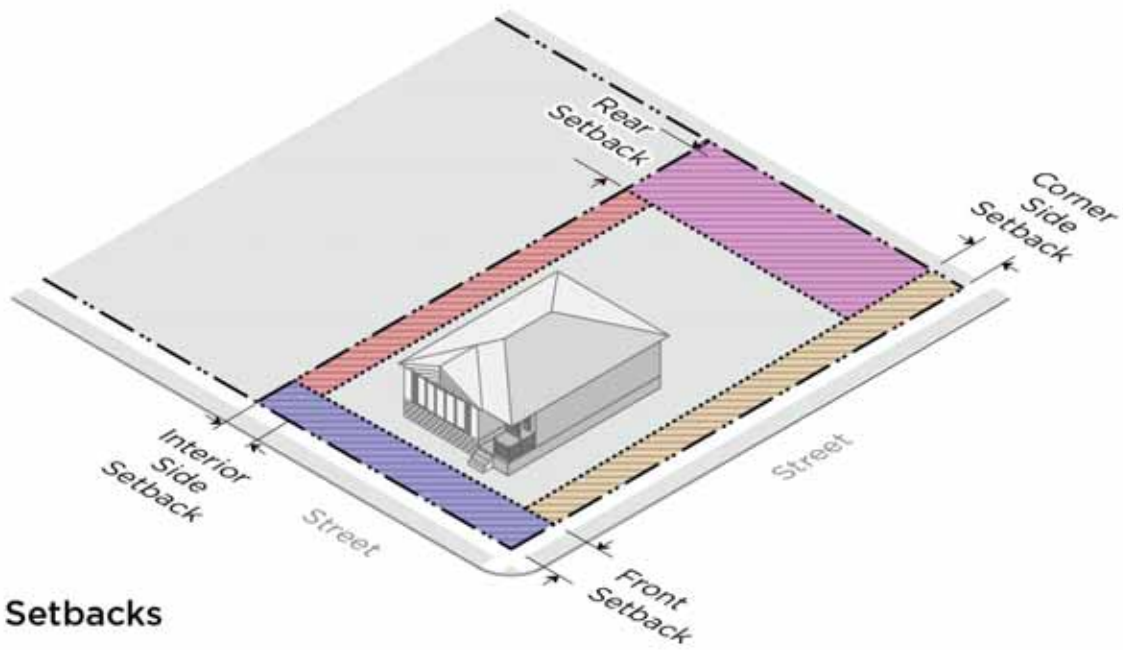
The reverse corner side yard and setback extends along the corner side lot line between the front yard and the rear lot line, measured perpendicular to the corner side lot line. The corner side lot line adjoining a street is substantially a continuation of the front lot line of the first lot to its rear.

- a.** Reverse Corner Side Yard: A reverse corner side yard is located between a principal building and the corner side lot line.
- b.** Reverse Corner Side Setback: A reverse corner side setback is the required minimum distance per the zoning district that a principal building must be located from corner side lot line.

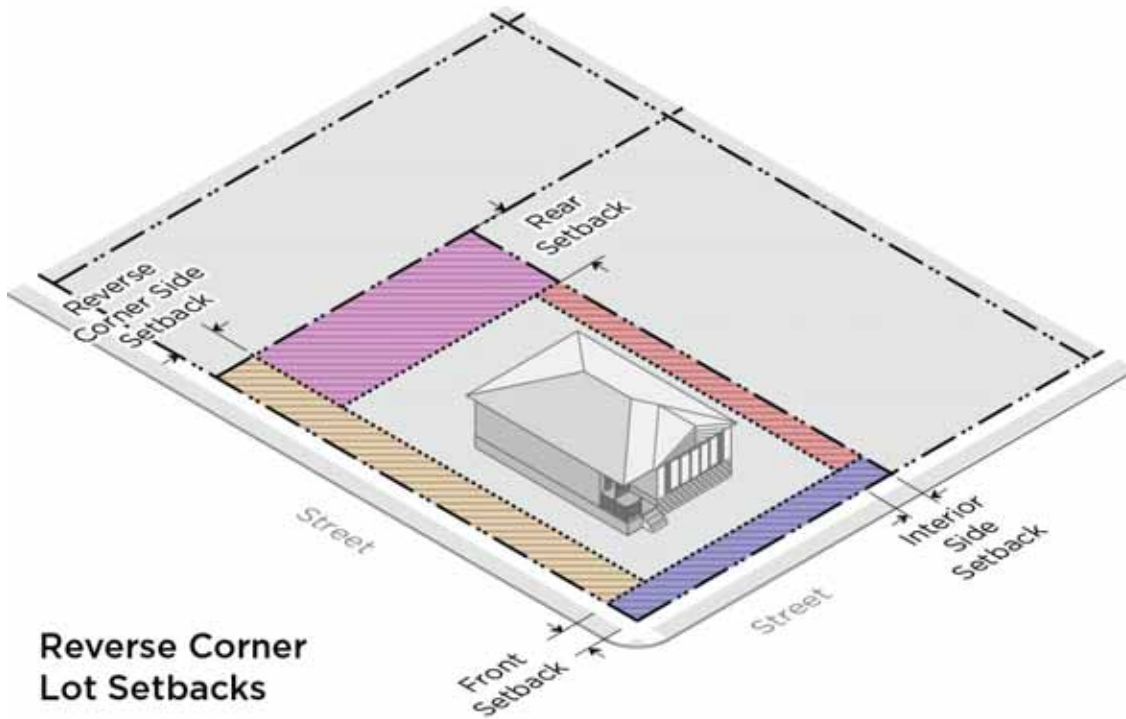
## **7. Yard and Setback Requirements for Through Lots**

For through lots, both the front and the rear required setbacks must meet the required front setback of the zoning district.

## SETBACKS

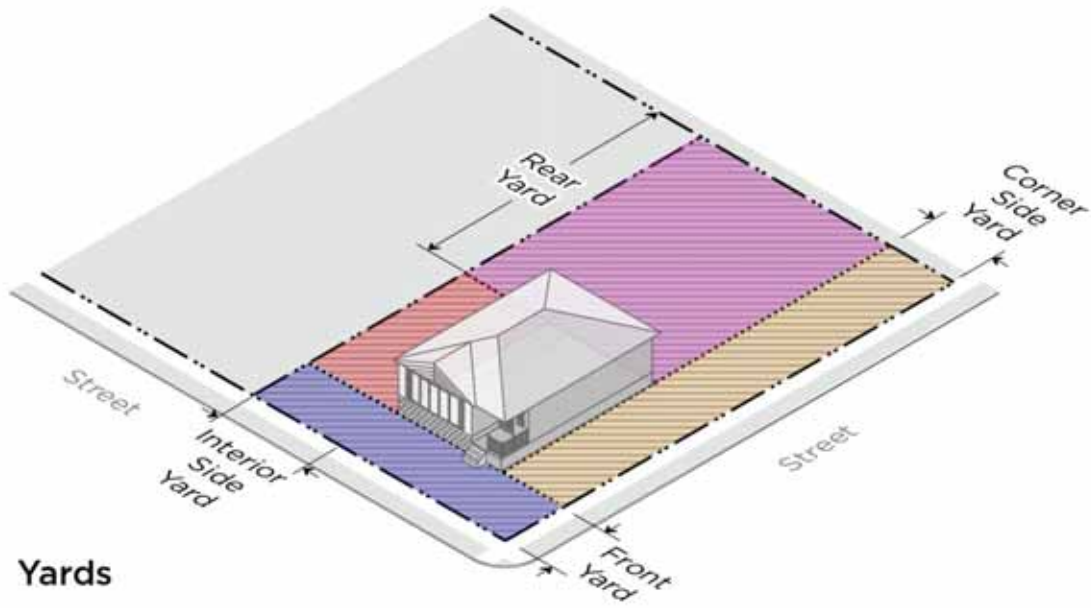


**Setbacks**

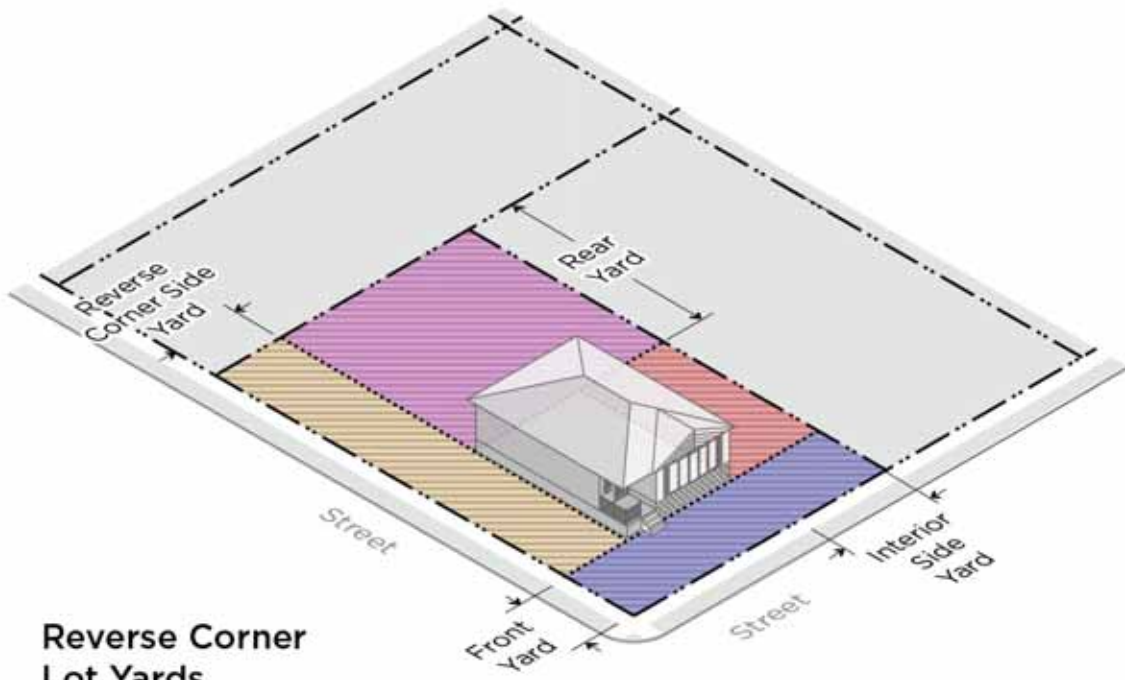


**Reverse Corner  
Lot Setbacks**

## YARDS



Yards



Reverse Corner  
Lot Yards



<b>CHAPTER 17.04.</b>	<b>RESIDENTIAL DISTRICTS</b>
Section 17.04.010	Purpose Statements
Section 17.04.020	Uses
Section 17.04.030	Dimensional Standards
Section 17.04.040	R-MHP District Standards
Section 17.04.050	R-3C and R-4C District Design Standards
Section 17.04.060	General Standards of Applicability

#### Section 17.04.010 Purpose Statements

##### **A. R-1 Single-Family Residential Zoning District**

The R-1 Single-Family Residential Zoning District is intended to accommodate the lowest-density single-family neighborhoods within the City of Davenport, exhibiting a predominantly semi-suburban development pattern of large lots and generous yards.

##### **B. R-2 Single-Family Residential Zoning District**

The R-2 Single-Family Residential Zoning District is intended to accommodate low-density single-family neighborhoods of a more urban character than the R-1 District. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-2 District.

##### **C. R-3 Single-Family and Two-Family Residential Zoning District**

The R-3 Single-Family Residential Zoning District is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a moderately dense urban development pattern. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3 District.

##### **D. R-3C Single-Family and Two-Family Central Residential Zoning District**

The R-3C Single-Family and Two-Family Central Residential Zoning District is intended to preserve and protect Davenport's moderately dense, centrally located, established urban residential neighborhoods. Standards of the R-3C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-3C District.

##### **E. R-4 Single-Family and Two-Family Residential Zoning District**

The R-4 Single-Family and Two-Family Residential Zoning District is intended to accommodate residential neighborhoods in the City of Davenport consisting of single-family and two-family homes in a dense urban development pattern. The R-4 District may also serve as a transitional district between Davenport's single-family and two-family neighborhoods and more intense uses within the City. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4 District.

##### **F. R-4C Single-Family and Two-Family Central Residential Zoning District**

The R-4C Single-Family and Two-Family Central Residential Zoning District is intended to preserve and protect Davenport's dense, centrally located, established urban residential neighborhoods. Standards of the R-4C District are intended to ensure that new development is complementary to the existing developed character of these neighborhoods. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-4C District.

##### **G. R-MF Multi-Family Residential Zoning District**

The R-MF Multi-Family Residential Zoning District is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single family semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

##### **H. R-MHP Residential Manufactured Home Park Zoning District**

The R-MHP District is intended to accommodate manufactured home parks, which are areas containing manufactured home sites arranged on a large tract, typically under single ownership, and designed to accommodate manufactured homes.

## Section 17.04.020 Uses

- A. Chapter 17.08 lists permitted, special, and temporary uses for the residential districts.
- B. In the R-3, R-3C, R-4, and R-4C Districts, two-family dwellings are allowed as follows:
1. New construction of a two-family dwelling is a permitted use.
  2. Conversion of a structure from a single-family dwelling into a two-family dwelling is a special use.

## Section 17.04.030 Dimensional Standards

A. Table 17.04-1: Residential Districts Dimensional Standards establishes the dimensional standards for the residential districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. See Section 17.02.040 for measurement methodologies.

B. A house court design for single-family and/or two-family dwellings must comply with the dimensional standards of Section 17.08.030.N.

C. R-MHP District standards are found in Section 17.04.040.

Table 17.04-1: Residential Districts Dimensional Standards <i>SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family</i>				
	R-1	R-2	R-3	R-3C
Bulk				
Minimum Lot Area	20,000sf	SF: 10,000sf SF-SD: 10,000sf/du	SF: 7,500sf SF-SD: 4,000sf/du 2F: 8,500sf Non-Residential: 10,000sf	SF: 7,500sf SF-SD: 4,000sf/du 2F: 8,500sf Non-Residential: 10,000sf
Minimum Lot Width	100'	SF: 60' SF-SD: 60'/du	SF & 2F: 60' SF-SD: 30'/du Non-Residential: 75'	SF & 2F: 50' SF-SD: 25'/du Non-Residential: 75'
Maximum Building Height	35'	35'	35'	35'
Maximum Building Coverage	25%	35%	35%	35%
Maximum Impervious Surface	40%	50%	60% Non-Residential: 70%	60% Non-Residential: 70%
Setbacks				
Minimum Front Setback	30' or average of front setbacks, whichever is less	30' or average of front setbacks, whichever is less	25' or average of front setbacks, whichever is less	25' or average of front setbacks, whichever is less
Minimum Interior Side Setback	7'	7'	7'	5'
Minimum Corner Side Setback	25'	20'	15'	15'
Minimum Reverse Corner Side Setback	30'	30'	25'	25'
Minimum Rear Setback	30' or 20% of lot depth, whichever is less	30' or 20% of lot depth, whichever is less	25' or 20% of lot depth, whichever is less	25' or 20% of lot depth, whichever is less



Table 17.04-1: Residential Districts Dimensional Standards <i>SF = Single-Family // SF-SD = Single-Family Semi-Detached // 2F = Two-Family // TH = Townhouse // MF = Multi-Family</i>			
	R-4	R-4C	R-MF
<b>Bulk</b>			
Minimum Lot Area	SF: 6,000sf SF-SD: 3,500sf/du 2F: 7,000sf Non-Residential: 10,000sf	SF: 4,000sf SF-SD: 2,500/du 2F: 5,500sf Non-Residential: 10,000sf	<del>SF</del> 2F: 6,000sf SF-SD: 2,500/du TH, MF: 1,500sf/du Non-Residential: 10,000sf
Minimum Lot Width	SF & 2F: 50' SF-SD: 25'/du Non-Residential: 75'	SF & 2F: 40' SF-SD: 25'/du Non-Residential: 75'	<del>SF</del> 2F: 50' SF-SD: 25'/du TH: 20'/du MF: 80' Non-Residential: 75'
Maximum Building Height	35'	35'	<del>SF</del> 2F, TH: 35' MF: 70'
Maximum Building Coverage	35%	40% Non-Residential: 35%	<del>SF: 40%</del> SF-SD & 2F: 50% TH, MF: 65%
Maximum Impervious Surface	60% Non-Residential: 70%	60% Non-Residential: 70%	<del>SF: 60%</del> SF-SD & 2F: 70% TH, MF: 75% Non-Residential: 75%
<b>Setbacks</b>			
Minimum Front Setback	20' or average of front setbacks, whichever is less	15' or average of front setbacks, whichever is less	25'
Minimum Interior Side Setback	5'	10% of lot width, or 5', whichever is less In no case shall an interior side setback be less than 4'	<del>2F, SF-SD</del> : 5' <del>TH, MF</del> : 10' - When abutting a residential district, structures over 45' in height require 1' additional setback for each 3' in height over 45'
Minimum Corner Side Setback	15'	10'	20'
Minimum Reverse Corner Side Setback	20'	15'	25'
Minimum Rear Setback	20' or 20% of lot depth, whichever is less	15' or 20% of lot depth, whichever is less	25' or 20% of site depth, whichever is less

#### Section 17.04.040 R-MHP District Standards

Development in the R-MHP District is limited to manufactured home parks, which are subject to the following standards.

##### A. Dimensional Standards

Table 17.04-2: R-MHP District Dimensional Standards establishes the dimensional standards for manufactured home parks in the R-MHP District. Standards are provided for the manufactured home park development overall and for individual manufactured home sites within the park.

Table 17.04-2: R-MHP District Dimensional Standards		
	Manufactured Home Park	Manufactured Home Site
<b>BULK</b>		
Minimum Lot/Site Area	10 acres	4,500sf
Minimum Lot/Site Width	250'	45'
Maximum Building Height	--	20'
Minimum Separation Between Sites	--	15' as measured from the walls of manufactured homes
<b>SETBACKS</b>		
Minimum Front Setback	50'	Dedicated internal street: 20' Private access drive: 10'
Minimum Interior Side Setback	50'	10'
Minimum Corner Side Setback	50'	10'
Minimum Rear Setback	50'	10'

## B. Design and Operation Standards

1. Manufactured home parks must meet the following design standards:
  - a. All manufactured home parks require site plan review.
  - b. The perimeter yard of a manufactured home park requires a buffer area of 15 feet at the furthest point in the required setback from the abutting lot line, and must contain the following:
    - (1) A mix of shade and evergreen trees planted at an average of one tree for every 50 linear feet of yard width. These shade and evergreen trees may be clustered to allow for access points or to maximize the screening effect, conditioned on approval of the landscape plan.
    - (2) Two ornamental trees may be substituted for one shade tree for up to 25% of required trees.
    - (3) Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity.
    - (4) The remainder of the buffer area must be planted with low groundcover, seed, or sod.
2. Manufactured home sites within parks must meet the following design standards:
  - a. The boundaries of each manufactured home site must be clearly marked.
  - b. There must be at least 15 feet between the sides of manufactured homes. Bay windows, porches, canopies or other projections are considered sides or ends of a mobile home when determining these requirements. Such projections, such as porches and canopies, must be constructed of fireproof material that meets the requirements of the Building Code.
  - c. Each manufactured home site must have a concrete slab or runway for the manufactured home to set on, and be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least one inch around the walls of the manufactured home on all sides.
  - d. There must be a concrete slab alongside of each manufactured home site of at least 12 feet by 30 feet to be used as a parking space for the occupants of the manufactured home. If a canopy is to be used over the area designated as car storage, it must be of fire-resistant material and is allowed only at the rear end of each carport area.
  - e. All manufactured homes must be designed with skirting that is constructed of noncombustible or fire-resistant material that meets the requirements of the building code.
  - f. The front entry of a manufactured home should be a dominant feature of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.

### Section 17.04.050 R-3C and R-4C District Design Standards

In addition to the use standards for dwelling types located in Chapter 17.08, the following design standards apply to the R-3C and R-4C Districts. The standards below are applicable to construction of a new dwelling, construction of a new garage and/or carport, and/or an addition to an existing dwelling that exceeds 25% of the building footprint of the structure as it was on the effective date of this Ordinance.

#### A. Building Massing and Orientation

1. The scale of new construction must maintain compatibility with adjacent homes and the overall character of the surrounding area.
2. Architectural elements within the design must be in proportion to the overall structure.
3. The scale of additions to existing homes must maintain compatibility with the size of the existing structure and its architectural elements, as well as with the size of adjacent homes and the overall character of the surrounding area.

4. Foundation height must maintain compatibility with adjacent homes, provided adequate drainage can be achieved.

5. Dwellings must be oriented toward the residential street, and must connect to the sidewalk via walkways perpendicular to the street.

6. Where served by an alley or rear service drive, dwellings must orient garages or parking pads for access from the alley or rear service drive.

## **B. Façade Design**

1. All façades that face a street must have articulation in the form of windows, doors, or other significant architectural features that are projected or recessed to create shadow and visual interest.

2. The number and size of façade articulations must be scaled to the size of the façade to balance a home's compatibility within the neighborhood with its own unique character.

3. Additions to existing homes must continue the architectural vocabulary established by the original home, and must be informed by the overall character of the surrounding area.

4. Front porches are encouraged, to add interest and scale to the front of a home. Where provided, porches must maintain compatibility with adjacent homes.

5. The front entry to a home must be a prominent feature, and must be located on the front façade.

## **C. Fenestration**

1. The design of a home's fenestration must reflect a consistent rhythm, repeating elements or groups of elements in a consistent manner across a home's story and between stories. Individual elements may vary in size, but must relate to each other proportionally.

2. Elements of fenestration must relate to each other visually by sharing design features such as vertical or horizontal alignment, depth, or ornamentation such as muntins, mullions, sills, trim, lintels, etc.

3. Façades facing onto immediately adjacent properties must design their fenestration to respect the privacy of neighbors. This may be addressed through the height, size, or proportion of windows, the exclusion of balconies, and the use of opaque or translucent materials.

## **D. Roof Form**

1. Roof forms must be varied through a combination of structural articulations such as gables, hips, valleys, ridges, and saddles that complement the roof form of adjacent homes.

2. Roof pitch should be consistent for all sloped roof faces, and should maintain compatibility with adjacent homes and the overall character of the surrounding area.

3. Definition is encouraged, through integration of architectural features such as dormers, eyebrows, chimneys, and deep eaves, which create shadows across the façade of a structure and create visual interest.

## **E. Building Materials**

Building materials for new homes, or additions to existing homes must maintain compatibility with adjacent homes and the overall character of the surrounding area.

### **1. Primary Building Materials**

Primary building materials are the dominant component of a home's exterior walls, composing 75 to 90 percent of each building face.

- a. No more than two primary building materials are permitted for new homes, not including foundation.

**b.** For additions to existing homes, no more than two primary building materials are permitted, provided that the total number of primary building materials for the overall structure, including addition, is not more than two.

**c.** Color, texture, or finish changes within any category of materials count as separate primary building materials.

**d.** Permitted primary building materials include:

- i.** Brick and stone
- ii.** Wood or simulated wood
- iii.** Vinyl siding
- iv.** Aluminum Siding
- v.** Stucco

**e.** Building materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

## **2. Accent Materials**

Accent materials are secondary components of a home's exterior walls, typically used to provide architectural detail or visual interest to a façade. Accent materials may not compose more than 25% of each building face.

**a.** For new construction and additions to existing homes, if one primary building material is used (not including a foundation), a minimum of two but no more than three accent materials are permitted for the overall structure, including any addition.

**b.** For new construction and additions to existing homes, if two primary building materials are used (not including a foundation), a minimum of one but no more than two accent materials are permitted for the overall structure, including any addition.

**c.** Color, texture, or finish changes within any category of materials count as separate accent materials.

**d.** Permitted accent materials include:

- i.** Brick and stone
- ii.** Wood or simulated wood
- iii.** Architectural metal cladding
- iv.** Concrete masonry units
- v.** Stucco

**e.** Accent materials not listed above may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

## **3. Roofing Materials**

**a.** Roofing materials should complement the architectural style of a home.

**b.** A consistent application of one roofing material is required for all roof areas visible from the right of way or any neighboring property.

**c.** Color, texture, or finish changes within any category of materials listed below count as separate roofing materials.

d. Permitted roofing materials include the following:

- i. Dimensional asphalt shingles
- ii. Wood shingles and shakes
- iii. Slate
- iv. Terra Cotta
- v. Ceramic tile
- vi. Metal tiles or standing seam

e. Roofing materials not listed above will be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.

#### 4. Application of Building Materials

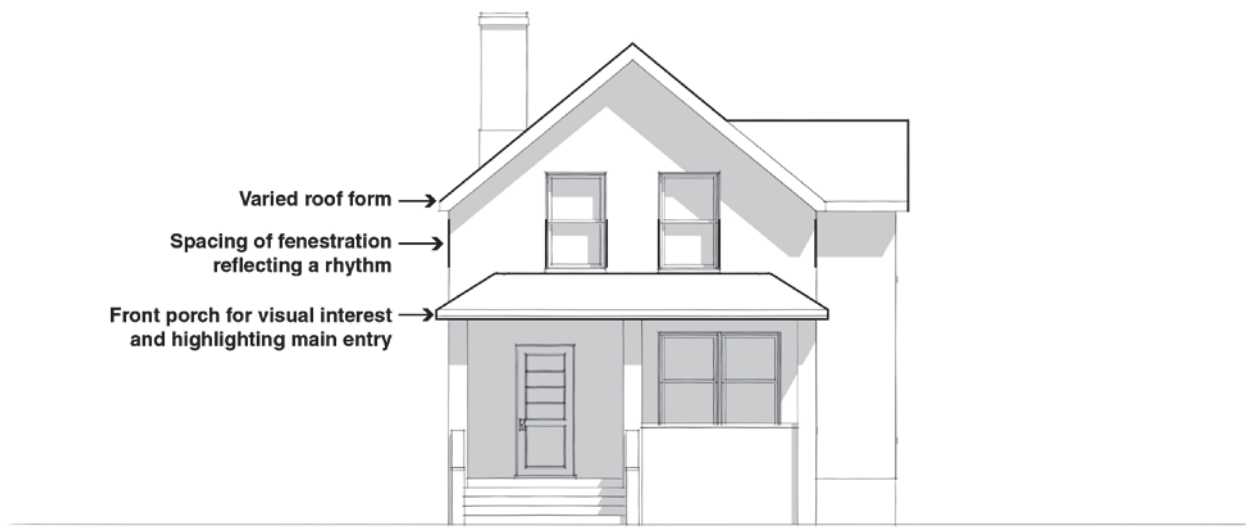
a. Building materials should be consistently applied on all exterior faces of new homes. Elevations of different materials or colors are not permitted, such as brick or stone front facades, with vinyl siding on side and rear elevations.

b. Visual balance should be maintained on each face of a structure. For both new construction and additions to existing homes, if multiple primary building materials are used on the overall structure, those that appear heavier, or that carry more visual weight should be placed toward the bottom of a structure, with materials that appear lighter placed above.

c. Frequent or irrational changes in building materials should be avoided. Change of materials should occur with prominent architectural features or changes in wall plane.

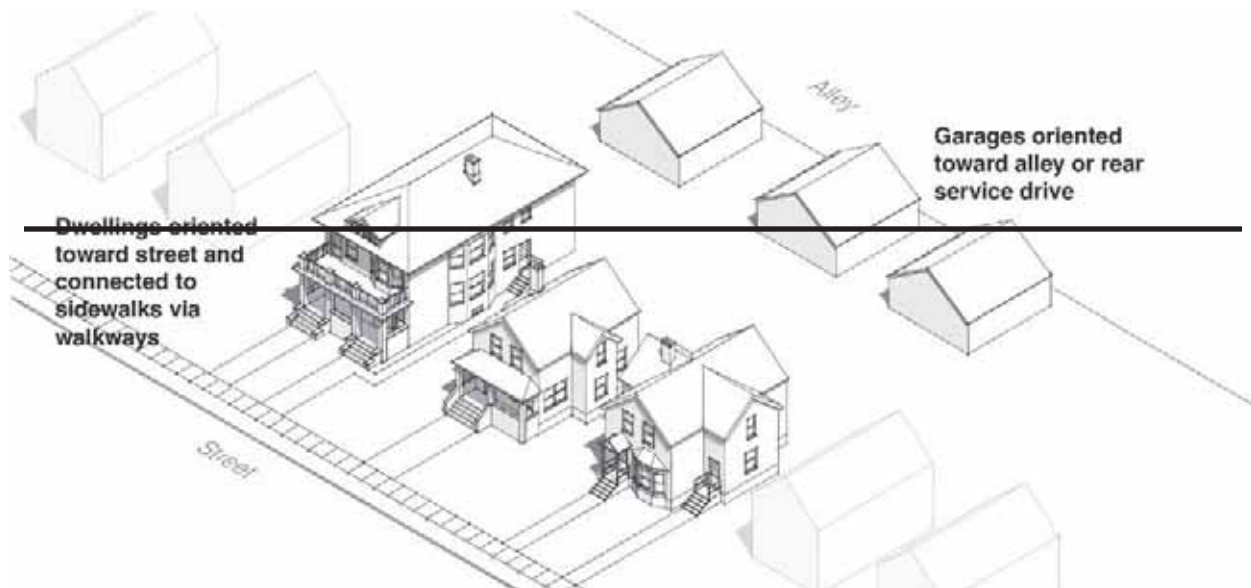
d. Where materials change with a change in wall plane, the material change should occur on the inside corner, not the outside edge.

#### R-3C AND R-4C DISTRICT DESIGN STANDARDS





## R-3C AND R-4C DISTRICT DESIGN STANDARDS



### Section 17.04.060 General Standards of Applicability

#### A. Site Development Standards

See Chapter 17.09 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

#### B. Off-Street Parking and Loading

See Chapter 17.10 for off-street parking and loading standards and requirements.

#### C. Landscape

See Chapter 17.11 for landscape, buffering, and screening standards and requirements.

#### D. Signs

See Chapter 17.12 for standards governing signs.

## **CHAPTER 17.05. COMMERCIAL DISTRICTS**

Section 17.05.010	Purpose Statements
Section 17.05.020	Uses
Section 17.05.030	Dimensional Standards
Section 17.05.040	Design Standards
Section 17.05.050	C-D District Standards
Section 17.05.060	C-V District Standards
Section 17.05.070	C-E District Standards
Section 17.05.080	General Standards of Applicability

### **Section 17.05.010 Purpose Statements**

#### **A. C-T Commercial Transitional Zoning District**

The C-T Commercial Transitional Zoning District is intended to accommodate low intensity limited office, service, and retail uses that may serve as a transition between residential areas and more intensely developed commercial or light industrial areas of the City. Low intensity mixed-use is allowed.

#### **B. C-1 Neighborhood Commercial Zoning District**

The C-1 Neighborhood Commercial Zoning District is intended to provide for commercial uses that predominantly serve the needs of nearby residential neighborhoods, and that are compatible in scale and character with the surrounding residential area. Low intensity mixed-use is encouraged.

#### **C. C-2 Corridor Commercial Zoning District**

The C-2 Corridor Commercial Zoning District is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along the minor arterials streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport's commercial corridors.

#### **D. C-3 General Commercial Zoning District**

The C-3 General Commercial Zoning District is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and large-scale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

#### **E. C-OP Commercial Office Park Zoning District**

The C-OP Commercial Office Park Zoning District is intended to accommodate larger office developments, office parks, and research and development facilities, which may include limited indoor light industrial uses with no outside impacts. The district is oriented toward larger-scale complexes that may include ancillary services for employees such as personal services, restaurants, and retail establishments. District standards are intended to guide the development of campus-like environments, and include provisions for orientation of structures around plazas or public spaces, and the creation of a cohesive appearance.

#### **F. C-D Downtown Zoning District**

The C-D Downtown Zoning District is intended to accommodate the unique development environment of downtown Davenport. The District is intended to reinforce and enhance the existing character of downtown as a point of regional focus, a destination for culture, sports, and entertainment, and a vibrant, pedestrian-friendly mixed-use environment.

#### **G. C-V Village of East Davenport Zoning District**

The C-V Village of East Davenport Zoning District is intended to preserve and enhance the smaller-scale, historic character of the Village of East Davenport, and to ensure future development is compatible with the unique historic and architectural character of the area.

#### **H. C-E Elmore Corners Zoning District**

The C-E Elmore Corners Zoning District is intended to implement the vision contained in the Elmore Corners Area Plan through the application of site and building design standards that ensure quality, compatible, and coordinated development within the area.

## Section 17.05.020 Uses

A. Chapter 17.08 lists permitted, special, and temporary uses for the commercial districts.

B. In the C-V District, only 35% of a blockface can be in the use "bar." This is calculated as a percentage of the number of buildings along a blockface. Where a structure maintains an outdoor seating area, such seating area is counted as part of the building.

## Section 17.05.030 Dimensional Standards

A. Table 17.05-1: Commercial Districts Dimensional Standards establishes the dimensional standards for the commercial districts, with the exception of the C-D, C-V, and C-E Districts. The dimensional standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. These regulations apply to all uses within each district unless a different standard is listed for a specific use.

B. In the C-T District, new non-residential development is limited to the maximum gross floor area indicated in Table 17.05-1. Any structures existing as of the effective date of this Ordinance are exempt from this limitation. Additional gross floor area may be permitted if, during site plan review, it is found that the development meets the following standards:

1. The development maintains the privacy of adjacent residential lots through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
2. Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows.
3. The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design minimizes potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

C. See Section 17.02.040 for measurement methodologies.

Table 17.05-1: Commercial Districts Dimensional Standards					
	C-T	C-1	C-2	C-3	C-OP
<b>Bulk</b>					
Minimum Lot Area	10,000sf	None	None	20,000sf	20,000sf
Minimum Lot Width	60'	None	None	80'	70'
Maximum Gross Floor Area of Nonresidential	5,000sf unless meeting the standards of Section 17.05.030.B	None	None	None	None
Maximum Building Height	35'	45'	45'	Nonresidential: 55' Mixed-Use: 75'	45'
<b>Setbacks</b>					
Minimum Front Setback	Build-to zone of 0' to 20'	Build-to zone of 0' to 15'	None	25'	20'
Front Setback Build-To Percentage	70%	70%	None	None	None
Minimum Interior Side Setback	None, unless abutting a residential district then 20'	None, unless abutting a residential district then 10'	None, unless abutting a residential district then 10'	10', unless abutting a residential district then 20'	15'
Minimum Corner Side Setback	Build-to zone of 0' to 15'	Build-to zone of 0' to 10'	10'	20'	Build-to zone of 0' to 20'
Corner Side Setback Build-To Percentage	60%	60%	None	None	60%
Minimum Rear Setback	15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15'	10', unless abutting a residential district then 25'	25'

### Section 17.05.040 Design Standards

The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure in the commercial districts, with the exception of the C-D, C-V, and C-E Districts. Design standards for development in the C-D, C-V, and C-E Districts are found in Sections 17.05.050, 17.05.060, and 17.05.070 respectively, below. Only those standards that relate to the specific repair, rehabilitation action, or addition apply. These standards do not apply to interior remodeling.

#### A. Commercial Districts Design Standards

Table 17.05-2: Commercial Districts Design Standards establishes the design standards for the commercial districts. In the table, a “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard does not apply to the district.

Table 17.05-2: Commercial Districts Design Standards					
	C-T	C-1	C-2	C-3	C-OP
<b>Façade Design</b>					
Building façades that <b>abut face</b> a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.	•	•	•	•	
Building façades in excess of 100 linear feet that <b>abut face</b> a public right-of-way, excluding alleys, must include a repeating pattern with no less than two of the following elements: color change, texture change, building material change, or a wall articulation change of no less than 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•	•	•	
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.					•
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.	•	•	•	•	
Building materials and visual elements used on the façade of the primary building frontage must continue on all building façades that <b>abut face</b> a public right-of-way (excluding alleys) and/or the lot line of a residential district.	•	•	•	•	
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	•	•	•	•	•
<b>Fenestration Design</b>					
The ground floor of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 50%, measured between two and ten feet in height from grade.		•	•		
The ground floor of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 35%, measured between two and ten feet in height.				•	
Upper floors of a façade <b>abutting facing</b> a public right-of-way (excluding alleys) must maintain a minimum transparency of 15% of the wall area of the story.	•	•	•		
<b>Roof Design</b>					
Rooflines over 100 linear feet in building length must contain variation, and incorporate a major focal point feature, such as a dormer, gable, or projected wall feature. An element of variegation on the roofline must occur at intervals of no more than 75 linear feet.	•	•	•	•	
Parapet walls must feature three-dimensional cornice treatments or other shadow-creating details along their tops to provide visual interest.	•	•	•	•	
Any roof that is visible from a public right-of-way must be shingle or colored standing seam metal roofing.	•	•	•	•	
Green roof, blue roof, and white roof designs are encouraged.	•	•	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•	•	•
<b>Entrance Design</b>					
Public entrances and primary building elevations must be oriented toward <b>a public streets</b> . Main entrances to the buildings must be well defined.					•
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.					•

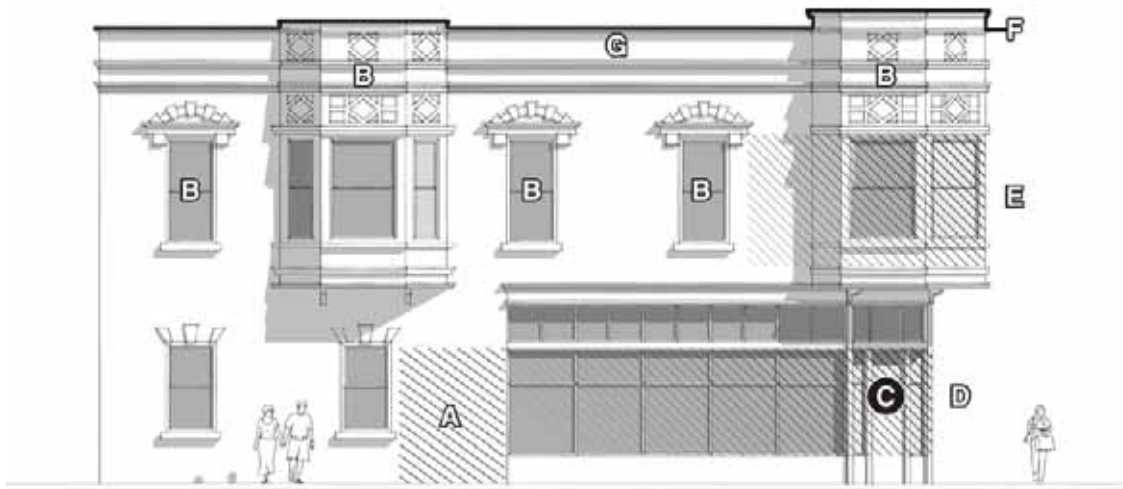
Table 17.05-2: Commercial Districts Design Standards					
	C-T	C-1	C-2	C-3	C-OP
<b>Multi-Tenant Commercial Center and Office Park Site Design</b>					
Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.		•	•	•	
A cohesive character must be established through the use of coordinated hardscape (paving materials, lighting, street furniture, etc.) and landscape treatments within the development.		•	•	•	
Any outlot buildings must meet the minimum transparency requirements of the district on all facades except where such transparency on part or all of a facade would reveal preparation and/or storage areas. Prominent entrances must be oriented toward both the street and the interior parking lot.				•	
Commercial centers <del>must</del> may provide definition along the street frontage by <del>located</del> locating part of the center or outlot buildings within 0' to 25' of the front lot line <del>for a minimum of 30% of the frontage</del> . The center or any outlot buildings may be placed within a required setback to comply with this standard.				•	
In multi-building complexes, a distinct visual link must be established between various buildings through the use of architectural features or site design elements such as courtyards, plazas, landscape, and walkways to unify the project.					•
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.					•

## B. Building Material Restrictions

In commercial districts (excluding the C-D, C-V, and C-E Districts), the following building materials are prohibited on any façade facing a public right-of-way (excluding alleys) or any façade that abuts the lot line of a residential district. However, such materials may be used as decorative or detail elements for up to 25% of the façade, or as part of the exterior construction that is not used as a surface finish material.

1. Plain concrete block
2. Corrugated metal
3. Aluminum, steel or other metal sidings (does not apply to C-1 and C-2 Districts)
4. Exposed aggregate (rough finish) concrete wall panels
5. T-111 composite plywood siding
6. Plastic
7. Vinyl

## C-1 DISTRICT DESIGN STANDARDS



- |                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A. Blank wall area 40 linear feet or less, measured parallel to the street</p> <p>B. Repeating pattern of two elements at an interval of no more than 40 linear feet</p> <p>C. A visually distinct public entrance from the sidewalk along the primary building frontage</p> <p>D. First floor transparency of 50% measured between two and ten feet in height from grade</p> | <p>E. Upper floor transparency of 15% of the wall area of the story</p> <p>F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet</p> <p>G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## C-2 DISTRICT DESIGN STANDARDS



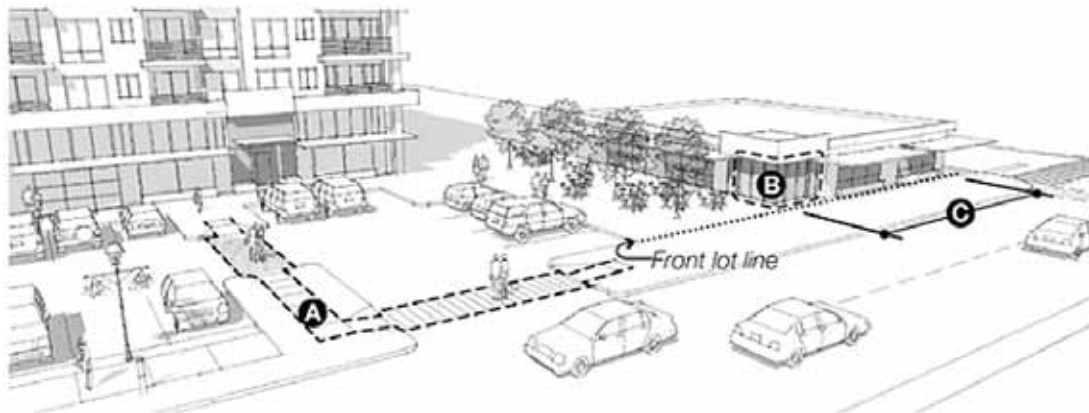
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 50% measured between two and ten feet in height from grade
- E. Upper floor transparency of 15% of the wall area of the story
- F. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- G. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## C-3 DISTRICT DESIGN STANDARDS



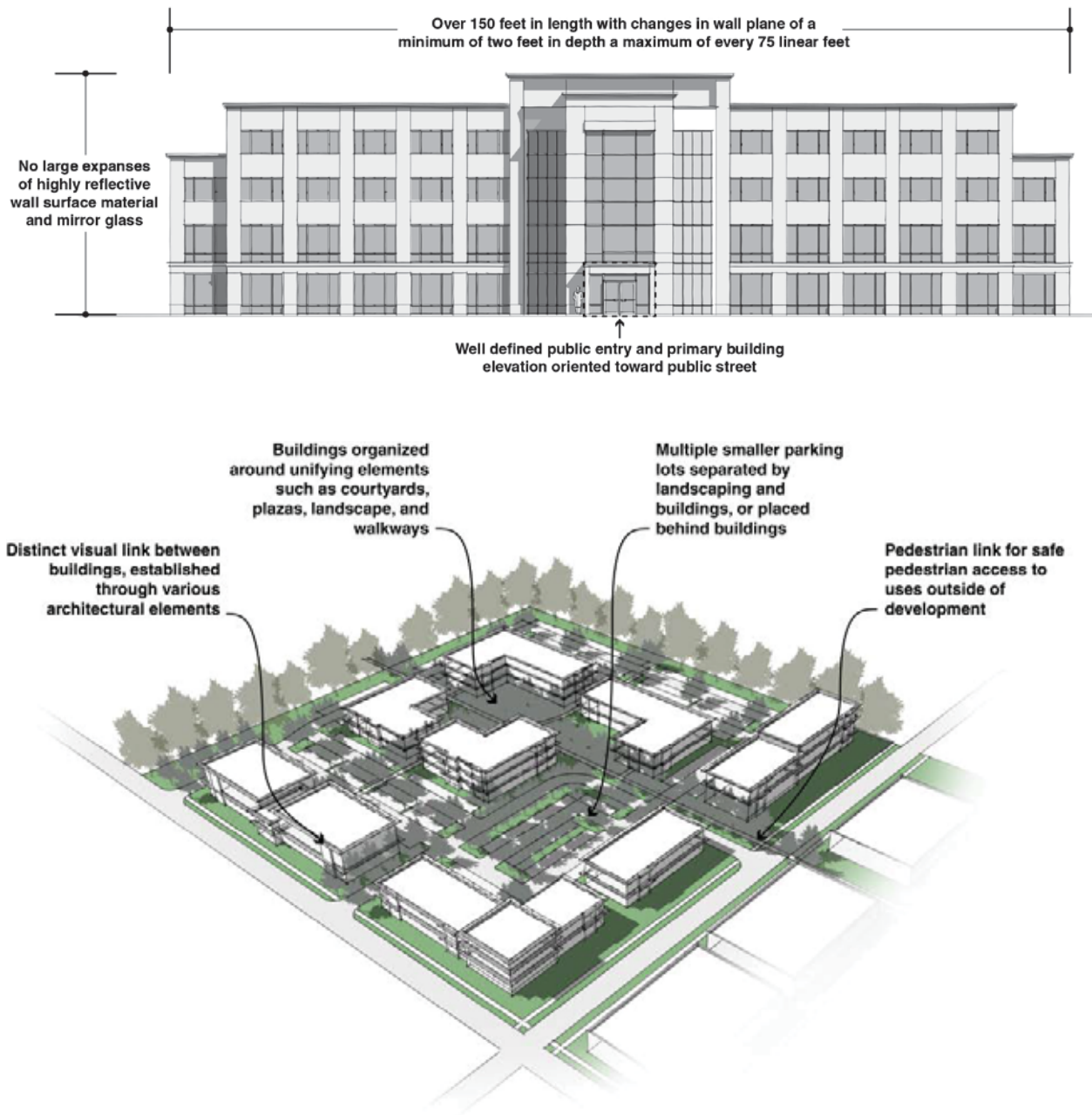
- A. Blank wall area 40 linear feet or less, measured parallel to the street
- B. Repeating pattern of two elements at an interval of no more than 40 linear feet
- C. A visually distinct public entrance from the sidewalk along the primary building frontage
- D. First floor transparency of 35% measured between two and ten feet in height from grade
- E. 100-foot roofline with variations occurring at intervals of no more than 75 linear feet
- F. Parapet walls with three-dimensional cornice treatments or other shadow-creating details

## MULTI-TENANT COMMERCIAL CENTER SITE DESIGN STANDARDS



- A. Sites must be designed to ensure safe pedestrian access to the commercial center from the public right-of-way, and safe pedestrian circulation within the development.
- B. Any outlot buildings must meet the minimum transparency requirements of the district, and must include prominent entrances oriented toward both the street and the interior lot.
- C. Commercial centers ~~must~~ *may* provide definition along the street frontage by ~~located~~ *locating* part of the center or outlot buildings within 0' to 25' of the front lot line ~~for a minimum of 30% of the frontage~~. The center or any outlot buildings may be placed within a required setback to comply with this standard.

## C-OP DISTRICT DESIGN STANDARDS



## Section 17.05.050 C-D District Standards

### A. Purpose Statement

The C-D District is intended to accommodate the unique development environment within Downtown Davenport. Development in Downtown should be oriented toward reinforcing the area as a point of regional focus and strengthening its position as a center of office, finance, retail, and governmental activities. Additionally, the C-D District standards are intended to:

1. Add to the downtown's appeal as a visitor, cultural, sports and entertainment center.
2. Encourage downtown residential development in a variety of housing types.
3. Accommodate a variety of active uses and enhance the walkability and pedestrian orientation of Downtown.
4. Ensure high-quality design that maintains and enhances the aesthetic appeal of Downtown.

### B. C-D District Dimensional Standards

Table 17.05-3: C-D District Dimensional Standards establishes the dimensional standards for Downtown. These regulations apply to all uses within the district unless a different standard is listed for a specific use.

Table 17.05-3: C-D District Dimensional Standards	
	C-D
<b>Bulk</b>	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	None
Minimum Building Height	24'
<b>Setbacks</b>	
Front Setback	0'-10' build-to zone
Required Build-to Percentage	80%
Interior Side Setback	None
Corner Side Setback	0'-10' build-to zone
Rear Setback	None

### C. C-D District Design Standards

Development in the C-D District is subject to design review per Section ~~17.15.070~~ 17.14.100, and must be designed in accordance with the City of Davenport's adopted Downtown Design Guidelines and Downtown Davenport Streetscape Improvement Plan.

## 17.05.060 C-V District Standards

### A. Purpose Statement

The C-V District is intended to ensure that new development in the Village of East Davenport is compatible with the unique cultural and historic character of the area. To that end, the C-V District standards contain contextual controls and a series of design considerations that address height, width, proportion, and relationship to the street, as well as architectural considerations such as roof and cornice form, visual composition, rhythm, fenestration and articulation, and materials.

### B. C-V District Dimensional Standards

Table 17.05-4: C-V District Dimensional Standards establishes the dimensional standards for the Village of East Davenport. These regulations apply to all uses within the district unless a different standard is listed for a specific use.

Table 17.05-4: C-V District Dimensional Standards	
	C-V
Bulk	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	45'
Setbacks	
Front Setback	0-10' build-to-zone, or average of adjacent structures
Required Build-to Percentage	80%
Interior Side Setback	None, unless abutting a residential district then 5'
Corner Side Setback	0'-10' build-to zone
Rear Setback	None, unless abutting a residential district then 25'

### C. C-V District Design Standards

Development in the C-V District is subject to design review per Section ~~17.15.070~~ 17.14.100. Design requirements for the C-V District are described in the adopted Village of East Davenport Performance Standards.

## Section 17.05.070 C-E District Standards

### A. Purpose Statement

The C-E Elmore Corners Zoning District is intended to implement the vision contained in the Elmore Corners Area Plan through the application of site and building design standards that ensure quality, compatible, and coordinated development within the area.

### B. C-E District Dimensional Standards

Table 17.05-5: C-E District Dimensional Standards establishes the dimensional standards for Elmore Corners. These regulations apply to all uses within the district unless a different standard is listed for a specific use.

Table 17.05-5: C-E District Dimensional Standards	
	C-E
Bulk	
Minimum Lot Area	20,000sf
Minimum Lot Width	80'
Maximum Building Height	120'
Minimum Setbacks	
Front Setback	25'
Interior Side Setback	10', unless abutting a residential district then 20'
Corner Side Setback	20'
Rear Setback	10', unless abutting a residential district then 25'

### C. C-E District Design Standards

Development in the C-E District is subject to design review per Section ~~17.15.070~~ 17.14.100. Design requirements for the C-E District are described in the adopted Elmore Corners Plan.

## Section 17.05.080 General Standards of Applicability

### A. Site Development Standards

See Chapter 17.09 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

### B. Off-Street Parking and Loading

See Chapter 17.10 for off-street parking and loading standards and requirements.

**C. Landscape**

See Chapter 17.11 for landscape, buffering, and screening standards and requirements.

**D. Signs**

See Chapter 17.12 for standards governing signs.



## CHAPTER 17.06. INDUSTRIAL DISTRICTS

Section 17.06.010	Purpose Statements
Section 17.06.020	Uses
Section 17.06.030	Dimensional Standards
Section 17.06.040	Design Standards
Section 17.06.050	General Standards of Applicability

### Section 17.06.010 Purpose Statements

#### A. I-1 Light Industrial Zoning District

The I-1 Light Industrial Zoning District is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity uses with minimal, if any, outside impacts.

#### B. I-2 Heavy Industrial Zoning District

The I-2 Heavy Industrial Zoning District is intended to provide for a variety of general manufacturing, fabricating, processing, distributing and warehousing uses. Industrial uses in the I-2 District may result in some external effects such as smoke, noise, glare or vibration, and typically include outdoor storage and related outdoor activities.

#### C. I-MU Industrial Mixed-Use Zoning District

The purpose of the I-MU Industrial Mixed-Use Zoning District is to provide for a mix of light industrial uses, as well as compatible commercial uses such as recreation, entertainment, and retail establishments to promote the reuse of older, character giving structures that may no longer be suitable for their original purposes. The I-MU District may also function as a transition district between the C-D Downtown District and surrounding areas. Higher density residential is also permitted in the I-MU District.

### Section 17.06.020 Uses

Chapter 17.08 lists permitted, special, and temporary uses for the industrial districts.

### Section 17.06.030 Dimensional Standards

Table 17.06-1: Industrial Districts Dimensional Standards establishes the dimensional standards for the industrial districts. These regulations apply to all uses within each district unless a different standard is listed for a specific use. See Section 17.02.040 for measurement methodologies.

Table 17.06-1: Industrial Districts Dimensional Standards			
	I-1	I-2	I-MU
Bulk			
Minimum Lot Area	None	10,000sf	None
Minimum Lot Width	None	70'	None
Maximum Building Height	90'	90'	90'
Setbacks			
Minimum Front Setback	25'	25'	0'-10' build-to zone
Front Setback Build-to Percentage	None	None	80%
Minimum Interior Side Setback	5' None, unless abutting a residential district then 25'	15', unless abutting a residential district then 25'	None
Minimum Corner Side Setback	20'	20'	0'-10' build-to zone
Corner Side Setback Build-to Percentage			60%
Minimum Rear Setback	15'	25'	None, unless abutting a residential district then 20'

## Section 17.06.040 Design Standards

**A.** The following design standards apply to new construction, substantial repair or rehabilitation of the exterior façade of an existing structure meant to remedy damage or deterioration, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling. Table 17.06-2: Industrial Building Design Standards indicates the applicability of building design standards to the industrial districts. A “•” indicates that the standard is applicable in the district indicated. The absence of a “•” indicates that the standard is not applicable.

Table 17.06-2: Industrial Building Design Standards			
	I-1	I-2	I-MU
<b>Façade Design</b>			
Large expanses of highly reflective wall surface material and mirror glass on exterior walls are prohibited.	•	•	•
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.			•
<b>Roof Design</b>			
Green roof, blue roof, and white roof designs are encouraged.	•	•	•
Reflective roof surfaces that produce glare are prohibited, except for solar panels or white roofs intended to radiate absorbed or non-reflected solar energy and reduce heat transfer to the building.	•	•	•
<b>Entrance Design</b>			
Public entrances and primary building elevations must be oriented toward public streets. Main entrances to the buildings must be well defined.			•
Entries to office or guest facilities must address the street, with direct access to office or guest facilities from street frontages and parking areas.			•
<b>Site Design</b>			
The parking lot must not be the dominant visual element of the site when viewed from the primary roadway.			•
Developments should provide a pedestrian link to adjacent commercial uses to provide safe pedestrian access between the site and commercial uses outside the development.	•		•

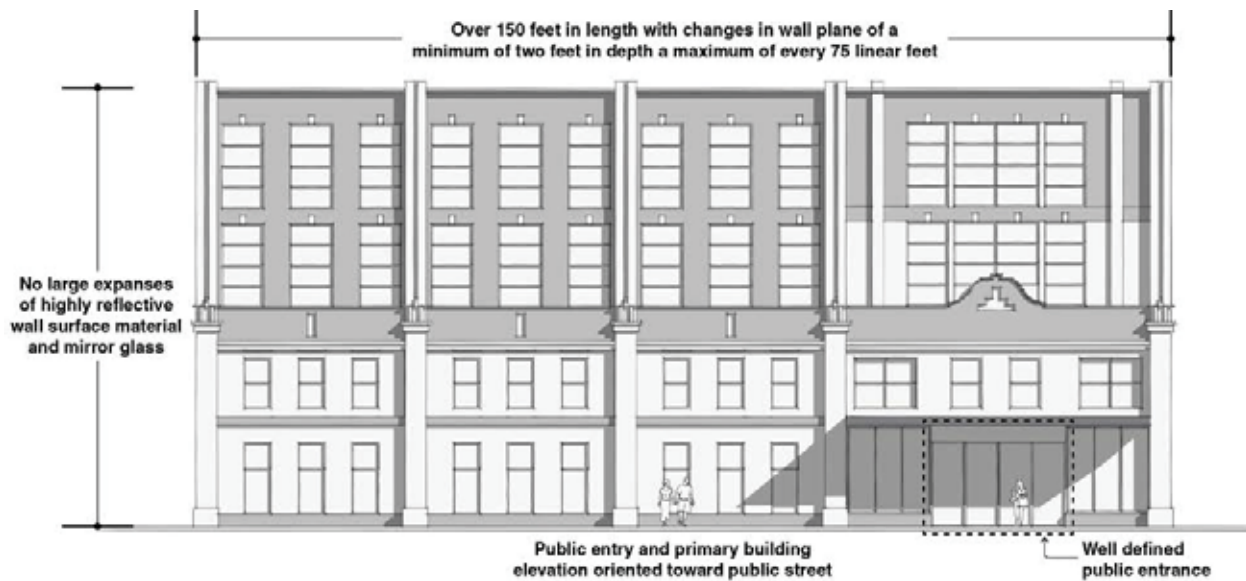
**B.** In the I-1 and I-MU Districts, the following building materials are limited on any façade facing a public right-of-way, excluding alleys, or any façade that abuts a lot in residential district. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

1. Exposed aggregate (rough finish) concrete wall panels
2. T-111 composite plywood siding
3. Plastic
4. Vinyl

## I-1 AND I-2 DISTRICT DESIGN STANDARDS



## I-MU DISTRICT DESIGN STANDARDS



#### Section 17.06.050 General Standards of Applicability

**A. Site Development Standards**

See Chapter 17.09 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

**B. Off-Street Parking and Loading**

See Chapter 17.10 for off-street parking and loading standards and requirements.

**C. Landscape**

See Chapter 17.11 for landscape, buffering, and screening standards and requirements.

**D. Signs**

See Chapter 17.12 for standards governing signs.

## CHAPTER 17.07. SPECIAL PURPOSE DISTRICTS

Section 17.07.010 S-AG AGRICULTURAL DISTRICT

Section 17.07.020 S-OS OPEN SPACE DISTRICT

Section 17.07.030 S-IC INSTITUTIONAL CAMPUS DISTRICT

### Section 17.07.010 S-AG Agricultural District

#### A. Purpose

The S-AG Agricultural District is intended to address existing agricultural land uses. The standards of the S-AG District promote the continuation of farming, and protect agricultural land uses from encroachment of incompatible developments.

#### B. Uses

Chapter 17.08 lists permitted, special, and temporary uses for the S-AG District.

#### C. Dimensional Standards

Table 17.07-1: S-AG District Dimensional Standards establishes the dimensional standards for the S-AG District. See Section 17.02.040 for measurement methodologies.

Table 17.07-1: S-AG District Dimensional Standards	
Bulk	
Minimum Lot Area	Agricultural Use: 1 acre Other Uses: 38 acres
Maximum Building Height	35' *
Setbacks	
Minimum Front Setback	50'
Minimum Interior Side Setback	20'
Minimum Corner Side Setback	50'
Minimum Rear Setback	50'

*\* Any structure principal or accessory that is part of an active agricultural use are not limited in height. This does not include a residence on the agricultural site.*

#### D. General Standards of Applicability

##### 1. On-Site Development Standards

See Chapter 17.09 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

##### 2. On-Site Parking and Loading

See Chapter 17.10 for on-site parking and loading standards and requirements.

##### 3. Landscape

See Chapter 17.11 for landscape standards and requirements.

##### 4. Signs

See Chapter 17.12 for standards governing signs.

### Section 17.07.020 S-OS Open Space District

#### A. Purpose

The S-OS Open Space District is intended to provide and protect larger open space and public recreational facilities, both outdoor and indoor, and cemeteries. Larger regional open spaces/parks may include both active and passive recreation areas and certain ancillary uses, such as cultural facilities, performance venues, and eating establishments. This district is also intended for governmental agency offices/facilities providing a governmental service to the public.

#### B. Uses

Chapter 17.08 lists permitted, special, and temporary uses for the S-OS District.

### C. Dimensional Standards

Table 17.07-2: S-S-OS District Dimensional Standards establishes the dimensional standards for the S-OS District. See Section 17.02.040 for measurement methodologies.

Table Section 17.07-2: S-OS District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Maximum Building Height	40'
Setbacks (Apply to Principal Structures Only)	
Minimum Front Setback	15'
Minimum Interior Side Setback	25'
Minimum Corner Side Setback	15'
Minimum Rear Setback	25'

### D. General Standards of Applicability

#### 1. On-Site Development Standards

See Chapter 17.09 for additional on-site development standards and requirements, such as exterior lighting, accessory structures and uses, and permitted encroachments.

#### 2. On-Site Parking and Loading

See Chapter 17.10 for on-site parking and loading standards and requirements.

#### 3. Landscape

See Chapter 17.11 for landscape standards and requirements.

#### 4. Signs

See Chapter 17.12 for standards governing signs.

## Section 17.07.030 S-IC Institutional Campus District

### A. Purpose

The S-IC Institutional Campus District is intended to encourage a comprehensive approach to development by significant institutions within the City. The S-IC District is also intended to:

1. Further the policies of the Comprehensive Plan.
2. Permit appropriate institutional growth within boundaries of the district while minimizing the adverse impacts associated with development and geographic expansion.
3. Balance the ability of specific institutions to grow and adapt to changing needs while protecting the livability and vitality of adjacent areas.
4. Encourage the preparation of a land use plan for higher development intensity institutional campuses that enables the community to understand the levels of development being proposed, their likely impacts and appropriate mitigation measures.

### B. Uses

Chapter 17.08 lists permitted, special, and temporary uses for the S-IC District. In addition, if a land use plan is established, additional uses may be allowed within the S-IC District.



### C. Dimensional Standards

Table 17.07-3: S-IC District Dimensional Standards establishes the dimensional standards for the S-IC District. See Section 17.02.040 for measurement methodologies.

Table 17.07-3: S-IC District Dimensional Standards	
Bulk	
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Building Height	50' at setback lines; Structures may increase height over 50' by setting back an additional 1' for every 2' of additional height over 50' from all required setbacks
Maximum Impervious Surface	75%
Setbacks	
Minimum Front Setback	25' unless a setback reduction is included as part of an adopted Land Use Plan
Minimum Interior Side Setback	0' unless abutting residential, then 10'
Minimum Corner Side Setback	25'
Minimum Rear Setback	0' unless abutting residential, then 25'

### D. Land Use Plan Alternative

1. The S-IC District operates with two levels of regulation. The first is a set of base district regulations, as established in items B and C above, that provide for a certain intensity of development by-right. The second allows for an approval of a land use plan, which must be approved by the City Council, that creates regulations that allow for flexibility in the development and expansion of the institution above the standards set by the base district regulations. Once a land use plan is submitted and approved, the development proceeds in accordance with the plan rather than the base district regulations.
2. The land use plan alternative is required in the following circumstances:
  - a. Development exceeds the district dimensional standards established in Table 17.07-4.
  - b. Additional uses would be allowed outside of those allowed in the S-IC District in Chapter 17.08.
  - c. There is a request by a property owner to rezone a property to the S-IC District, including expansions of existing S-IC Districts. This does not apply in those applications that have been initiated by the City.
3. Once approved, the land use plan is effective for a period of ten years, although updates and amendments may be pursued during that time period. Development projects consistent with the adopted land use plan will undergo administrative site plan and building permit review.

### E. Land Use Plan Approval Process

#### 1. Review and Adoption

- a. The Plan and Zoning Commission will hold a public hearing regarding the land use plan and evaluate its compatibility with surrounding area.
- b. The Plan and Zoning Commission will cause to be prepared a report evaluating these elements and supporting documents. The report must also contain any specific recommendations regarding the modification of the land use plan, traffic impact study, and narrative, as well as off-site improvements that may be required in support of the proposed development.
- c. The applicant must provide a written statement of all agreements reached with property owners within the notification area related to how the subject property will be developed or used.
- d. If the Plan and Zoning Commission recommends approval of the rezoning, the ordinance must include as part of the ordinance amendment the recommendations of the Plan and Zoning Commission. The recommendation must be forwarded to the City Council for public hearing and consideration as an amendment to the zoning map. The petitioner must submit all land use plan information required with the rezoning.

e. The City Council may add to, extend, reduce, or delete any of the conditions or restrictions that have been recommended by the Plan and Zoning Commission.

## **2. Public Notification**

a. The City will notify all property owners within 500 feet of the property being rezoned.

b. The notice must contain the hearing location, date and time, map, and description of the request.

c. At least 60 days prior to submission of a formal application, the petitioner must make a good faith effort to notify all City recognized neighborhoods and bona fide neighborhood organizations located within 500 feet of the property being rezoned for the purpose of sharing the details of the petition, answering questions, and receiving feedback. Upon submission of an application, the petitioner must provide a narrative indicating the efforts made in this regard. This does not relieve the petitioner from conducting the required neighborhood meeting pursuant to Section 17.14.060 of the Davenport Municipal Code.

## **F. Modifications to Approved Plans**

1. Proposed changes to either the land use plan must be submitted to the Zoning Administrator.

2. If it is determined that there is a major amendment, the property owner must return to the Plan and Zoning Commission and City Council for approval; such approval will follow the process for the land use plan approval. The Zoning Administrator has the authority to approve minor amendments.

3. The following chart is used to determine if a change to the land use plan is a minor amendment or major amendment:

Change	Minor	Major
Land Use	Increase of less than 10% of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area	Increase of 10% or more of the square footage allocated to any land use type on the approved plan, except increases in open space/recreation area
Project Scale	Increase in density or intensity of use of less than: - up to 10% usable floor area. - up to 5% of the number of dwelling units.	Increase in density or intensity of use as follows: - 10% or greater usable floor area. - 5% or greater of the number of dwelling units.
Open space/ Recreation area	Less than 10% size reduction or change in location or characteristics	10% or more size reduction or change in location or characteristics
Setbacks	Decrease of less than 10%, or any increase	Decrease of 10% or more
Height	Decrease in height or number of stories	Increase in structure height greater than/equal to 15 feet or an increase of one story

## **G. Land Use Plan Submittal Requirements**

All land use plans must contain the following. The Zoning Administrator may waive, at his/her discretion, any of the required submissions of item 3 and item 4 if the scale of the project, topography of the site, or other reasons make them unnecessary. The Plan and Zoning Commission must be notified of any requirements that have been waived and the reasons why they have been waived.

1. A completed application, with a narrative of intent and description of compatibility with the surrounding area.

2. Boundary survey including the legal description of the site with bearings, distances, closures, and easements.

3. A drawing or set of drawings, which includes, but is not limited to, the following:

a. Proposed name or title of project.

b. A north arrow, vicinity map, plan scale base of one inch equals 50 feet or other scale as approved by the Zoning Administrator and date of plan preparation.

**c. Tabulated site data:**

- i. Number of gross acres**
- ii. Existing and proposed lot coverage**
- iii. Existing and proposed total square footage and floor area ratio of buildings**
- iv. Existing and proposed total number of parking spaces**
- v. Parking ratio determined by the traffic impact study.**

**d. The existing land use and zoning surrounding the proposed development and the distance from the subject property line to the nearest structures on all abutting properties within 200 feet of the perimeter of the site.**

**e. The location of existing and proposed services including: water, sanitary and storm sewer, electric, gas, streets, the capacity of those services and the service requirements of the development.**

**f. The site constraints including:**

- i. Slopes in excess of 10%.**
- ii. Drainage ways that carry water from abutting properties, drainage ways that drain areas on the site in excess of one acre and any area designated as a floodplain or floodway.**
- iii. Soils that are unsuitable or require special treatment to support urban development as determined by the Soil Conservation Service Soil Survey. If unsuitable conditions are indicated field testing may be required.**

**g. Existing and proposed grade changes on a two-foot interval topographic map on a scale base of one inch equals 50 feet or other scale as approved by the Zoning Administrator.**

**h. Existing and proposed building pad locations with proposed building area, number of stories, overall height, a list of the proposed uses in the structure and its gross floor area.**

**i. The location of existing and proposed parking areas including the extent of paving, the proposed circulation, and the number of parking spaces.**

**j. The location of existing and proposed loading docks, receiving areas, trash pick-up areas, and other areas requiring screening.**

**k. The location of existing and proposed landscaping and buffering to be developed in the project. The massing and density of plant and other screening materials must be indicated.**

**l. The location and configuration of all existing and proposed access points with public streets and a pedestrian/bicycle circulation plan.**

**m. A stormwater management plan.**

**n. The location of all existing and proposed freestanding signs, including circulation signs.**

**4. Traffic Impact Study:** A traffic impact study must be provided, which analyzes the aggregate trip generation to and from the site and the ability of the existing street system to accommodate the anticipated generation. Specific improvements and mitigation measures may be required if the development causes the projected level of service to be less than level "C," as defined by the most recent version of the Highway Capacity Manual by the Transportation Research Board of The National Safety Research Council. The traffic impact study shall also indicate the minimum of off-street parking spaces necessary to accommodate the development and the method used to calculate the parking spaces. The traffic impact study may reflect phasing of the development.

**5.** A narrative of intent and compatibility with surrounding area. A narrative must be provided that describes the relationship between the institution and the surrounding area. The narrative at a minimum must include the following:

- a.** Description of overall architectural and/or urban design theme.
- b.** Total number of existing and proposed users and employees of the facility.
- c.** Description of existing and proposed conditions of development along the outer boundaries of the district and its relationship with the surrounding area. Standards must be established to permit a compatible transition from the institutional use to the surrounding area. Standards include, but are not limited to building height and form, exterior lighting, landscaping, etc.
- d.** Description of existing and proposed methods of communication between the institution and the community, including a method for resolution of community concerns.
- e.** Description of any existing and proposed impacts of development and the surrounding area and how these impacts should be mitigated. This description shall include property outside the boundaries of the district and their interaction with the surrounding area. Impacts include, but are not limited to lighting, noise, parking, etc.
- f.** Description of existing and proposed relationship of institutional transportation system (auto, bus, bicycle pedestrian) to the external street network. A description of specific programs to reduce traffic impacts, and to encourage the use of public transit, carpooling, bicycling and walking.

#### **H. Previously Approved Land Use Plans**

All land use plans approved prior to the effective date of this Ordinance remain in effect and are controlled by approved plan. Any modifications to that development plan are subject to item F above.

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Adult Use															S	S					Sec. 17.08.030.A
Agriculture																		P			
Amusement Facility - Indoor									P	P		P	P	P	P		P				
Amusement Facility - Outdoor										S				S	P		S				
Animal Care Facility – Large Animal																		P			
Animal Care Facility – Small Animal							S	S	P	P		S	S	P	P		P	P			Sec. 17.08.030.B
Animal Breeder																		P			Sec. 17.08.030.B
Art Gallery							P	P	P	P		P	P	P			P				
Arts and Fitness Studio							P	P	P	P		P	P	P			P				
Bar								S	P	P		P	P	P			P				
Bed and Breakfast	P	P	S	S	S													P			Sec. 17.08.030.C
Billboard										P					P	P					Sec. 17.08.030.D
Body Modification Establishment								P	P	P		P		P			P				
Broadcasting Facility TV/Radio								P	P	P	P	P	P	P	P	P	P			P	
Campground																		S	P		Sec. 17.08.030.E
Car Wash									P	P				S			P				Sec. 17.08.030.F
Casino														P							
Cemetery																			P		
Children's Home					P				P	P				P			S			P	Sec. 17.08.030.G
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Community Center	P	P	P	P	P		P	P	P	P		P	P	P			P	P	P	P	
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	Sec. 17.08.030.H
Conservation Area																		P	P		
Country Club																			P		
Cultural Facility							P	P	P	P		P	P	P			P		P	P	
Day Care Center					P		P	P	P	P	P	P	P	P			P			P	Sec. 17.08.030.I
Day Care Home	P	P	P	P	P													P			Sec. 17.08.030.I
Drive-Through Facility								S	P	P		S		P			P				Sec. 17.08.030.J
Drug/Alcohol Treatment Facility, Residential									S	S				S			S			S	Sec. 17.08.030.K
Drug Treatment Clinic									S	S				S			S			S	Sec. 17.08.030.K
Domestic Violence Shelter					P			P	P	P				P			P			P	Sec. 17.08.030.G
Dwelling – Accessory Dwelling Unit	P	P	P	P																	Sec. 17.08.030.L
Dwelling – Manufactured Home						P												S			Sec. 17.08.030.M

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Dwelling - Multi-Family					P		P	P	P	P		P	P	P			P				Sec. 17.08.030.N
Dwelling - Townhouse					P		P	P	P	P		P	P	P			P				Sec. 17.08.030.NO
Dwelling - Single-Family	P	P	P	P			P	P	P				P								Sec. 17.08.030.O
Dwelling - Single-Family Semi-Detached		P	P	P	P		P	P	P				P								Sec. 17.08.030.O
Dwelling - Two-Family (New Construction)			P	P	P		P	P	P				P								Sec. 17.08.030.O
Dwelling - Two-Family (Conversion)			S	S	P		P	P	P				P								Sec. 17.08.030.O
Educational Facility - Primary or Secondary	P	P	P	P	P															P	
Educational Facility - University or College										P	P	P		P						P	
Educational Facility - Vocational							S	S	S	P	P	P	S	P	P	P	P			P	
Equine, Keeping of/Equestrian Facility	P																	P			Sec. 17.08.030.P
Fairground																		S	S	P	
Financial Institution							P	P	P	P	P	P	P	P			P				
Financial Institution, Alternative									S	S				S			P				Sec. 17.08.030.PO
Food Bank															P		P				
Food Pantry									P	S				S			S				
Funeral Home							S	S	S	P				P			P				
Gas Station								S	P	P				P	P	P	P				Sec. 17.08.030.OR
Golf Course/Driving Range																			P		
Government Office/Facility							P	P	P	P	P	P	P	P	P	P	P		P	P	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Greenhouse/Nursery - Retail										P				P			P	S			
Group Home	P	P	P	P	P																Sec. 17.08.030.RS
Halfway House									S	S				S			S			S	Sec. 17.08.030.K
Healthcare Institution																				P	
Heavy Rental and Service															P		P				
Heavy Retail										S				S	P		P				
Homeless Shelter									S	S				S			S			S	Sec. 17.08.030.K
Hotel									P	P	P	P	S	P			P				
Industrial - General																P					
Industrial - Light											P				P	P	P				
Industrial Design								P	P	P	P	P		P	P	P	P				
Live Performance Venue										P		P	P	P			P				



TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Lodge/Meeting Hall	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P			Sec. 17.08.030. <del>ST</del>
Manufactured Home Park						P															
Medical/Dental Office							P	P	P	P	P	P	P	P			P			P	
Micro-Brewery/Distillery/Winery									P	P		P	P	P	P		P				
Neighborhood Commercial Establishment		S	S	S	S																Sec. 17.08.030. <del>TU</del>
Office							P	P	P	P	P	P	P	P	P	P	P			P	
Outdoor Dining								P	P	P	P	P	P	P			P				Sec. 17.08.030. <del>UV</del>
Parking Lot (Principal Use)								S	S	S	S	S	S	S	<u>P</u>		S			P	Chapter 17.10
Parking Structure (Principal Use)								S	S	P	P	S	S	P			P			P	Chapter 17.10
Personal Service Establishment							P	P	P	P	P	P	P	P	P		P			P	
Place of Worship	P	P	P	P	P		S	S	P	P		P	P	P				P		P	
Private Recreation Facility								P	P	P		P	P	P			P			P	
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
Public Safety Facility					P		P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	
Public Works Facility											P				P	P	P	P		P	
Reception Facility	S	S	S	S				S	S	P		S	S	P			P	S			Sec. 17.08.030. <del>VW</del>
Recreational Vehicle (RV) Park																		S	S		Sec. 17.08.030.E
Research and Development											P				P	P	P			P	
Residential Care Facility					P				P	P				P						P	Sec. 17.08.030. <del>WX</del>
Restaurant								P	P	P	P	P	P	P	P	P	P		<u>P</u>	P	
Retail Goods Establishment							P	P	P	P	P	P	P	P	P	P	P			P	
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Retail Alcohol Sales									P	P		S		P	P		P				
Retail Sales of Fireworks															P	P					Sec. 17.08.030. <del>XY</del>
Salvage Yard																S					
Self-Storage Facility: Enclosed									S	P	P			P	P	P	P				Sec. 17.08.030. <del>YZ</del>
Self-Storage Facility: Outdoor										S					P	P	S				Sec. 17.08.030. <del>YZ</del>
Social Service Center									P	P				P			P			P	
Solar Farm											P				P	P		S		P	Sec. 17.08.030. <del>ZAA</del>
Specialty Food Service								P	P	P		P	P	P	P		P				
Storage Yard - Outdoor															P	P					Sec. 17.08.030. <del>AABB</del>
Truck Stop															P	P					
Vehicle Dealership – Enclosed										P	S	P		P	S		P				

TABLE 17.08-1: USE MATRIX																					
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Vehicle Dealership – With Outdoor Storage/Display										S				S	S		P				
Vehicle Operation Facility															P	P				P	
Vehicle Rental – Enclosed										P	S	P		P	S		P				
Vehicle Rental – With Outdoor Storage/Display										S				S	S		P				
Vehicle Repair/Service– Major															P	P	S				Sec. 17.08.030.BBCC
Vehicle Repair/Service – Minor								S	P	P				P	P	P	S				Sec. 17.08.030.BBCC
Warehouse															P	P					
Wholesale Establishment															P	P	S				
Wind Energy System											S				S	S		S		S	Sec. 17.08.030.CGDD
Wine Bar								S	P	P		P	P	P			P				
Winery																		S			
Wireless Telecommunications	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.DDEE
Wireless Telecommunications – Stealth Design Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.DDEE
Wireless Telecommunications – DAS Co-Location	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 17.08.030.DDEE
Wireless Telecommunications – DAS New Pole	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Sec. 17.08.030.DDEE
TEMPORARY USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	S-AG	S-OS	S-IC	USE STANDARD
Farmers' Market					T		T	T	T	T	T	T	T	T			T	T	T	T	Sec. 17.08.040.A
Real Estate Project Sales Office/Model Unit	T	T	T	T	T		T	T	T	T	T	T	T	T	T	T	T			T	Sec. 17.08.040.B
Temporary Cell On Wheels (COW)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.C
Temporary Contractor Office and Contractor Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.D
Temporary Outdoor Entertainment	T	T	T	T	T		T	T	T	T	T	T	T	T	T		T	T	T	T	Sec. 17.08.040.E
Temporary Outdoor Sales (No Fireworks Stand)	T	T	T	T	T		T	T	T	T	T	T	T	T	T		T	T		T	Sec. 17.08.040.F
Temporary Outdoor Sales - Fireworks Stand Only															T	T					Sec. 17.08.040.G
Temporary Outdoor Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Sec. 17.08.040.H

### **Section 17.08.030 Principal Use Standards**

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

#### **A. Adult Use**

1. An adult use must be a minimum of 1,000 feet from any of the following:
  - a. A residential district
  - b. A primary and/or secondary educational facility
  - c. A day care center
  - d. A place of worship
  - e. A public park
  - f. A conservation area
  - g. A cemetery
2. An adult use must be a minimum of 500 feet from any other adult use.
3. The adult use owner must provide the Zoning Administrator with a survey acceptable and satisfactory to the City that demonstrates the establishment meets the separation requirements of this section.
4. Any adult use as of the effective date of this Ordinance that does not meet these spacing requirements are deemed conforming. Such deemed conforming status is terminated when the adult use ceases to operate or when any required licenses are revoked or are not renewed. An adult use is not considered to cease operations when it is closed for renovations in conjunction with a lawfully issued building permit.
5. Signs for adult uses must meet the following:
  - a. All signs for adult uses must be flat wall signs.
  - b. The maximum sign area is one square foot of sign area per foot of lot frontage on the street, but cannot exceed 32 square feet.
  - c. The maximum number of signs is one per lot frontage.
  - d. Temporary signs are prohibited.
6. No adult use may be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot on which the licensed adult use is located.
7. Words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner are prohibited that depict, describe, or relate to specified sexual activities or specified anatomical areas. This applies to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult use.
8. No portion of the exterior of an adult establishment may utilize or contain any flashing lights, search lights, spotlights, or other similar lighting systems.

## **B. Animal Care Facility – Small Animal, and Animal Breeder**

These standards do not apply to any animal shelters operated by a City agency.

1. Animal care facilities must locate exterior exercise areas in the rear yard only. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of seven feet in height is required for all exterior exercise areas.
2. Animal care facilities must locate all overnight boarding facilities indoors. Outdoor boarding facilities for animal breeders are permitted but must be designed to provide shelter against sun/heat and weather.
3. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

## **C. Bed and Breakfast**

1. The exterior of a bed and breakfast must maintain its original appearance as a single-family dwelling. No parking may be located in front of the front building facade.
2. Cooking equipment is prohibited in individual guest rooms. However, a mini-refrigerator and/or a microwave is allowed.
3. No retail sales are permitted with the exception of ancillary retail of related items such as souvenirs, postcards, and snack items.
4. No bed and breakfast may operate a restaurant. Meals may only be served to registered guests and at private events.
5. One sign, either freestanding, window, or wall, is permitted. Such sign may not exceed six square feet in sign area. Freestanding signs are limited to six feet in height and must be a minimum of five feet from any lot line.

## **D. Billboard**

1. Billboard locational restrictions are as follows:
  - a. Billboard structures are prohibited if visible from an interstate highway.
  - b. Billboard structures are prohibited on properties listed on the Davenport Register of Historic Places.
  - c. Billboards with a sign area of up to 300 square feet must be a minimum of 100 feet from any residential district. Billboards with a sign area of over 300 square feet must be a minimum of 150 feet from any residential district. This is measured in a straight line along either side of the right-of-way of the street.
2. The maximum sign area of a billboard is 672 square feet plus an extension area from the single continuous perimeter not to exceed 153 square feet.
3. The maximum height of a billboard is 45 feet.
4. Billboards must meet principal building setbacks.
5. All billboards **on the same side of a street** must be separated by a minimum distance of 1,500 feet.
6. Up to four billboard sign faces are allowed on one billboard structure. A "V" arrangement is permissible, however, no more than two billboard sign faces can be visible from any one street direction.
7. Billboards are permitted to be electronic billboards but must comply with the following:
  - a. Electronic billboards cannot change more than once every eight seconds. Static images with no animation are required and the transition from one image to the next must occur in one second or less.
  - b. An electronic display must contain a default mechanism to show a "full black" image or turn the sign off in case of malfunction, or must be manually turned off within 12 hours of a reported malfunction.

#### **E. Campground and/or Recreational Vehicle (RV) Park**

1. The minimum area for a campground and/or an RV park is three acres.
2. Campgrounds and/or RV parks must comply with all applicable State and City regulations, including those governing the installation, construction, and/or operation of swimming pools, water supply, sewage disposal, food storage and services, plumbing, structures, electrical wiring, and fire prevention.
3. Management headquarters, recreational facilities, coin operated laundry facilities, cabins for counselors, overnight accommodations, living space, and other uses and structures customarily associated with the operation of a campground and/or RV park are permitted.
4. Storage of equipment must be within enclosed structures.
5. Year-round residency is prohibited at any campground or RV park. Use of camping units or a recreational vehicles as a principal residence is prohibited. This excludes any structures erected for a caretaker or campground ranger, which may be a year-round residency.
6. A 25 foot perimeter setback from the lot line of the campground and/or RV park is required. No structures, campsites, or RV pads are allowed within this setback. The perimeter setback must be landscaped with shrubs planted with shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one shade or evergreen tree planted at an average of one tree for every 50 linear feet. Preservation of existing vegetation is encouraged and may be substituted for the required plantings.

#### **F. Car Wash**

When a car wash is adjacent to the lot line of a residential district, it must be screened along the interior side and/or rear lot lines adjacent to the residential lot as follows:

1. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.
2. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

#### **G. Children's Home and Domestic Violence Shelter**

1. A children's home or domestic violence shelter requires a state license.
2. A children's home or domestic violence shelter requires a health services and congregate living permit in accordance with Section 17.14.140.
3. The maximum ratio of staff to residents must be 1:20 or less.

#### **H. Community Garden**

1. Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
2. Greenhouses, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures, including but not limited to, sheds, gazebos, and pergolas, are also permitted. All accessory structures must be located a minimum of four feet from any lot line.
3. The keeping of livestock is prohibited. The keeping of chickens, fish, and/or bees is prohibited.
4. On-site composting is permitted.
5. Farmstands are permitted and are limited to sales of items grown at the site. Farmstands must be removed from the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.

## **I. Day Care Center and Day Care Home**

1. Each day care must have a state license and/or registration.
2. The exterior of a day care home must maintain its original appearance as a single-family dwelling. No visitor/client parking may be located in the front yard.
3. No signs are permitted for day care homes.
4. A day care center must provide a pickup/drop off area. When a day care center is part of a multi-tenant retail center, the pickup/drop off area must not interfere with vehicle circulation in the parking lot, including blocking of the drive aisle.
5. Day care homes are limited to a maximum of six children or adults in care at any one time.
6. Day care homes are not permitted to have outside employees.

## **J. Drive-Through Facility**

1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must be:
  - a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.
  - b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window or car wash bay (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.
2. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.
3. When a drive-through facility is adjacent to the lot line of a residential district, it must be screened along the interior side and/or rear lot lines adjacent to the residential lot as follows:
  - a. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.
  - b. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.
  - c. Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.
4. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.



**K. Drug Treatment Clinic, Drug/Alcohol Treatment Facility - Residential, Halfway House, Homeless Shelter**

1. A drug treatment clinic, drug/alcohol treatment facility, residential, halfway house, and/or homeless shelter require a state license.
2. A drug treatment clinic, drug/alcohol treatment facility, residential, halfway house, and/or homeless shelter require a health services and congregate living permit in accordance with Section 17.14.14.
3. For residential facilities, outdoor facilities are limited to the hours between 8:00 a.m. to 8:00 p.m.
4. An enclosed or screened waiting area for intake and/or appointments is required. No queuing may occur on any public right-of-way or any parking lot.
5. Security lighting is required for drug treatment clinics, and halfway houses. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the surrounding area.
6. There must be a 1,000 foot separation between the same uses (for example, between two homeless shelters).
7. Such uses must be 300 feet from any residential district.

**L. Dwelling – Accessory Dwelling Unit**

1. One of the dwelling units must be occupied by the owner of the property.
2. No more than one accessory dwelling unit is allowed per lot. Accessory dwelling units must be located within a detached structure. When permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.
3. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must meet the setback required for accessory structures in Section 17.09.030.
4. Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.
5. A detached accessory dwelling unit is subject to the height permitted for a detached garage.
6. No accessory dwelling unit may exceed 1,000 square feet in gross floor area.
7. When a detached garage is converted to an accessory dwelling unit, the ground floor may be used for the accessory dwelling unit so long as the minimum number of required off-street parking spaces are maintained on-site.
8. No additional parking is required for an accessory dwelling unit unless required by other City ordinances. Required parking for the principal structure must be maintained.

**M. Dwelling – Manufactured Home**

Manufactured homes must meet the following design standards when not located within a manufactured home park:

1. The front entry must be a dominant feature on the front elevation of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.
2. Windows, entrances, bay windows, or other architectural features are required on any street-facing walls.
3. Each manufactured home must utilize roofing materials such as asphalt shingles or similar material, similar in material and appearance to single-family dwellings.

#### **N. Dwelling - Multi-Family or Townhouse**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. Façades must be designed with consistent materials and treatments that wrap around all façades. There must be a unifying architectural theme for the entire multi-family or townhouse development, utilizing a common vocabulary of architectural forms, elements, materials, or colors in the entire structure.
2. Building facades must include windows, projected or recessed entrances, overhangs, and other architectural features. Three-dimensional elements, such as balconies and bay windows, are encouraged to provide dimensional elements on a façade.
3. ~~The following A 25%~~ minimum transparency requirements ~~apply applies~~ to any façade facing a street and ~~are is~~ calculated on the basis of the entire area of the façade:

~~a. Townhouse: 15%~~

~~b. Multi Family Dwelling: 25%~~

~~4. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.~~

**5.4.** The following building materials are prohibited on any façade. However, such materials may be used as decorative or detail elements for up to 25% of the facade, or as part of the exterior construction that is not used as a surface finish material.

a. The following building materials are prohibited on any part of any façade:

- i. Plain concrete block
- ii. Plastic
- iii. Exterior insulating finish systems (EIFS)

b. The following building materials are prohibited as a primary surface finish material on any façade but may be used as decorative or detail elements for up to 15% of the façade:

- i. Corrugated metal
- ~~ii. Aluminum, steel or other metal sidings~~
- ~~iii.ii.~~ Exposed aggregate (rough finish) concrete wall panels
- ~~iv.iii.~~ T-111 composite plywood siding
- ~~v. Vinyl~~

#### **O. Dwelling - Single-Family, Single-Family Semi-Detached, and Two-Family, and Townhouse**

In the case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.

1. ~~A dwelling must have a primary entrance from the façade facing the street. The front entry must be a dominant feature on the front elevation of a home and~~ an integral part of the structure, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings to articulate the front façade.

~~2. Windows, entrances, porches, or other architectural features are required on all street facing facades to avoid the appearance of blank walls.~~

**3.2.** A ~~15%~~ 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the ~~entire~~ area of the façade ~~below the roofline~~.

**3.** A dwelling with a front facing attached three-car garage shall have one of the garages offset one foot from the other garages.

**4.** In order to encourage architectural detail and visual interest a point system shall be utilized for the front façade in which the front façade must score 20 points from the categories below. Primary building materials are the dominant component of the façade. Accent materials are secondary components of the façade, typically used to provide architectural detail or visual interest.

**i.** 8 points – covered porch with columns.

**ii.** 6 points – masonry, brick, or stone veneer as a primary building material or accent material. If accent material it must extend from the foundation or grade to the window sill as a minimum and maintain that elevation along the entire façade exclusive of doors, windows and small areas that make the use of the material impractical.

**iii.** 6 points – front facing roof dormer.

**iv.** 4 points for each front facing roof gable with 8/12 pitch or higher.

**v.** 4 points – decorative roof brackets or gable trusses as an accent material.

**vi.** 4 points – decorative siding including but not limited to patterned shingles, shake, and board and batten as a primary building material or accent material.

**vii.** 3 points – bay/box window(s).

**viii.** 3 points – all front facing carriage style garage door(s). Carriage style garage doors may include decorative, simulated woodwork, decorative handles and brackets and window inserts.

**ix.** 3 points – door or window surrounds as an accent material.

**x.** 3 points – freeze boards and/or horizontal bands as an accent material.

**xi.** 2 points – decorative roof at the base of a gable.

**xii.** 1.5 points – for each percentage of transparency below the roofline over 5%.

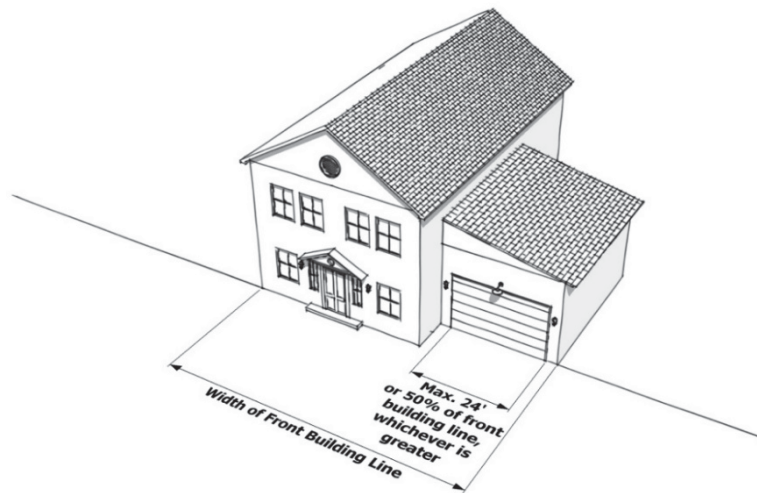
**xiii.** 1 point – decorative gable vent(s).

**xiv.** 1 point – window shutters.

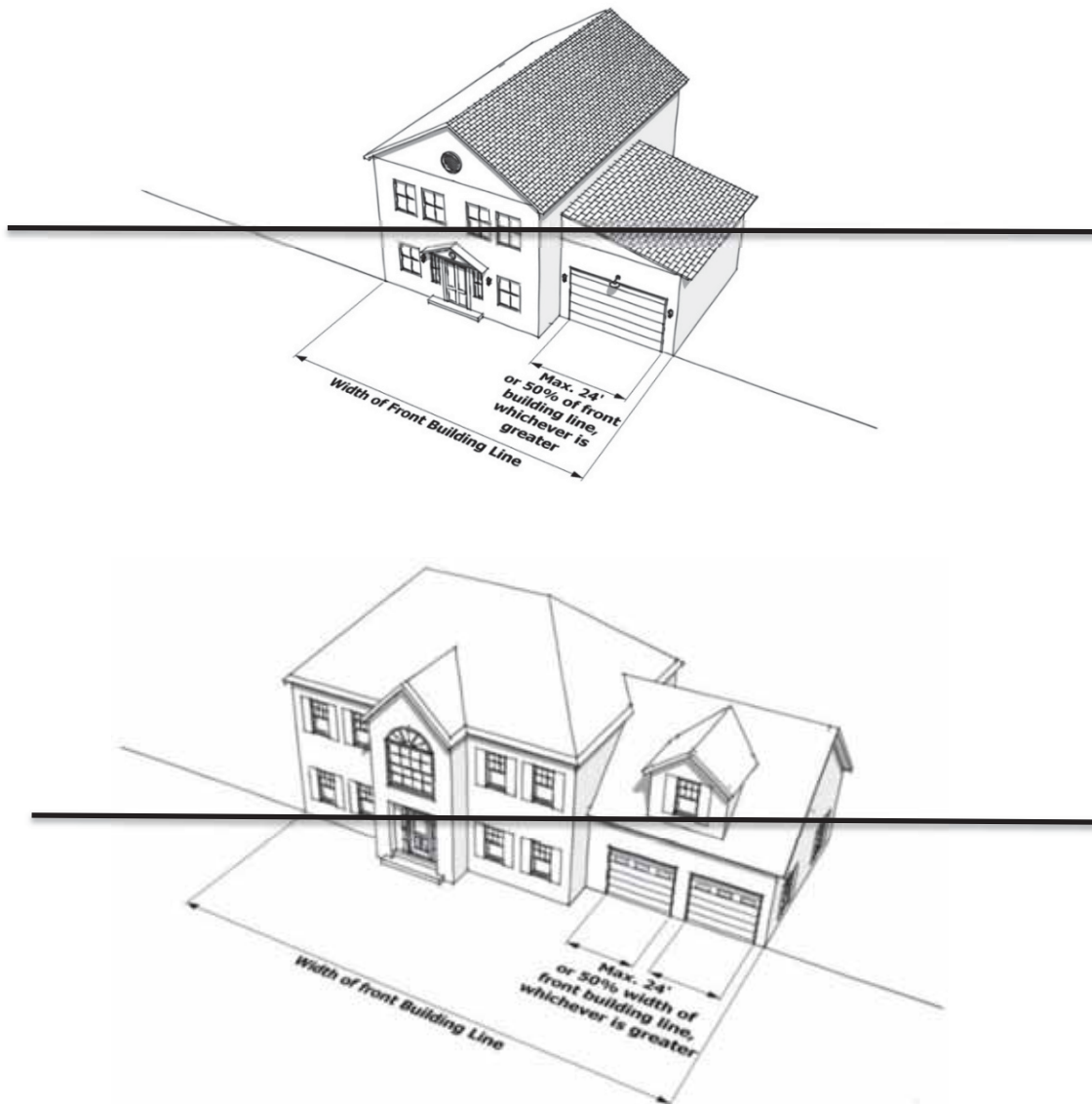
**xv.** negative 5 points – front facing attached garage that exceeds 24 feet or 50% the width of the front building line, whichever is greater. Garage width is measured between the edges of the garage door; in the case of garages designed with multiple garage doors, the distance is measured between the edges of the outermost doors.

**4.** Front loaded attached garages are limited to 50% of the width of the front building line or 24 feet, whichever is greater. Garage width is measure between the edges of the garage door(s).

### **ATTACHED GARAGE WIDTH**



### ATTACHED GARAGE WIDTH



#### Transition Rule for Section 17.08.030.O.3:

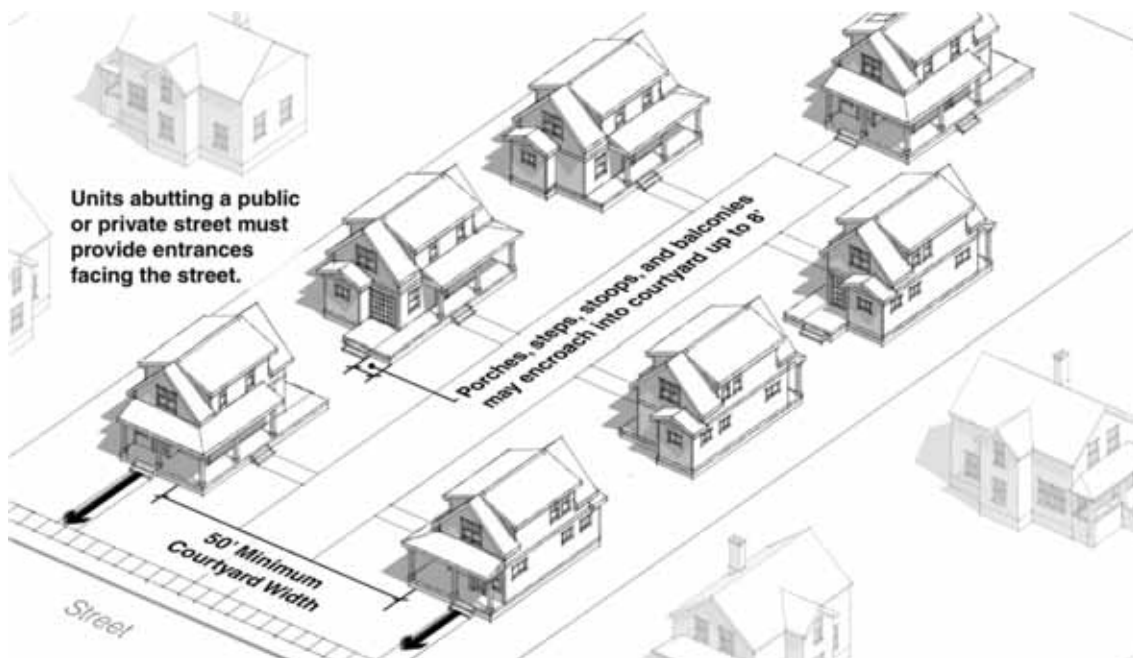
The changes below are considered part of a transition rule. As such, any previously permitted plans must be followed as approved.

1. In case of conflict with any design standards contained within Chapter 17.04, the standards of Chapter 17.04 control.
2. A 5% minimum transparency requirement applies to the front façade and is calculated on the basis of the entire area of the façade. In addition to the primary building material, a minimum of one accent material is required on the front façade. Permitted accent materials include brick and stone, wood or simulated wood, vinyl siding, aluminum siding and stucco. Accent materials not referenced may be considered on a case-by-case basis, and will be evaluated based upon such factors as durability, maintenance, architectural or design intent, and neighborhood context.
3. This transition rule will sunset on September 1, 2019.

5. When a single-family and/or two-family development is designed as a house court, the following standards apply. A house court is a group of single-family and/or two-family dwellings arranged around a common courtyard or open space. Front facades of dwellings and primary pedestrian entrances are oriented to and accessed from the common area.

- a. The minimum total site area required for a house court is 15,000 square feet or the cumulative area required for each dwelling type in the house court, whichever is greater.
- b. The zoning district standards apply to each individual site within the house court.
- c. For any unit of a house court abutting a public or private street, the entrance of the units must face the street.
- d. Courtyards must meet the following standards:
  1. The minimum courtyard area is 3,000 square feet or 500 square feet per dwelling unit, whichever is greater.
  2. A courtyard must have a minimum width of 50 feet.
  3. All courtyard space must be contiguous and centrally located.
  4. Porches, steps and stoops, and balconies may encroach up to eight feet into a courtyard.
- e. Where a dwelling fronts on the courtyard, it is considered to meet the requirement for frontage on a public or private street.

#### **SINGLE-FAMILY DWELLING: HOUSE COURT**



6. There must be a minimum separation of 15 feet between sidewalls of townhouse buildings. Where the front or rear wall of a townhouse faces the front or rear wall of another townhouse, the minimum required separation between such buildings must be 30 feet. Driveways and parking areas may be located within this minimum separation area.



#### **P. Equine, Keeping of/Equestrian Facility**

1. A minimum of two acres is required to keep one equine. For each additional acre in excess of two acres, one additional equine may be housed and maintained.
2. A fence must be installed around the entire grazing area. The fence must be a minimum of 150 feet from the front lot line. The fence must be a minimum of 150 feet from an existing dwelling located on an adjacent lot.
3. A stable or shelter must be provided for the stabling of each equine. The stable or shelter must be a minimum of 100 feet from any side or rear lot line, and a minimum of 150 feet from any front lot line.
4. The keeping of equines for personal use is only permitted in the R-1 and S-AG Districts. No retail or wholesale use of these animals in the R-1 District. An equestrian facilities, which are defined as any place where equine are kept, housed, boarded, lodged, fed, hired, trained, sold, rented, or bred for monetary compensation, is only permitted in the S-AG District.

#### **P-Q. Financial Services, Alternative (AFS)**

1. Alternative financial services (AFS) must be located no closer than 1,000 feet from any other AFS.
2. Any existing alternative financial service establishment as of the effective date of this Code that do not meet the spacing requirement is deemed conforming; this applies only to AFS that are allowed as a permitted or special use within the district. If an alternative financial service is no longer allowed within a district as of the effective date of this Code, it is nonconforming use.

#### **Q-R. Gas Station**

1. All structures and all pump islands, compressed air connections, and similar equipment must be set back a minimum of 15 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
2. The minimum distance a freestanding canopy for gas pumps must be from any street lot line is ten feet and 15 feet from any interior lot line.
3. The ancillary uses of a retail goods establishment and two car wash bays are permitted in connection with the principal gas station use.
4. When a gas station abuts the lot line of a residential district, it must be screened along the interior side and/or rear lot lines that abut the residential lot as follows:
  - a. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.
  - b. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

#### **R-S. Group Home**

1. Group homes must be licensed by the state.
2. When a group home is located within an existing residential structure, the location, design, and operation of such facility must not alter the residential character of the structure.

#### **S-T. Lodge/Meeting Hall**

1. No more than 30% of the gross floor area may be used as office space for the lodge/meeting hall.
2. Lodges/meeting halls are permitted to serve meals and alcohol on the premises for members and their guests only.
3. Sleeping facilities are prohibited.

4. Lodges/meeting halls leased or used as reception facilities must comply with the requirements for reception facilities.

#### **T.U. Neighborhood Commercial Establishment**

1. Neighborhood commercial establishments are only allowed within existing structures that are nonresidential in their construction and/or use as of the effective date of this Ordinance.
2. The following non-residential uses are permitted within a neighborhood commercial establishment:
  - a. Art gallery
  - b. Arts studio
  - c. Office
  - d. Personal service establishment
  - e. Restaurant
  - f. Retail goods establishment:
    - i. Retail sales of alcohol is prohibited.
    - ii. Retail sales of tobacco products, electronic cigarettes, and vaping and tobacco smoking accessories and supplies is prohibited.
3. No off-street parking is required. However, any off-street parking currently provided must be maintained.
4. Drive-through facilities are prohibited.
5. Outside storage or display is prohibited. All business, servicing, processing, and storage uses must be located within the structure.
6. Signs are limited to those allowed in the C-T District.

#### **U.V. Outdoor Dining**

1. Outdoor dining is considered a separate principal use. Outdoor dining may only be established when allowed as a use within a zoning district and in conjunction with another principal use such as a bar or restaurant.
2. Outdoor dining must not interfere with any pedestrian access or parking spaces and aisles.
3. Outdoor dining areas must be located on private property. Outdoor dining on public property is not controlled by this Ordinance.
4. When a structure is required to be constructed at a build-to line, the structure may have up to 50% or 60 linear feet of the applicable façade, whichever is less, designated as outdoor dining may be setback up to 30 feet from the required build-to line.

#### **V.W. Reception Facility**

1. A general admission fee or any other monetary donations (payment at the door to the general public) for entrance is prohibited, with the exception of fundraisers or events for bona fide non-profit organizations, places of worship, or educational facilities.
2. When allowed in the residential districts and S-AG District, a minimum lot size of two acres is required. Fifty foot minimum setbacks are required along all lot lines.

#### **W-X. Residential Care Facility**

1. Residential care facilities must be licensed by the state.
2. When located in a nonresidential district, the structure must be designed with a lobby entrance along the

primary frontage.

#### **X.Y. Retail Sales of Fireworks**

1. All fireworks sales are subject to the regulations on sale and storage by the Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any novelty or sparklers as defined by the American Pyrotechnics Association.
2. All retail sales of fireworks establishments must be a minimum of 500 feet from any residential district.

#### **Y.Z. Self-Storage Facility: Indoor and Outdoor**

1. Storage units cannot be used for residential occupancy or business.
2. No plumbing connections are permitted in self-storage units.
3. Storing hazardous or toxic materials is prohibited.
4. For self-storage facilities that include both indoor and outdoor facilities, both types of uses must be allowed in the district.
5. In the C-3 District, self-storage facilities are only subject to the district design standards when located within 100 feet of a public right-of-way, excluding alleys.
6. The following additional standards apply to indoor self-storage facilities:
  - a. All self-storage activities must be contained within a single building and conducted exclusively indoors. Individual storage units may be accessed from inside the building only.
  - b. All facilities must meet the design standards of the district.
  - c. No storage units located on the first floor may be located within the first 25 feet of the front facade. No storage units located on the first floor may be visible from any public right-of-way.
  - d. Access to loading areas must be located to the interior or rear of the building.
7. The following additional permissions apply to outdoor self-storage facilities:
  - a. Outdoor self-storage facilities should be oriented so that storage unit access doors do not face the public right-of-way.
  - b. Outdoor self-storage facilities are allowed to include an area for storage of recreational vehicles. Storage areas for recreational vehicles must be located in the rear yard.
  - c. No storage of recreational vehicles is allowed within 25 feet of any rear lot line. No storage of recreational vehicles is allowed within 30 feet of any interior side lot line. No storage of recreational vehicles is allowed within 50 feet of any front or corner side lot line.
  - d. If storage areas for recreational vehicles are provided, they must be screened along interior side and rear lot lines with a solid fence or wall, a minimum of six feet and a maximum of seven feet in height. Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.

#### **Z-AA. Solar Farm**

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.

4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

#### **AA.BB. Storage Yard – Outdoor**

1. The storage area must be completely enclosed along all lot lines by a solid fence or wall a minimum of six feet and a maximum of eight feet in height, including ingress and egress.
  - a. Fences or walls along the front or corner side lot line must be set back a minimum of ten feet from the lot line. Within that setback, shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity, and one evergreen tree every 50 feet planted linearly. Plantings must be placed outside the face of the fence facing the right-of-way.
  - b. Fences or walls along the rear or interior side lot line require the planting of shrubs spaced sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.
2. Storage of any kind is prohibited outside the fence or wall.
3. No items stored within 25 feet of the fence may exceed the height of the fence or wall for an outdoor storage yard.

#### **BB.CC. Vehicle Repair/Service – Major or Minor**

1. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are being serviced may be stored outdoors.
2. Repair of vehicles is prohibited in the front or side yards. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
3. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height.
4. Outdoor repairs are only allowed in the rear yard and must be screened by a solid fence or masonry wall no less than six feet and no more than eight feet in height.
5. No partially dismantled, wrecked, junked, or discarded vehicles may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
6. The sale of new or used vehicles is prohibited.
7. No motor vehicles may be stored and no repair work may be conducted in the public right-of-way.

#### **CC.DD. Wind Energy System**

1. The design of the wind energy system must conform to applicable industry standards as such standards exist as of the date construction is commenced. The facility owner or operator must submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or similar certifying organizations.
2. All wind turbines must be newly manufactured as of the date of installation. Experimental/prototype wind turbines may be approved as a special use.
3. All wind energy system must be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes must be operated in a fail-safe mode. Stall regulation is not considered a sufficient braking system for over speed protection.

4. All electrical components of the wind energy system must conform to applicable local, state, and national codes, and applicable international standards.
5. An engineer's certificate must be completed by a structural engineer, licensed in the State of Iowa, certifying that the tower and foundation of the wind turbines are compatible with, and are appropriate for, the particular model of wind turbine used, and that the specific soils at the site can support the wind turbine.
6. Wind turbines must comply with the following design standards:
  - a. Wind turbines must be a non-obtrusive and non-reflective color. The facility owner or operator must maintain the paint on wind turbines at all times in good repair.
  - b. Wind turbines must not display advertising, except for reasonable identification of the turbine manufacturer, or the facility owner and operator.
  - c. Within the wind energy system, wind turbines must be of a generally consistent size, design, and color, of similar height and rotor diameter, and rotate in the same direction.
  - d. Wind turbines must not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable regulatory authorities.
  - e. On-site transmission and power lines between wind turbines must, to the maximum extent practicable, be placed underground, reach the property line, and be located and constructed in such a way as to minimize disruption to the property's primary purpose as well as to facilitate the interconnection of other commercial wind power generating facilities.
  - f. Non-essential appurtenances are prohibited to be affixed to any wind turbine, including, but not limited to, cellular or radio antennae.
  - g. A clearly visible warning sign advising persons of the presence of high voltage levels must be placed at the base of all pad-mounted transformers and substations.
7. The applicant must commission and submit at the time of permit application a wildlife assessment (impact study), conducted by a qualified wildlife expert, indicating possible risks to local wildlife, habitat, and migratory birds. Additionally, the applicant's wildlife expert must also develop a mitigation plan, if applicable, that addresses/mitigates any risk to wildlife, migratory birds, and affiliated habitat. All wind turbines at time of application must be located out of bird and bat migration pathways/corridors where wind turbine construction would pose a substantial risk.
8. Wind turbines must not be climbable up to a height of at least 15 feet above ground surface. All access doors to wind turbines and electrical equipment must be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
9. Wind turbines must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, no less than the turbine height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
10. All wind turbines must be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning district or 110% of the turbine height, whichever is greater. The setback distance is measured from the property line to the nearest point on the outside edge of a tower. Operation and maintenance building(s) and substations must be located in accordance with zoning district yard requirements. All wind farm structures, except for wind turbines, must comply with the regulations of the zoning district.
11. All wind turbines must be set back from the nearest public right-of-way a distance of 110% of the turbine height, as measured from the right-of-way line to the nearest point on the outside edge of a tower.
12. The facility owner or operator must comply with all applicable codes regulating sound generation. A predictive sound study of turbine noise must accompany the application to verify that all code requirements can be met for dBA sound levels. In the event that any sound levels from a wind turbine are found to be in excess of permissible levels per the Municipal Code, the facility owner or operator must take necessary measures to bring sound levels down to a level acceptable.

**13.** A shadow flicker study is required, and must be submitted with the application. A wind turbine's shadow flicker must not fall on any existing structure, measured at the nearest external wall or walls, or within the buildable area of an adjacent vacant lot, as defined by current setback requirements.

**14.** The facility owner and operator must, at their sole expense, complete decommissioning of the wind energy system, or individual wind turbines, within one year after the end of the useful life of the wind energy system or individual wind turbines. The wind energy system or turbine must be deemed to be at the end of its useful life if it is abandoned for a period of time in excess of 180 days. Decommissioning includes removal of wind turbines, structures, roads and foundations to a depth of 48 inches, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the wind energy system.

## **DD.EE. Wireless Telecommunications**

### **1. Application Requirements**

All applications to erect, construct, or modify any part of a wireless telecommunications system require site plan review must include the following items:

- a.** A site plan showing:
  - i.** The location, size, screening, and design of all structures, including fences.
  - ii.** The location and size of all outdoor equipment.
  - iii.** Elevations showing antenna height.
  - iv.** If the site plan is for a new wireless telecommunications facility, a landscape plan showing all screening.
  - v.** If the site plan is for a new wireless telecommunications tower, indication of the fall zone as a shaded circle.
- b.** A maintenance plan and any applicable maintenance agreement designed to ensure long-term, continuous maintenance, such as maintenance of landscape, keeping the area free from debris and litter, and immediate removal of any graffiti.
- c.** A disclosure of what is proposed, demonstrating the need for the wireless telecommunications system in the proposed location. This is not required for co-location or stealth design antennas.
- d.** The reason or purpose for the placement, construction, or modification in the proposed location with specific reference to the provider's coverage, capacity, and/or quality needs, goals, and objectives. This is not required if the proposal is does not involve the erection of a new tower.
- e.** The service area of the proposed wireless telecommunications system.
- f.** If the proposal is for a new telecommunications tower, then a map showing collocation opportunities within the City and within areas surrounding the borders of the City must be provided and justification for why co-location is not feasible in order to demonstrate the need for a new tower.
- g.** If the proposal is for a new telecommunications tower, certification by a licensed and registered professional engineer regarding the manner in which the proposed structure will fail. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining if additional setback should be required for the structure and other facilities.

### **2. Setbacks**

- a.** All wireless telecommunications towers must be set back from any existing principal building on the lot and adjacent lots, measured at the nearest external wall or walls, and within the buildable area of any adjacent undeveloped lot, as defined by current setback requirements no less than the tower height. The setback distance is measured from the nearest point on the outside edge of a tower to the nearest point on the foundation of the building.
- b.** All wireless telecommunications facilities must be set back from all property lines in accordance with the minimum setback requirements in the zoning district.



### **3. Height**

The maximum height of a wireless telecommunications tower is the minimum needed to function satisfactorily. The application for approval of a wireless telecommunications tower must demonstrate the minimum height needed for the tower to function, which will be reviewed and approved as part of site plan review. The City has the ability to hire an independent consultant to assist in review of the proposed height, whose fee will be charged to the applicant. Where a wireless telecommunications tower exceeds the maximum height permitted in the district, the City may require additional setbacks from all lot lines.

### **4. Lighting and Marking**

Wireless telecommunications systems must not be lit or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

### **5. Specific Standards for Wireless Telecommunications Antennas**

Wireless telecommunications antennas are a special use in all districts, unless they are stealth design in which case they are a permitted use. Stealth design for wireless antennas is encouraged and is considered a permitted use in all districts, subject to site plan review and approval. All applications for wireless telecommunications antennas must include all information required by this section. In addition to the standards of this section for wireless telecommunications antennas, stealth design must comply with the following regulations:

- a. To qualify as a stealth design, wireless telecommunications antennas must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer.
- b. Wireless telecommunication antennas must be mounted at least 30 feet above grade, as measured from grade to the base of the antenna, to qualify as stealth design, in addition to meeting the other requirements of this section. Wireless telecommunication antennas mounted lower than 30 feet are considered a special use.
- c. Antennas must be located on or in structures already permitted within zoning districts, such as water towers, clock towers, streetlights, penthouses, parapet walls (must be behind the parapet wall), and steeples, and must be designed to blend in with the structure.
- d. Antennas that co-locate on existing wireless telecommunications towers are also considered stealth design. However, such antennas cannot increase the overall height of the existing wireless telecommunications tower.
- e. No antenna may increase the overall height of any structure on which it is mounted by more than 12 feet.

### **6. Specific Standards for Wireless Telecommunications Facilities**

- a. Any buildings, cabinets, or shelters may house only equipment and supplies for operation of the wireless telecommunication tower. Any equipment not used in direct support of such operation must not be stored on the site.
- b. Commercial advertising is prohibited. Only signage that is part of the equipment as manufactured or warning signage is permitted.

### **7. Specific Standards for Wireless Telecommunications Towers**

- a. The use of guyed towers is prohibited. Towers must be monopoles, meaning self-supporting with no wires, cables, or beams.
- b. Wireless telecommunications towers must be designed to accommodate other telecommunications providers. The area surrounding a tower must be of a sufficient size to accommodate accompanying wireless telecommunications facilities for other telecommunications providers.
- c. Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration or the City, towers must have a galvanized silver or gray finish.

### **8. Specific Standards for Distributed Antenna Systems (DAS)**

If a distributed antenna systems (DAS) is installed and entirely enclosed within a principal building, the requirements of this Ordinance do not apply. These standards only apply to distributed antenna systems (DAS) installed on private property. ~~While DAS located within the right-of-way are not controlled by this Ordinance, Davenport Public Works may seek to enforce the following standards for those located in the right-of-way.~~

- a. All equipment related to a distributed antenna system must be mounted/co-located on existing poles or other existing structures unless it can be shown that an alternate location will be less obtrusive and/or more beneficial to the public. The design of any new pole requested requires special use approval.
- b. An applicant seeking installation of a distributed antenna system must demonstrate that it has made efforts to blend or camouflage the system with existing facilities and surroundings or has otherwise screened or concealed the system from view. Approved blending methods include, but are not limited to, location of equipment other than antennas within a tree canopy or other inconspicuous location, use of green, brown or other colored equipment (if commercially available to the applicant) designed to mimic the colors and/or materials of the tree canopy, co-location structure or other nearby structures, as well as use of textures and shapes as appropriate, all with the intent of minimizing the visual impact of the system. Unnatural colors and exposed cables are prohibited.
- c. All pole-mounted distributed antenna systems must be installed at a minimum height of nine feet above the ground. Equipment may be housed in a cabinet at ground level only with the approval of the City as to location and with appropriate screening.
- d. Distributed antenna systems may not extend more than seven feet above the height of the existing pole or other structure on which it is installed.
- e. Where distributed antenna systems are placed in residential districts, every effort must be made to avoid placement at right of way locations directly in front of a residence. If placement directly in front of a residence is absolutely necessary for technological reasons, the City has the right to require screening or impose other design mitigation requirements.
- f. The City may request that a particular node or nodes be placed in an alternative location to that proposed by the applicant. Where a request for an alternative location is unable to be accommodated by an applicant, the applicant must supply an explanation in writing as to why the suggested alternative location will materially compromise the functioning of the system or is otherwise impractical.

## **9. Abandonment**

Any wireless telecommunications system that is not operated for a period of 180 consecutive days is considered abandoned. The owner must immediately remove the tower or facility, and all aboveground equipment and related debris. The City may ensure and enforce removal by means of its existing regulatory authority.

## **10. Nonconformities**

- a. Ordinary maintenance, including replacement/upgrading, of antenna equipment may be performed on nonconforming antennas or towers. However, if the proposed alteration intensifies a nonconforming characteristic of the antenna or tower, a variance is required.
- b. Co-location of an antenna on an existing nonconforming tower is a permitted use, provided that the addition of the antenna and any additional wireless telecommunications facilities do not increase the overall height of the nonconforming tower.

### **Section 17.08.040 Temporary Use Standards**

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance and any licensing requirements of the Municipal Code. These regulations are for temporary uses located on private property. A temporary use may require a permit if the requirement is specifically cited in the standards. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval. Tents associated with temporary uses that are less than 200 square feet in area are exempt from permits.

#### **A. Farmers' Market**

A retail license is required per Chapter 5.17 (Retail Sales and Transient Merchants) of the Municipal Code.

#### **B. Real Estate Project Sales Office/Model Unit**

1. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family building or a residential subdivision of 20 or more units.
2. No real estate sales office/model unit(s) may be located in a manufactured home or off-site.

3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development.

4. All activities conducted within real estate sales office/model unit(s) must be directly related to the construction and sale of properties within the particular development. Use as a general office of operation of any firm is prohibited.

#### **C. Temporary Cell on Wheels (COW)**

1. A temporary cell on wheels (COW) may be placed in any zoning district for a maximum of 90 days following a declaration of emergency by the city or state. This time limitation may be extended by the City Council.

2. A temporary cell on wheels (COW) may be placed in any zoning district for the duration of a community event, such as a street festival or outdoor concert, or 21 days, whichever is greater.

#### **D. Temporary Contractor's Office and Contractor's Yard**

1. A temporary contractor's office is allowed incidental to a construction project.

2. The temporary contractor's office must be removed within 30 days of completion of the construction project.

3. A contractor's yard is permitted on or adjacent to any construction demolition and can only be used during the life of the construction project.

#### **E. Temporary Outdoor Entertainment**

A special event permit from the City is required for temporary outdoor entertainment.

#### **F. Temporary Outdoor Sales (No Fireworks Stand)**

A special event permit from the City is required for temporary outdoor sales.

#### **G. Temporary Outdoor Sales - Fireworks Stand Only**

1. All fireworks stands are subject to the regulations on sale and storage by the Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any novelty or sparklers as defined by the American Pyrotechnics Association.

2. All fireworks stands must be a minimum of 500 feet from any residential district.

#### **H. Temporary Outdoor Storage Container**

1. Temporary storage containers are permitted in any zoning district when used for loading or unloading. Containers are permitted on site for a period not to exceed 30 days.

2. Temporary storage containers may not be used for permanent storage. They may not serve as a substitute for permanent storage needs on the site on which they are located. Containers may not be permanently attached to the ground, serviced with permanent utilities, or stacked on the site.

3. Temporary storage containers for residential uses must be placed on a paved surface. Containers cannot block the right-of-way, including sidewalks.

4. Temporary storage containers cannot be placed in the public right-of-way or placed on a lot to block ingress/egress or impede right-of-way traffic.

### **Section 17.08.050 Use Definitions**

All uses within Table 17.08-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

**Adult Use.** An adult store, adult cabaret, adult theater, nude model studio, sexual encounter center, adult motel, or escort agency. The following additional definitions apply to adult use:

- 1. Adult Booth.** Any area of an adult use that is set off from the remainder of the establishment by one or more walls, partitions, or other dividers and is used to show, exhibit, play, display, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.
- 2. Adult Cabaret.** Any establishment that as a substantial or significant portion of its business provides any of the following:
  - a.** Persons who appear nude.
  - b.** Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of a specified anatomical area or the performance or simulation of a specified sexual activity.
  - c.** Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations, recordings, imagery, illustration, or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical area or the performance or simulation of any specified sexual activity.
- 3. Adult Material.** Any of the following, whether new or used:
  - a.** Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CDROM, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity.
  - b.** Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except this does not include those items used for birth control or for the prevention of sexually transmitted diseases.
- 4. Adult Motel.** Any motel, hotel or similar business that either: 1) offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmission, telephones, motion pictures, video cassettes, slides, or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity, and has a sign that is visible from the public right-of-way that advertises the availability of adult materials; 2) offers a room or suite for consideration for a period of time that is less than ten hours; or 3) allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of time that is less than ten hours.
- 5. Adult Store.** Any establishment that either: 1) contains one or more adult booths; and/or 2) as a substantial or significant portion of its business offers for sale, rental, exchange, or viewing any adult materials. Adult stores do not include establishments that offer for sale, rental, exchange, or viewing any adult materials as a sideline or adjunct to sales, rentals, exchanges or viewings of materials other than adult materials.
- 6. Adult Theater.** Any establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration, or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of any specified anatomical area or the performance or simulation of any specified sexual activity.
- 7. Escort.** A person who, for pecuniary consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.
- 8. Escort Agency.** Any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

**9. Nude Model Studio.** Any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed, or similarly depicted by any other person who has paid money or any other form of consideration, barter, or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed, or similarly depicted. Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling, or anatomical drawing classes.

**10. Nude or State of Nudity.** A state of dress or undress that exposes to view less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed, or human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

**11. Sexual Encounter Center.** Any establishment that, for consideration, offers either: 1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; 2) activities between two or more persons regardless of gender when one or more of the persons is in a nude condition; 3) where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas; or 4) where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other. Sexual encounter center does not include a gymnastic, acrobatic, athletic, or similar demonstration or show that has been issued and holds a valid public amusement license under Chapter 5.12 of the City Code.

**12. Specified Anatomical Area.** Any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in a discernibly turgid state.

**13. Specified Sexual Activity.** Any of the following:

- a. The fondling or touching of one person's human genitals, pubic region, buttocks, anus, or female breasts by another person.
- b. Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio, anilingus, bestiality, intercourse, oral copulation or sodomy.
- c. Masturbation, actual or simulated.
- d. Excretory or urinary functions as part of or in connection with any of the activities set forth in this definition.

**14. Substantial or Significant Portion of its Business.** 10% or more of the establishment's income is derived from the sale, rental, exchange, or viewing of any adult material, or 10% or more of the establishment's stock in trade or floor space is utilized for the display of any adult material, or that one or more persons appearing, performing, or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as "XXX", "adult", or "sex" in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial or significant portion of its business standard.

**15. Adult Amusement Arcade.** An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token, or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

**Agriculture.** Land and associated structures used to grow crops and/or raise livestock for sale, personal food production, donation, and/or educational purposes. An agriculture use includes any associated single-family dwellings and any accessory dwellings that are ancillary to the principal activity of agriculture.

**Alternative Correctional Facility.** A facility for adults or minors that is required by the courts as an alternative to incarceration, also referred to as community correctional centers.

**Amusement Facility - Indoor.** A facility for spectator and participatory uses conducted within an enclosed building, such as movie theaters, sports arenas, bowling alleys, tumbling centers, skating centers, roller rinks, escape room/physical adventure game facilities, and pool halls. Indoor amusement facilities do not include live performance venues. An indoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses. Indoor amusement facility does not include a private recreational facility.

**Amusement Facility - Outdoor.** A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as outdoor stadiums, batting cages, and miniature golf courses. An outdoor amusement facility may include uses such as, but not limited to, concession stands, restaurants, and retail sales as ancillary uses. Outdoor amusement facility does not include a fairground.

**Animal Care Facility – Large Animal.** An establishment that provides care for large animals, such as horses and cattle, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence. Animal care facilities do not include animal breeders.

**Animal Care Facility – Small Animal.** An establishment which provides care for domestic animals, including veterinary offices for the treatment of animals, where animals may be boarded during their convalescence, pet grooming facilities, animal training centers and clubs, and pet boarding facilities, where animals are boarded during the day and/or for short-term stays. Animal care facilities do not include animal breeders.

**Animal Breeder.** An establishment where dogs over six months of age are bred, raised, and trained for commercial gain. Animal breeder does not include animal care facilities or shelter and training facilities for canine or equine units of public safety agencies.

**Art Gallery.** An establishment that sells, loans and/or displays paintings, sculpture, photographs, video art, or other works of art. Art gallery does not include a cultural facility, such as a library or museum, which may also display paintings, sculpture, photographs, video art, or other works.

**Arts and Fitness Studio.** An establishment where an art or activity is taught, studied, or practiced such as dance, martial arts, photography, music, painting, gymnastics, pilates, or yoga. An arts studio also includes private exercise studios for private sessions with trainers and/or private classes; health clubs are not an arts and fitness studio, but rather a personal service establishment. Arts and fitness studio do not include a private recreational facility.

**Bar.** An establishment where the primary purpose is the sale of alcoholic beverages for consumption on the premises. Snack foods or other prepared food may be available for consumption on the premises as an ancillary use.

**Bed and Breakfast.** A single-family dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities, and prepares meals for guests. A bed and breakfast may include dining facilities.

**Billboard.** A permanent sign directing attention to a specific business, product, service, entertainment event, activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

**Body Modification Establishment.** An establishment that offers tattooing services, body piercing, and/or non-medical body modification. Body modification establishment does not include an establishment that offers only ear piercing as an ancillary service.

**Broadcasting Facility - TV/Radio.** A facility engaged in broadcasting and information relay services for radio and television signals, including studio facilities. A broadcasting facility may or may not include antennas to broadcast the signal.

**Campground.** Land used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters.

**Car Wash.** An establishment for the washing and cleaning of vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or similar configurations.

**Casino.** Casino or gambling structure is as defined by Iowa state law. A casino includes accessory facilities such as, but not limited to, convention halls, exhibition halls, and meeting facilities.



**Cemetery.** Land and structures reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the interment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

**Children's Home.** A licensed institutional residential facility that provides housing for and care to minors who are wards of the state, whose parents or guardians are deceased or otherwise unable or unwilling to care for them. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Community Center.** A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities. A community center may serve as a local "food hub" where regionally grown food, including value added food, can be grown and/or brought for distribution and sale.

**Community Garden.** The cultivation of fruits, flowers, vegetables, or ornamental plants by one or more persons, households, or organizations. Community gardens do not include the raising of any livestock or the use of heavy machinery.

**Conservation Area.** Designated open space that preserves and protects natural features, wildlife, and critical environmental features, as well as undeveloped sites of historical or cultural significance. A conservation area may include opportunities for passive recreation, such as hiking trails and lookout structures, and environmental education.

**Country Club.** An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which has indoor and/or outdoor recreation facilities, restaurants and bars, meeting rooms, and/or similar uses.

**Cultural Facility.** A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, non-commercial galleries, historical societies, and libraries. A cultural facility may include uses such as, but not limited to, retail sales of related items and restaurants as ancillary uses.

**Day Care Center.** A licensed facility where, for a portion of a day, care and supervision is provided for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator. Day care centers within a residential dwelling are prohibited.

**Day Care Home.** A residential dwelling where licensed care and supervision is provided by a permanent occupant of the dwelling for children or elderly and/or functionally-impaired adults in a protective setting that are not related to the owner or operator of the facility for a portion of a day. A child day care home does not include a dwelling that receives children from a single household.

**Domestic Violence Shelter.** A licensed facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety of services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

**Drive-Through Facility.** That portion of a business where business is transacted directly with customers via a service window that allows customers to remain in their vehicle. A drive through facility must be approved separately as a principal use when in conjunction with another principal uses such as restaurants and financial institutions. A standalone ATM is considered a drive-through facility for the purposes of this definition.

**Drug/Alcohol Treatment Facility, Residential.** A licensed care facility that provides 24-hour medical and/or non-medical/therapeutic care of persons seeking rehabilitation from a drug and/or alcohol addiction. Such facilities include medical detoxification. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Drug Treatment Clinic.** A licensed facility authorized by the state to administer drugs, such as methadone, in the treatment, maintenance, or detoxification of persons.

**Dwelling - Accessory Dwelling Unit.** An additional dwelling unit associated with and incidental to a principal single-family dwelling on the same lot. An accessory dwelling unit must include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit may be within or attached to the principal dwelling unit structure or within a detached accessory structure, such as a garage, and designed so that the appearance of the principal structure and the lot remains that of a single-family dwelling.



**Dwelling - Manufactured Home.** A manufactured home dwelling is a prefabricated structure that is regulated by the U.S. Department of Housing and Urban Development (HUD), via the Federal National Manufactured Housing Construction and Safety Standards Act of 1974, rather than local building codes. A manufactured home is built in a factory on an attached chassis before being transported to a site. Manufactured homes include those transportable factory built housing units built prior to the Federal National Manufactured Housing and Safety Standards Act (HUD Code), also known as mobile homes. Modular homes are not considered manufactured homes, and refer to a method of construction. When a manufactured home meets all the requirements for a single-family dwelling, including the definition of a dwelling unit, and is located and installed to the same standards as a single-family dwelling, such manufactured home is considered a single-family dwelling, subject to any additional requirements or specific exceptions of Iowa State Code Section 414.28.

**Dwelling - Multi-Family.** A structure containing three or more attached dwelling units used for residential occupancy. A multi-family dwelling does not include a three-family or townhouse dwelling.

**Dwelling - Townhouse.** A structure consisting of three or more dwelling units, the interior of which is configured in a manner such that the dwelling units are separated by a party wall. A townhouse is typically designed so that each unit has a separate exterior entrance and yard areas. A townhouse dwelling does not include a multi-family dwelling.

**Dwelling - Single-Family.** A structure containing only one dwelling unit on a single lot. When a manufactured home meets all the requirements for a single-family dwelling, including the definition of a dwelling unit, and is located and installed to the same standards as a single-family dwelling, such manufactured home is considered a single-family dwelling, subject to any additional requirements or specific exceptions of Iowa State Code Section 414.28.

**Dwelling - Single-Family Semi-Detached.** A structure containing two dwelling units on a single lot attached by a party wall, which is located on an interior side lot line, with each dwelling unit located on a separate lot of record.

**Dwelling - Two-Family.** A structure containing two dwelling units on a single lot.

**Educational Facility - Primary or Secondary.** A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

**Educational Facility - University or College.** A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

**Educational Facility - Vocational.** A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

**Fairground.** Land used for, but not limited to, county fairs, exhibitions, shows, and large-scale sale/auction events that includes agriculture-related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, sales and auctions, and ancillary storage. Fairground does not include racetracks or motorized contests of speed.

**Farmers Market.** Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products, directly to consumers from farmers or vendors that have taken such items on consignment for retail sale.

**Financial Institution.** A bank, savings and loan, credit union, or mortgage office.

**Financial Institution, Alternative (AFS).** An alternative financial service (AFS) is a financial service provided outside a traditional banking institution. AFS includes payday loans, tax refund anticipation loans, car title loans, check cashing establishments, and currency exchanges.

**Food Bank.** A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

**Food Pantry.** A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be an ancillary use of a place of worship, social service center, and/or homeless shelter.

**Funeral Home.** An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

**Gas Station.** An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, ancillary car wash bays, and solar and/or electric charging stations.

**Golf Course/Driving Range.** A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls. A country club may include a golf course and/or driving range, in which case the uses together are considered a country club.

**Government Office/Facility.** Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

**Greenhouse/Nursery - Retail.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

**Group Home.** A group care facility in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision. Group homes include facilities for drug and alcohol rehabilitation, excluding medical detoxification services. Group home does not include facilities for adults or minors that function as a court ordered alternative to incarceration. Group home does not include group living facilities for persons who have been institutionalized for criminal conduct (see halfway house).

**Halfway House.** A licensed residential facility for persons who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to society, which may or may not be court-ordered.

**Healthcare Institution.** Facilities for primary health services and medical or surgical care to people, primarily in-patient, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, dormitories, or educational facilities, and ancillary uses such as, but not limited to, cafeterias, restaurants, retail sales, and similar uses.

**Heavy Rental and Service Establishment.** Rental, and/or service establishments of a heavier and larger-scale commercial character typically requiring permanent outdoor service and storage areas and/or partially enclosed structures. Examples of heavy rental and service establishments include truck rental establishments, amusement equipment rental, and sales, rental, and repair of heavy equipment.

**Heavy Retail Establishment.** Retail centers of a heavier and larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments. Equipment rental is permitted if conducted solely inside the principal structure.

**Homeless Shelter.** A licensed facility that provides temporary shelter to the homeless in general. Homeless shelters may distinguish populations served by age and/or gender.

**Hotel.** A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related ancillary uses include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests.

**Industrial - General.** The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, and incidental storage, sales, and distribution of such products. General industrial uses may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users. These industrial uses typically have ancillary outdoor storage areas.

**Industrial - Light.** Research and development activities, and the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance, where such activities are conducted wholly within an enclosed building. A light industrial use may also include a showroom, ancillary sales of products related to the items manufactured or stored on-site, and/or ancillary outdoor storage.

**Industrial Design.** An establishment where the design, marketing, and/or brand development of various products are researched and developed typically integrating the fields of art, business, science, and/or engineering. An industrial design establishment may create prototypes and products, but may not mass manufacture products from the premises.

**Live Performance Venue.** A facility for the presentation of live entertainment, including musical acts, including disc jockeys (DJs), theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue is only open to the public when a live performance is scheduled. A live performance venue may include classroom space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. A live performance venue does not include any adult use.

**Lodge/Meeting Hall.** A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Manufactured Home Park.** A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

**Medical/Dental Office.** A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physiotherapists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. Medical/dental offices also include alternative medicine clinics, such as acupuncture and holistic therapies, and physical therapy offices for physical rehabilitation.

**Micro-Brewery.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of less than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Brewery facilities that exceed this capacity are considered light or general industrial uses.

**Micro-Distillery.** A facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Distillery facilities that exceed this capacity are considered light or general industrial uses.

**Micro-Winery.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on site and purchase beverages manufactured on site and related items. Wineries that exceed this capacity are considered light or general industrial uses.

**Mobile Food Sales.** A motor vehicle, or a food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

**Neighborhood Commercial Establishment.** A commercial use within a residential neighborhood that is nonresidential in its original construction and/or use.

**Office.** An establishment that engages in the processing, manipulation, or application of business information or professional expertise. Such an office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair of products or retail services. An office does not include financial institution, government office/facility, or industrial design.

**Outdoor Dining.** A seating area that is located outdoors and contiguous to a restaurant or bar, typically in addition to an indoor seating area. Outdoor dining is approved separately as a principal use. Outdoor dining areas may be roofed or covered with an awning.

**Parking Lot.** An open, hard-surfaced area, excluding a street or public way, used for the storage of operable vehicles, whether for compensation or at no charge.

**Parking Structure.** A structure used for the parking or storage of operable vehicles, whether for compensation or at no charge.

**Personal Service Establishment.** An establishment that provides frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors. Personal service establishment does not include a private recreational facility.

**Place of Worship.** A facility where persons regularly assemble for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Places of worship may also include ancillary uses such as day care facilities, meeting rooms, auditoriums, and/or classrooms for weekly religious instruction. The service and/or sale of food and drinks, including alcoholic beverages, is permitted as an ancillary use to activities sponsored by the organization.

**Private Recreational Facility.** Recreational center for the exclusive use of members and their guests with facilities usually including, but not limited to, basketball courts, swimming pools, exercise equipment, and/or tennis courts.

**Public Park.** A facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, athletic fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include non-commercial indoor recreation facilities, and zoos and amphitheaters, as well as ancillary uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances. Public park also includes marinas.

**Public Safety Facility.** A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies.

**Public Works Facility.** A facility operated by the municipal public works departments to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles.

**Real Estate Project Sales Office/Model Unit.** A residential unit or other structure within a development that is temporarily used for display purposes as an example of dwelling units available for sale or rental in a residential development and/or sales or rental offices for dwellings within the development.

**Reception Facility.** A facility that provides hosting and rental services of a banquet hall or similar facilities for private events including, but not limited to, wedding receptions, holiday parties, and fundraisers, with food and beverages that are prepared and served on-site or by a caterer to invited guests during intermittent dates and hours of operation. Live entertainment may be provided as an ancillary use as part of an event. A reception facility is not operated as a restaurant with regular hours of operation.

**Recreational Vehicle (RV) Park.** Land used for the accommodation of two or more recreational vehicles for transient dwelling purposes.

**Research and Development.** A facility where research and development is conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, and information technology, electronics and instrumentation, and computer hardware and software. A research and development establishment may create prototypes of products, but may not manufacture products for direct sale and distribution from the premises.

**Residential Care Facility.** A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum. Residential care facility does not include a residential drug/alcohol treatment facility. This includes institutions that are located in one or more buildings on contiguous property with one administrative body.

**Restaurant.** An establishment where food and drinks, including alcoholic beverages, are provided to the public for on-premises consumption by seated patrons and/or for carry-out service.

**Retail Goods Establishment.** An establishment that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser. Retail goods establishment do not include specialty food service.

**Retail Alcohol Sales.** A retail establishment that sells primarily beer, wine, or liquor.

**Retail Sales of Fireworks.** The sale of fireworks, which is the sale and storage of Iowa Department of Transportation Hazard Classes 1.3g and 1.4g fireworks, excluding any and all sparklers. The retail sales of fireworks includes both principal use of the property for such sales as well as temporary stands and accessory uses.

**Salvage Yard.** An establishment where vehicles or other machinery is broken up and the parts saved and processed for resale.

**Self-Storage Facility: Enclosed.** A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is climate controlled. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Self-Storage Facility: Outdoor.** A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included. Rental of vehicles and other equipment for moving is a separate use from self-storage facility. The heavy retail, rental, and service use must be allowed within the district and requires separate approval.

**Social Service Center.** A service establishment that provides assistance for those recovering from chemical or alcohol dependency; survivors of abuse seeking support; those transitioning from homelessness or prior incarceration; and those with health and disability concerns. It does not include in-patient, overnight, or living quarters for recipients of the service or for the staff. Such service does not include medical examinations or procedures, or medical detoxification, dispensing of drugs or medications, or other treatments normally conducted in a medical office.

**Solar Farm.** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

**Specialty Food Service.** A business that specializes in the sale of certain food products, such as a delicatessen, bakery, candy maker, meat market, catering business, cheesemonger, coffee roaster, or fishmonger, and may offer areas for ancillary retail sales or restaurants that serve the products processed on-site. Specialty food service also includes preparation, processing, canning, or packaging of food products where all processing is completely enclosed and there are no outside impacts.

**Storage Yard - Outdoor.** The storage of material outdoors as a principal use of land for more than 24 hours.

**Temporary Cell on Wheels (COW).** Cell on wheels (COW) is a portable, mobile cell site that provides temporary network and wireless coverage to locations where additional cellular coverage is required due to a temporary increase in user volume at such location or states of emergency.

**Temporary Contractor Office and Contractor Yard.** A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the construction of a new development. This may include a contractor's yard where materials and equipment are stored in conjunction with a construction project.

**Temporary Outdoor Entertainment.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space. Temporary outdoor entertainment event includes fireworks shows, horse shows, carnivals/circuses, temporary worship services, and others.

**Temporary Outdoor Sales.** Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, flea markets, yard sales, temporary vehicle sales, and holiday sales, such as firework stands, Christmas tree lots, and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.



**Temporary Outdoor Storage Container.** Temporary self-storage containers delivered to a residence or business owner to store belongings, and then picked up and returned to a warehouse until called for.

**Vehicle Dealership.** An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle dealerships do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail, rental, and service.

**Vehicle Operations Facility.** A facility for the dispatch, storage, and maintenance of emergency medical care vehicles, taxicabs and similar vehicles for hire, school buses, utility vehicles, and similar vehicles. Vehicle operations facility does not include a public works or public safety facility.

**Vehicle Rental.** An establishment that rents automobiles and vans, including incidental parking and servicing of rental vehicles. A motor vehicle rental establishment may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership. Vehicle rental does not include truck rental establishments or rental of heavy equipment, which is considered part of heavy retail, rental, and service.

**Vehicle Repair - Major.** A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include minor vehicle repair services.

**Vehicle Repair – Minor.** A business that provides services in minor repairs to motor vehicles, motorcycles, and all-terrain vehicles (ATV) vehicles, including, but not limited to, repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining, and repairs, wheel servicing, alignment, and balancing, repair and replacement of shock absorbers, engine rebuilding, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, wheel bearings, and the like. Any type of vehicle repair services for recreational vehicles is a major vehicle repair business and does not qualify as minor repair under this Ordinance regardless of the level of repair service.

**Warehouse.** An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

**Wholesale Establishment.** A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

**Wind Energy System.** An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

**Wine Bar.** An establishment that offers a selection of wines available by the glass for on-premise consumption. Wine bars are allowed to sell bottles for off-premise consumption of the wines they serve.

**Wireless Telecommunications.** Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure described within the general definition for wireless telecommunications:

1. **Antenna.** A specific device, the surface of which is used to transmit and/or receive signals transmitted to or from other antennas. This does not include satellite dish antennae.
2. **Facility.** A structure used to house and protect the equipment necessary for processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.
3. **Tower.** A structure designed and constructed to support one or more wireless telecommunications antennae and including all appurtenant devices attached to it.
4. **Distributed Antenna System.** A wireless communications network with multiple spatially separated antenna nodes and related equipment mounted on existing infrastructure, typically power, light, and/or telephone poles, all connected to a common source via fiber optic cable or other transport medium, which provides enhanced coverage within a geographic area.



## **CHAPTER 17.09. SITE DEVELOPMENT STANDARDS**

<b>Section 17.09.010</b>	<b>General Requirements</b>
<b>Section 17.09.020</b>	<b>Exterior Lighting</b>
<b>Section 17.09.030</b>	<b>Accessory Structures and Uses</b>
<b>Section 17.09.040</b>	<b>Permitted Encroachments</b>

### **Section 17.09.010 General Requirements**

#### **A. Number of Structures on a Lot**

There may be more than one principal building on a lot, but all structures must comply with all dimensional standards of the zoning district.

#### **B. All Activities within an Enclosed Structure**

Within all districts, all activities must be conducted entirely within an enclosed structure, with the exception of the following uses and activities:

1. Parking lots, principal and ancillary.
2. Parks, conservation areas, community garden, golf course/driving range, and similar open space uses.
3. Establishments that typically include an outdoor component, including, but not limited to: agriculture, outdoor amusement facility, outdoor storage yard, heavy retail, rental, and service, greenhouse/nursery – retail, outdoor dining, car wash, animal care facility, industrial, and similar uses where outdoor functions are typical, to be determined by the Zoning Administrator. Any use may be limited or the outdoor component prohibited as a condition of a special use, when special use approval is applicable.
4. Permitted accessory outdoor storage, and outdoor sales and display areas.
5. Permitted outdoor temporary uses.

#### **C. Applicability of Setbacks**

No setback may be reduced so that it is less than required by this Ordinance unless a variance is approved. The required setbacks for a lot cannot be considered a setback for any other lot. No principal building or accessory structure may be located in a required setback unless specifically permitted by this Ordinance or a variance is approved.

#### **D. Applicability of Dimensional Requirements**

All structures must meet the dimensional requirements of the zoning district in which the structure is located. No existing structure may be enlarged, altered, reconstructed, or relocated in such a manner that conflicts with the requirements of the district in which the structure it is located unless a variance is approved.

### **Section 17.09.020 Exterior Lighting**

#### **A. Lighting Plan Required**

1. A lighting plan is required for all non-residential uses, multi-family, and townhouse dwellings as part of site plan review. Single-family and two-family dwellings are exempt from a required lighting plan but are subject to applicable lighting requirements.
2. A lighting plan must include the following:
  - a. A plan showing all light pole locations, building-mounted lights, bollard lights, and all other lighting.
  - b. Specifications for luminaires and lamp types, and poles, including photographs or drawings of proposed light fixtures.
  - c. Pole, luminaire, and foundation details including pole height, height of building-mounted lights, mounting height, and height of the luminaire.

- d. Elevations of the site including all structures and luminaires sufficient to determine the total cut off angle of all luminaires and their relationship to abutting parcels may be required.
- e. Photometric plans that show the footcandle measurement at all lot lines.
- f. Other information and data reasonably necessary to evaluate the required lighting plan.

#### **B. Maximum Lighting Regulations**

1. The maximum allowable footcandle at any lot line is one footcandle.
2. When additional security lighting is required for security reasons in excess of the footcandle limit imposed by item 1 above, additional lighting may be allowed based on evidence for the need for additional security through site plan review.
3. No glare onto adjacent properties is permitted.

#### **C. Luminaire with Cut Off Standards**

1. To be considered a cut off luminaire, the cut off angle must be 75 degrees or less.
2. The maximum total height of a cut off luminaire, either freestanding or attached to a structure, is 25 feet.
3. A cut off luminaire must be designed to completely shield the light source from an observer 3.5 feet above the ground at any point along an abutting lot line.

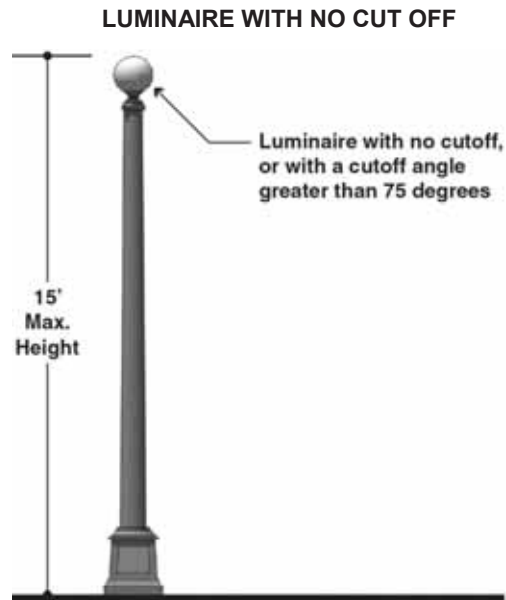
##### **LUMINAIRE WITH CUT OFF**



#### **D. Luminaire with No Cut Off Standards**

Non-residential uses, multi-family, and townhouse dwellings are allowed decorative and/or architectural lighting with no cut off if approved as part of site plan review, and subject to the following standards:

1. A luminaire is considered to have no cut off if it is unshielded or has a cut off angle greater than 75 degrees.
2. The maximum permitted total height of a luminaire with no cut off is 15 feet.



#### **E. Exceptions to Lighting Standards**

1. Uplighting of buildings is allowed but all light must be directed onto the façade of the structure and cannot glare onto other properties.
2. Because of their unique requirements for nighttime visibility and limited hours of operation, outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, show areas, and other similar uses are exempt from the requirements of this section. Recreational facilities are permitted a total luminaire height of 65 feet in any district. Luminaires greater than 65 feet in total height may only be approved by special use permit.
3. Temporary uses.
4. Holiday and seasonal lighting is not subject to the requirements of this section.
5. Luminaires used for public roadway illumination are not controlled by this Ordinance.
6. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are exempt from the requirements of this Ordinance.

#### **F. Prohibited Lighting**

1. Flickering or flashing lights are prohibited.
2. Searchlights, laser source lights, or any similar high intensity lights are prohibited.
3. Neon or LED lighting to outline doors, windows, architectural features, and building facades is prohibited except for the following:
  - a. In the C-D Downtown Zoning District, subject to Design Review Board approval.

### Section 17.09.030 Accessory Structures and Uses

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 17.09.040. Additional accessory structures not regulated in this section may be regulated in Section 17.09.040.

#### A. General Regulations for Accessory Structures

All accessory structures are subject to the following regulations, unless otherwise permitted or restricted by specific regulations of this section and Ordinance.

1. No accessory structure may be constructed prior to construction of the principal building to which it is accessory.

2. Accessory structures shall be constructed out of material intended for long-term exposure to the elements. Prohibited materials include but are not limited to cloth, fabric, canvas, plastic sheets and tarps. Greenhouses are not subject to this prohibition. Shipping containers are prohibited as a accessory structure.

2. Only those accessory structures permitted by this section and Section 17.09.040 are permitted in required setbacks. Certain accessory structures may also be prohibited in certain yards. The use of the term “yard” refers to the area between the principal building and lot line. The distinction is made because certain principal buildings may not be built at required district setback lines, thereby creating a yard larger than the minimum setback dimension.

3. The maximum height of any detached accessory structure is 20 feet, unless otherwise permitted or restricted by this Ordinance. This does not apply to any structure accessory to an active agricultural use, which are not limited in height.

4. Detached accessory structures, including those listed in this section and Section 17.09.040, must be setback as follows, unless otherwise permitted or restricted by this Ordinance:

a. Four feet from any interior side lot line. This interior side setback may be reduced to two feet if the adjacent walls, or parts of walls, of the accessory building have no openings and are protected on the inside with fire-proofing materials or are constructed of fire-proof materials, as verified by the Zoning Administrator.

b. No closer than four feet from any rear lot line.

c. No structure may be located in a front or corner side yard unless specifically allowed by this Ordinance.

5. Accessory structures are included in the calculation of all maximum impervious surface and building coverage requirements of the district.

6. The footprint of any single detached accessory structure cannot exceed the footprint of the principal building. This does not apply to any structure accessory to an active agricultural use, which are not limited in area.

#### B. Amateur (ham) Radio Equipment

1. Towers that solely support amateur (ham) radio equipment are permitted in the rear yard only, and must be located ten feet from any lot line. Towers are limited to the maximum building height of the applicable district plus an additional five feet, unless a taller tower is technically necessary to engage successfully in amateur radio communications and a special use approval is obtained.

2. Antennas may also be building-mounted and are limited to a maximum height of five feet above the structure, unless a taller antenna is technically necessary to engage successfully in amateur radio communications and special use approval is obtained.

3. Every effort must be made to install towers or antennas in locations that are not readily visible from adjacent residential lots or from the public right-of-way, excluding alleys.

4. An antenna or tower that is proposed to exceed the height limitations is a special use. The operator must provide evidence that a taller tower and/or antenna is technically necessary to engage successfully in amateur radio communications. In addition, the applicant must provide evidence that the tower and/or antenna will not prove a hazard. As part of the application, the applicant must submit a plan showing the proposed location of the tower or antenna, as well as its relation to the principal building and accessory structures.

5. Any such antennas and/or towers owned and operated by the City are exempt from these requirements.

#### **C. Aquaculture/Aquaponics**

1. Aquaculture/aquaponics facilities are permitted in the rear yard only and must be located ten feet from any lot line.
2. All aquaculture/aquaponics operations must be located within fully or partially enclosed structures designed for holding and rearing fish, and contain adequate space and shade.

#### **D. Book Exchange Box**

1. Book exchange boxes are permitted in front or corner side yard only and must be located a minimum of one foot from any lot line, measured from the base of the book exchange box.
2. No book exchange box may be located so that it impedes pedestrian access or circulation, obstructs parking areas, or creates an unsafe condition. Boxes cannot be located within the required visibility triangle.
3. Boxes are prohibited in the public right-of-way.
4. Each box must be designed and constructed in such a manner that its contents are protected from the elements. All media must be fully contained within a weatherproof enclosure that is integral with the structure that comprises the book exchange box.
5. Boxes are limited to a maximum height of 60 inches to the highest point of the structure, and a maximum width and depth of three feet.
6. Foundations comprised of concrete, masonry pavers, or other similar movable materials are permitted.
7. No more than one book exchange box is permitted per lot.

#### **E. Coldframe Structures**

1. Coldframe structures up to three feet in height are permitted in interior side and rear yards only.
2. Coldframe structures over three feet in height and up to a maximum of six feet are permitted in the rear yard only.
3. Coldframe structures are limited to a maximum square footage of 80 square feet. When part of a community garden use, coldframe structures are permitted a maximum square footage of 120 square feet.

#### **F. Donation Boxes**

Donation boxes are permitted for nonresidential uses in nonresidential districts only.

1. Only one donation box is permitted per lot. The donation box must be accessory to the principal use on the site.
2. Donation boxes can only be located to the side or rear of the principal building. In no case may a donation box be located in a front yard. No donation box may be located within a required parking space.
3. The area surrounding the donation box must be kept free of any junk, debris or other material.
4. Donation boxes must be maintained in good condition and appearance with no structural damage, holes, or visible rust, and must be free of graffiti.
5. Donation boxes must be locked or otherwise secured.
6. Donation boxes must contain the following contact information on the front of each donation box: the name, address, email, and phone number of the operator.

## **G. Electric Vehicle Charging Station**

The following standards apply to electric vehicle charging stations located on private property.

1. Electric vehicle charging stations are permitted as an accessory use within any principal or ancillary parking lot or parking structure, or gas station. Electric vehicle charging stations may be for public or private use.
2. Private charging stations are permitted as an accessory use to all residential uses to serve the occupants of the dwelling(s) located on that property.
3. Public electric vehicle charging station spaces must be posted and painted with a sign indicating the space is only for electric vehicle charging purposes. Days and hour of operations must be included if tow away provisions are to be enforced by the owner of the property. Information identifying voltage and amperage levels and/or safety information must be posted.
4. Charging station equipment must be maintained in good condition and all equipment must be functional. Charging stations no longer in functional use must be immediately removed.

## **H. Fences and Walls**

### **1. General Requirements for All Fences**

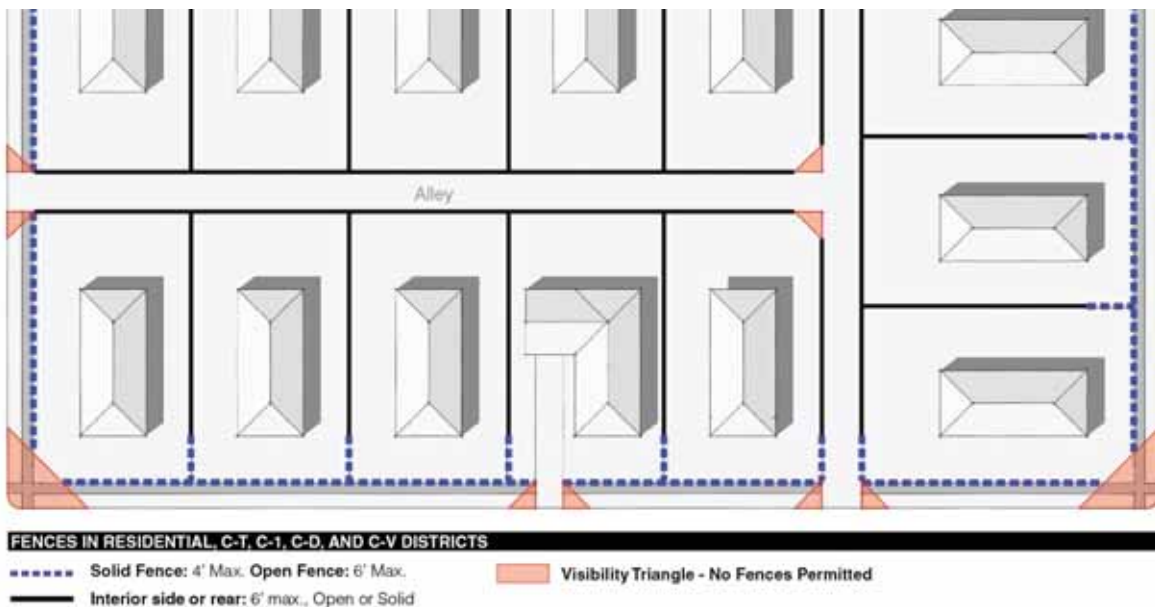
- a. Every fence and wall must be maintained in a good repair and safe condition at all times. Every damaged or missing element must be repaired, removed, or replaced.
- b. When only one side of a fence is finished, the finished side of all fences must face away from the lot on which it is located. All fence posts must be placed on the inside of the fence.
- c. Fence height is measured from the adjacent ground to the highest point, except that decorative posts/pillars of a fence or wall may exceed the maximum height by nine inches.
- d. If a fence of a greater height is required and/or a fence is required to be a solid fence by any other section of this Ordinance or other City ordinance, then such fence is required.
- e. Fences are prohibited within any right-of-way, drainage easement, or any designated floodway.
- f. No barbed wire, spikes, nails, or any kind of pointed instrument may be installed on any railing, fence, guard, or other barrier or protection unless specifically allowed by the City Code.
- g. The following materials are prohibited in the construction of fences and walls:
  - i. Scrap metal
  - ii. Corrugated metal
  - iii. Sheet metal
  - iv. Electrical fences or any kind of electrically charged fences, unless used as part of livestock enclosures
  - v. Razor wire
  - vi. Pallets
  - vii. Oriented strand board (OSB)
  - viii. Plywood
  - ix. Used or repurposed material



## 2. Fences in Residential Districts and the C-T, C-1, C-D, C-V, and C-E Districts

- a. Within the required front, corner side, or reverse corner side setback, solid fences are limited in height to four feet and open fences are limited to a height of six feet. Chain link fences or other similar wire materials are prohibited.
- b. Within the required minimum interior side or rear setback, fences are limited to a height of six feet (open or solid).
- c. Where a lot line abuts an arterial or collector street and the lot does not take access from that street, fences within that setback may be up to six feet in height and may be open or solid. Chain link fences or other similar wire materials are prohibited.
- d. When constructed outside the required minimum setback, within the buildable area, all fences are limited to eight feet.
- e. Fences may be constructed at the boundaries of a lot without setback except in the following circumstances:
  - i. Fences are prohibited within a 30 foot visibility triangle at the intersection of two streets as measured along the back of curb or edge of roadway pavement, as applicable.
  - ii. Fences are prohibited within a ten foot visibility triangle at the intersection of a street and an alley or at the intersection of a street and a private driveway as measured along the back of curb or edge of roadway pavement, as applicable, or along the driveway edge.
  - iii. Fences are prohibited within a ten foot visibility triangle at the intersection of two alleys as measured along the edge of alley pavement.

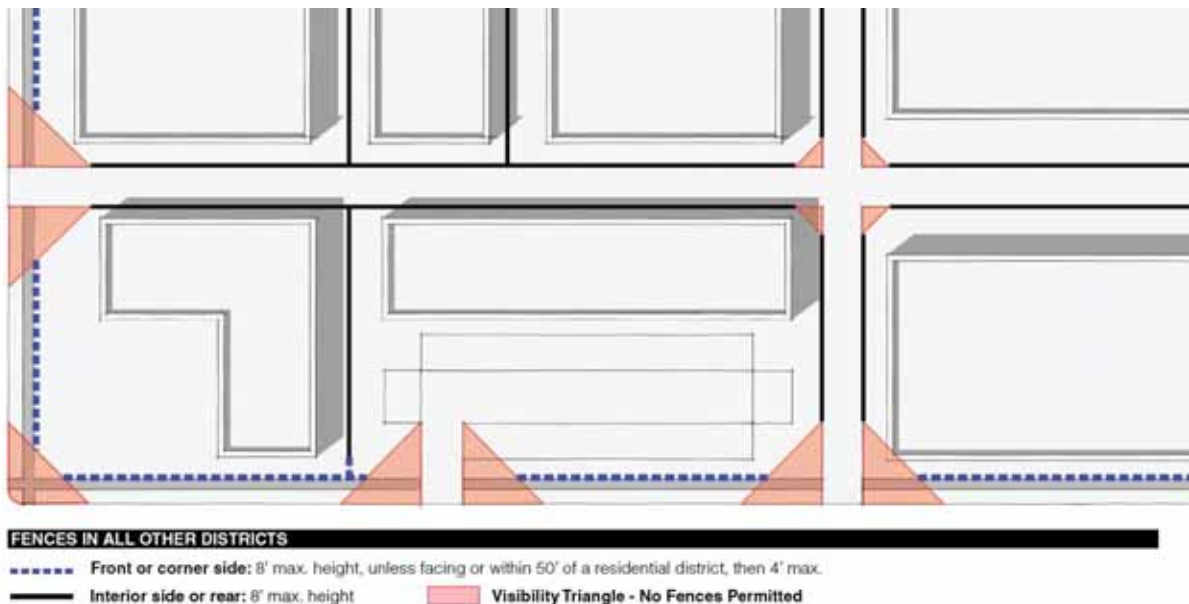
### FENCES IN RESIDENTIAL DISTRICTS AND THE C-T, C-1, C-D, C-V, AND C-E DISTRICTS



### 3. Fences in All Other Districts

- a. Within the required front or corner side setback, fences are limited in height to eight feet, unless the front or corner side lot line faces a residential district or is located within 50 feet of a residential district. When the front or corner side lot line faces a residential district or is located within 50 feet of a residential district, fences are limited to a height of four feet.
- b. Within the required minimum interior side or rear setback, fences are limited to a height of eight feet.
- c. When constructed outside the required minimum setback, within the buildable area, all fences are limited to eight feet.
- d. Fences may be constructed at the boundaries of a lot without setback except in the following circumstances:
  - i. Fences are prohibited within a 30 foot visibility triangle at the intersection of two streets as measured along the back of curb or edge of roadway pavement, as applicable.
  - ii. Fences are prohibited within a 30 foot visibility triangle at the intersection of a street and an alley or at the intersection of a street and a private driveway as measured along the back of curb or edge of roadway pavement, as applicable or along the driveway edge.
  - iii. Fences are prohibited within a ten foot visibility triangle at the intersection of two alleys as measured along the edge of alley pavement.

#### FENCES IN ALL OTHER DISTRICTS



#### I. Flagpoles

1. Flagpoles are limited to the maximum of three poles.
2. Flagpoles are limited to a maximum height of the district or 40 feet, whichever is less.
3. Flagpoles must be setback a minimum of five feet from any lot line.
4. External illumination of flags is permitted but must be focused on the flagpole and flag.

## J. Flat Roof Features

Accessory rooftop features of a flat roof, such as green roofs, rooftop decks, rooftop gardens, and stormwater management systems are permitted below the parapet of any flat roof building, and are excluded from the calculation of maximum building height. Flat roof features must meet the following standards:

1. For green roofs, rooftop gardens, and similar features, documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water.
2. For townhouse dwellings, rooftop decks or patios must have a guardrail or barrier that is minimum of 30% open and a maximum of four feet in height as measured from the surface of the roof deck or patio.
3. Multi-family, mixed-use and nonresidential buildings must have a guardrail or barrier that is a minimum of 60% open design, and a maximum of four feet in height as measured from the surface of the roof deck or patio. If such guardrail or barrier is constructed of transparent acrylic or similar transparent material, it may exceed the maximum height by no more than one foot.
4. The roof must contain sufficient space for future building operation installations, such as mechanical equipment.

## K. Garages, Detached and Carports

1. Only one detached garage and one carport is permitted per lot for a single-family or two-family dwelling. Where a lot contains a detached garage and a carport, such carport must be attached to and constructed as an extension of the detached garage.
2. Detached garages and carports are permitted in the rear and interior side yards.
3. Detached garages and carports are permitted in the corner side yard, subject to the following:

~~a. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.~~

~~b-a.~~ Where there is no alley access, and the garage or carport is located in the corner side yard and takes access from the abutting street, the garage or carport must be set back 20 feet from the corner side lot line.

~~c-b.~~ Where there is no alley access, and the garage or carport is located in the corner side yard but does not take access from the abutting street, the garage or carport must be set back four feet from the corner side lot line.

~~d-c.~~ Any detached garage located in a corner side yard must be set back a minimum of five feet from the front building facade line.

4. Where served by an alley or rear service drive, garages, parking pads for access and carports must take access from the alley or rear service drive. If a lot abuts an improved public alley that provides adequate access to a street, the garage or carport is not permitted within the required corner side yard setback.

### 4.5. Detached garages are subject to the following:

~~a. Detached garages shall have the eaves of roof extend a minimum of one foot past the outside walls.~~

~~b. Detached garages shall have a minimum 4/12 roof pitch.~~

~~a-c.~~ Detached garages are encouraged to match the pitch of the roof of the principal dwelling.

~~d. Detached garages utilizing metal siding and/or roofing shall not have highly reflective surfaces.~~

~~b-e.~~ The area above vehicle parking spaces in a detached Detached garages may shall not contain a cooking facilities or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

**f.** The design standards related to eaves, roof pitch and highly reflective surfaces do not apply to detached garages in the S-AG and R-1 Districts when properties are two acres in area or greater and the detached garage is located in the rear yard.

**c.** If a lot abuts an improved public alley that provides adequate access to a street, a detached garage must be constructed so that access is from the public alley.

**d.** Pole-barn type construction is prohibited in all residential districts.

**Sunset for Section 17.09.030.K.4.d:**

This provision will sunset on September 1, 2019.

5. Carports are subject to the following:

**a.** Carports must be located over a driveway.

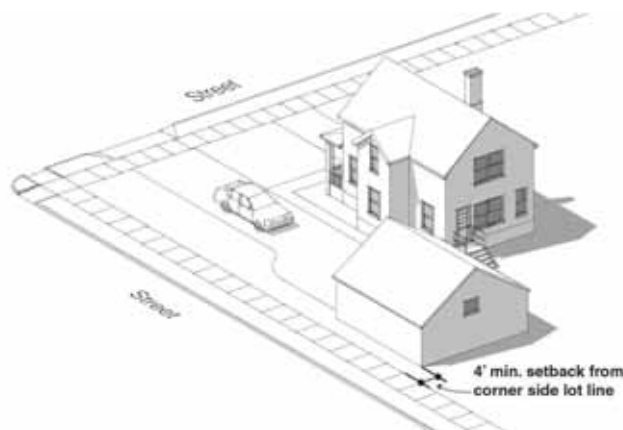
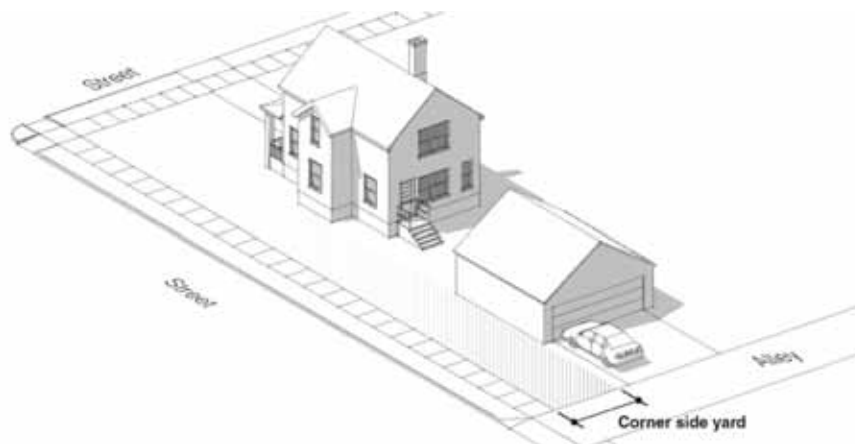
**b.** The total length of a carport is limited to 22 feet. The height of a carport is limited to 15 feet.

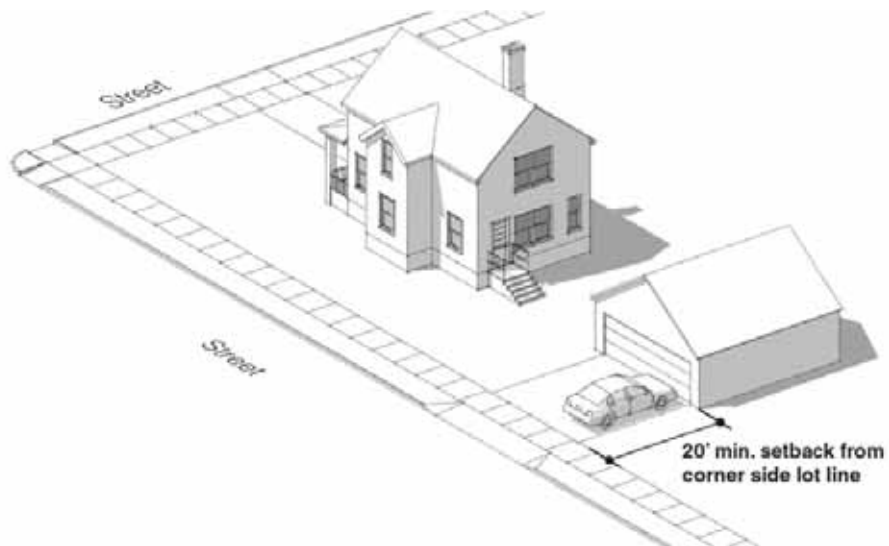
**c.** A carport must be entirely open on at least two sides, with the exception of necessary support structures.

**d.** A carport must be constructed as a permanent structure. Temporary tent structures are not considered a permanent structure.

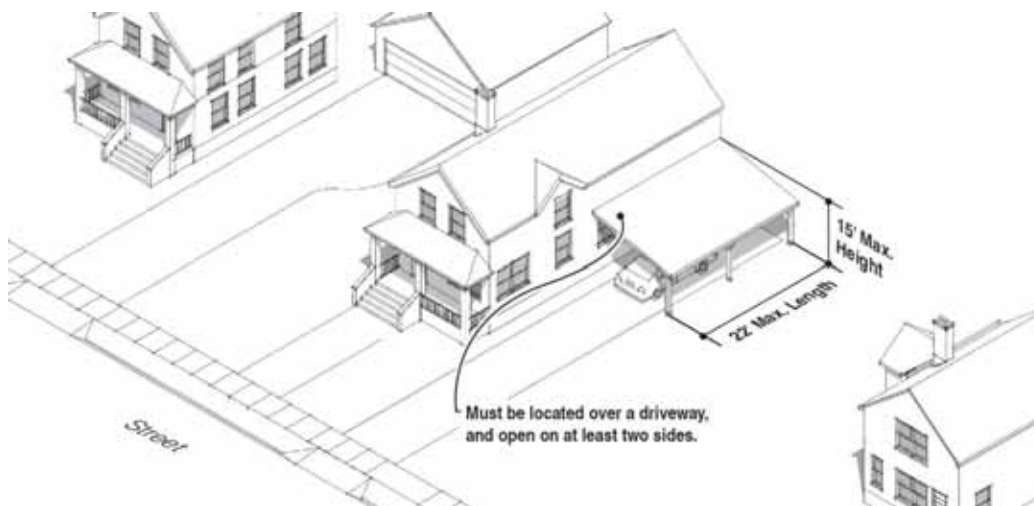
**e.d.** Only carports located in the rear yard may be used as recreational vehicles storage.

**DETACHED GARAGE ACCESS**





### CARPORT



## **GARAGES AND CARPORTS**



### **L. Home Occupation**

1. Home occupations are permitted in any dwelling unit as an accessory use provided that this use is clearly incidental and secondary to the primary use of the dwelling for residential purposes and does not change the character of the dwelling unit or adversely affect the surrounding residential district of which it is a part.
2. A member or members of the immediate family occupying the dwelling and no more than one person who is not a resident member of the immediate family may be in the home at any given time to work in connection with the home occupation.
3. Home occupations of an office or service-related businesses with client visits are limited to one client at a time per home occupation in the structure.
  - a. For purposes of this section, client means one or more persons meeting with for the office or service-related business home occupation.
  - b. For the purposes of this section, client does not mean regular meetings of sales associates or a similar category of employee.
4. No alteration of the principal building may be made that changes the residential character of that dwelling. Displays or activities that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are prohibited.
5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.
6. The home occupation and all related activity, including storage, must be conducted completely within the principal building or a permitted accessory structure.



7. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.
8. The home occupation cannot create greater vehicular or pedestrian traffic than is average for a residential area. The home occupation and any related activity must not create any traffic hazards or nuisances in public rights-of-way.
9. Day care homes are not considered a home occupation and are regulated separately by this Code as a principal use in Chapter 17.08.
10. The use or storage of tractor trailers, semi-trucks, or heavy equipment, such as construction equipment used in a commercial business, is prohibited.
11. Repair and service of any vehicles or any type of machinery, small or heavy, is prohibited.
12. Rental services, where any materials for rent are stored on-site and customers visit the residence to pick-up and return the product, is prohibited.
13. The business of firearm transfers is prohibited.

**14. Any business that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser is prohibited.**

#### **M. Keeping of Equines**

- 1. The keeping of equines is allowed only in the R-1 District.**
- 2. A minimum of two acres is required to keep one equine. For each additional acre in excess of two acres, one additional equine may be housed and maintained.**
- 3. A fence must be installed around the entire grazing area. The fence must be a minimum of 150 feet from the front lot line. The fence must be a minimum of 150 feet from an existing dwelling located on an adjacent lot.**
- 4. A stable or shelter must be provided for the stabling of each equine. The stable or shelter must be a minimum of 100 feet from any side or rear lot line, and a minimum of 150 feet from any front lot line.**
- 5. The keeping of equines is for personal use only. No retail or wholesale use may be made of these animals.**

#### **N.M. Mechanical Equipment**

Mechanical equipment includes heating, ventilation, and air conditioning (HVAC) equipment, electrical generators, and similar equipment.

##### **1. Ground-Mounted Equipment**

- a. Mechanical equipment is permitted in the interior side or rear yard only.
- b. For multi-family and non-residential uses, ground-mounted mechanical equipment must be screened from public view by a decorative wall, solid fence, or year-round landscaping that is compatible with the architecture and landscaping of a development site. The wall, fence, or plantings must be of a height equal to or greater than the height of the mechanical equipment being screened.

##### **2. Roof-Mounted Equipment**

- a. For structures 40 feet in height, all roof equipment must be set back from the edge of the roof a minimum distance of one foot for every two feet in height.
- b. For structures less than 40 feet in height and for any building where roof equipment cannot meet the setback requirement of item a above, there must be either a parapet wall to screen the equipment or the equipment must be housed in solid building material that is architecturally integrated with the structure.

### **3. Wall-Mounted Equipment**

- a. Wall-mounted mechanical equipment is not permitted on the front or corner side façade of the building.
- b. For multi-family and non-residential uses, wall-mounted mechanical equipment that protrudes more than twelve inches from the outer building wall must be screened from view by structural features that are compatible with the architecture of the subject building.
- c. Wall-mounted mechanical equipment that protrudes less than twelve inches must be designed to blend with the primary color and architectural design of the subject building.
- d. These requirements do not apply to window air conditioning units or satellite dishes, which are regulated separately.

### **O.N. Outdoor Sales and Display (Accessory)**

These regulations apply only to outdoor sales and display located on the lot.

- 1. Retail goods establishments and heavy retail establishments in the non-residential districts are permitted to have accessory outdoor sales and display of merchandise. Such merchandise must be customarily sold on the premises.
- 2. All outdoor display of merchandise must be located adjacent to the storefront and not in drive aisles, loading zones, or fire lanes. It may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.
- 3. No display may be placed within three feet of either side of an active door, or within 15 feet directly in front of an active door.
- 4. A minimum clear width for pedestrian traffic of five feet is provided and maintained along the sidewalk.

### **P.O. Outdoor Storage (Accessory)**

#### **1. Residential Uses**

- a. Outdoor storage is prohibited in a required front, corner side, or interior side setback.
- b. Outdoor storage is prohibited in any area of the front yard or corner side yard.
- c. Outdoor storage on a residential lot must be maintained so as not to cause a nuisance, including the pooling of stagnant water, creation of pest issues, or leaking of oils.

#### **2. Nonresidential Uses**

The following uses are permitted outdoor storage: greenhouse/nursery – retail, including the growing of plants in the open, heavy retail establishments, heavy rental and service establishments, vehicle dealerships, vehicle rentals, vehicle operations facility, and vehicle repair/service - minor or major. The Zoning Administrator can also render an interpretation that a use not listed in this section would typically have outdoor storage and permit such use to include outdoor storage on the site. These uses are permitted ancillary outdoor storage in accordance with the following provisions:

- a. No outdoor storage is permitted in any public right-of-way or located so that it obstructs pedestrian or vehicular traffic.
- b. Outdoor storage is prohibited in a required interior side or corner side setback. Outdoor storage is prohibited in the front yard.
- c. All manufacturing, assembly, repair, or work activity must take place inside an enclosed building.
- d. Outdoor storage may be located in a parking lot so long as the minimum number of required parking spaces remain unobstructed.

### **Q.P. Refuse and Recycling Containers**

Refuse and recycling container regulations apply only to new construction of multi-family dwellings and non-residential uses as of the effective date of this Ordinance.

1. Refuse and recycling containers are prohibited in the front or corner side yard. No dumpsters may be located on any right-of-way, including alleys.
2. Enclosures constructed as follows are required in all districts except the C-D and C-V Districts:
  - a. All refuse and recycling containers must be fully enclosed on three sides by a solid fence, wall, or wall extension of the principal building a minimum of six feet and a maximum of eight feet in height. The wall or wall extension must be constructed as an integral part of the building's architectural design
  - b. The enclosure must be gated. Such gate must be solid and a minimum of six feet and a maximum of eight feet in height. This requirement does not apply to refuse containers located adjacent to an improved alley.
  - c. The gate must be maintained in good working order and must remain locked except when refuse/recycling pick-ups occur. The gate must be architecturally compatible with other buildings and structures on the site.
  - d. Refuse and recycling containers must remain in the enclosure with the gate closed and/or locked.

### **R.Q. Satellite Dish Antennas**

#### **1. General Requirements**

- a. Satellite dish antennas must be permanently installed on a building, in the ground, or on a foundation, and cannot be mounted on a portable or movable structure.
- b. Subject to operational requirements, the dish color must be of a neutral color, such as white or grey. No additional signs or advertising is permitted on the satellite dish itself, aside from the logos of the satellite dish service provider and/or dish manufacturer.
- c. Antennas no longer in use must be immediately removed.
- d. Every effort must be made to install satellite dish antennas in locations that are not readily visible from neighboring properties or from the public right-of-way.

#### **2. Additional Standards for Large Satellite Dish Antennas**

Large satellite dish antennas, which are greater than one meter (3.28 feet) in diameter, are subject to the general requirements above as well as the following requirements:

- a. Large satellite dish antenna are permitted only in the rear yard, and must be set back a distance from all lot lines that is at least equal to the height of the dish, but in no case less than five feet from any lot line.
- b. Roof-mounting is permitted only if the satellite dish antenna is entirely screened from public view along the right-of-way by an architectural feature.
- c. A large satellite dish antenna must be located and screened so that it cannot be readily seen from public rights-of-way or adjacent properties. Screening includes solid fences or walls or plant materials located to conceal the antenna and its support structure. Plants must be a minimum of five feet tall at the time of installation.

### **S.R. Solar Panels**

#### **1. General Requirements**

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

## 2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-mounted solar energy systems are excluded from the calculation of building height.
- d. Wall-mounted solar panels may project up to 2.5 feet from a building façade and must be integrated into the structure as an architectural feature.

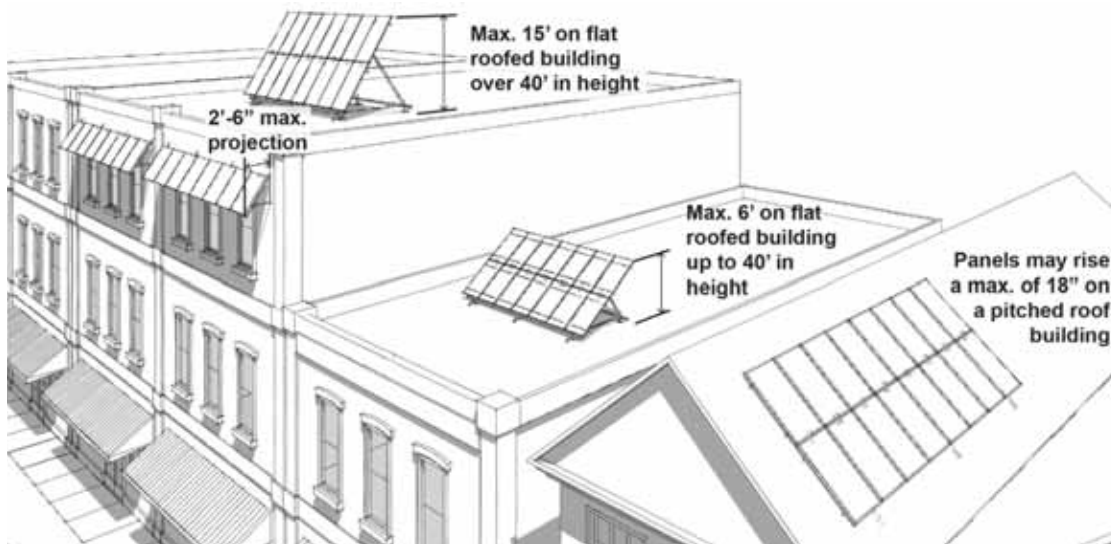
## 3. Freestanding Systems

- a. A freestanding system is allowed in all yards. In the front or corner side yard, the system but must be six feet from any lot line.
- b. The maximum height of a freestanding system is ten feet, except in the front or corner side yard where it is limited to four feet.

## 4. Co-Location

Solar panels may be co-located on structures such as wireless communication towers and light poles.

### SOLAR PANELS

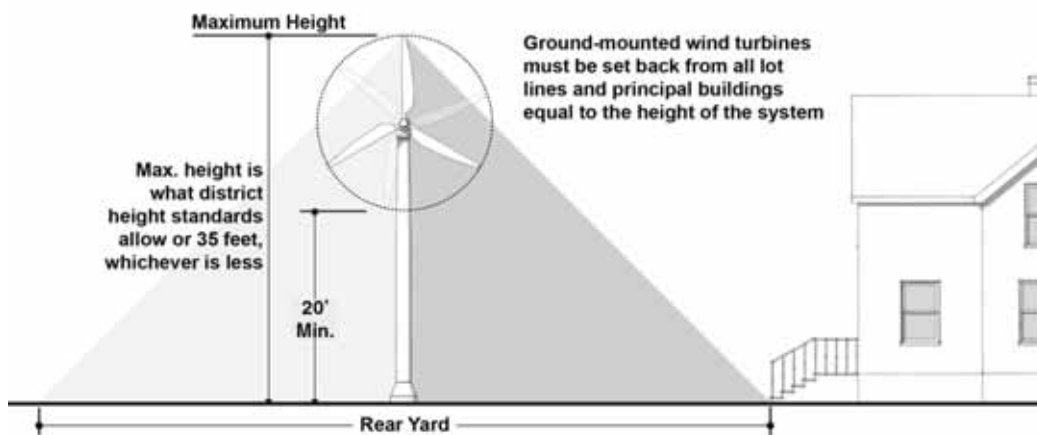
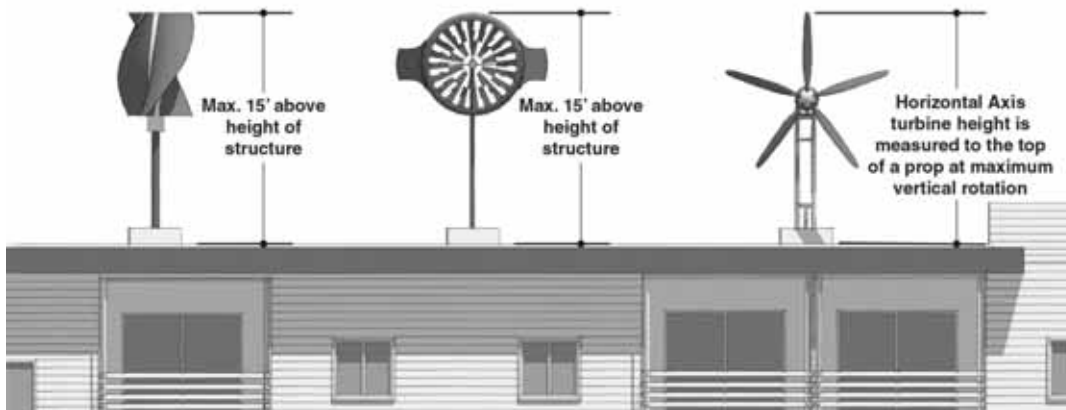




### **T.S. Wind Turbines**

1. Wind turbines may be designed as either vertical or horizontal axis turbines, or designs that combine elements of the different types of turbines.
2. Wind turbines are subject to the following height restrictions:
  - a. The maximum height of any ground-mounted wind turbine is the maximum height allowed in the district or 35 feet, whichever is less. A taller height may be allowed by special use.
  - b. The maximum height of any wind turbine mounted upon a structure is 15 feet above the height of such structure.
  - c. Maximum height is the total height of the turbine system as measured from the base of the tower to the top. For horizontal axis turbines, the maximum vertical height of the turbine blades is measured as the length of a prop at maximum vertical rotation.
  - d. No portion of the exposed turbine blades of a horizontal axis wind turbine may be within 20 feet of the ground. The unexposed turbine blades of a vertical access wind turbine may be within ten feet of the ground.
3. Ground-mounted wind turbines are permitted only in the rear yard. The tower must be set back from all lot lines equal to the height of the system. No principal buildings may be located within this area.
4. All wind turbines must be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the wind energy system.

## WIND TURBINES



### Section 17.09.040 Permitted Encroachments

An encroachment is the extension or placement of an accessory structure or architectural feature into a required setback. Permitted encroachments are indicated in Table 17.09-1: Permitted Encroachments into Required Setbacks.

- A.** Section 17.09.030 contains regulations on additional accessory structures and architectural features not listed in Table 17.09-1, which may include additional permissions or restrictions for their permitted encroachment into required setbacks.
- B.** Unless constructed concurrently with the principal building, accessory structures or architectural features require a building permit, unless exempted by this section.
- C.** Unless otherwise indicated, all accessory structures and architectural features must meet the requirements for general accessory structures (Section 17.09.030).
- D.** Unless specifically indicated, reverse corner side setbacks are considered front setbacks for the purposes of Table 17.09-1.
- E.** When an attached or detached accessory structure or architectural feature regulated by Table 17.09-1 is permitted to locate in a required setback, it also indicates permission to locate in the corresponding yard.



**F.** When an accessory structure or architectural feature regulated by Table 17.09-1 is prohibited from encroaching in a required setback, the structure or architectural feature may be located in the corresponding yard beyond the required setback line unless specifically prohibited by the table.

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade <i>Max. of 2' from building wall</i> <i>Does not include awnings used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Balcony <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i> <i>Min. of 24" above ground</i>	Y	Y	Y	Y
Canopy (Residential Uses) <i>Max. of 5' into any setback</i> <i>Min. of 4' from any lot line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Canopy (Non-Residential Uses) <i>Max. of 18" from the curb line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Deck <i>Max. of 5' into corner side, or interior side setback</i> <i>Max. of 10' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	N	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y
Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 6' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Fire Escape	N	Y	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
<i>Max. of 3' into setback</i> <i>Prohibited in front yard</i>				
Gazebo or Pergola <i>Prohibited in front yard</i>	N	N	Y	Y
Greenhouse <i>Min. of 5' from any lot line</i> <i>Prohibited in front and corner side yard</i>	N	N	Y	Y
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i> <i>(This does not apply to backstops &amp; portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Sloop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

## CHAPTER 17.10. OFF-STREET PARKING & LOADING

Section 17.10.010	General Requirements
Section 17.10.020	Location of Off-Street Parking Spaces
Section 17.10.030	Off-Street Parking Design Standards
Section 17.10.040	Required Off-Street Vehicle and Bicycle Parking Spaces
Section 17.10.050	Parking Flexibilities, Exemptions, and Reductions
Section 17.10.060	Bicycle Parking Standards
Section 17.10.070	Required Off-Street Loading Spaces
Section 17.10.080	Commercial and Recreational Vehicle Storage in Residential Districts

### Section 17.10.010 General Requirements

#### A. Existing Facilities

1. The existing number of off-street parking and loading spaces may not be reduced below the requirements of this Ordinance. If the number of such existing spaces is already less than required, it may not be further reduced.
2. Existing off-street parking and loading areas that do not conform to the requirements of this Ordinance, but were in conformance with the requirements of this Ordinance at the time the parking or loading facilities were established, are permitted to continue as a nonconforming site element.
3. If a building permit for a structure was issued prior to the effective date of this Ordinance, and if construction has begun within 180 days of the issuance of a permit, the number of off-street parking and loading spaces must be provided in the amount required at the issuance of the building permit unless the amount required by this Ordinance is less, in which case only the number required by this Ordinance needs to be installed.

#### B. Provision of Additional Spaces and Parking Maximums

Nothing in this Ordinance prevents the voluntary establishment of additional off-street parking or loading facilities, provided that all regulations governing the location, design, and construction of such facilities are met.

#### C. Provision of Car-Share Facilities

Spaces within parking lots and structures may include designated parking spaces for car-share facilities. A car-share facility is a membership-based car-sharing service that provides automobile rental to members, billable by the hour or day, and is not considered a vehicle rental establishment. Spaces reserved for car-share facilities may count toward minimum parking requirements of this Ordinance.

#### D. Completion of Off-Street Parking and Loading Facilities

All off-street parking and loading facilities must be completed prior to the issuance of the certificate of occupancy for the use.

#### E. Use of Parking Facilities

1. The sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies is prohibited. The sales and display of goods in off-street parking areas is also prohibited unless otherwise permitted by this Ordinance.
2. The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors, or other authorized persons.
3. Space allocated to any off-street loading space may not be used to satisfy the requirement for any off-street vehicle parking space or access aisle or portion thereof. Conversely, the area allocated to any off-street vehicle parking space may not be used to satisfy the replacement for any off-street loading space or portion thereof.

### Section 17.10.020 Location of Off-Street Parking Spaces

#### A. Residential Uses

1. All required parking spaces for residential uses must be located on the same lot as the residential use. Tandem parking is permitted, but both spaces must be allotted to the same dwelling unit and located on the same lot as the dwelling.

2. Parking spaces for residential uses must be located to the side or rear of the dwelling behind the front building line or within an enclosed structure.
3. Parking spaces for residential uses may be located on a driveway that provides access to a garage or other off-street parking facility.

## B. Non-Residential Uses

1. All required off-street parking spaces for non-residential uses in residential districts must be located on the same lot as the use served.
2. Off-street parking spaces for non-residential uses in the commercial or special purposes districts may be located on the same lot as the use served or on a lot not more than 600 feet from the lot served provided: When located on a lot not owned by the business, control may be established by a written agreement, in a form approved by the Zoning Administrator, or his/her designee, with a term of not less than the duration of the use served.
3. A restaurant use may provide valet service to a parking facility with no distance restriction.
4. Parking spaces for the C-T, C-1, C-D, and C-V Districts must be located to side or rear of the principal building.

## C. Accessible Spaces

When required, accessible spaces must be closest to the entrance of the structure, and connected by a paved surface designed to provide safe and easy access.

### Section 17.10.030 Off-Street Parking Design Standards

The following standards apply to off-street parking facilities, both parking lots and parking structures as applicable, with the exception of item I. Single-family, two-family, and townhouse dwellings are only subject to the standards of item I below. If a townhouse dwelling is designed with a common parking lot or multiple common parking lots for all tenants, then it is subject to all the standards of this section with the exception of item I.

## A. Dimensions

1. Off-street parking spaces and drive aisles within a parking lot or structure must be designed in accordance with the minimum dimensions in Table 17.10-1: Off-Street Parking Space Minimum Dimensions. Other parking angles other than those described in Table 17.10-1 are permitted but must be approved by the Zoning Administrator and provide evidence of safe and efficient parking configuration and traffic circulation.
2. Motorcycle and scooter parking spaces must measure at least four feet in width by eight feet in length and must be identified or designated through the use of signs or pavement markings.

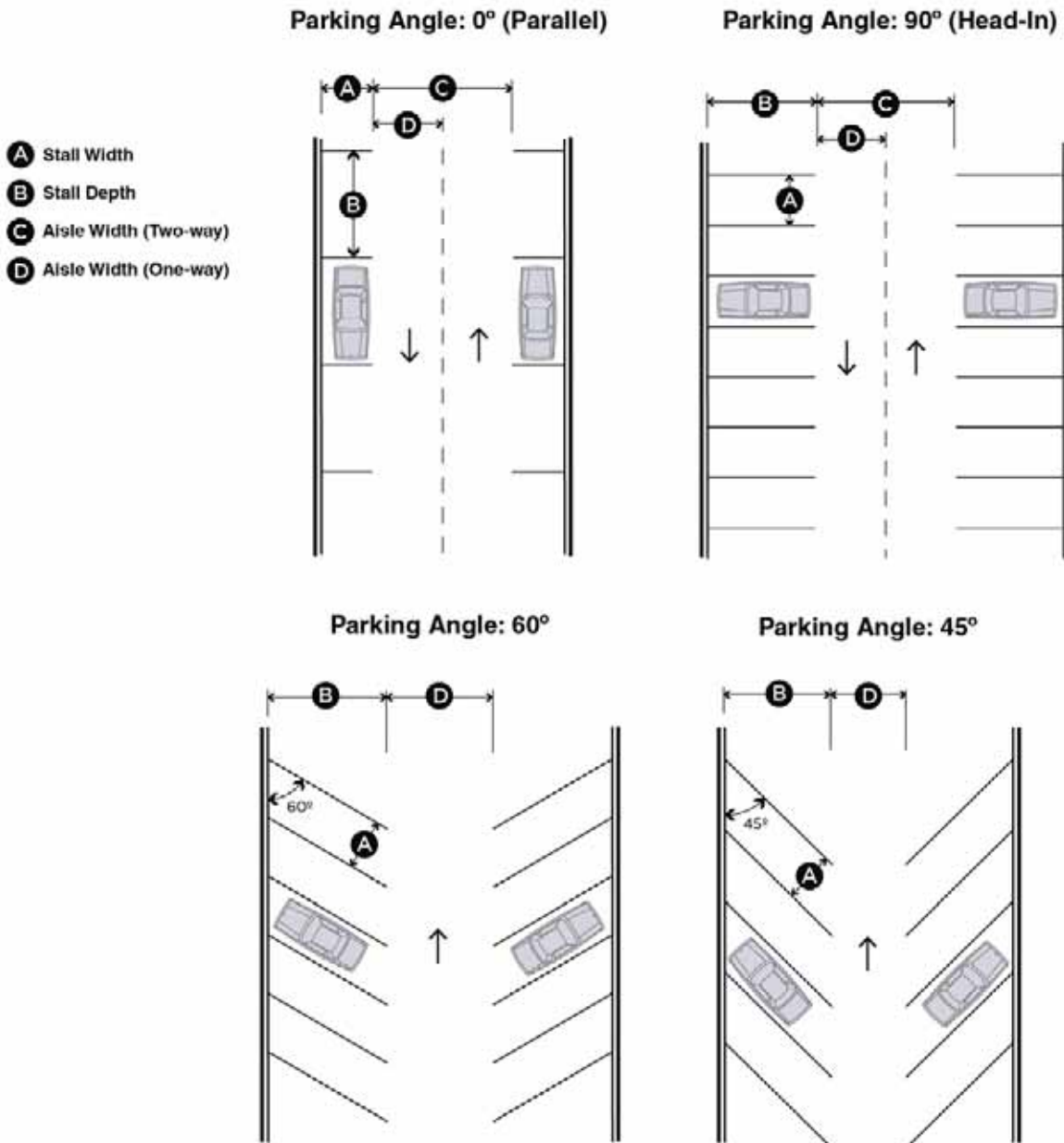
Figure 17.10-1: Off-Street Parking Space Minimum Dimensions

Parking Angle	Stall Width (A)	Stall Depth (B)	Aisle Width <i>Two-Way</i> (C)	Aisle Width <i>One-Way</i> (D)	Vertical Clearance
0° (Parallel)	8.5'	20'	24'	12'	7' 6"
90° (Head-In)	8.5'	18'	24'	24'	7' 6"
60°	8.5'	21' 15" 7"	N/A 25' 10"	18' 20" 4"	7' 6"
45°	8.5'	17' 12" 9"	N/A 29' 8"	12' 9"	7' 6"

\* Stall width may be reduced to 8' for accessible spaces designed in accordance with Iowa Statewide Urban Design and Specifications.

\*\* Stall depth may be reduced to 16.5' if a 2' overhang area is provided in an abutting parking lot island or landscape area or pedestrian walkway.

## OFF-STREET PARKING SPACE MINIMUM DIMENSIONS



### B. Access

1. All required off-street parking facilities must have vehicular access from a street, driveway, alley, or cross-access connection.
2. All required off-street parking facilities must have an internal pedestrian circulation system that allows for safe passage between parking areas and any public sidewalk in the adjacent right-of-way and the use it serves. This includes, but is not limited to, interconnected sidewalks, striped walkways, and separated walkways.

3. All parking facilities must be designed with vehicle egress and ingress points that least interfere with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic, rather than back out.

4. All curb cuts must comply with the regulations of the Municipal Code.

5. Dead end parking lots without a turnaround space are prohibited. A turnaround space must have a minimum depth and width of nine feet, and must be designated with signs stating "No Parking" and painted to indicate parking is prohibited.

#### **C. Surfacing**

All off-street parking lots must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) is prohibited.

#### **D. Striping**

1. Off-street parking lots of five or more spaces must delineate parking spaces with paint or other permanent materials, which must be maintained in clearly visible condition.

2. Accessible spaces must be in accordance with the Iowa Accessibility Code, as amended, and any additional governing codes and applicable laws.

#### **E. Curbing**

1. Curbing is required when a parking space abuts a pedestrian walkway, landscape, structure, or fence. Breaks in curbing may be provided to allow for drainage into landscape areas that can absorb water. Such curbing must be constructed of permanent materials, such as concrete or masonry, a minimum height of four inches above ground level, and permanently affixed to the paved parking area.

2. Wheel stops are prohibited.

#### **F. Lighting**

Parking lot and structure lighting must be in accordance with Section 17.09.020.

#### **G. Landscape**

All parking lots and structures must be landscaped in accordance with Chapter 17.11.

#### **H. Parking Structure**

1. On facades that front on public streets, façade design and screening must mask the interior ramps.

2. Parking structures must be designed to minimize blank facades through architectural detail and landscape.

3. On portions of the ground floor façade where parking spaces are visible, a decorative fence and landscape or a kneewall is required to screen parking spaces. Such fence or kneewall must be a minimum of four feet in height.

4. For parking structures with rooftop open-air parking, a four foot parapet wall is required for screening.

5. A vehicular clear sight zone must be included at vehicular exit areas as follows:

a. The façade of vehicular exit areas must be set back from any pedestrian walkway along that façade a minimum of eight feet for the portion of the façade that includes the vehicle exit area and eight feet on each side of the exit opening.

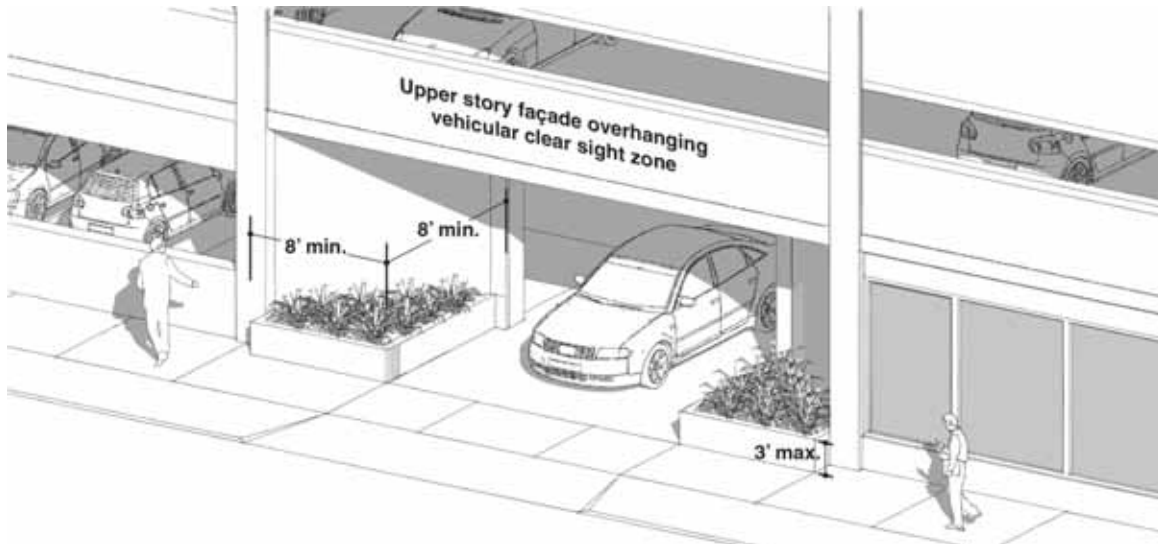
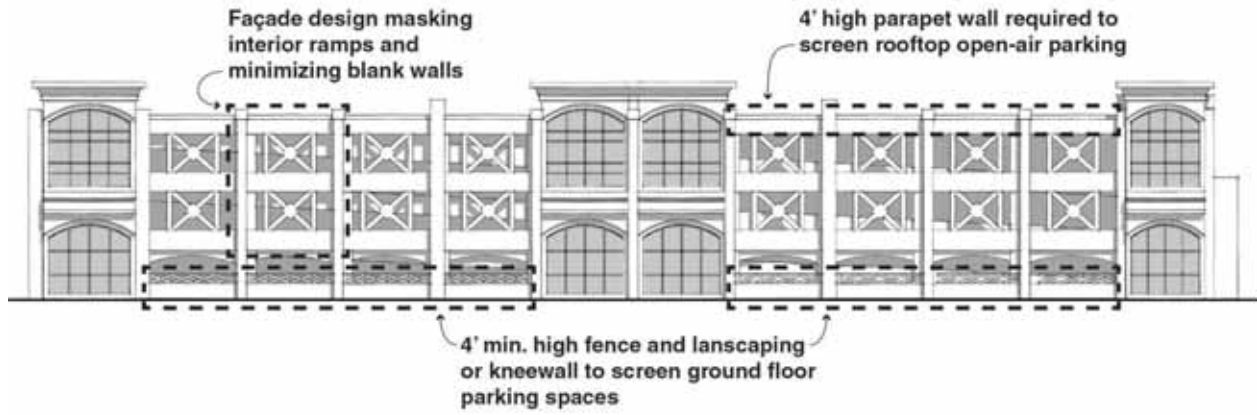
b. A sight triangle is defined by drawing a line from the edge of the vehicular exit area to a point on the property line abutting the pedestrian walkway eight feet to the side of the exit lane.

c. In the sight triangle (bound by the parking structure wall, pedestrian walkway and vehicular exit lane), groundcover, landscape, or decorative wall must be used to act as a buffer between the exit aisle and the

pedestrian walkway. Landscape or a decorative wall must not exceed three feet in height in order to maintain driver sightlines to the pedestrian walkway.

- d. The upper story façade(s) of the parking structure may overhang the vehicular clear sight zone.

#### PARKING STRUCTURE DESIGN



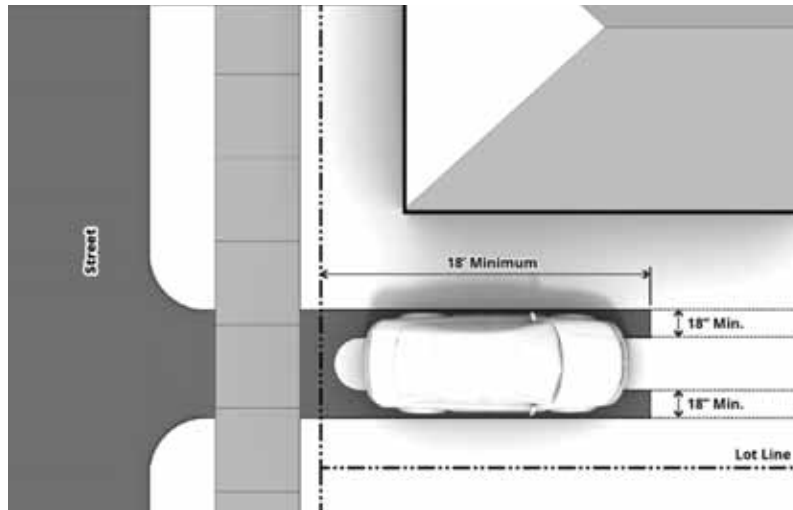
#### I. Single-Family, Two-Family, and Townhouse Dwellings

1. All required off-street parking spaces must have vehicular access from a driveway that connects to a street or alley.
2. Townhouse developments are prohibited from constructing individual curb cuts for each dwelling unit along a public street.
3. Required off-street parking spaces may be designed so that the driver may back out into traffic.



4. All off-street parking lots and parking pads must be improved with a hard surfaced, all-weather dustless material; pervious paving is encouraged and may also be used. Gravel is prohibited. Sealcoating and roto milling (the process of removing at least part of the surface of a paved area) is prohibited.
5. For single-family and two-family dwellings, a parking space may consist of two parallel paved parking strips, each of which is at least 18 inches in width and 18 feet long. Gravel is prohibited as fill material between the parking strips.

#### RESIDENTIAL WHEEL STRIPS



#### Section 17.10.040 Required Off-Street Vehicle and Bicycle Parking Spaces

**A.** Table 17.10-2: Off-Street Parking Requirements states the minimum number of off-street parking spaces to be provided for the designated uses. Table 17.10-2 lists parking requirements for the uses listed within the districts. In some cases, uses that are considered part of a generic use category are listed with specified parking requirements. These specific uses are listed only for the purposes of this section and do not indicate whether such uses are permitted or special uses within any district. Certain uses listed within the districts do not have parking requirements. These types of uses are not listed within Table 17.10-2.

**B.** With the exception of single-family, two-family, and townhouse dwellings, parking spaces for disabled persons must be provided. The number of accessible parking spaces must be included in the total number of required parking spaces and in accordance with the applicable requirements of the Iowa Accessibility Code, as amended, and any additional governing codes and applicable laws.

**C.** The total number of required parking spaces is calculated by the principal use of the lot. When more than one use occupies the same lot, the number of required spaces is the sum of the separate requirements for each use, unless a shared parking arrangement is approved or such use is a multi-tenant **retail commercial** center, which has a separate requirement per item E below. The following standards for computation apply:

1. When calculating the number of required off-street spaces results in a requirement of a fractional space, said fraction is rounded up.
2. In places of assembly in which patrons or spectators occupy benches, pews, or similar seating facilities, each 24 inches of such seating facility is counted as one seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one seat per marked prayer mat space or one seat for every five square feet in the prayer hall if prayer mat spaces are not marked.

D. Nonresidential uses listed within any commercial district are required to provide bicycle parking spaces. Bicycle parking spaces are required only for new construction as of the effective date of this Ordinance.

1. Bicycle spaces are required as one bicycle parking space for every 2,500 square feet of gross floor area.
2. Where bicycle parking is required, a minimum of two bicycle spaces and no more than a total of 20 required bicycle parking spaces are required.
3. When a use is exempt from providing vehicle parking it is also exempt from providing required bicycle spaces.

E. Parking for multi-tenant commercial centers is calculated as one space required per 500 square feet of gross floor area, rather than by the individual uses. **A multi-tenant commercial center is defined as a group of three or more commercial establishments, primarily retail, but also including service, restaurant, recreation, office, or medical, that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant commercial centers are large shopping centers and strip retail centers.**

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Amusement Facility, Indoor	1 per 500sf GFA
Amusement Facility, Outdoor	1 per 1,000sf GFA
Animal Care Facility – Large Animal	1 per 500sf GFA
Animal Care Facility – Small Animal	1 per 500sf GFA
Art Gallery	1 per 500sf GFA
Art and Fitness Studio	1 per 300sf GFA
Bar	1 per 300sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children's Home	1 per 200sf GFA of office
Community Center	1 per 500sf GFA
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA
Domestic Violence Shelter	1 per 300sf GFA of office
Drug Treatment Clinic	1 per 500sf GFA
Drug/Alcohol Treatment Facility, Residential	1 per patient room
Dwelling – Manufactured Home	2 spaces
Dwelling – Multi-Family	1.5 per du
Dwelling – Single-Family (Detached)	2 per du
Dwelling – Townhouse	2 per du
Dwelling – Two-Family	2 per du
Educational Facility – Primary or Secondary	
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility – University	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Educational Facility – Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA
Food Bank	1 per 300sf of office
Food Pantry	1 per 500sf GFA
Funeral Home	1 per 200sf GFA of public space
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 500sf GFA
Greenhouse/Nursery - Retail	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space
Group Home	1 per 2 rooms
Halfway House	1 per 2 rooms
Healthcare Institution	1 per 3 beds
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor display space
Homeless Shelter	1 per 300sf of office
Hotel	1 per room
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial Design	1 per 500sf GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Clinic	1 per 500sf GFA
Micro-Brewery	1 per 500sf GFA
Micro-Distillery	1 per 500sf GFA
Micro-Winery	1 per 500sf GFA
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 10 seats
Public Safety Facility	1 per 300sf GFA
Public Works Facility	1 per 500sf GFA
Reception Facility	1 per 300sf GFA
Recreational Vehicle (RV) Park	1 per RV site
Research and Development (R&D)	1 per 500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	<i>0.75 per dwelling unit</i>
Assisted Living Facility	<i>0.5 per dwelling unit</i>
Nursing Home or Hospice	<i>0.5 per patient room</i>
Restaurant	1 per 300sf GFA
Retail Goods Establishment	1 per 500sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Retail Alcohol Sales	1 per 500sf GFA
Retail Sales of Fireworks	1 per 500sf GFA
Self-Service Storage Facility	1 per 25 storage units
Social Service Center	1 per 500sf GFA
Specialty Food Service	1 per 500sf GFA
Storage Yard (Outdoor)	1 per 2,500sf of lot area
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500sf of lot area
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)
Vehicle Repair/Service – Major or Minor	2 per service bay
Wine Bar	1 per 300sf GFA
Warehouse & Distribution	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse
Wholesale Establishment	1 per 500sf of office area + 1 per 15,000sf GFA of warehouse

#### Section 17.10.050 Parking Flexibilities, Exemptions, and Reductions

##### A. Applicability

When a use is exempt from vehicle parking requirements by this Article, bicycle parking is also exempt. If a use that is exempt from vehicle parking voluntarily provides parking, bicycle parking, as required by this Article, is required.

##### B. Exemptions from and Reductions to Parking Requirements

1. As of the effective date of this Ordinance, existing nonresidential structures in the C-2 District that currently does not provide the required amount of parking on the lot to accommodate parking is exempt from parking requirements regardless of a change in use or intensity of use. Such nonresidential structures may expand their footprint or gross floor area so long as the expansion is on the same lot and no additional lot area is added, and any existing parking located on the site is maintained. Once the principal building is demolished, this exemption is no longer valid. In addition, if the lot area is expanded (e.g., the adjoining lot is purchased or leased), this exemption is no longer valid.
2. The C-T, C-1, C-D, and C-V Districts are exempt from all vehicle and bicycle parking requirements.
3. In the commercial districts, on-street parking spaces located along the front or side lot line may be counted toward required off-street parking spaces for commercial uses. New on-street parking spaces may also be created to count toward required off-street parking but must be located along the corner side or front lot line, and must be accessible 24 hours a day to the public.
  - a. Where on-street parking spaces are unmarked, the number of parking spaces is calculated by dividing the length of the on-street parking area located parallel to the lot line of the property under consideration divided by 22, where a fraction of less than one-half is disregarded, and a fraction of one-half or more is counted as one space.
  - b. Where on-street parking spaces are marked, each marked space counts as one required parking space, including any space where at least 80% of the width is located along the lot line of the property under consideration.

## COUNTING OF ON-STREET SPACES



### D. Shared Parking Permission

Off off-street parking spaces for separate uses may be provided collectively at the applicant's option at a reduced amount of the total number of spaces provided it meets the calculation of Table 17.10-3: Shared Parking Calculation. Adjacent sites may use the shared parking option but must provide the City with a copy of the agreement between the property owners, and full site access between sites must be granted 24 hours a day.

1. The required number of spaces for each use is calculated according Table 17.10-2.
2. The required number of spaces for each use is then applied to the percentages for each timeframe, according to the appropriate land use category, in Table 17.10-3 to determine the number of required spaces. This is done for each timeframe category.
3. The numbers are summed for all uses within each timeframe and the highest sum total in a timeframe is the required number of spaces.

Table 17.10-3: Shared Parking Calculation						
Land Use Category	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	100%	100%	100%	100%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	50%	90%	100%	65%	80%
Indoor/Outdoor Recreation	0%	70%	100%	5%	70%	100%
Office /Industrial	5%	100%	5%	0%	40%	10%
Institutional – Educational Facility	0%	100%	50%	0%	0%	0%
Institutional – Place of Worship	0%	50%	0%	0%	100%	0%

### SAMPLE CALCULATION

*Example: multi-use office development with the following uses within the development; based on current parking requirements, the number of required spaces is:*

Use & Square Footage	Parking Requirement	Number of Spaces Needed
Retail: 15,000sf GFA	1 per 500sf GFA	30 spaces
Restaurants: 10,000sf GFA	1 per 500sf GFA	20 spaces
Hotel/Motel: 60 rooms	1.5 per room	90 spaces
Office: 40,000sf GFA	1 per 500sf GFA	80 spaces
TOTAL SPACES REQUIRED		220 spaces

Using the shared parking calculation, these numbers are plugged into the table and using the percentages allotted to each land use for each time of day, are calculated as total spaces required per timeframe.

Land Use Category	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
<i>Residential</i>	-	-	-	-	-	-
<i>Commercial</i>	0	20	16	0	20	12
<i>Restaurant</i>	15	21	30	13.5	21	30
<i>Hotel/Motel</i>	90	45	81	90	58.5	72
<i>Indoor/Outdoor Recreation</i>	-	-	-	-	-	-
<i>Office/Industrial</i>	4	80	4	0	32	8
<i>Institutional – Educational Facility</i>	-	-	-	-	-	-
<i>Institutional – Place of Worship</i>	-	-	-	-	-	-
<b>Totals</b>	<b>109</b>	<b>166</b>	<b>131</b>	<b>103.5</b>	<b>131.5</b>	<b>122</b>

With a straight parking calculation, 220 spaces are required. However, the shared parking provision allows this example multi-use office development to be constructed by-right with 166 spaces (the highest number of spaces within the various timeframes - the 7am to 6pm weekday timeframe). This is because these timeframe calculations take into account the times of day the various uses utilize the most parking.

#### Section 17.10.060 Bicycle Parking Spaces

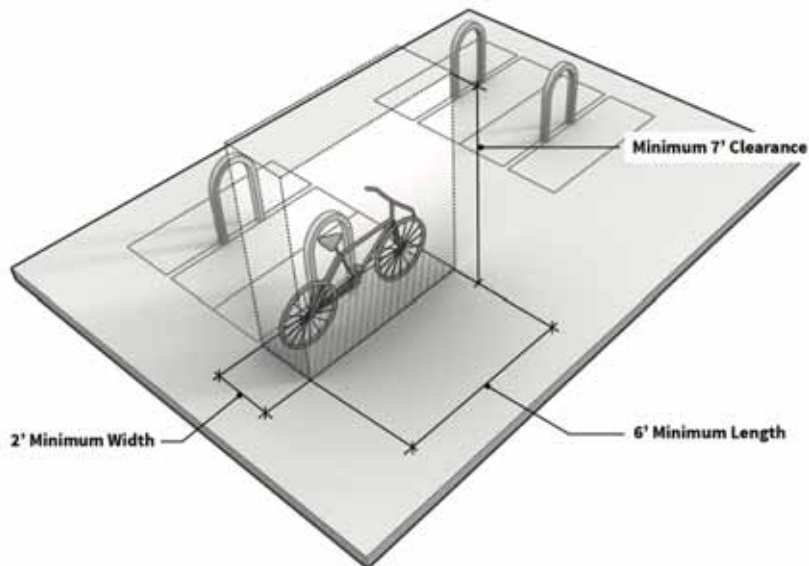
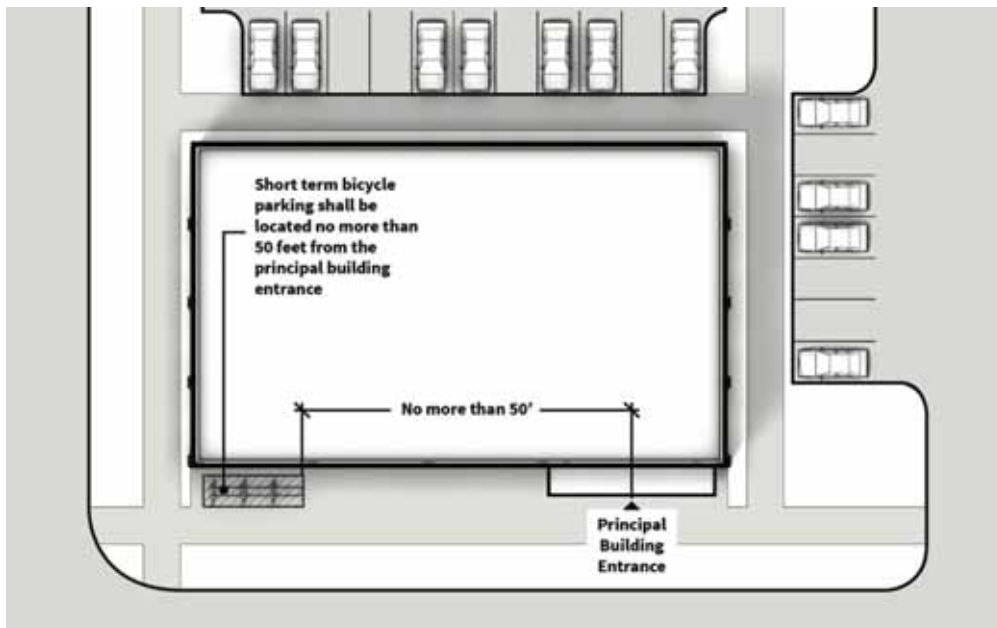
##### A. Design

1. Required bicycle spaces must provide each bike space within a row of bicycle parking a minimum of two feet in width by six feet in length, with a minimum vertical clearance of seven feet. Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least five feet wide between each set of bicycle parking to allow room for bicycle maneuvering.
2. The area devoted to bicycle parking must be surfaced as required for vehicle parking areas.
3. Bicycle parking racks must permit the bicycle frame and one wheel to be locked to the rack and support the bicycle in a stable position. Structures that require a user-supplied locking device must be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or a structure to prevent the racks and lockers from being removed from the location.
4. If required bicycle parking facilities are not visible from the street or principal building entrance, signs must be posted indicating their location.

##### B. Location

1. The bicycle parking area must be convenient to building entrances and street access, but may not interfere with normal pedestrian and vehicle traffic. Bicyclists must not be required to travel over stairs to access parking.
2. Short-term bicycle parking spaces must be conveniently located no more than 50 feet from the principal building entrance and at the same grade as the sidewalk or an accessible route. The property owner may make arrangement with the City Engineer to place required bicycle parking spaces in the public right-of-way so long as an encroachment permit is obtained.
3. Required bicycle parking for residential uses may be provided in garages, storage rooms, and other resident-accessible, secure areas. Spaces within dwelling units or on balconies do not count toward satisfying bicycle parking requirements.

## DESIGN OF BICYCLE SPACES



### Section 17.10.070 Required Off-Street Loading Spaces

#### A. Design

1. All off-street loading spaces must be located on the same lot as the use served. With the exception of the I-1 and I-2 Districts, no off-street loading space must be located in a front or corner side yard or in front of a front building line.



2. All required off-street loading spaces shall be at least ten feet in width and at least 25 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of at least 14 feet.
3. All off-street loading spaces must be improved with a hard surfaced, all-weather dustless material.
4. All off-street loading spaces must meet the lighting requirements of Section 17.09.020.
5. When located adjacent to a residential districts, loading berths must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of seven feet in height. Loading berths should be located opposite any adjacent residential district lot line.

#### B. Required Number of Off-Street Loading Spaces

Off-street loading spaces must be provided in accordance with Table 17.10-4: Off-Street Loading Requirements. In the case of multi-tenant **buildings commercial centers** or mixed-use developments, required loading spaces are calculated on the basis of each individual tenant (for example, if only one non-residential use tenant of a multi-tenant **building commercial center** is over 10,000 square feet, only one loading space is required; if all tenants are under 10,000 square feet, no loading is required).

TABLE 17.10-4: OFF-STREET LOADING REQUIREMENTS	
Use Type	Number of Spaces Required
<b>Multi-Family Dwelling</b>	
Total of 50 dwelling units or more	1 loading space
<b>Commercial &amp; Institutional Use</b>	
10,000 - 100,000sf GFA	1 loading space
100,001 - 200,000sf GFA	2 loading spaces
200,001sf and above GFA	3 loading spaces
<b>Industrial Use</b>	
10,000 - 40,000sf GFA	1 loading spaces
40,001 - 100,000sf GFA	2 loading spaces
100,001 and above GFA	3 loading spaces

### Section 17.10.080 Commercial and Recreational Vehicle Storage

#### A. Commercial Vehicles

##### 1. Residential Lots

**a.** No commercial vehicle may be parked outdoors on a residential lot, with the exception of vehicles engaged in loading or unloading or current work being done to the adjacent premises. This does not include standard size passenger motor vehicles (including, but not limited to: vans, sports utility vehicles (SUVs), standard passenger size livery vehicles, and pick-up trucks), which may be stored or parked outdoors overnight on lots in residential districts. Permitted vehicles also include those owned and used for commercial purposes by the occupant of a dwelling or guest, provided that the vehicle is stored or parked in a permitted parking area. Permitted commercial vehicles may include the logo of the commercial business painted on or applied to the vehicle.

**b.** All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, flatbed trucks, box vans and box trucks, buses, tow trucks, construction vehicles, livery vehicles that exceed standard passenger vehicle size, such as limousines, or other large commercial vehicles are not permitted to be stored or parked outdoors overnight on a residential lot.

## **2. Nonresidential Lots**

On nonresidential lots, commercial vehicles with the logo of the commercial business painted on or applied to the vehicle that are being operated and stored in the normal course of business, such as signs located on delivery trucks, promotional vehicles, moving vans, and rental trucks, are permitted to be stored on the lot in areas related to their use as vehicles, provided that the primary purpose of such vehicles is not the display of signs. All such vehicles must be in operable condition.

## **B. Recreational Vehicles**

1. No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be stored outdoors within the front or corner side yard, including on a residential driveway in such yards, for more than four days.
2. Recreational vehicles must be stored within the interior side yard behind the front building line or in the rear yard. If a recreational vehicle and any trailer that is more than six feet in height as measured to the highest point of the vehicle, it must be located at least ten feet from any lot line.
3. The area devoted to recreational vehicle storage must be on a hard, improved surface as required for vehicle parking areas.
4. There is no limit on the storage of recreational vehicle within fully enclosed structures. Temporary storage tents do not meet the requirement of a fully enclosed structure.
5. See Section 17.09.030.K for regulations on storage of recreational vehicles in carports.
6. No recreational vehicle may be used for living, sleeping, or housekeeping purposes in any district and may not be hooked up to any public utilities.
7. All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in such manner as to create a dangerous or unsafe condition on the lot where it is parked or stored. If the recreational vehicle is parked or stored, whether loaded or not, so that it may tip or roll, it is considered to be a dangerous and unsafe condition.

<b>CHAPTER 17.11.</b>	<b>LANDSCAPE</b>
Section 17.11.010	Landscape Plan
Section 17.11.020	Enforcement of Landscape Plan
Section 17.11.030	Selection, Installation and Maintenance
Section 17.11.040	Landscape Design Standards
Section 17.11.050	Parking Lot Perimeter Landscape Yard
Section 17.11.060	Parking Lot Interior Landscape
Section 17.11.070	Site Landscape
Section 17.11.080	Buffer Yards
Section 17.11.090	Parkway Trees and On-Site Trees
Section 17.11.100	Tree Preservation

## Section 17.11.010 Landscape Plan

### A. Landscape Plan Required

A landscape plan is required as part of a site plan review application for multi-family and townhouse development, non-residential (including mixed-use) development, and planned unit developments. The landscape plan must be approved prior to the issuance of a building permit. A landscape plan is not required for single-family and two-family dwellings.

### B. Content of Landscape Plan

Landscape plans must contain the following, unless waived by the Zoning Administrator:

1. North arrow and graphic scale, the location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, rights-of-way, refuse disposal and recycling areas, pedestrian and bicycle paths, fences, mechanical equipment, overhead utility wires, underground utilities, retention/detention facilities, and other drainage facilities, such as drainage swales.
2. The location, quantity, size, name, and condition, both botanical and common, of all existing plant materials on-site, indicating plant material to be retained and to be removed.
3. The location, quantity, size, and name, both botanical and common, of all proposed plant material. This includes lawn and turf applications.
4. The existing and proposed grading of the site indicating contours at one foot intervals. Any proposed berming, earthwork, or stormwater management basins must also be indicated using one foot contour intervals.
5. Elevations of all proposed fences, stairs, and retaining walls.
6. Any proposed irrigation plan, if irrigation is provided.
7. Any other details as determined necessary by the Zoning Administrator or an applicable review body.

### C. Minor Changes to Approved Landscape Plans

Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan may be approved by the Zoning Administrator. Changes that reduce the amount of plant materials contained within an approved landscape plan are a major change and must be approved by the body granting approval of the landscape plan initially.

### D. Alternative Landscape Design

Alternative landscape design intended to improve stormwater quality and/or intended to decrease stormwater quantity will be considered if submitted as part of a site-specific stormwater management plan. Such designs must comply with generally accepted stormwater management best practices.

#### **Section 17.11.020 Enforcement of Landscape Plan**

**A.** No certificate of occupancy will be issued until all the requirements of this Chapter and the landscape plan have been fulfilled. Failure to implement the landscape plan, or to maintain the lot in conformance with the landscape plan, may result in the application of fines and penalties, as established in this Ordinance. All landscape is subject to periodic inspection.

**B.** If weather prohibits the installation of landscape at the time a certificate of occupancy is applied for, a temporary certificate of occupancy may be issued with provision of a security bond for 125% in favor of the City of the estimated amount of landscape materials and installation cost. The cost of landscape materials and installation must be determined by a landscape architect or other landscape business professional.

#### **Section 17.11.030 Selection, Installation and Maintenance**

##### **A. Selection**

1. All plant materials must be of good quality and meet American Horticulture Industry Association (AmericanHort) or its ANSI accredited successor's standards for minimum acceptable form, quality, and size for species selected.
2. All species must be capable to withstand the seasonal temperature variations of USDA Hardiness Zone 5b (the plant zone for Davenport). A hardiness zone is a geographically defined area in which a specific category of plant life is capable of growing, as defined by climatic conditions, including its ability to withstand the minimum temperatures of the zone.
3. The use of species native or naturalized is required. Drought tolerant species are encouraged.
4. Invasive species are prohibited.

##### **B. Installation**

1. All landscape materials must be installed in accordance with current nursery industry standards, and must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with pedestrian or vehicular movement.
2. No landscape should be located within any utility easement, with the exception of lawn grass or other resilient groundcover. If landscape material is located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any landscape that may be damaged.
3. No plantings may be installed to impede water flow unless part of an approved stormwater plan.
4. All plant materials must be free of disease and installed so that soil of sufficient volume, composition, and nutrient balance are available to sustain healthy growth. Installation of plant materials during the appropriate growing season is encouraged.

##### **C. Maintenance**

1. Landscape materials depicted on approved landscape plans are considered a required site element in the same manner as structures, required parking, lighting, and other improvements. As such, the owner of record or the business or homeowner's association is responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls, and similar landscape elements.
2. All landscape materials must be maintained in good condition, present a healthy appearance, and be kept free of refuse and debris. Any dead, unhealthy, or missing plants must be replaced within 30 days of notification, unless an extension is approved by the City.

## Section 17.11.040 Landscape Design Standards

### A. Minimum Planting Sizes

Minimum planting sizes are as follows. For the purposes of determining trunk size, the diameter/caliper is measured at six inches above ground level, unless otherwise specified in current ANSI accredited Horticultural Standards.

1. Evergreen trees must have a minimum height of six feet.
2. Shade trees must have a minimum clear trunk height of four feet above the ground with a two inch caliper.
3. Single stem ornamental trees must have a minimum trunk size of two inches in caliper. Multiple stem ornamental trees must have a minimum height of eight feet.
4. Evergreen or deciduous shrubs must have a minimum height of 18 inches.

### B. Species Diversity

Diversity among required plant material is required for visual interest and to reduce the risk of losing a large population of plants due to disease. Table 17.11-1: Plant Diversity Requirements indicates the percentage of diversity required based on the total quantity of species being used. (For example, if a development requires 45 shade trees, no more than 18 trees (40%) can be of one species, and there must be a minimum of five different species within the 45 trees.) When the calculation of plant diversity requirements results in a fraction, the fraction is rounded up.

TABLE 17.11-1: PLANT DIVERSITY REQUIREMENTS		
Total Number of Plants per Plant Type	Maximum Number of One Species	Minimum Number of Species
1-4	100%	1
5-10	60%	2
11-15	45%	3
16-75	40%	5
76-500	25%	8
500-1,000	30%	10
1,000+	15%	15

### C. Berming

If berms are included on a landscape plan, they must comply with the following:

1. Berms must be stabilized to prevent erosion.
2. Berms must be a minimum of two feet in height.
3. Berms of two feet in height and up to six feet in height are limited to a maximum slope of 3:1, as measured from the lot line.
4. Berms of six feet in height or more are limited to a maximum slope of 4:1, as measured from the lot line.
5. Berms must undulate by height and/or width for visual interest.

## Section 17.11.050 Parking Lot Perimeter Landscape Yard

A perimeter landscape yard is required for all parking lots that ~~abut~~ are adjacent to streets and alleys, and must be established along the edge of the parking lot to create a visually attractive environment. A perimeter landscape yard is also required where a parking lot ~~abuts an~~ is adjacent to a public space such as a plaza, public seating area, or park. The landscape treatment must run the full length of the parking lot perimeter and must be located between the lot line and the edge of the parking lot, with the exception of pedestrian accessways. The landscaped area must be improved as follows:

**A.** The perimeter parking lot landscape area must be at least ~~seven~~ five feet in width along a street or public space. ~~This area shall be increased to seven feet in width if it is utilized as an off-street parking space stall overhang.~~ The perimeter parking lot landscape area must be at least five feet in width along an alley. The C-D and C-V Districts are exempt from perimeter parking lot landscape along an alley; vehicle parking must not overhang into an alley right-of-way.

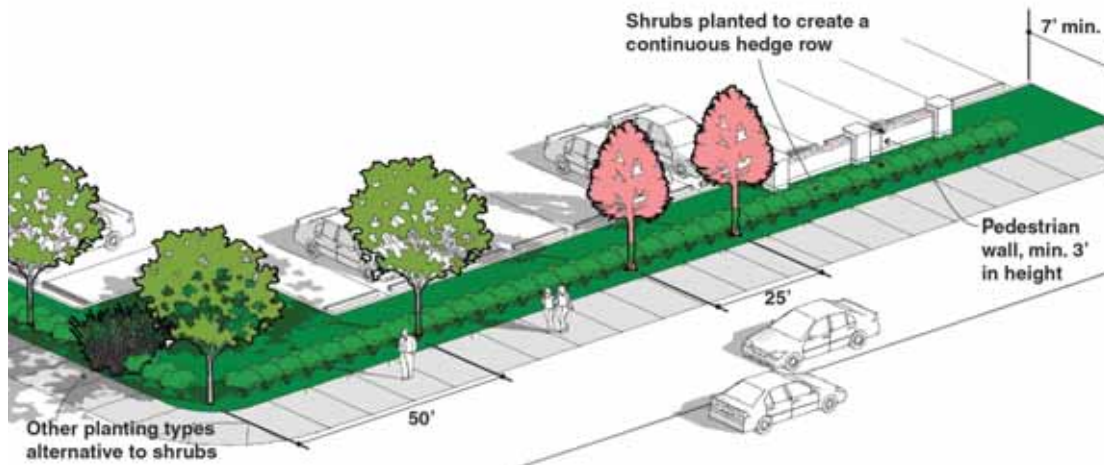
**B.** Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. Alternatively, a mix of shrubs, perennials, native grasses, and other planting types that provide screening of a minimum of three feet in height may be used.

**C.** A minimum of one shade tree must be provided for every 50 linear feet of perimeter landscape yard. Two ornamental trees may be substituted for one shade tree and must be spaced one ornamental tree every 25 feet. Trees may be spaced linearly on-center, or grouped to complement an overall design concept.

**D.** Alternatively, a low pedestrian wall a minimum of three feet to a maximum of four feet in height may be used. The pedestrian wall must be masonry, brick, or stone; unfinished CMU is prohibited. No shade trees are required. Required shrubs must be installed between the sidewalk and the wall to provide a softening effect.

**E.** 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.

### PARKING LOT PERIMETER LANDSCAPE YARD



#### Section 17.11.060 Parking Lot Interior Landscape

All parking lots consisting of 15 or more spaces require interior parking lot landscape as described in this section.

**A.** All rows of parking stalls must terminate in a parking lot island or landscape area.

**B.** Where more than 15 parking stalls are provided in a row, one parking lot island must be provided between every 15 parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every 15 spaces.

**C.** Parking lot islands must be at least the same dimension as the parking stall. Double rows of parking must provide parking lot islands that are the same dimension as the double row.

**D.** A minimum of one shade tree must be provided in every parking lot island or landscape area. If a parking lot island extends the width of a double row, then two shade trees are required. In addition to the required shade trees, a minimum of 60% of the area of every parking lot island must be planted in shrubs, live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.

**E.** In addition to parking lot islands, additional landscape areas must be provided within the interior of parking lots when the parking area is 10,000 square feet or more in area, including parking stalls, islands, and area for vehicular circulation. The minimum total landscape area of a parking lot, including parking lot islands, must be 10% of the total parking lot area. Parking lot perimeter landscape is excluded from the calculation of total parking lot area square footage and is not counted toward required landscape area.

**F.** Parking lot islands and landscape areas are encouraged to be designed to accommodate pedestrian access and stormwater detention and infiltration.

#### PARKING LOT INTERIOR LANDSCAPE



#### Section 17.11.070 Site Landscape

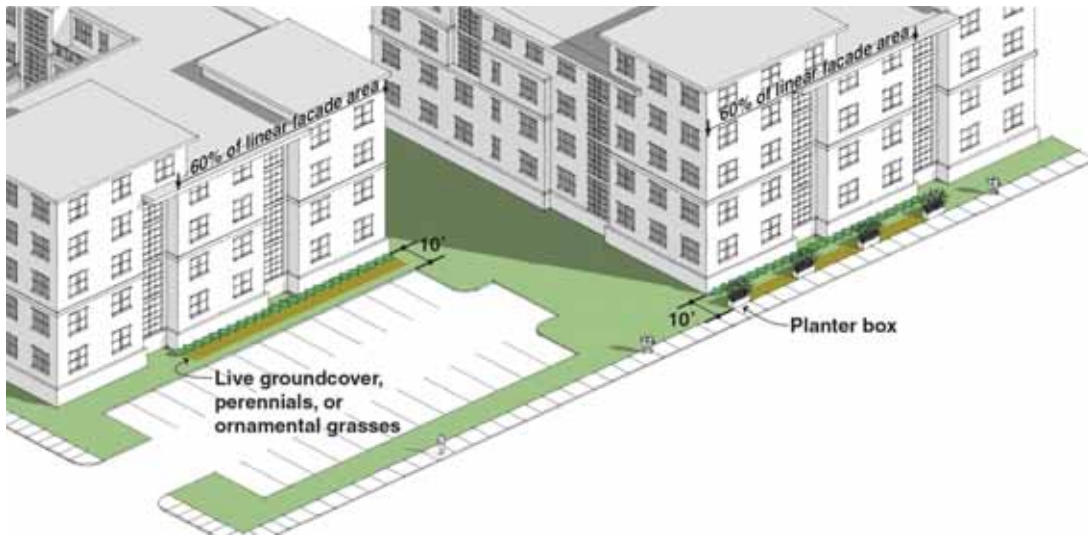
**A.** Areas of any lot that are not covered by structures or pavement must be planted with live landscaping. Stone, mulch, or other permeable landscape materials may be used to satisfy this requirement, but must not cover more than 40% of such area and must be designed so such materials are placed so that they are no higher than the height of the curb to prevent spill. Section 17.11.090 contains additional requirements for on-site tree plantings for certain districts.

**B.** Where multi-family and nonresidential (including mixed-use) developments are located ten feet or more from a street lot line and where the front, corner side, or interior side façade **abuts is adjacent to** a parking area, foundation landscape must be planted as described below. This planting area is required along 60% of the linear façade area. This percentage may be reduced to accommodate building functional operations during landscape plan review.

1. Shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity.
2. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.
3. As an alternative, planted pots and/or planter boxes may be used to satisfy up to 30% of the total landscape area requirement if approved as part of the landscape plan. The landscape plan must show the materials and/or models of pots and planter boxes.



## SITE LANDSCAPE



### Section 17.11.080 Buffer Yards

This section establishes standards for the dimension and required landscape for buffer yards between land uses and/or zoning districts within the rear or interior side yard. Nothing in this section prevents the applicant's voluntary installation of buffer yards where they are not required.

**A.** As of the effective date of this Ordinance, buffer yards are required for new construction along interior side and rear yards in the following cases:

1. Where the lot line of a multi-family development is adjacent to the lot line of a single-family or two-family district.
2. Where a nonresidential use is located within a residential district. This does not include public parks.
3. Where the lot line of a nonresidential district is adjacent to the lot line of a residential district. This does not include the S-AG or S-OS Districts, or public parks.

**B.** Buffer yards may be located within required setbacks, but must be reserved for the planting of material and installation of screening as required by this section. No parking, driveways, sidewalks, accessory structures, or any impervious surfaces are permitted within the buffer yard area.

**C.** The required design of buffer yards is as follows:

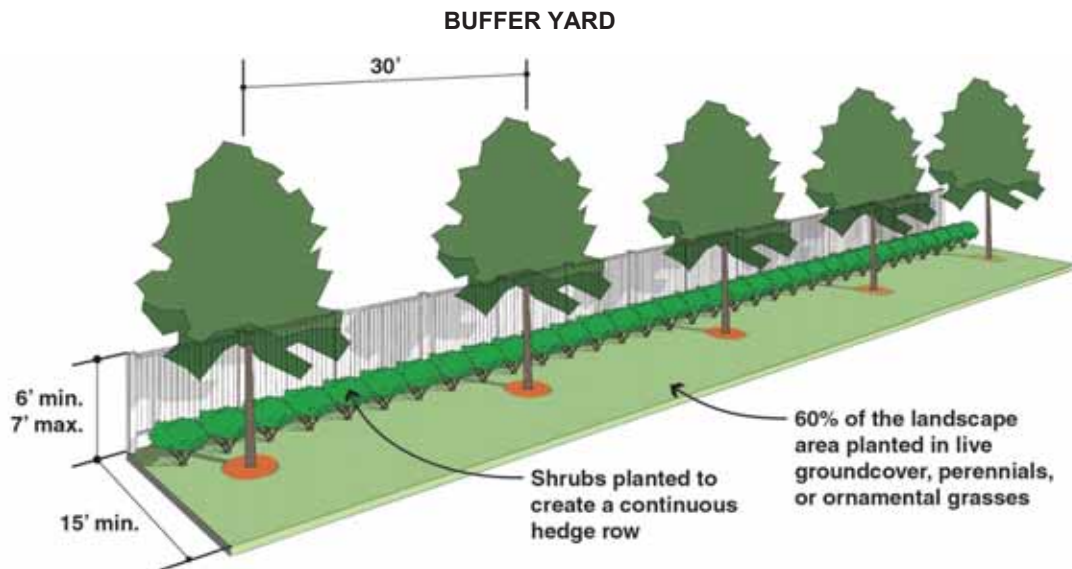
1. A buffer yard must be a minimum of 15 feet in width.
2. One shade or evergreen tree must be planted for every 30 linear feet of buffer yard length. As part of the landscape plan approval, trees may be spaced at various intervals based on specific site requirements, but the total number of trees planted must be no less than one per 30 linear feet of buffer yard length.
3. Existing trees in the buffer yard may count toward the buffer yard tree requirement. This credit is a 1:1 ratio (one existing tree for one proposed tree) regardless of the size of the existing tree.
4. Evergreen shrubs must be planted and spaced sufficiently to form a continuous linear hedgerow at plant maturity. As part of the landscape plan approval, shrubs may be spaced at various intervals based on specific site requirements, but the total number of shrubs planted must be no less than one per three linear feet of buffer yard length.

5. 60% of the landscape area outside of shrub and tree masses must be planted in live groundcover, perennials, or ornamental grasses. Mulch or other permeable landscape materials are required for any remaining area.

6. Unless otherwise specifically required by the use standards of this Ordinance, such as required by the use standards of Chapter 17.08, a solid fence or wall, constructed of wood, vinyl, brick, masonry, or stone must be erected along 100% of the buffer yard length, with the exception of ingress/egress points. If constructed on a berm, the height of the berm is included and the maximum height of fence and berm is seven feet.

a. The solid fence or wall must be a minimum of six feet and a maximum of seven feet in height along the rear lot line.

b. The solid fence or wall must a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the abutting lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.



#### Section 17.11.090 On-Site Trees

In order to restore and preserve the urban canopy, trees are required to be planted on-site. Table 17.11-2: Required On-Site Tree Planting lists the requirements for each district. Existing trees are counted toward this required minimum number. Trees are required to be shade trees unless otherwise noted.

A. Required tree plantings must be shown on the landscape plan, when such plan is required. Where a landscape plan is not required, the building permit application must show where required shade trees will be installed.

B. Where on-site trees are required in Table 17.11-2, such trees must be planted within the first 15 feet of the front yard. If a district is not listed, no on-site trees are required.

C. On-site trees must be planted by the developer/applicant. Once the individual lots are sold, the trees are the responsibility of the property owner. The property owner is also responsible for any trees located within the parkway.

Table 17.11-2: Required On-Site Tree Planting	
DISTRICT	On-Site Trees
R-1	1
R-2	1
R-3/R-3C	1
R-4/R-4C	1
R-MF	Single-Family, Two-Family: 1 Townhouse: 2 per building Multi-Family: 2 per building
R-MHP	4 per acre
C-3	Lots over 4 acres: 2 per acre
C-OP	Lots over 4 acres: 2 per acre
S-IC	2 per acre

### Section 17.11.100 Tree Preservation

#### A. Intent

Existing trees over six inches in diameter at breast height and in good condition should be preserved to the maximum extent practicable to act as buffers between adjoining developments and as site amenities.

#### B. Applicability

These standards apply to new multi-family and townhouse residential and non-residential (including mixed-use) development. Trees that are dead or dying, or species deemed to be undesirable by the City, or found to be a threat to public safety, are exempt from these provisions.

#### C. Landscape Credit

Any existing significant trees preserved on a site that are of good health are credited towards fulfillment of the landscape requirements of this Ordinance.

#### D. Construction Protection

The following standards must be followed during construction to protect significant trees:

1. Within the drip line of any protected tree, there may be no cut or fill over a four inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
2. Prior to and during construction, temporary barriers must be erected around all protected with barriers a minimum of four feet in height, and no closer than six feet from the trunk or one-half of the drip line, whichever is greater. There may be no storage or movement of equipment, material, debris, or fill within the fenced, tree-protection zone.
3. During construction, the applicant must prevent the cleaning of equipment or material or the storage and disposal of waste material, such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material, potentially harmful to the tree within the drip line of any protected tree. Nothing within this section is interpreted as an authorization to ignore or violate applicable federal or state hazardous waste laws.
4. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.

#### E. Clear-Cutting of Forest Prohibited

Clear-cutting, which is the felling and removal of all trees from a given tract of forest, is prohibited. A forest is a land region with a high concentration of trees, which is divided into an overstory (canopy or upper tree layer) and an understory of vegetation, which may be further divided into a shrub layer, herb layer, and, depending on the ecosystem, a moss layer.

#### F. Protecting Trees on Public Property

Trees located on public property, including the parkway, may not be cut, damaged, or removed without first obtaining permission from the Zoning Administrator, and must be protected during construction in accordance with the standards set forth in this section.

## CHAPTER 17.14. ZONING APPLICATIONS

Section 17.14.010	Application
Section 17.14.020	Notice
Section 17.14.030	Public Hearing
Section 17.14.040	Zoning Text and Map Amendment
Section 17.14.050	Special Use
Section 17.14.060	Hardship Variance
Section 17.14.070	Administrative Exception
Section 17.14.080	Planned Unit Development
Section 17.14.090	Site Plan Review
Section 17.14.100	Design Review
Section 17.14.110	Sign Permit
Section 17.14.120	Zoning Interpretation
Section 17.14.130	Zoning Appeals
Section 17.14.140	Health Services and Congregate Living Permit

### Section 17.14.010 Application

#### A. Filing and Pre-Application Conference

1. All zoning applications must be filed with the Zoning Administrator. The application must be on forms provided by the City and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required. The purpose of the pre-application conference, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. Certain applications may require specific submittals at the pre-application conference.

#### B. Completeness

1. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Zoning Administrator will examine all applications within five working days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Zoning Administrator will reject the application and provide the applicant with the reasons for the rejection. The Zoning Administrator will take no further steps to process the application until all deficiencies are remedied.
3. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees. However, once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a change to the application.

#### C. Fees

Each application must be accompanied by the required filing fee. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by any board, commission, or official of the City, then fee requirements are waived.

#### D. Withdrawal of Application

An applicant has the right to withdraw an application at any time prior to the final decision on the application by a board or official, including the ability to withdraw the application if it has been tabled. The applicant must submit a request for withdrawal in writing. There will be no refund of fees.

## E. Consideration of Successive Applications

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or of fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.
3. The Zoning Administrator will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Zoning Administrator finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

## Section 17.14.020 Notice

### A. Required Notice

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 17.14-1: Required Notice				
Zoning Application	Type			
	Published Notice	Mailed Courtesy Notice	Mailed Required Notice	Posted Notice
Zoning Text Amendment	•			
Zoning Map Amendment	•	•	•	•
Special Use	•	•		•
Hardship Variance	•	•		•
Design Review				
Planned Unit Development	•	•		•
Administrative Exception			•	
Zoning Appeals	•			

### B. Published Notice

When published notice is required, the Zoning Administrator will publish notice in a newspaper of general circulation within the City. The notice must include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property. Notice must be published as follows:

1. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.
2. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.

### C. Mailed Courtesy Notice

#### 1. General Notice Requirements

- a. The city will may mail notice.
- b. The notice must should include the date, time, and location of the hearing/decision, description of the application, the name of the applicant, and the address or locational description if address is not available of the subject property.
- c. Nothing in this section prevents the applicant from giving additional notice as he/she may deem appropriate.

## 2. Mailed Courtesy Notice

The City ~~will~~ may follow the following standards when mailing courtesy notices per Table 17.14-1. Courtesy notice is not required. If notice does not meet these standards or is not mailed, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.

- a. Courtesy notice ~~will~~ may be mailed to all property owners within 200 feet of the lot line of the subject property.
- b. Courtesy notice ~~will~~ may be mailed as follows:
  - i. Hearing before the Plan and Zoning Commission or Zoning Board of Adjustment: No less than four days and no more than 20 days in advance of the scheduled hearing date.
  - ii. Hearing before the City Council: No less than seven days and no more than 20 days in advance of the scheduled hearing date.
- c. When a zoning map amendment is proposed by the City, notification will also be mailed to the owner of the subject property.

## 3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

- a. Notice will be mailed to property owners abutting the subject property as well as the property owner(s) located directly across the street.
- b. Notice will be mailed no less than four days and no more than 20 days in advance of the date the Zoning Administrator may render a decision.

## D. Posted Notice

~~The City may follow the following standards when posting notices per Table 17.14-1. Posted notice is not required. If notice does not meet these standards or is not posted, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing.~~

1. ~~When posted notice is required, the~~ The City ~~will~~ may post notice on the subject property.
2. The sign ~~must~~ may be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage ~~are~~ may be required to post one sign visible on each street frontage.
3. The ~~required~~ posting period ~~must~~ may be no less than four days and no more than 20 days in advance of the scheduled hearing date.
4. ~~Any sign knocked down after posting before a public hearing does not invalidate, impair, or otherwise affect any subsequent approval following the public hearing.~~
- 5.4. The applicant is responsible for removal of a sign within ten days of the issuance of a decision.

## Section 17.14.030 Public Hearing

### A. Pre-Hearing Examination

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

### B. Conduct of the Public Hearing

The public hearing must be conducted in accordance with all applicable requirements of Iowa law and the rules and regulations of the body conducting the hearing.

### C. Continuances

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.

## Section 17.14.040 Zoning Text and Map Amendment

### A. Purpose

The regulations imposed and the districts created by this Ordinance may be amended from time to time in accordance with this section. This process for amending the Zoning Ordinance text or the Zoning Map is intended to allow modifications in response to omissions or errors, changed conditions, or changes in City policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party. Zoning map amendments are also called "rezonings."

### B. Initiation

1. The City or a property owner in the City, or person expressly authorized in writing by the property owner, may propose a zoning text or map amendment.
2. A map amendment may be proposed by multiple interested property owners. Such application must be signed by the owners of 50% of the area of all the real estate included within the boundaries of the tract of real estate described in the application.

### C. Authority

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

### D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission. Amendments initiated by a City Council, commission, or official also require an application, but are exempt from fees.

#### 1. Required Neighborhood Meeting

~~The City may require the applicant to conduct a neighborhood meeting prior to the Plan and Zoning Commission public hearing. A neighborhood meeting is not required. If the neighborhood meeting does not meet these standards or does not occur, it does not invalidate, impair, or otherwise affect the public hearing or any subsequent approval following the public hearing~~

~~a. The applicant must conduct a neighborhood meeting prior to the Plan and Zoning Commission public hearing for the purpose of the neighborhood meeting is to share the details of the application, answering answer questions, and receiving receive feedback.~~

b. The City ~~will~~ may mail notification of the meeting to all property owners within the 200 feet of the subject property. The City may expand the notification of the neighborhood meeting if deemed warranted.

c. The applicant must provide the City with a list of attendees following the neighborhood meeting.

#### 2. Action by the Plan and Zoning Commission

a. After receipt of a complete application, the Plan and Zoning Commission will consider the proposed zoning amendment at a public hearing. If, in the Plan and Zoning Commission's judgment, the application does not contain sufficient information to enable proper review and consideration, the Plan and Zoning Commission may request additional information from the applicant and the public hearing may be continued.

b. Within 30 days of the close of the public hearing, the Plan and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant. If no decision is made in 30 days, or within the agreed upon extension of time, the application is deemed to have a recommendation of approval and forwarded to the City Council.



c. The Plan and Zoning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the application.

### **3. Action by the City Council**

a. The City Council must hold a public hearing on the application within 60 days of receipt of the Plan and Zoning Commission recommendation.

b. Following the public hearing, the City Council must take action in the form of approval, approval with conditions, or denial on applications. The City Council may also refer the application back to the Plan and Zoning Commission for further consideration.

c. If the recommendation of the Plan and Zoning Commission on a proposed amendment is denial or if a protest against a proposed map amendment is signed by 20% or more of the area of the lots included in such proposed change or by owners within 200 feet of the exterior boundaries of such proposed map amendment, it may only be approved by a favorable 3/4 vote of the City Council

## **E. Approval Standards**

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

### **1. Approval Standards for Map Amendments**

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

b. The compatibility with the zoning of nearby property.

c. The compatibility with established neighborhood character.

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

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

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

### **2. Approval Standards for Text Amendments**

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

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

c. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.

d. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.

e. The extent to which the proposed amendment creates nonconformities.

## **Section 17.14.050 Special Use**

### **A. Purpose**

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be permitted in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

**B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

**C. Authority**

The Zoning Board of Adjustment will take formal action on special use applications.

**D. Procedure**

An application for a special use must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

**1. Action by the Zoning Board of Adjustment**

a. After receipt of a complete application, the Zoning Board of Adjustment will consider the special use at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.

b. The Zoning Board of Adjustment will evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Adjustment must make a decision of approval, approval with conditions, or denial of the special use within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.

**2. Conditions on Special Uses**

The Zoning Board of Adjustment may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public health, safety, and welfare.

**E. Approval Standards**

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Zoning Board of Adjustment must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

**F. Modifications to Approved Special Uses****1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved special use when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved special use. Any changes considered a major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- a. A change of business name.
- b. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- c. Modifications that do not increase the building footprint, gross floor area, or height.
- d. Changes in building design, including building materials that continue to meet the requirements of this Ordinance and any conditions of the approval.

e. Any additions or enlargements to a structure that are in conformance with this Ordinance where the floor area devoted to a special use is increased by less than 10%.

f. The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Ordinance. This does not include the addition or modification of any outdoor service components of the special use.

g. The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of this Ordinance.

## **2. Major Modifications**

The Zoning Board of Adjustment may approve any other changes to an approved special use that do not qualify as an administrative modification. The Zoning Board of Adjustment will process the modification as a special use application to consider such major modifications.

## **G. Expiration**

A special use approval expires if any one of the following conditions occurs and no request for an extension of the special use approval is pending.

1. When an approved special use is changed to another use.

2. For special uses tied to new construction or additions or enlargements to an existing structure, the special use approval expires within 180 days of the date of approval if a building permit has not been issued, unless an extension has been approved by the Zoning Board of Adjustment. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

3. For special uses within existing structures or on lots where no structure is planned, the special use approval expires within 180 days of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

## **Section 17.14.060 Hardship Variance**

### **A. Purpose**

The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.

### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

### **C. Authority**

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.

2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

### **D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.

2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.

3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

#### **E. Approval Standards**

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.
4. The hardship variance, if granted, will not alter the essential character of the locality.

#### **F. Expiration**

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

### **Section 17.14.070 Administrative Exception**

#### **A. Purpose**

The purpose of the administrative exception is to provide relief from carrying out a requirement of this Ordinance that may cause a minor practical difficulty.

#### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for an administrative exception. A property owner, or his/her designee, may only propose an administrative exception for property under his/her control.

#### **C. Authority**

The Zoning Administrator is authorized to grant certain administrative exception, as defined below. Only those items listed below are eligible for an administrative exception; all other requests for relief are considered hardship variances (Section 17.14.060).

1. A modification to any dimensional standard in this Ordinance of no more than 10%.
2. Minor modifications to the design standards of this Ordinance, but may not waive them in entirety.
3. A reduction of required off-street parking spaces by no more than 10% of that required or two spaces, whichever is greater.
4. A reduction in required bicycle parking of no more than 30%.
5. Minor modifications to the required landscape or a reduction in required plant materials.
6. A modification that allows additional materials for sign construction that are not listed as permitted.

#### **D. Procedure**

1. All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will consider an application for an administrative exception. The Zoning Administrator may decide that an application for an administrative exception, even if it meets the thresholds established in this section, is a hardship variance that must be decided by the Zoning Board of Adjustment. In such case, the Zoning Administrator will resubmit the application to the Zoning Board of Adjustment as a hardship variance. No additional fees are required.
2. The Zoning Administrator must review and evaluate the complete administrative exception application, pursuant to the standards of this section.
3. The Zoning Administrator must render a decision within 15 days of the date listed on the required notice as the date a decision can be rendered, and either approve, approve with conditions, or deny the application.
4. If the Zoning Administrator fails to act within 15 days of the date listed on the required notice, the administrative exception will be resubmitted to the Zoning Board of Adjustment as a hardship variance, in accordance with the requirements of Section 17.14.060. No additional fees are required.
5. If an objection is lodged against the administrative exception in writing, prior to the date indicated on the notice that the Zoning Administrator may render a decision, the application must be resubmitted as a hardship variance, in accordance with the requirements of Section 17.14.060. No additional fees are required.
6. The Zoning Administrator may impose conditions and restrictions upon the administrative exception as may be deemed necessary for the protection of the public health, safety, and welfare. The Zoning Administrator may grant an administrative exception that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the application.

#### **E. Approval Standards**

The decision of the Zoning Administrator must make findings to support each of the following conclusions:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

#### **F. Expiration**

An approved administrative exception will expire one year from the date of approval unless a building permit is obtained. The Zoning Administrator may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

#### **G. Appeal**

The decision of the Zoning Administrator may be appealed to the Zoning Board of Adjustment within 30 days of the date of the decision.

### **Section 17.14.080 Planned Unit Development**

#### **A. Purpose**

Planned unit developments (PUD) are a special approval intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should only be applied to further those applications that provide compensating amenities to the City. The underlying zoning district dimensional, design, and use regulations apply to a PUD unless specifically modified through the approval process. Through the flexibility of the planned unit development technique, a PUD is intended to:

1. Encourage flexibility in the development of land and in the design of structures.
2. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Ordinance.
3. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
4. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.

5. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
6. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
7. Facilitate the implementation of adopted City land use policies, particularly with respect to areas planned for potential redevelopment.

**B. Initiation**

The entire property proposed for the planned unit development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals will bind all owners.

**C. Authorization**

A planned unit development is authorized in all zoning districts.

**D. Exceptions From District Regulations**

1. A planned unit development is subject to the underlying district regulations, including use, unless an exception is specifically granted. The Plan and Zone Commission may recommend and the City Council may grant exceptions to the zoning district regulations, including use, for a planned unit development.
2. Exceptions from district regulations may be granted for planned unit developments, if the exceptions:
  - a. Enhance the overall merit of the planned unit development.
  - b. Promote the objectives of both the City and the development.
  - c. Enhance the quality of the design of the structures and the site plan.
  - d. Will not cause excessive adverse impact.
  - e. Are compatible with adopted City land use policies.
  - f. Provide a public benefit to the City, as described below.
3. The underlying zoning district regulations, including use, apply unless an exception is granted as part of the planned unit development approval. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
  - a. Community amenities including plazas, malls, formal gardens, and pedestrian facilities.
  - b. Preservation of existing environmental features.
  - c. Preservation of historic features.
  - d. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails and fitness courses, and playgrounds, dog parks, skate parks, and similar recreational features.
  - e. Reduction of impervious surface throughout the development below the threshold required by the district.
  - f. Adaptive reuse of existing buildings.
  - g. Provision of public car and/or bike share facilities
  - h. Affordable housing set-asides.

## **E. Procedure**

The following procedures, requirements, restrictions, and conditions are required. The approval of a planned unit development includes a pre-application consultation, preliminary plan approval, and final plan approval.

### **1. Pre-Application Consultation**

- a. Prior to formal submittal of an application, a pre-application conference with the Zoning Administrator is required.
- b. At a pre-application consultation, the applicant must provide:
  - i. A map (or maps) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site.
  - ii. A summary of the public benefits and amenities and any anticipated exceptions to this Ordinance.
  - iii. A written statement containing a general explanation of the planned unit development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
- c. The purpose of such pre-application consultation is to make advice and assistance available to the applicant before preparation of the preliminary plan, so that the applicant may determine whether the proposed planned unit development is in compliance with this Ordinance and other applicable regulations, and whether the proposed planned unit development aligns with the adopted land use policies of the City.
- d. The pre-application conference does not require formal application, fee, or filing of a planned unit development application. Any opinions or advice provided by the Zoning Administrator are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.

### **2. Preliminary Plan**

An application for a preliminary plan for a planned unit development must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Plan and Zoning Commission.

#### **a. Action by the Plan and Zoning Commission**

- i. After receipt of a complete application, the Plan and Zoning Commission will consider the preliminary plan at a public hearing.
- ii. Within 30 days of the close of the public hearing, the Plan and Zoning Commission must forward its recommendation to the City Council, unless an extension is agreed to by the applicant.
- iii. The Plan and Zoning Commission must evaluate the preliminary plan based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Plan and Zoning Commission must recommend approval, approval with conditions, or denial of the preliminary plan.

#### **b. Action by City Council**

The City Council will review the preliminary plan upon receipt of the Plan and Zoning Commission recommendation, and must approve, approve with conditions, or deny the preliminary plan.

#### **c. Conditions**

The Plan and Zoning Commission may recommend and the City Council may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned unit development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.

#### **d. Approval Standards**

The recommendation of the Plan and Zoning Commission and decision of the City Council must make a finding that the following standards for a planned unit development have generally been met.

- i. The proposed planned unit development meets the purpose of a planned unit development.



- ii. The proposed planned unit development will not impede the normal and orderly development and improvement of surrounding property.
- iii. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities.
- iv. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. A traffic study may be required to provide evidence that the circulation system is adequate.
- v. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, are compatible with the surrounding neighborhood and adjacent land uses.

**e. Expiration**

- i. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within one year after the date the City Council grants preliminary plan approval. As part of the approval of the preliminary plan, the City Council may extend this period of time including approval of a phasing plan where the validity period is longer than one year for the planned unit development.
- ii. An extension of this one year period may also be granted by the City Council if the applicant requests an extension in writing prior to the expiration date of the approval. A public hearing for an extension of time of a preliminary plan is not required.

**3. Final Plan**

Following the approval of the preliminary plan, an application for a final plan for a planned unit development must be filed with the Zoning Administrator.

**a. Action by Zoning Administrator**

The Zoning Administrator will review the final plan upon receipt of the complete final plan application and take the following action:

- i. If the final plan is in substantial compliance with the approved preliminary plan, the Zoning Administrator will recommend approval of the final plan to the Plan and Zoning Commission. The Zoning Administrator will certify to the Plan and Zoning Commission that the final plan is in substantial conformance with the previously filed preliminary plan.
- ii. If the final plan is not in substantial conformance with the approved preliminary plan, the Zoning Administrator must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the Zoning Administrator with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the Zoning Administrator render a decision to be forwarded to the Plan and Zoning Commission. In such case, the Zoning Administrator will recommend to the Plan and Zoning Commission that the final plan be denied and the plan and recommendation will be forwarded to the Plan and Zoning Commission.

**b. Action by Plan and Zoning Commission**

Upon receipt of the Zoning Administrator recommendation, the Plan and Zoning Commission must review the final plan. The Plan and Zoning Commission must approve or deny the final plan. If denied, the applicant may reapply by submitting a new final plan and the validity of the preliminary plan remains in effect. Alternatively, the applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

**c. Effect of Approval**

After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned unit development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Ordinance and constitutes grounds for revocation of all approvals granted for the planned unit development.

#### **d. Expiration**

- i. The final plan approval expires if a building permit has not been issued within two years after the date of final plan approval. As part of the Plan and Zoning Commission approval of the final plan, the Plan and Zoning Commission may extend this period of time including approval of a phasing plan where the validity period is longer than two years for the PUD.
- ii. An extension of this two year validity period may be granted by the City Council prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval.

#### **F. Modifications to Approved Final Plans**

No adjustments may be made to the approved final plan, except upon application to the City in accordance with the following.

##### **1. Administrative Modifications**

The Zoning Administrator may approve the following administrative modifications to an approved final plan when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved final plan. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. The Zoning Administrator, at his/her sole discretion, may choose to classify a modification that meets the criteria of this section as a minor modification to be approved by the Plan and Zoning Commission. No notice is required for an administrative modification.

- a. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation, to be confirmed by the City Engineer.
- b. Changes in building location of no more than ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- c. Changes in the location of walkways, vehicle circulation ways, and parking areas of up to ten feet that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- d. Changes to a structure that do not increase the building footprint, gross floor area, or height.
- e. Changes in building design, including building materials, that continue to meet the requirements of this Ordinance and any conditions of the final plan approval.
- f. Modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
- g. Modifications to the approved landscape plan that do not result in a reduction of the total amount of plant material required and conform with all landscape requirements of this Ordinance.
- h. Modification of existing signs or the addition of new signs when in conformance with sign regulations.

##### **2. Minor Modifications**

The Plan and Zoning Commission may approve the following minor modifications to an approved final plan when it is determined by the Plan and Zoning Commission that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Plan and Zoning Commission, at its sole discretion, may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the City Council. No notice is required for a minor modification. When calculating percentages, all fractions are rounded up to the nearest whole number.

- a. An increase or decrease in building height of up to 10%.
- b. An increase or decrease in building coverage up to 10%.
- c. A change of in the location of walkways, vehicle circulation ways, and parking areas over ten and up to 20 feet.
- d. An increase or decrease in the number of parking spaces of up to 20 parking spaces.

- e. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Ordinance.
- f. Altering any final grade by no more than 20% of the originally planned grade.

### **3. Major Modifications**

- a. The City Council may approve any other changes to an approved final plan that do not qualify as an administrative or minor modification. In addition, any of the following are considered major modifications:
  - i. Any request for an extension of time of the approved final plan.
  - ii. Changes to any conditions imposed as part of the approved final plan.
  - iii. Reductions or alterations in the approved public benefit and amenities to be provided.
  - iv. Any development action that does not comply with zoning district regulations.
- b. All major modifications to the final plan must be approved by the City Council in a public hearing. The City Council may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned unit development, respond to changes in conditions that have occurred since the final plan was approved, and/or respond to changes in adopted City land use policies.
- c. Upon review of the proposed major modifications, the City Council may determine that the proposed modifications constitute a new planned unit development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this Section. The applicant may submit the final plan as a new preliminary plan at the preliminary plan stage.

## **Section 17.14.090 Site Plan Review**

### **A. Purpose**

The site plan review process is intended to promote orderly development and redevelopment in the City, and to assure that such development or redevelopment occurs in a manner that is harmonious with surrounding properties, is consistent with City's adopted land use policies, and promotes the public health, safety, and welfare of the City. This section provides standards by which to determine and control the physical layout and design to achieve compatibility of uses and structures, efficient use of land, minimization of traffic and safety hazards, and incorporation of stormwater management and sustainable design techniques.

### **B. Authority**

The Zoning Administrator reviews and issues final approval of site plans. The Zoning Administrator may convene a technical review committee, comprised of City staff, as he/she deems appropriate.

### **C. Required Site Plan Review**

1. Site plan review and approval is required for the following developments. Site plan review and approval is not required for planned unit developments.
  - a. New townhouse, multi-family, nonresidential, and mixed-use development, including construction of additional principal buildings on a developed site.
  - b. Additions to townhouse, multi-family, nonresidential, and mixed-use development that increase the gross floor area by 3,000 square feet or more.
  - c. Parking lots of 15 or more spaces.
  - d. Drive-through facilities.
2. The following are exempt from site plan review:
  - a. Planned unit developments (site plan review is conducted as part of the PUD process).

#### **D. Procedure**

1. Applications for site plan review must be submitted to the Zoning Administrator. The Zoning Administrator may convene a technical review group comprised of City staff to review the application.
2. The Zoning Administrator must begin the review of the site plan within 30 days of the date the application is deemed complete. The Zoning Administrator Development must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the site plan.
3. Site plan approvals are applicable as follows:
  - a. When no other approvals are required, the site plan approval must occur before a building permit is issued. If the Zoning Administrator approves the site plan subject to certain conditions, all plans and drawings to be submitted as part of the application for a building permit or zoning approval must be revised to include those conditions.
  - b. When a special use approval is required, the site plan must be approved by Zoning Administrator prior to the hearing on the special use approval. The approved site plan would be forwarded with the application and the staff recommendation on the approval. The approving body would be allowed to impose additional conditions on the site plan. If the Zoning Administrator approves the site plan subject to certain conditions, the site plan forwarded with the approval application must be revised to include those conditions.
  - c. When a variance or administrative exception is required, the variance or administrative exception must be approved prior to final approval of the site plan. Once the variance or administrative exception is approved, the site plan may be submitted for review and approval. If the approving body imposed additional conditions as part of the variance or administrative exception approval, the site plan must include such conditions. If the Zoning Administrator approves the site plan subject to certain conditions, the site plan forwarded with the approval application must be revised to include those conditions and any conditions of the variance or administrative exception.

#### **E. Approval Standards**

The following will be evaluated in the review of site plans:

1. Conformity with the regulations of this Ordinance and other applicable regulations of the Municipal Code, and the Comprehensive Plan and adopted land use policies.
2. The location, arrangement, size, design, and general site compatibility of all structures, lighting, and signs to ensure:
  - a. Efficient use of land that responds to the existing off-site utilities and service conditions in order to minimize the demand for additional municipal services, utilities, and infrastructure.
  - b. Compatibility with and mitigation of any potential impact upon adjacent property.
  - c. Lighting designed and installed to minimize adverse impact on adjacent properties.
  - d. Signs in conformance with the Ordinance.
3. Landscape and the arrangement of open space or natural features on the site should:
  - a. Create a desirable and functional open space environment for all site users.
  - b. Preserve unique natural resources, including measures to preserve and protect existing healthy plantings.
  - c. Design drainage facilities to promote the use and preservation of natural watercourses and patterns of drainage.
  - d. Utilize native and naturalized plant materials suitable to withstand the climatic conditions of the City and microclimate of the site.
  - e. Use of screening to minimize the impact of the development on adjacent uses and mitigate impacts between incompatible uses, creating a logical transition to adjoining lots and developments.

4. Circulation systems and off-street parking designed to:

- a. Provide adequate and safe access to the site for motor vehicles as well as other modes of transportation, including pedestrians and bicyclists.
- b. Minimize potentially dangerous traffic movements.
- c. Minimize curb cuts, including the use of cross-access easements and shared parking.
- d. Clearly define a network of pedestrian connections in and between parking lots, street sidewalks, open spaces, and structures that is safe, visible, and identifiable.

**F. Minor Adjustment to Certain Design Standards**

The Zoning Administrator is authorized to grant minor adjustments to off-street parking and loading and landscape design standards when carrying out the requirement may cause a minor practical difficulty. Such adjustment may be granted when it will not adversely affect the purposes and intent of this chapter or simply grant a convenience to the applicant.

**F.G. Modifications to Approved Site Plans**

1. An application for a modification to an approved site plan must be submitted to the Zoning Administrator. Modification applications must include a written description of the proposed change, including the reason for such change, and a notation of the location on the approved site plan.
2. The Zoning Administrator may approve the following minor modifications to approved site plans. Only those elements of the site plan being modified need to be submitted for review.
  - a. Minor changes required during construction, as related to final engineering issues such as topography, drainage, underground utilities, structural safety, or vehicular circulation.
  - b. Exterior renovations to a building facade when in conformance with the requirements of this Ordinance.
  - c. The modification of existing accessory structures or the addition of new accessory structures when in conformance with the requirements of this Ordinance.
  - d. The construction of additional bicycle or parking spaces.
  - e. The addition of any open space.
  - f. A reduction in the amount of bicycle or parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Ordinance.
  - g. Modifications to the approved landscape plan that does not result in a reduction of the total amount of plant material required and remains in conformance with all landscape requirements.
  - h. The modification of existing signs or the addition of new signs when in conformance with the requirements of the Ordinance.
3. Any modification not considered a minor modification requires resubmittal of a full site plan.

**G.H. Expiration**

The site plan approval expires if a building permit has not been issued or construction has not **begin begun** within one year after the date of site plan approval. An extension of this one year validity period may be granted by the Zoning Administrator prior to the expiration date of the approval, if the applicant requests an extension in writing prior to the expiration date of the approval.

**Section 17.14.100 Design Review**

**A. Purpose**

The purpose of design review is to ensure that the buildings, improvements, signs, landscape design, and siting complies with the adopted performance standards and design guidelines, including City of Davenport's adopted Downtown Design Guidelines, Downtown Davenport Streetscape Improvement Plan, Village of East Davenport Performance Standards, and Elmore Corners Plan.

## **B. Initiation**

Any person with an interest in the property may file an application for design approval.

## **C. Authority**

The Design Review Board issues final design approval. Design review approval is required prior to site plan review approval. If site plan is not required, design review approval is required prior to issuance of a building permit.

## **D. Required Design Review Board Approval**

1. Design Review Board Approval is required in the C-D, C-V, and C-E Districts for the following:
  - a. New construction or an alteration to the exterior of a structure where changes are visible from the public right-of-way.
  - b. Installation of any sign or action related to a sign.
  - c. New parking lots, fencing/walls and landscaping or an alteration to existing parking lots, fencing/walls or landscaping.
  - d. Streetscape elements within the right-of-way.
  - e. Demolition within the C-D and C-V Districts requires the owner(s) of record or the City to apply for a demolition approval. Alternately, the City Fire Marshal and/or the Chief Building Official may order the partial or complete demolition of a structure because it possesses an immediate, definite and serious threat to the life, health and safety of the general public. In such cases, the Design Review Board review is limited to reviewing the design, construction, and/or condition of any shared party wall made visible by the demolition.
2. The following are exempt from Design Review Board approval:
  - a. Properties listed on the Davenport Register of Historic Places and/or National Register of Historic Places, which are subject to the review authority of the Historic Preservation Commission.
  - b. The Zoning Administrator is authorized to approve design proposals as determined by the Design Review Board.

## **E. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Design Review Board.

### **1. Action by the Design Review Board**

- a. After receipt of a complete application, the Design Review Board will consider the application at a public meeting. If, in the Design Review Board's judgment, the application does not contain sufficient information to enable proper review and consideration or achieve consistency with Downtown Design Guidelines, Downtown Davenport Streetscape Improvement Plan, Village of East Davenport Performance Standards, and Elmore Corners Plan, as applicable, the Design Review Board may request additional information from the applicant or an alteration and the public meeting may be continued. The Design Review Board may continue any application a maximum of three regularly scheduled consecutive meetings unless the applicant requests additional continuances.
- b. The applicant may appeal the Design Review Board's determination to the City Council. A written appeal must be submitted to the Zoning Administrator within thirty calendar days of the Design Review Board's decision.

## **F. Approval Standards for Design Review**

Application will be reviewed for consistency with the adopted Downtown Design Guidelines, Downtown Davenport Streetscape Improvement Plan, Village of East Davenport Performance Standards, and Elmore Corners Plan, as applicable.

## **G. Expiration**

An approved design review will expire one year from the date of approval unless a building permit is obtained within such period. The Zoning Administrator may grant an extension for a period of validity longer than one year. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

#### Section 17.14.110 Sign Permit

##### **A. Purpose**

No sign, unless specifically identified as exempt by this Ordinance, may be erected, constructed, altered, or relocated without first obtaining approval of a sign permit in accordance with the following. A sign permit is intended to ensure that all signs are installed in compliance with this Ordinance.

##### **B. Authority**

Davenport Public Works issues sign permits.

##### **C. Application**

A complete application for a sign permit is required and accompanied by all required submittals, unless waived by Davenport Public Works. When a sign permit applicant proposes to install a sign on property not owned by the applicant, written permission from the property owner or his/her authorized agent must be submitted as part of the sign permit application.

##### **D. Process**

Upon the filing of a complete application for a sign permit, Davenport Public Works will examine the plans and specifications for the proposed sign and will issue a sign permit if the plans comply with the requirements of this Ordinance and other applicable City codes and ordinances.

##### **E. Fees**

All fees must be paid to receive a permit. No permit will be issued without full payment of required fees.

##### **F. Expiration**

If the work authorized under a sign permit is not completed within 180 days of issuance of the permit, unless Davenport Public Works has allowed a longer time period of validity at the issuance of the sign permit, the sign permit expires and becomes null and void.

#### Section 17.14.120 Zoning Interpretation

##### **A. Purpose**

The interpretation authority is intended to recognize that the provisions of this Ordinance, though detailed and extensive, cannot, as a practical matter, address every specific zoning issue. However, this zoning interpretation authority is not intended to add or change the essential content of the Ordinance.

##### **B. Initiation**

The City Council, the Plan and Zoning Commission, Zoning Board of Adjustment, or a property owner in the City, or person expressly authorized in writing by the property owner, may request a zoning interpretation. All interpretation requests must be for the purpose of furthering some actual development.

##### **C. Authority**

The Zoning Administrator will review and make final decisions on written requests for zoning interpretations.

##### **D. Procedure**

All applications for interpretations must be filed with the Zoning Administrator. The Zoning Administrator must review a written request for an interpretation and render the interpretation in writing within a reasonable time. The Zoning Administrator may request additional information prior to rendering an interpretation.

#### Section 17.14.130 Zoning Appeals

##### **A. Purpose**

The zoning appeals process is intended to provide appropriate checks and balances on the administrative authority of the Zoning Administrator

##### **B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, that is directly affected by a determination of the Zoning Administrator may file an appeal of the Zoning Administrator's decision on an administrative exception, zoning interpretation, temporary use permit, or other administrative decision related to this Zoning Ordinance.



**C. Authority**

The Zoning Board of Adjustment will take formal action on zoning appeal applications.

**D. Procedure**

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed zoning appeal at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to properly review and consider the application, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. Within 30 days of the close of the public hearing, the Zoning Board of Adjustment must either confirm or overturn the Zoning Administrator's decision.

**E. Limitations on Zoning Appeals**

A decision of the Zoning Administrator may only be appealed if an application is filed within 30 days of the date of notice of the Zoning Administrator's decision.

**Section 17.14.140 Health Services and Congregate Living Permit****A. Purpose**

Certain uses related to health services and congregate living require a health services and congregate living permit to ensure that such facilities have address issues of public safety for both the populations served and those in the surrounding area. A health services and congregate living permit is only required when the use identified in Table 17.08-1 requires such a permit.

**B. Initiation**

A property owner in the City, or person expressly authorized in writing by the property owner, may initiate a health services and congregate living permit application.

**C. Authority**

The Zoning Administrator will review and make final decisions on health services and congregate living permit applications.

**D. Procedure**

1. All applications for health services and congregate living permit must be filed with the Zoning Administrator. The Zoning Administrator must render a decision on the health services and congregate living permit within 30 days of the date the application is deemed complete. The Zoning Administrator must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.
2. If the use is also a special use, per Table 17.08-1, approval of a health services and congregate living permit does not constitute a special use approval. The Zoning Administrator will forward the health services and congregate living permit's approval or denial to the Zoning Board of Adjustment for final decision.

**E. Submittal Requirements**

Application for a health services and congregate living permit requires the following:

1. Description of principal and accessory uses on-site.
2. Description of the target clientele population to be served.
3. The size of the facility (maximum number of beds or persons permitted to be served by the facility).
4. Name and phone number of person acting as 24-hour contact.
5. Designation of a manager who will serve as a point of contact for the public and the City.
6. A management plan detailing operation of the use, number and professional qualifications of staff, management of volunteers, and policy for client conduct and violent clients.

7. A neighborhood communication policy. This is not required for a domestic violence shelter or a children's home.
8. A security plan to ensure safety for staff and clients.
9. Evidence that all required governmental licenses to operate lawfully have been obtained.
10. Evidence that the licensee has a clean criminal background check, to be verified annually by the Davenport Police Department. Licensee must pay the cost of providing the criminal background check.
11. The manager contact information must be printed legibly and posted in such a way as to be conspicuous and readable from the exterior of each building to a person at the front entrance of a building. The posting must contain the address of the property, the name of the manager of the property, and the phone number of the manager. This is not required for a domestic violence shelter.

**IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY**

CRAIG McMANUS, CHARLOTTE	)	
McMANUS, JEFFREY TALBERT,	)	
LUCY TALBERT, DONALD	)	
ANGERER, DOLORES ANGERER,	)	
APOLINAR JIMINEZ, PATRICIA	)	
JIMINEZ and ROBERT SCHLICHTING,	)	Equity No. EQCE130756
	)	
Plaintiffs,	)	
	)	
v.	)	<b>RULING ON DEFENDANTS'</b>
	)	<b>MOTION FOR SUMMARY</b>
THE CITY OF DAVENPORT, IOWA,	)	<b>JUDGMENT</b>
an Iowa Municipal Corporation, and	)	
CITY COUNCIL OF THE CITY OF	)	
DAVENPORT, IOWA,	)	
	)	
Defendants.	)	

The plaintiffs filed a petition for writ of certiorari and declaratory judgment to challenge a rezoning ordinance. After making a return under the writ, the defendants filed a motion for summary judgment. The motion came before the Court for an unreported oral argument on May 28, 2019. The plaintiffs were represented by their attorney, Michael J. Meloy. The defendants were represented by their attorney, Brett R. Marshall.

The Court, having considered the motion and resistance, all support documents, the arguments of counsel, and being fully advised in the premises, hereby enters the following ruling.

**1. Summary judgment law.**

A party is entitled to summary judgment "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to

a judgment as a matter of law.” Iowa R.Civ.P. 1.981(3). A party resisting a motion for summary judgment may not rely solely on their pleadings and must present evidence to demonstrate that a genuine issue of material fact is presented. *Stevens v. Iowa Newspapers, Inc.*, 728 N.W.2d 823, 827 (Iowa 2007). A fact issue is “material” when the dispute is over facts which might affect the outcome of the case under the applicable law. *Sallee v. Stewart*, 827 N.W.2d 128, 132-33 (Iowa 2013). A “genuine” issue of fact means that the evidence is such that a reasonable jury could return a verdict for the non-moving party. *Junkins v. Branstad*, 421 N.W.2d 130, 132 (Iowa 1988). When reasonable minds would be unable to draw different inferences from the evidence, summary judgment is appropriate. *Hills Bank & Trust Co. v. Converse*, 772 N.W.2d 764, 771 (Iowa 2009). The Court is required to review the record in the light most favorable to the party opposing summary judgment. *Smith v. CRST, Inc.*, 553 N.W.2d 890, 893 (Iowa 1996). The opposing party is granted all reasonable inferences that can be drawn from the record. *Estate of Gray ex rel. Gray v. Baldi*, 880 N.W.2d 451, 455 (Iowa 2016). The movants must show they are entitled to summary judgment as a matter of law. *Sallee*, 827 N.W.2d at 133.

Summary judgment is also proper if the only issue is the legal consequences flowing from undisputed facts. *Peak v. Adams*, 799 N.W.2d 535, 542 (Iowa 2011).

## **2. Background facts.**

The facts are not disputed. WCT Investments Davenport Series, LLC (hereinafter “WCT”) submitted an application to rezone a parcel of approximately 6.5 acres located on East 53<sup>rd</sup> Street in Davenport, Iowa. WCT sought to rezone the property from R-1 Low Density Dwelling District to PDD Planned Development District

to facilitate a commercial development project, including a Portillo's restaurant. WCT also submitted an application to vacate a 0.34 acre parcel of public right of way known as Fairhaven Road. The plaintiffs own residential properties in an adjoining subdivision.

WCT submitted its rezoning application and vacation application on May 29, 2018. On June 19<sup>th</sup>, the Davenport City Plan and Zoning Commission (hereinafter "P&Z") held a public hearing on both applications. Notice of these public hearings was published in the Quad City Times on June 15<sup>th</sup>. The City also mailed notice to each property owner within 200 feet of the proposed rezoning, including any of the plaintiffs who lived within 200 feet.

After holding the public hearing, P&Z took three actions at a later meeting on July 2, 2018: (1) it voted to amend the City's comprehensive plan; (2) it voted to recommend approval of WCT's rezoning application; and (3) it voted to recommend approval of WCT's vacation application.

On July 18<sup>th</sup>, the Davenport City Council held a public hearing on the rezoning application and the vacation application. Notice of these public hearings was published in the Quad City Times on July 10, 2018. The City also mailed a notice of the public hearing to each property owner within 200 feet of the proposed rezoning, including any plaintiffs who lived within 200 feet.

On July 19<sup>th</sup>, WCT submitted an application to the City for approval of a PDD Planned Development District Final Development Plan for its proposed development.

The city council held its first and second readings of the rezoning ordinance (Ordinance 364) and vacation ordinance (Ordinance 365) on July 25 and July 31. The ordinances were passed and approved following their third and final reading on August

22<sup>nd</sup>. The city council also approved the PPD Development Plan Application on that date.

On January 9, 2019, the Davenport City Council repealed and replaced its entire zoning ordinance, Chapter 17 of the Davenport Municipal Code. Under this new zoning ordinance, WCT's 6.5 acre parcel is now zoned C-2 Corridor Commercial.

The plaintiffs filed their petition for writ of certiorari and declaratory judgment on September 21, 2018. From the petition and the briefs submitted, the Court determines the following issues are asserted by the plaintiffs: (1) the property owners' due process rights were violated in that they did not receive proper mailed notice or published notice of the public hearings; (2) the City improperly rezoned public right of way not belonging to the developer; (3) Ordinance Nos. 364 and 365 are illegal, null, and void due to a number of technical deficiencies in the ordinances. The defendants deny these claims, and further assert that any technical defects were cured by the City's comprehensive rezoning ordinance passed in January 2019.

The clerk of court issued a writ of certiorari on September 24, 2018, and the City made a return under the writ. The defendants then filed their motion for summary judgment.

### **3. The plaintiffs' notice arguments.**

The plaintiffs claim the City failed to mail individual notices to them as property owners located within 200 feet of the proposed rezoning area. They also argue the published notice of the P&Z public hearing was defective in that it was published four, not seven, days prior to the public hearing. The City claims that P&Z is not even required to hold a public hearing, but, since it did, it claims notice was legally sufficient.

Iowa Code §414.4 provides:

The council of the city shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in section 362.3, except that at least seven days' notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice.

Iowa Code §414.5 states that zoning regulations can be amended from time to time. The city council may impose conditions on any rezoning. Where a written protest is filed against a zoning change by the owners of 20% or more of the property in the district, or 20% or more of the owners within 200 feet of the exterior boundaries of the rezoning area, then a supermajority of three-fourths of the city council is required to approve a rezoning.

Iowa Code §414.6 sets forth the powers and duties of a city zoning commission. The commission must hold a public hearing and issue a report to the city council. The city council may not hold its public hearing or take action until it has received the zoning commission's final report.

The Court concludes the City's argument that its plan and zoning commission need not hold a public hearing is without merit. Section 414.6 requires P&Z to hold a public hearing. ("Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report . . ."). The Davenport commission did hold the required public hearing. Therefore, the Court turns to the issue of notice.



The Court concludes the plaintiffs were not entitled to individual, mailed notice. No statute or provision of the city code requires such mailed notice. The plaintiffs have cited no cases requiring such notice. Their reading that §414.5 and Davenport Ord. 17.60.040 require such notice is misplaced. These deal with the supermajority requirement if a protest is filed; they do not address the notice required. Published notice is sufficient and comports with due process. *Quality Refrigerated Services, Inc. v. City of Spencer*, 586 N.W.2d 202, 205-06 (Iowa 1998).<sup>1</sup>

As to the sufficiency of the published notice of the P&Z public hearing, §414.5 provides that seven days' published notice of a rezoning public hearing is required. However, this refers to the public hearing before the city council. This is made clear by the last sentence, which states "that a least seven days' notice must be given *and in no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice.*" Therefore, the seven-day notice provision in §414.5 applies to the public hearing before the city council. No similar provision is found in §414.6, which governs the powers and duties of P&Z. Therefore, their notice requirements are governed by Iowa Code §362.3, which requires published notice, at least once, not less than four nor more than twenty days before the date of the hearing. Since the City published notice four days prior to the hearing, this notice complied with state statute.

Likewise, nothing in the Davenport Municipal Code changes these notice provisions. The plaintiffs argue the last sentence of §17.60.040(A) requires published

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<sup>1</sup> The Court is somewhat confused by the plaintiffs' arguments concerning mailed notice. It appears the plaintiffs did receive mailed notice, which the City sent as a courtesy. There is no factual issue that these plaintiffs received mailed notice of both the P & Z and city council public hearings. They do not have standing to raise claims of others who perhaps did not receive such notice. In any event, the Court has concluded that mailed notice is not required by statute or ordinance.

notice seven days prior to the P&Z hearing. However, read in context, §17.60.040(A) applies only to proceedings before the city council. In contrast, §17.60.030 addresses amendments submitted to P&Z for review, and it contains no such requirement. In fact, this ordinance does not require P&Z to hold a public hearing, although, as previously addressed, state statute requires the hearing.

In summary, individual notices were not required. P&Z properly published notice of its public hearing on the rezoning request four days prior to the hearing. The city council properly published notice of its public hearing on the rezoning request more than seven days prior to the hearing. Therefore, the plaintiffs' due process rights were not violated due to lack of required notice.

#### **4. The rezoning of public right of way.**

The plaintiffs argue the City improperly rezoned public right of way. They allege the 0.34-acre parcel of Fairhaven Road was included in the rezoning application even though it had not yet been vacated by the City or conveyed to WCT. Therefore, they argue the rezoning of this parcel is illegal and the ordinance is void.

It does appear the City put the cart before the horse, however slightly. The city council passed both Ord. 364 (the rezoning) and Ord. 365 (the vacation of Fairhaven Road) at the same August 22 council meeting. They were passed back-to-back, within minutes of one another, but in the wrong order. To compound matters, each ordinance contained the title of the other by mistake. The plaintiffs acknowledge the City later corrected this mistake.

In any event, the public was not misled. These ordinances advanced in tandem through P&Z and the city council. The rezoning application contained within its legal

description the vacated portion of Fairhaven Road. The city council approved the vacation and rezoning requests virtually simultaneously. Under these circumstances, the rezoning is not illegal.

**5. The plaintiffs' claims as to technical deficiencies.**

The plaintiffs raise a variety of issues concerning the wording of each ordinance. As noted earlier, the titles were initially incorrect, but were subsequently corrected. Ord. 364 in its body does not state the existing or future zoning classification of the property. However, these were noted in the title or heading of the ordinance. Again, the city council passed the vacation ordinance *after* the rezoning ordinance.

Viewing the rezoning process as a whole, the Court concludes the City substantially complied with the statutes and ordinances. The variance and rezoning requests proceeded on parallel courses and were approved at the same meetings. The titles were inadvertently switched, but ultimately corrected. The zoning classifications were set forth in the title or heading of Ord. 364. Neither state law nor the municipal code require any particular format. The Court finds there was substantial compliance, and the public was not misled. *Residential and Agricultural Advisory Committee, LLC v. Dyersville City Council*, 888 N.W.2d 24, 48 (Iowa 2016).

**6. Effect of City's comprehensive rezoning.**

The City repealed and replaced its existing zoning ordinances on January 9, 2019 by the passage of Ordinance No. 2019-02. Under the new ordinance, the WCT property is now zoned C-2 Corridor Commercial.

The parties dispute the effect of this ordinance. The City contends Ord. 364 has now been superseded and replaced. It argues this renders the plaintiffs' challenges

moot. The plaintiffs argue that because Ord. 364 is null and void due to material defects, Ord. 2019-02 cannot supersede a void ordinance. They also argue the new ordinance cannot serve to repeal and re-enact the zoning classification of their property.

The Court has already concluded above that Ord. 364 is not void. However, the Court also concludes that Ord. 2019-02 properly repealed the prior ordinance.

In *Brackett v. City of Des Moines*, 246 Iowa 249, 67 N.W.2d 542 (1954), a zoning ordinance enacted in 1926 zoned the plaintiff's property commercial. The zoning ordinance was amended in 1946, but the ordinance establishing the zoning of the plaintiff's property was exempted from repeal. The city council then passed a comprehensive zoning ordinance in 1953. Under this ordinance, the plaintiff's property was re-zoned residential. The 1953 ordinance repealed all prior zoning ordinances. The Iowa Supreme Court rejected various challenges by the property owners in that case that are similar to the plaintiffs' challenges here.

In *Brackett*, the 1953 ordinance stated it repealed section 1 of Ord. 20. However, Ord. 20 was a void ordinance. The court rejected a challenge on this ground, and held the new ordinance was complete and sufficient in and of itself. *Brackett*, 246 Iowa at 255, 67 N.W.2d at 545. (Essentially, a valid ordinance repealing a void ordinance is valid). Under this holding, even if Ord. 364 were void, Ord. 2019-02 is complete and sufficient in and of itself, and serves to establish the current zoning classification of WCT's property.

Likewise, contrary to the plaintiffs' contentions, a zoning ordinance can be amended by repeal and re-enactment. *Brackett*, 246 Iowa at 256, 67 N.W.2d at 545-46:

Clearly, a municipality vested with the power to comprehensive (sic) zone its area must have power to amend its zoning ordinances from time to

time where there are substantial changes of conditions, which inevitably occur, and where the amendment has some reasonable relation to the end sought to be obtained, viz., a furtherance of the public interest. . . . 58 Am.Jur. Zoning, section 169, states a municipality authorized, at its option, to establish a zoning system may terminate, repeal in part, or amend its zoning ordinances from time to time as conditions warrant and require.

The *Brackett* court concluded that the comprehensive zoning ordinance properly amended the zoning of the owner's parcel.

WCT's property was also properly rezoned by Ord. 2019-02. Therefore, the plaintiffs' claims in the present lawsuit are moot.

#### **7. Conclusion.**

Because all of the plaintiffs' claims for relief fail, the defendants are entitled to summary judgment.

#### **RULING**

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** by the Court that the defendants' motion for summary judgment is **GRANTED**.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the writ of certiorari previously granted in this case is **ANNULLED**.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** by the Court that the plaintiffs' petition for writ of certiorari and declaratory judgment is **DISMISSED** with costs assessed to the plaintiffs.



State of Iowa Courts

**Type:** OTHER ORDER

<b>Case Number</b>	<b>Case Title</b>
EQCE130756	MCMANUS CRAIG VS CITY OF DAVENPORT & COUNCIL

So Ordered

A handwritten signature in blue ink, reading "Mark R. Lawson", is written over a horizontal line.

Mark R. Lawson, District Court Judge,  
Seventh Judicial District of Iowa