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INST. NO. 00-04606
STORY COUNTY, IOWA
FILED FOR RECORD
AM MAY 03 2000 PM
SUSAN L. VANDE KAMP, Recorder
RECORDING FEE \$ 656.00
AUDITOR'S FEE \$

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Prepared by: John R. Klaus, City of Ames Legal Department, 515 Clark, Ames, Iowa 50010 (Phone: 515-239-5146)

ORDINANCE NO. 3557

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 29 OF THE MUNICIPAL CODE AND ENACTING A NEW CHAPTER 29 FOR THE PURPOSE OF REVISING ZONING REGULATIONS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 29 of the Municipal Code as it now exists and enacting a new Chapter 29 as follows:

“CHAPTER 29
ZONING

DIVISION I
GENERAL PROVISION

ARTICLE 1

TITLE; AUTHORIZATION; PURPOSE AND MISCELLANEOUS PROVISIONS

Sec. 29.100. TITLE.

This chapter shall be known and may be cited and referred to as the Zoning Ordinance for the City of Ames, Iowa (the "City"), and will be referred to herein as "the Ordinance" to the same effect as if the full title were stated

Sec. 29.101. STATUTORY AUTHORIZATION.

The provisions of Section 414.4 of the Iowa Code, as amended, authorize the City Council to determine, establish and enforce the regulations, restrictions and the boundaries of the Zones set forth in the Ordinance.

Sec. 29.102. PURPOSE, INTERPRETATION AND APPLICATION.

(1) Purpose. The Ordinance regulates and restricts the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes in order to promote the health, safety and the general welfare of the City in the following ways:

- (a) To direct the development of the City in accordance with the Land Use Policy Plan, which is the City's comprehensive plan;
- (b) To preserve the availability of agricultural land;
- (c) To consider the protection of soil from wind and water erosion;
- (d) To encourage efficient urban development patterns;
- (e) To lessen congestion in the streets;
- (f) To secure safety from fire, flood, panic, and other dangers;
- (g) To promote health and the general welfare;
- (h) To provide adequate light and air;
- (i) To prevent the overcrowding of land;
- (j) To avoid undue concentration of population;
- (k) To promote the conservation of energy resources;
- (l) To promote reasonable access to solar energy;

(m) To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

(n) To preserve historically significant areas of the City.

The Ordinance has been made with reasonable consideration, among other things, as to the character of the area of each Zone and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(2) **Interpretation and Application.** The provisions of the Ordinance are the minimum requirements for promotion of the public health, safety and general welfare. If the Ordinance requires a greater width or size of yards, courts or other open spaces, or a lower height of buildings or less number of stories or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required in any other statute or local ordinance or regulation, the Ordinance shall govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or a lower height of building or less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the Ordinance, such other statute or local ordinance or regulation shall govern.

Sec. 29.103. VALIDITY, SEVERABILITY & EFFECTIVE DATE.

(1) **Validity & Severability.** If any division, section, subsection, paragraph, sentence, clause, phrase, or provision of the Ordinance is adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any division, section, subsection, paragraph, sentence, clause, phrase, or provision thereof, other than the division, section, subsection, paragraph, sentence, clause, phrase, or provision so adjudged to be invalid or unconstitutional. All regulations or parts of regulations in conflict with the Ordinance are hereby repealed to the extent of such conflict.

(2) **Effective Date.** The Ordinance shall be in full force and effect from and after its enactment in accordance with Section 414.4 of the Iowa Code.

Sec. 29.104. RELATIONSHIP TO OTHER LAWS.

In addition to the requirements of the Ordinance, all uses of land, buildings and structures must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Ordinance to other City, county, state or federal statutes or regulations are for informational purposes only and do not constitute a complete list of such statutes or regulations. The Ordinance is expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) Land Use Policy Plan.
- (2) Subdivision Regulations.
- (3) Historic Preservation Ordinance.
- (4) Flood Plain Ordinance.
- (5) Building, Sign and House Moving Code.
- (6) Rental Housing Code.
- (7) Transportation Plan.
- (8) Park Master Plan.
- (9) Bicycle Route Master Plan.

Sec. 29.105. PENDING APPLICATIONS AND APPROVED PLANS.

(1) Applications for a Building/Zoning Permit, or an application for a zoning permit for a land use that does not entail erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof, shall be granted or denied on the basis of the regulations in effect on the date that the application was received in the office of the person charged with the duty of administering such permits.

(2) The provisions of Subsection 1 above notwithstanding, permits shall be issued in furtherance of an approved site plan, Residential P.U.D., Planned Commercial District Plan, Planned Industrial District Plan or any other plan of land use or development approved if the said plan was duly approved and authorized pursuant to the ordinances in effect at the time of the plans approval. However, there shall be no change, deviation, or departure from the plan except when done in accordance with and pursuant to the regulations and procedures in effect for the site at the time of any such change, deviation or departure from the approved plan.

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Sec. 29.106. REPEALER.

The Ordinance hereby repeals the existing and all prior zoning ordinances or regulations of the City in their entirety except to the extent provided in Section 29.105.

**ARTICLE 2
RULES OF CONSTRUCTION AND DEFINITIONS**

Sec. 29.200. GENERAL RULES OF CONSTRUCTION.

In the construction of this Ordinance, words and phrases shall be construed according to the commonly approved usage of the language, except that technical words and phrases that have acquired a particular and appropriate meaning in law shall be construed accordingly. All words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; and the masculine gender includes the feminine and vice versa. The word "shall" is mandatory and not directory. The word "used" shall include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

- (1) **Abutting** means adjoining or bordering.
- (2) **Access** means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
- (3) **Accessible Parking Space** means parking spaces accessible for persons with disabilities.
- (4) **Accessory Structure** means a subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building. Accessory Structures include garages, decks, and fences.
- (5) **Accessory Use** means a use incidental to, and on the same lot as, a primary use.
- (6) **Adaptive Reuse** means rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).
- (7) **Adult Entertainment Facilities:** See Table 29.501(4)-7.
- (8) **Agriculture** means any use of any land, building, structure or portion thereof principally for the production and, as an accessory use, for the treatment and storage of plants, animals or horticultural products. "Agriculture" shall include aquaculture; beef cattle; bees and apiary products; dairy animals and products; flowers; forages; fruits, nuts and berries; grains and feed crops; horses; poultry; sheep; swine; trees and forest products; and vegetables. "Agriculture" shall not include any auction sales yards, greenhouses, nurseries or hydroponic farms operated at retail, or wholesale recreational facilities, rural or suburban areas used primarily for residential or recreational purposes or stockyards or feedlots operated commercially.
- (9) **Alley** means any public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
- (10) **Alteration** means a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
- (11) **Animal Hospital or Clinic** means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. This does not include open kennels or runs.
- (12) **Apartment Dwelling** means a dwelling containing 3 or more residential units. The term includes what is commonly known as an apartment building, but excludes community residential facilities or single family attached dwellings. Apartment dwellings may be occupied by families, or a group of unrelated persons limited to five or less.
- (13) **Assisted Living Facility** means a residence for 2 or more elderly that provides rooms, meals, personal care and supervision of self-administered medication. These facilities may provide other services, such as recreational activities, financial services, and transportation.

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- (14) **Automotive and Marine Craft Trade:** See Table 29.501(4)-3.
- (15) **Awning** means any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements or a roof-like structure of a permanent nature projecting from the wall of a structure and overhanging a public way.
- (16) **Base Zone** means the mapped area to which a uniform set of general regulations apply, typically for agricultural, residential, commercial, or industrial uses.
- (17) **Basic Utilities:** See Table 29.501(4)-6.
- (18) **Billboard** means a fabricated surface or devise located outdoors that is used or intended to be used in the business of displaying messages in exchange for a rental payment fee.
- (19) **Block** means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries.
- (20) **Bracket** means a structural support attached to a wall and bolted to or bearing thereon. Often used as a decorative feature connecting an overhanging stoop to the structure.
- (21) **Building** means any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels.
- (22) **Building Coverage** means the area of a lot covered by buildings or roof areas, including covered porches, accessory buildings and areas for outdoor storage, but excluding allowed projecting eaves, uncovered balconies, and similar features.
- (23) **Building/Zoning Permit** means a permit issued by the duly designated Building Official authorizing the erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building, structure or portion thereof. Such a permit shall not be issued without the signature of the Zoning Enforcement Officer, certifying compliance with this ordinance.
- (24) **Building, Principal** means the building on a lot in which the Principal Use of the lot is conducted.
- (25) **Carport** means any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units. "Carport" shall not include any parking structures.
- (26) **Cemetery** means any land, building, structure or portion thereof used for the burial of the dead. "Cemetery" does not mean columbarium, crematory, funeral home, or mausoleum operated in conjunction with and within the boundaries of such cemetery; this definition does not preclude the construction of the same on the grounds of a cemetery.
- (27) **Child Day Care Facilities:** See Table 29.501(4)-5.
- (28) **City** means the City of Ames, Iowa.
- (29) **Clinic** means a building designed and used for medical, osteopathic, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.
- (30) **Club** means any building, structure, portion thereof, or land used for social, educational, or recreational purposes, but not primarily for profit or to render a service that is customarily carried on as a business. "Club" shall include country club, civic club, social club and similar voluntary associations.
- (31) **Cluster Housing** means the site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.
- (32) **Colleges and Universities:** See Table 29.501(4)-5.
- (33) **Commercial Outdoor Recreation:** See Table 29.501(4)-7.
- (34) **Commercial Parking:** See Table 29.501(4)-6.
- (35) **Common Open Space** means an area of land, water or combination thereof planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- (36) **Community Facilities:** See Table 29.501(4)-5.
- (37) **Condominium** means a building containing 2 or more dwelling units which are designed and intended to be separately owned in fee.

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- (38) **Congregate Housing** means a residential facility for more than 6 persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine, social and medical appointments, and counseling.
- (39) **Coniferous** means a plant with foliage that persists and remains green year-round.
- (40) **County** means Story County, Iowa.
- (41) **Court** means any area accessory to a building or structure, unoccupied by any building or structure, unobstructed to the sky, unimproved except with normal landscaping, and bounded on 3 or more sides by walls of the building or structure. "Court" shall not include any porches or yards.
- (42) **Deciduous** means a plant with foliage that is shed annually.
- (43) **Density** means the average number of dwelling units per acre of land, expressed in terms of "units per acre."
- (44) **Design Standards** means mandatory restrictions on the design of a site--including such parameters as public space, building materials, landscaping and building design--applicable only to certain Zones.
- (45) **Detention Facilities:** See Table 29.501(4)-7.
- (46) **Development Standards** means mandatory restrictions on the development of a site, including such parameters as height, density, area, setback or other limitations, as set forth in the applicable article of the Ordinance.
- (47) **District:** See "Zone".
- (48) **Dormer** means a shed, single gable or single hipped roofed structure rising from a slope of the roof, usually pierced by a window.
- (49) **Drive Through Facility** means a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
- (50) **Dwelling, Apartment:** See "Apartment Dwelling".
- (51) **Dwelling, Single-Family** means any building consisting of no more than one dwelling unit, designed for and occupied exclusively by one family.
- (52) **Dwelling, Single Family Attached** means a single family dwelling unit in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant party walls and the unit is located on a separate lot.
- (53) **Dwelling, Two-Family** means any building consisting of 2 dwelling units, each designed for separate and independent occupancy.
- (54) **Dwelling Unit** means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, meal preparation and a bathroom. "Dwelling unit" shall not include any hotels, manufactured homes, nursing homes, residential corrections facilities, rooming houses, sororities or fraternities, or supervised group homes.
- (55) **Dwelling Unit, Efficiency** a dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.
- (56) **Elderly** means persons age 62 years or older.
- (57) **Entertainment, Restaurant and Recreation Trade:** See Table 29.501(4)-3.
- (58) **Essential Public Services:** See Table 29.501(4)-6.
- (59) **Facade, Primary** means the front or face of a building which faces the front yard and is located nearest the front property line.
- (60) **Facade, Recessed** means the front or face of a building which faces the front yard and is set back from the front property line a distance greater than that of the Primary Facade.
- (61) **Facade, Secondary** means that portion of a building which is adjacent to the side yard and faces the street. A secondary facade only occurs on a corner lot.
- (62) **Family** means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
- (a) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
 - (b) Three unrelated people;
 - (c) Two unrelated people and any children related to either of them;

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(d) Not more than eight people who are:
(i) Residents of a "Family Home" as defined in Section 414.22 of the Iowa code and this ordinance; or

(ii) "Handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).

(e) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a "functional family") pursuant to Section 29.1503(4)(d) of this ordinance.

(i) Exceptions - The definition of a "Family" does not include:
a. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
b. Any group of individuals whose association is temporary or seasonal in nature; and
c. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

(63) **Family Home** means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than 8 persons with a developmental disability or brain injury and any necessary support personnel. "Family Home" shall not include individual foster care family homes licensed under Chapter 237 of the Iowa Code. This definition is consistent with that set forth in Section 414.22(2)(b) of the Iowa Code.

(64) **Fence** means an unroofed barrier or unroofed enclosing structure, including retaining walls.

(65) **Floating Zone** means an unmapped zoning district where all the zoning requirements are contained in the Ordinance and the zone is fixed on the map only when an application for development meeting the zone requirements is approved.

(66) **Flood Plain** means that area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.

(67) **Floor Area, Gross** means the sum of the gross horizontal area of floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be between the exterior faces of walls or from the center line of walls separating 2 buildings.

(68) **Floor Area, Net** means the total square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

(69) **Floor Area Ratio (FAR)** means the amount of floor area in relation to the amount of lot area, determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

(70) **Front** means the part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

(71) **Frontage, Lot** means the distance for which the front boundary line of the lot and the right-of-way are coincident.

(72) **Frontage, Street** means all of the property on one side of a street between 2 intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

(73) **Funeral Home** means any building or portion thereof used for performing funeral services, including preparing the dead for burial and storing funeral supplies and vehicles.

(74) **Funeral Facilities:** See Table 29.501(4)-5.

(75) **Gable** means the triangular upper portion of an end wall under a peaked roof.

(76) **Garage** means any accessory building, structure, or portion thereof used for parking and storing vehicles and located on the same lot as a principal building used for residential purposes. "Garage" shall not include any buildings, structures, or portions thereof used commercially for maintaining, parking, repairing, selling or storing vehicles.

(77) **General Development Standards** means requirements applying to all uses throughout any zone as set forth in the zone development standards tables for base zones and in supplemental development standards tables for overlay zones.

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(78) **Golf Course** means any land, building, structure, or portion thereof used for the game of golf. "Golf Course" shall not include any miniature golf courses or driving ranges operated for commercial purposes.

(79) **Greenhouse, Commercial** means any building, structure, or portion thereof whose roof and walls consist largely of glass or other translucent or transparent material and in which the temperature and humidity can be regulated and which is used primarily for the cultivation of plants or vegetables to be offered for sale.

(80) **Ground Cover** means grass or other spreading plant material used to define and cover the ground surface, less than 12 inches tall.

(81) **Group Living**: See Table 29.501(4)-1.

(82) **Handicap** means, with respect to a person pursuant to the Fair Housing Amendments Act,
(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;

(b) A record of having such an impairment; or

(c) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

(83) **Height** means the vertical distance of a structure measured from the average elevation of the finished grade lying fifteen feet from the structure to: the highest point of the roof or parapet, for flat roofs; or, the mid-point between the eaves and the ridge, for sloped roofs.

(84) **Highway** means any public way designated as a highway by an appropriate local, state or federal agency.

(85) **Highway, Limited Access** means a freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such freeway or expressway.

(86) **Home Occupation** means an occupation, profession, activity, or use conducted for financial gain or profits in a dwelling that is clearly secondary to the residential use of the dwelling, does not alter the exterior of the dwelling or affect the residential character of the property or the neighborhood, and does not employ more than 2 persons, not including resident(s) of the dwelling.

(87) **Hospital** means a building or group of buildings having room facilities for one or more abiding patients, used for providing services for in-patient medical and surgical care of sick or injured humans and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

(88) **Hospice** means a facility providing a caring environment for supplying the physical and emotional needs of the terminally ill.

(89) **Hotel** means any number of buildings or portions thereof providing lodging or rooming to transient members of the public. "Hotel" shall include any automobile courts, inns, motels, motor inns, motor lodges, tourist cabins, tourist courts, or similar uses.

(90) **House of Worship** means any building, structure, portion thereof, or land maintained and operated by an organized religious group in which religious services are regularly conducted but which may include accessory uses in the main building or structure or in accessory buildings or structures for religious education, assembly, food preparation, recreation or library.

(91) **Household Living**: See Table 29.501(4)-1.

(92) **If Preexisting** means having been established pursuant to a City of Ames Zoning permit of record prior to the effective date of this Ordinance.

(93) **Industrial Park** means a special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

(94) **Industrial Service**: See Table 29.501(4)-4.

(95) **Industrial Uses**: See Table 29.501(4)-4.

(96) **Intensity** means the degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.

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- (97) **Landscaping** means the improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- (98) **Land Use Policy Plan** means the comprehensive plan for the City, as adopted August 26, 1997, and as subsequently amended.
- (99) **Laundry Facility** means any building, structure, or portion thereof used primarily for providing coin-operated or similar self-service clothes washing and drying machines to members of the general public for their use on the premises.
- (100) **Lot** means a parcel of land intended for separate ownership, development or other use and that is described or platted in a subdivision recorded pursuant to the Subdivision Regulations or otherwise recorded with the office of the Story County Recorder.
- (101) **Lot Area** means the area of a horizontal plane bounded by front, rear and side lot lines, excluding any public ways.
- (102) **Lot, Corner** means any lot conforming to the following requirements:
- (a) A lot fronting on 2 intersecting streets which form an interior angle of 135 degrees or less and which lot has a frontage of not less than 25 feet on each of such streets; or
- (b) A lot located at the angle in a street where the interior angle formed by the intersection of the street lines is 135 degrees or less and which lot has a frontage of not less than 25 feet on each leg of such angle.
- (103) **Lot Coverage** means the percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof or any other impervious surface, excluding projecting roof eaves.
- (104) **Lot Depth** means the distance from the front line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.
- (105) **Lot, Flag** means any lot having less frontage on a public way than is typical for the block in which the lot is proposed and is configured such that a narrow access corridor extends from the point of frontage to a larger portion of the lot (the "rear lot").
- (106) **Lot, Interior** means any lot other than a Corner, Through or Flag Lot.
- (107) **Lot, Recorded** means a lot designated on a plat of subdivision duly recorded pursuant to statute in the office of the Story County, Iowa, Recorder.
- (108) **Lot, Through** means a lot, other than a corner lot, having frontage on 2 parallel or approximately parallel streets.
- (109) **Lot Line** means the boundary of a lot as described and recorded or platted in a subdivision recorded pursuant to the Subdivision Regulations.
- (110) **Lot Line, Front** means that boundary on which the lot abuts a public way; when a lot abuts more than one public way, the front lot line shall be the shortest of the boundaries abutting a public way.
- (111) **Lot Line, Rear** means that boundary opposite and most distant from the front lot line.
- (112) **Lot Line, Side** means any boundary that is not a front or a rear lot line.
- (113) **Lot Width** means the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof at a point located the minimum front setback distance from the front lot line.
- (114) **Manufacturing and Processing:** See Table 29.501(4)-4.
- (115) **Major Event Entertainment:** See Table 29.501(4)-7.
- (116) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, that is located above ground and is clearly visible.
- (117) **Medical Centers:** See Table 29.501(4)-5.
- (118) **Manufactured Home** means a factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, and is to be used as a place for human habitation; but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have, permanently attached to its body or frame, any wheels or axles.
- (119) **Manufactured Home Park** means any parcel of land that has been so designated and has been improved such that it contains 2 or more manufactured home spaces.

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(120) **Manufactured Home Space** means any parcel of land within a manufactured home park designated for the accommodation of one manufactured home, or mobile home, to be used as a permanent dwelling and its accessory buildings or structures.

(121) **Manufactured Home Stand** means an outline of a manufactured home including any paved portion of the outdoor living area and any structural additions proposed or anticipated such as awnings, cabanas, carports, fences, porches or storage structures.

(122) **Mobile Home** means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(123) **Modular Home** means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state build code commissioner.

(123.1) **Neighborhood Commercial Center** means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, in the Neighborhood Commercial zoning.

(124) **Nonconforming Lot, Use or Structure** means a lot, use or structure which lawfully existed prior to the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to this Ordinance.

(125) **Nursing Home** means any building or portion thereof used for providing residential care for 2 or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. These facilities shall not contain equipment for surgery or for the treatment of serious injury. "Nursing home" shall not include any hotels.

(126) **Office Uses:** See Table 29.501(4)-2.

(127) **Official Zoning Map** means the Official Zoning Map for the City, as adopted _____, 2000, and as subsequently amended.

(128) **Open Space** means useable open space designed and intended for the use of all residents of a residential development, including space dedicated to the public.

(129) **Ordinance** means this Zoning Ordinance, adopted as Chapter 29 of the Municipal Code on _____, 2000, and as subsequently amended.

(130) **Outdoor Display** means the outdoor exhibition of products, vehicles, equipment and machinery for sale or for lease. Uses that often have outdoor displays include car and boat sales and plant nurseries. Outdoor display does not include goods that are being stored or parked outside.

(131) **Outdoor Storage** means the outdoor keeping of any goods, material, merchandise, vehicles, or other items for more than 72 hours, not including solid waste out of doors.

(132) **Overlay Zone** means a mapped area to which a uniform set of regulations serving a particular purpose applies as a supplement to Base Zone regulations.

(133) **Owner** means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or significant proprietary interest in a tract of land.

(134) **Parking Area** means any area consisting of any number of parking spaces and which is accessory to another use.

(135) **Parking Lot** means the area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. "Parking Lots" include motor vehicle displays or storage lots.

(136) **Parking Space** means any area designed and used for temporary location of a vehicle. "Parking space" shall not include any vehicular storage areas.

(137) **Parking Structure** means any structure designed and used for temporary location of vehicles.

(138) **Parks and Open Areas:** See Table 29.501(4)-6.

(139) **Passenger Terminals:** See Table 29.501(4)-6.

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- (140) **Pitch** means the amount of slope of the roof in terms of angle or other numerical measure; for example, 1 unit of rise to 3 units of shelter would be expressed as 1:3 rise to run.
- (141) **Planned Unit Development (PUD)** means a development of land that is under unified control and is planned and developed as a whole in a single development operation or a programmed series of development phases for the purpose of encouraging mixed uses. The development may include streets, sidewalks, utilities, building, open spaces and other site features and improvements.
- (142) **Porch** means a structure attached to a building and typically covered by a roof and screened or open on 2 or more sides.
- (143) **Primary Use** means the main use of land or structures, as distinguished from an accessory use.
- (144) **Principal** means any building, structure, or portion thereof which is used for, or a use which is conducted for, the primary purpose of the lot on which it is located.
- (145) **Public Place** means an open or unoccupied public space more than twenty feet in width that is permanently reserved for the purpose of primary access to abutting property.
- (146) **Public Way** means any right-of-way used for passage by the public. "Public Way" shall include any highways, streets or alleys.
- (147) **Radio and Television Broadcast Facilities:** See Table 29.501(4)-6.
- (148) **Rail Lines and Utility Corridors:** See Table 29.501(4)-6.
- (149) **Railroad Yards:** See Table 29.501(4)-6.
- (150) **Reasonable Accommodation:** See Section 29.1505.
- (151) **Recreation Facility** means any building, structure, portion thereof, land or water designed and used for exercise, relaxation, or enjoyment. "Recreation Facility" shall include any athletic fields, baseball or softball diamonds, basketball courts, football fields, golf courses, golf driving ranges, gun clubs, gymnasiums, hunting or fishing preserves, ice hockey rinks, miniature golf courses, racquetball or squash courts, soccer pitches, swimming pools, tennis courts, or tracks.
- (152) **Recreational Vehicle** means a vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- (153) **Religious Institutions:** See Table 29.501(4)-5.
- (154) **Residential Corrections Facility** means any building or portion thereof accredited by the State of Iowa Department of Corrections for residential use by adults placed there as a condition of their sentencing, probation, parole, work release, federal placement, or other placement agreement.
- (155) **Residential Unit** means that portion of a building providing living space for an individual or a single family.
- (156) **Residential Uses:** See Table 29.501(4)-1.
- (157) **Resource Production and Extraction:** See Table 29.501(4)-4.
- (158) **Restaurant/Fast-Food** means an establishment which is maintained, operated, and/or advertised to the public as a place where food and beverage are served to customers from a serving counter in disposable containers or wrappers and where food and meals are generally prepared in advance for immediate sale, and which may include inside seating, drive-through service, delivery service, and takeout/carry-out service.
- (159) **Retail Sales and Services – General:** See Table 29.501(4)-3.
- (160) **Right-of-Way** means any strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-way" includes any public ways.
- (161) **Roof, Gabled** means a roof that slopes from both sides of a ridge.
- (162) **Roof, Gambrel** means a double pitched roof.
- (163) **Roof, Hipped** means with slopes on all 4 sides, continuous from peak to eaves.
- (164) **Roof, Mansard** means a steep, dual pitched hipped roof allowing a tall attic space; frequently used to add an upper story.
- (165) **Rooming House** means any building or portion thereof used for lodging or rooming where meals may be served for compensation to more than 3 persons not members of the family there residing. "Rooming house" shall not include any hotels.

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(166) **Salvage Yard** means any open area on any parcel of land used for dismantling, storing, abandonment or keeping of junk or machinery, or the dismantling or abandonment of motor vehicles, other vehicles or parts thereof. "Salvage Yard" shall not include any vehicular storage areas.

(167) **Schools:** See Table 29.501(4)-5.

(168) **Setback** means the distance that is required by this Ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. This term refers to a required minimum area, while the term "Yard" refers to the actual open area.

(169) **Setback, Front** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot.

(170) **Setback, Rear** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

(171) **Setback Side** means a setback that is to extend the full length of a lot, the required depth of which is measured as the minimum horizontal distance between a side lot line and a line parallel thereto on the lot.

(172) **Short-Term Lodging:** See Table 29.501(4)-1.

(173) **Shrub** means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or coniferous.

(a) **Shrubs Low:** Shrubs with a mature height of 3 to 6 feet.

(b) **Shrubs High:** Shrubs with a mature height of 6 feet or greater.

(174) **Single Family Dwelling** means a dwelling containing one residential unit.

(175) **Single, Nonprofit Housekeeping Unit** means the functional equivalent of a traditional family, including a non-transient, interactive group of persons jointly occupying or a non-transient individual person occupying a single dwelling unit, including the joint or individual use of common areas, for the purpose of sharing or conducting household activities and responsibilities such as meals, chores and expenses. "Single, Nonprofit Housekeeping Unit" shall not include occupants of a boarding house, hotel, fraternity, sorority, or club.

(176) **Single Room Occupancy Housing (SRO)** means a dwelling providing single room residential units where bath or toilet facilities are usually shared by individuals who are not members of the same family. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels, boarding houses and rooming houses.

(177) **Site Development Plan, Major or Minor** means a plan showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land in such detail as may be required by the applicable article of the Ordinance.

(178) **Social Service Providers:** See Table 29.501(4)-5.

(179) **Soil Erosion and Sedimentation Control Plan** means a plan submitted by an applicant for the purpose of providing such earthen and other surfaces designed to minimize soil erosion and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

(180) **Solid** means the area calculated by multiplying the width of the front facing facade by the height measured between the foundation and roof line, not including a gable area. See also "Void."

(181) **Sorority or Fraternity** means any building or portion thereof used principally for residential purposes by members, candidates for membership, employees and guests of a social club affiliated with a college or university. "Sorority or Fraternity" shall not include any hotels.

(182) **Special Purpose District** means a zone other than a Base Zone, fixed on the map, intended to promote and enhance the development of areas of the City possessing a unique character.

(183) **Special Use Permit** means the permit required for the development of specified uses in certain zones. See Section 29.1503.

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(184) **Specified Anatomical Areas** means (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areolae, or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(185) **Specified Sexual Activities** means (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) of this definition.

(186) **Stoop** means a roofed space outside the main walls of the building that serves as a covered entrance for a building that is supported by columns, posts or brackets. A stoop is not enclosed, but does provide shelter.

(187) **Street** means any public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.

(188) **Street, Arterial** means.

(189) **Street, Front** means the street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place, it shall mean the street designated as the front street in the owner's application for a building permit.

(190) **Structure** means anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on the land.

(191) **Suburban Regulations** means specific requirements applying to all land uses in the Suburban Residential (F-SR) Floating Zone. These requirements relate to minimum densities, lot and block design, open space requirements, landscape buffering requirements, and parking requirements. These requirements are similar to the conventional development patterns that are typical of development that has occurred since the 1940s.

(192) **Trade Uses:** See Table 29.501(4)-3.

(193) **Tree, Landscape** means deciduous or coniferous tree. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 1-1/2 inches, measured 4 feet above the ground when planted, and be a minimum height of 6 feet. Coniferous trees at the time of planting must be a minimum height of 3 feet.

(194) **Tree, Understory** means an understory deciduous tree, 30 feet or less tall at maturity, planted primarily for its ornamental value or screening purposes. Ornamental trees shall be at least 6 feet tall when planted.

(195) **Tree, Over-story** means an over-story deciduous, greater than 30 feet tall at maturity, planted primarily for its high crown of foliage or overhead canopy. Shade trees shall be at least 8 feet tall when planted.

(195.1) **Trucks and Equipment** means those vehicles having a manufacturer's stated "gross vehicle weight" of more than 10,000 pounds.

(196) **Useable Open Space** means land or water which is free of buildings, structures and/or other substantial improvements and that is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50%.

(197) **Urban Regulations** means specific requirements applying to specific land uses in the Village Residential (F-VR) floating zone. The requirements relate to building placement, design elements, use, height and parking and are specific and unique to each land use in the Village Residential (F-VR) zone and serve to create a development pattern that is reflective of development prior to the 1940s.

(198) **Use Category** means a class of similar uses grouped together for purposes of delineating the uses permitted in a zone.

(199) **Vehicular Service Facilities:** See Table 29.501(4)-7.

(200) **Vehicular Storage Area** means any open area on any parcel of land used for storing or keeping of motor vehicles, other vehicles or parts thereof. "Vehicular Storage Area" shall not include any salvage yards.

(201) **Void** means the area calculated by adding the area of all window and door openings in the primary facade of a building, measured around the perimeter of the frame. A front facing window or door shall be included in the void area regardless of its location. See also "Solid."

(202) **Warehouse and Freight Handling:** See Table 29.501(4)-4.

(203) **Waste Processing and Transfer:** See Table 29.501(4)-4.

(204) **Wholesale Trade:** See Table 29.501(4)-3

(205) **Yard** means the actual unobstructed open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located. See "Setback."

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(206) **Zone** means a section of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform, as set forth in the applicable article of the Ordinance.

ARTICLE 3 ZONING PROCESS

Sec. 29.300. ESTABLISHMENT OF ZONES.

- (1) **Base Zones.** For purposes of this Ordinance, the City is hereby divided into the following Base Zones:
- | | |
|--------|--|
| "A" | Agricultural Zone |
| "RL" | Residential Low Density Zone |
| "RM" | Residential Medium Density Zone |
| "RH" | Residential High Density Zone |
| "UCRM" | Urban Core Residential Medium Density Zone |
| "RLP" | Residential Low Density Park Zone |
| "NC" | Neighborhood Commercial Zone |
| "CCN" | Community Commercial Node |
| "DCSC" | Downtown/Campustown Service Center |
| "HOC" | Highway-Oriented Commercial Zone |
| "PRC" | Planned Regional Commercial Zone |
| "GI" | General Industrial Zone |
| "PI" | Planned Industrial Zone |
- (2) **Special Purpose Districts.** For purposes of this Ordinance, the City hereby establishes the following Special Purpose Districts:
- | | |
|--------|-----------------------------|
| "S-HM" | Hospital-Medical District |
| "S-GA" | Government/Airport District |
- (3) **Overlay Zones.** For purposes of this Ordinance, the City hereby establishes the following Overlay Zones:
- | | |
|---------|--|
| "O-SFC" | Single Family Conservation Overlay |
| "O-H" | Historical Preservation Overlay |
| "O-E" | Environmentally Sensitive Area Overlay |
| "O-G" | Gateway Overlay |
| "O-UI" | University Impacted District |
- (4) **Floating Zones.** For purposes of this Ordinance the City hereby establishes the following Floating Zone:
- | | |
|---------|----------------------------|
| "F-VR" | Village Residential |
| "F-SR" | Suburban Residential |
| "F-PRD" | Planned Residence District |

Sec. 29.301. OFFICIAL ZONING MAP.

(1) **Interpretation of Boundaries.** The Official Zoning Map described in this Section shall be established by a separate and specific ordinance, and shall be known as and may be cited and referred to as the Official Zoning Map of the City and will be referred to herein as the "Official Zoning Map" to the same effect as if the full title were stated.

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(2) **Adoption.** The Official Zoning Map, together with any designations and explanatory matter recorded thereon by the City Council, is adopted by this reference thereto and incorporated in the Ordinance as a part hereof. The Official Zoning Map shall show the boundaries of all base zones, special purpose districts and overlay zones, and any amendments thereto. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City. The Official Zoning Map, updated to the date of the most recent amendment, shall be on file in the Office of the City Clerk. Regardless of the existence of purported copies of the Official Zoning Map that may from time to time be made, published or displayed, the Official Zoning Map that is located in the Office of the City Clerk shall be the final authority as the current zoning status of buildings, structures and land in the City.

(3) **Amendments.** Amendments changing the district boundaries or other matters portrayed on the Official Zoning Map shall be made on the Official Zoning Map, and a certified copy of the amending ordinance shall be attached to or kept with the Official Zoning Map as of the date thereof. No changes shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in the Ordinance for amendments. The Department of Planning and Housing shall review the Official Zoning Map annually for compliance with any amendments made by the City Council through the past year.

(4) **Interpretation of Boundaries.** The City Council shall resolve any uncertainty as to the location of boundaries as shown on the Official Zoning Map by applying the following rules:

(a) Boundaries indicated as approximately following the center-line of streets, highways, alleys, or rights-of-way shall be construed to follow such center-line. If the actual location of such street, highway, alley, or right-of-way varies from the location as shown on the Official Zoning Map, then the actual location shall control. Boundaries indicated as following streets, highways, alleys, or rights-of-way shall automatically be construed to follow the center line of such streets, highways, alleys, or rights-of-way in case of the vacation of such.

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Boundaries indicated as approximately following City limits shall be construed as following City limits.

(d) Boundaries indicated as adjoining or coincident with a railroad shall be construed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.

(e) Boundaries indicated as approximately following shore lines shall be construed as following such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines. If the actual location of such stream, river, lake or other body of water varies from the location as shown on the Official Zoning Map, then the actual location shall control.

(f) Boundaries indicated as parallel to or extensions of features indicated in paragraphs (a) through (e) of this subsection 29.301(4) shall be so construed.

(g) Distances specifically indicated on the official Zoning Map between a boundary and a public way or other physical feature shall determine such distance. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale portrayed thereon.

(h) Zones shall be construed as adjoining even if separated by a public right-of-way.

Sec. 29.302. APPLICATION OF REGULATIONS.

When a lot held in single ownership is divided by a zone boundary line, the entire lot shall be construed to be within the more restrictive zone for purposes of complying with the requirements of the Ordinance, unless otherwise indicated on the Official Zoning Map or by resolution of City Council.

Sec. 29.303. GENERAL ZONING REGULATIONS.

(1) **Land, Buildings and Structures Regulated.** No land, building or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to or altered except in conformity with this Ordinance.

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(2) **Lots.**

(a) **Change in Lot Size or Shape Regulated.** No lot shall be reduced in size or changed in shape so that the total area, minimum frontage, setbacks, lot area per dwelling unit, or other development standards required by this Ordinance are not maintained. No lot shall be divided so as to create an additional lot that is not in conformity with this Ordinance unless such lot is deeded, dedicated and accepted for public use.

(b) **Corner Lots.** On a corner lot nothing shall be erected, placed or planted or allowed to grow so as to hinder the visibility of operators of approaching motor vehicles within 20 feet of the intersection of the street right-of-way lines bounding the corner lot, except in zoning districts with no minimum required building setbacks.

(c) **Flag Lots.** Flag lots may be created only if they are in accordance with the following requirements:

(i) Only one flag lot, consisting of a "front lot" and a "rear lot," may be created from a lot of record.

(ii) The "rear lot" shall include an "access strip" no less than 35 feet wide for its entire length, providing access to and from a public street.

(iii) For flag lots that are proposed to be created in residential zones, both the "front lot" and the "rear lot" that are created after the effective date of this ordinance shall have an area that is equal to 10,000 square feet or 150% of the lot area for the zone in which the flag lots are proposed to be created, whichever is greater. In all other zoning districts both the "front lot" and the "rear lot" shall conform to all minimum lot area and other dimensional standards applicable to the zone in which the lots are located provided, however, that the "access strip" serving the rear lot shall not be included in computing the minimum lot area for the "front" and "rear" lot.

(iv) The front property line of the rear lot is deemed coincident with the rear property line of the front lot.

(v) The front setback of the "rear lot" and the rear setback of the "front lot" for flag lots created in residential zones shall be 1 and 1-1/2 times the distance of the setbacks that are established for all other lots in the same residential zoning district.

Sec. 29.304. USE REGULATIONS.

(1) **Uses Regulated.** No building or land shall be used or occupied and no structure shall be constructed or altered to be used for any purpose other than a Permitted Use, including any use lawfully accessory to a Permitted Use. Any use not listed in this Ordinance as a Permitted Use, a Specially Permitted Use or as an accessory to a Permitted Use is prohibited.

(2) **Permissible Uses.**

(a) **Permitted Uses.** Uses permitted by right shall be allowed if they comply with all applicable regulations.

(b) **Special Use Permit.** Special Permitted uses are allowed if approved through the Special Use Permit process, Section 29.1503, and if they comply with all Development Standards and other applicable zoning regulations.

(3) **Prohibited Uses.**

(a) **Uses Prohibited in All Zones.** The following uses of land and buildings are prohibited in all zones whether on public or private land:

(i) Any structure or building or any use of any structure, building or land that is injurious, obnoxious, dangerous or a nuisance to the City or to the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion, or other features detrimental to the City or neighborhood health, safety, or welfare;

(ii) Parking of trailers or motor vehicles used for human habitation or any accessory use, except use incidental to construction or emergency shelter for up to 30 days by persons whose dwelling has been made uninhabitable by fire or other casualty;

(iii) Outside storage of inoperative or unregistered motor vehicles for more than 30 days;

and

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(iv) Any building for human habitation located to the rear of another building on the same lot. Any building for any purpose whatever located in front of any building for human habitation on the same lot. This subsection (d) does not apply to uses located in the Agricultural (A) Zone or to any use of a lot expressly permitted by provisions of this Ordinance, including multifamily residential use.

(v) Detached garages located in front of the principal building.

(b) Uses Prohibited in Particular Zones. All uses not listed as uses permitted by right or by Special Use Permit in any zone are prohibited.

(4) **Application of Use Regulations.** The Use Regulations for each Base Zone and Special Purpose District are set forth in the Use Tables within the Section describing such Base Zone or Special Purpose District. Land or structures situated within an Overlay Zone will be subject to Overlay Zone Use Regulations in addition to the Base Zone Use Regulations.

Sec. 29.305. APPLICATION OF DEVELOPMENT STANDARDS.

No structure shall be constructed or altered except in conformance with all applicable Development Standards. This Ordinance provides for Development Standards as follows:

(1) **General Development Standards.** General Development Standards are applicable to development in all zones and are set forth in Article 4.

(2) **Zone Development Standards.** Zone Development Standards are applicable to development in each zone and are set forth in the Articles and Sections describing each zone or district.

Sec. 29.306. ADAPTIVE REUSE.

(1) **Purpose.** The purpose of these adaptive reuse provisions is to foster the renovation and reuse of structures that have historic, architectural, or economic value to the City and are vacant or at risk of becoming under utilized, vacant or demolished.

(2) **Qualifying Adaptive Reuses.** Any proposal for the adaptive reuse of a structure or group of contiguous structures, whether or not the proposal involves one or more Nonconforming Uses, Nonconforming Structures, and/or Nonconforming Lots, shall qualify for City Council review if the proposal meets all of the following conditions:

(a) The proposed adaptive reuse must be residential, commercial, or a combination of such uses except if it is located in an industrial zone. If the proposed adaptive reuse is located in an industrial zone, it may be devoted to any use or uses that the City Council finds compatible with the uses permitted in the industrial zone. All adaptive reuses proposed in industrial zones, except industrial uses, require a Special Use Permit.

(b) The structure or group of structures proposed for adaptive reuse must have historic, architectural, or economic value to the City justifying renovation and preservation, as determined by the City Council.

(c) The City Council must determine that the long-term benefits of the proposed adaptive reuse outweigh any negative impact on the neighborhood of the proposed project and on the City, as compared with the alternative of having the structures demolished or remaining vacant or under utilized.

(d) In all matters relative to the administration of the Adaptive Reuse requirements, the City Council shall obtain a recommendation from the Historic Preservation Commission on all structures that are determined to have architectural or historic value.

(3) **Adaptive Reuse Performance Standards.** If the City Council determines that a proposed project qualifies for consideration as an adaptive reuse, then the City Council may waive some or all of the applicable Zone Development Standards and General Development Standards set forth in Article 4, so long as the project conforms to the following:

(a) The renovation and remodeling of structures for adaptive reuse may not destroy or obscure essential architectural features. In addition, such architectural features must be enhanced to the extent that it is feasible and prudent to do so.

(b) Where landscaping and public space required by Section 29.403 cannot be provided on site, any area on site that is available for landscaping shall be so utilized. When the City grants permission, the owner or operator of the site must also use areas within the public right-of-way and adjacent to the site to satisfy landscaping requirements.

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(c) Where necessary parking cannot be provided on site, reasonable provision for parking shall be provided off site.

(4) **Adaptive Reuse Procedures.** Any property in any zone is eligible for adaptive reuse status if it meets the requirements of this Section 29.306, unless otherwise limited by the Use Table for the zone. Submission and review of a project qualified for adaptive reuse shall be in accordance with the procedures set forth in Section 29.1502(4)(c), Major Site Development Plan.

Sec. 29.307. NONCONFORMITIES.

(1) **General.**

(a) **Purpose.** It is the general policy of the City to allow uses, structures and lots that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to mitigate adverse impact on conforming uses in the vicinity. This Section establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Ordinance. The regulations of this Section are intended to:

- (i) Recognize the interests of property owners in continuing to use their property;
- (ii) Promote reuse and rehabilitation of existing buildings; and
- (iii) Place reasonable limits on the expansion of nonconformities that have the potential to adversely affect surrounding properties and the community as a whole.

(b) **Unsafe Situations.** Nothing in this Section shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health and other applicable life safety codes.

(c) **Repair and Maintenance.** Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Nothing in this Section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of the Building Official.

(d) **Accessory Uses and Structures.** Nonconforming accessory uses and nonconforming accessory structures shall be subject to all provisions that govern Principal Uses and structures.

(e) **Determination of Nonconformity Status.**

(i) Whether a nonconformity exists shall be a question of fact to be decided by the Zoning Enforcement Officer, subject to appeal to the Zoning Board of Adjustment.

(ii) The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Zoning Code, shall in all cases be the owner's burden and not the City's.

(f) **Reversion Prohibited.** No nonconforming use, building, structure and/or lot, if once changed to conform with the Ordinance shall thereafter be changed so as to be nonconforming again. No nonconforming use, building, structure and/or lot, if once changed to more nearly conform with the Ordinance, shall thereafter be changed so as to be less conforming again.

(2) **Nonconforming Uses.** Any use of any structure or lot that was conforming or validly nonconforming and otherwise lawful at the enactment date of this ordinance and is nonconforming under the provisions of this Ordinance or that shall be made nonconforming by a subsequent amendment, may be continued so long as it remains otherwise lawful, subject to the standards and limitations of this Section.

(a) **Movement, Alteration and Enlargement.**

(i) **Enlargement.**

a. A nonconforming use may not be increased in intensity and may not be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, unless the enlargement, expansion or extension complies with all requirements for the zone, does not create an additional nonconformity, and is approved for a Special Use Permit by the Zoning Board of Adjustment, pursuant to the procedures of Section 29.1503, excluding 29.1503(4)(b)(vii) of the Review Criteria General Standards, except as described in subsection b. following.

b. Any building or structure containing a nonconforming use may be enlarged up to 125% of the floor area existing on the effective date of this ordinance, provided that the expanded building or structure complies with all density, coverage and spatial requirements of the zone in which it is located.

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c. The enlargement of a nonconforming use that has the effect of making a structure nonconforming, other than as described in subsection b. above, shall not be specially permitted pursuant to Section 29.1503, but rather shall be construed as a request for a variance, subject to the procedures of Section 29.1504.

(ii) Exterior or Interior Remodeling or Improvements to Structure. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement, expansion or extension shall be subject to the provisions set forth in the above paragraph.

(iii) Relocation of Structure. A structure containing a nonconforming use shall not be moved unless the use and structure will comply with all of the regulations that apply in the new location. The Zoning Board of Adjustment may authorize a structure containing a nonconforming use to be moved to another location on the same lot, provided that they determine that such a move will not have the effect of increasing the degree of nonconformity.

(b) Change to Another Nonconforming Use. Except as provided in this Section, a nonconforming use may be changed only to a use that conforms to the Ordinance. Once changed to a conforming use, no use may revert to a nonconforming use.

The Zoning Board of Adjustment may grant a Special Use Permit to allow a change from one valid nonconforming use to a different nonconforming use, provided that, after review and recommendation by the Planning and Zoning Commission, it is determined that:

(i) The proposed use is in the same section 29.501(4) category of use as the current use;
(ii) No structural alterations will be made in the building or structure containing the use that increases any nonconformity;

(iii) The proposed use will have no greater impact on the surrounding area than the existing nonconforming use;

(iv) Adequate parking exists for the proposed use, based on parking standards in the Ordinance; and

(v) The proposed use is compatible with surrounding land uses, based on the hours of operation and the ability to mitigate noise and light impacts by incorporating buffering between the proposed use and surrounding land uses where necessary.

(c) Abandonment.

(i) Effect of Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or lot must conform with the regulations of the district in which it is located.

(ii) Evidence of Abandonment. A nonconforming use shall be presumed abandoned when any of the following has occurred:

a. The owner has in writing or by public statement indicated intent to abandon the use;

b. A less intensive or less nonconforming use has replaced the nonconforming use;

c. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures;

d. The owner has physically changed the building or structure or its permanent equipment in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use; or

e. The use has been discontinued, vacant or inactive for a continuous period of at least one year.

(iii) Notice. Upon the occurrence of any of the events described in Section 3(b) above, the Zoning Enforcement Officer shall document such event and shall issue a notice to the property owner by certified mail, return receipt requested, stating that the property owner's intent to abandon the Nonconforming Use is presumed, and that the Nonconforming Use will be terminated unless the property owner submits an Answer within 30 days of the date the notice was issued.

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(iv) **Answer.** The Answer shall indicate the property owner's intention to resume the Nonconforming Use and shall describe the actions the property owner intends to take within 90 days of submission of the Answer to resume the Nonconforming Use. Answers must be on forms provided by the Zoning Enforcement Officer.

a. If an Answer is submitted within 30 days of the issuance of the Notice, but the Nonconforming Use is not resumed within the 90 days following submission of an Answer, the Nonconforming Use shall be terminated at the end of that 90-day period. Once a Nonconforming Use is terminated, subsequent uses of the property must conform to this Ordinance.

b. If no Answer is submitted within 30 days of the issuance of the Notice, the Nonconforming Use will be terminated.

(v) **Overcoming Presumption of Abandonment.** The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the Zoning Board of Adjustment, that during the 12-month period in question, the owner of the land or structure has been:

a. maintaining the land and structure in accordance with the Building Code and did not intend to discontinue the use;

b. actively and continuously marketing the land or structure for sale or lease;

or

c. engaged in other activities that would affirmatively prove there was no intent to abandon.

(vi) **Calculation of Period of Abandonment.** Any period of discontinuance or cessation of use caused by government actions, fire or natural calamities, and without any contributing cause by the owner of the nonconforming use, shall not be considered in calculating the length of discontinuance pursuant to this Section.

(d) **Special Use Permit Provision.** Any existing use that is permitted as of right on the effective date of this Ordinance, but that under the provisions of this Ordinance is permissible only by Special Use Permit, if otherwise lawful, shall not be deemed a Nonconforming Use. Any expansion of such existing use shall be permissible only by Special Use Permit in accordance with Section 29.1503.

(e) **Variance Provision.** Any use of land or a structure that is not a permitted use in the district in which it is located but which is allowed by the granting of a variance pursuant to Section 29.1504 shall be deemed a Nonconforming Use.

(3) **Nonconforming Structures.** A nonconforming structure that lawfully occupies a site on the effective date of this Ordinance that does not conform with the Zone Development Standards of the underlying Zone or the General Development Standards of this Ordinance may be used and maintained, subject to the standards and limitations of this Section.

(a) **Maintenance and Repair.** Maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance or a Special Use Permit, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity.

(b) **Occupancy by a Conforming Use.** A nonconforming structure may be occupied by any use allowed in the Zone in which the structure is located, subject to all other applicable use approval procedures and conditions.

(c) **Restoration of a Damaged Nonconforming Structure.**

(i) Any nonconforming structure damaged to the extent of 70% or less of its assessed value by fire, wind, tornado, earthquake, or other natural disaster may be rebuilt, provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage. The structure shall not be rebuilt closer to the property line than the original structure or the applicable district setback lines, whichever is closer.

(ii) Any nonconforming structure damaged to the extent of more than 70% of its assessed value may not be rebuilt, repaired, or used unless the rebuilt structure conforms with all regulations of the district in which it is located or unless the Zoning Board of Adjustment approves the reconstruction by granting a Special Use Permit after determining that restoration will be made to the fullest extent possible in conformance with applicable zoning standards.

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(d) **Enlargement and Expansion.** A nonconforming structure may not be enlarged, expanded or extended unless it conforms to the requirements of this ordinance.

(e) **Relocation.** The Zoning Board of Adjustment may authorize a structure containing a nonconforming use to be moved to another location on the same lot, provided that it determines that such a move will not have the effect of increasing the degree of nonconformity.

(4) **Nonconforming Lots.** Lots of record lawfully existing on the effective date of this Ordinance which do not meet the requirements of this Ordinance for lot size and minimum frontage shall be deemed Nonconforming Lots and shall be governed by the following:

(a) **Use of Nonconforming Lots.** Any Nonconforming Lot may be built upon so long as all use, density and coverage standards and all spatial standards other than minimum lot size and minimum frontage requirements are met.

(b) **Vacant Lot.** If the lot or parcel was vacant on the date on which this Ordinance became applicable to it, then the owner may use the property as permitted by the applicable Zone, provided that the use shall comply with applicable dimensional requirements of this Ordinance to the maximum extent practicable. If the applicable Zone permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Zoning Board of Adjustment.

(c) **Lot with Building or Structure.** If the lot or parcel contains a building or structure on the date on which this Ordinance become applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity; an increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback or height limitation. Remodeling of a structure within the existing building footprint or expansion in compliance with this Section shall not require a variance but shall be reviewed by the Zoning Enforcement Officer as though the lot were conforming.

(d) **Lot Merger.** If 2 or more adjoining lots of record, at least one of which is undeveloped, are in the same ownership and any of these lots are made nonconforming by this Ordinance or any amendment thereto, the parcels of land involved shall be considered a single lot for purposes of applying this Ordinance and no portion of said lot shall be divided off, sold, or used in any manner which violates the lot size and frontage requirements of this Ordinance.

(5) **Other Nonconformities.**

(a) **Examples of Other Nonconformities.** The types of other nonconformities to which this Section applies include:

- (i) Fence height or location;
- (ii) Lack of buffers or screening;
- (iii) Lack of or inadequate landscaping;
- (iv) Lack of or inadequate off-street parking; and
- (v) Other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use.

Development that is consistent with a Site Development Plan approved before the date that this Ordinance became effective shall be deemed to be in conformance with this Ordinance to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity.

(b) **Policy.** Because nonconformities such as those listed above involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the City to eliminate such other nonconformities as quickly as practicable.

(c) **Increase Prohibited.** The extent of such other nonconformities shall not be increased without a variance.

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DIVISION II
GENERAL REGULATIONS & STANDARDS

ARTICLE 4
DEVELOPMENT STANDARDS

Sec. 29.400. GENERAL DEVELOPMENT STANDARDS ESTABLISHED.

Except as otherwise specified by this Ordinance, all development of property shall be in accordance with the General Development Standards set forth in this Article. The General Development Standards are made specific to each zone in the Zone Development Standards Table for each Base Zone or Special Purpose District and in the Supplemental Development Standards Tables, Urban Regulations Tables, and Suburban Regulations Tables for each Floating Zone. The Use Tables for each zone may also set forth limitations or conditions applicable to certain uses within that zone.

Sec. 29.401. FLOOR AREA, LOT AREA, FRONTAGE, COVERAGE AND HEIGHT STANDARDS.

(1) **Maximum Floor Area Ratios (FARs).** Intensity of development for all Use Categories except residential uses in the Residential Base Zones is set by the establishment of maximum Floor Area Ratios (FARs). The maximum FAR allowed in each zone is listed in the applicable Zone Development Standards Table. In Residential Zones, intensity of development is based on the Residential Density requirements described in Section 29.700(3).

(2) **Minimum Lot Area.** All lots created after the effective date of this Ordinance must meet the minimum lot area requirements listed in the applicable Zone Development Standards Table. Nonconforming Lots are governed by Section 29.307(4).

(3) **Minimum Frontage.** All lots created after the effective date of this Ordinance must meet the minimum frontage requirements listed in the applicable Zone Development Standards Table. Nonconforming Lots are governed by Section 29.307(4).

(4) **Maximum Building Coverage.** Maximum Building Coverage standards apply to Principal and Accessory Buildings and to areas used for outdoor storage. The maximum Building Coverage permitted for Principal and Accessory Buildings is listed in the Zone Development Standards Table applicable to each Base Zone. In some zones, minimum Building Coverage standards may also apply. In the case of Overlay Zones, Building Coverage standards may be set forth in a Supplemental Development Standards Table.

(5) **Maximum Height.** Maximum heights for structures are listed in the individual Zone Development Standards Tables. Exceptions to the maximum heights are set forth below.

(a) **Projections allowed.** Chimneys, flag poles, radio and television antennae, satellite receiving dishes, and other similar items with a width, depth or diameter of 5 feet or less may rise above the height limit if within 5 feet above the highest point of the roof. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10% of the roof area may extend 10 feet above the height limit. Parapet walls may extend 10 feet above the height limit.

(b) **Architectural features.** Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the height limit, but may not exceed one and one-half times the allowable height.

(6) **Miscellaneous.**

(a) **Multiple Buildings on Single Lots.**

(i) More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot, where such uses are permitted, provided that all setbacks from the property line otherwise required for a single principal building are observed. The distances between substructures shall be determined by the provisions of the City Building Code.

(ii) More than one apartment dwelling is permitted on a single lot, provided that all area and setback requirements are calculated as if each structure were on its own individual lot.

(iii) More than one Single Family or Two-Family residential structure on the same lot of one acre or less is prohibited.

(b) **Width and Yard Requirements for Lots Previously of Record.** Where a lot of record at the time of the effective date of this Ordinance has less width than required in the zone in which it is located and the owner of such lot does not own any other parcel or tract abutting thereon, the lot may nonetheless be used for a single family dwelling or for any non-dwelling use permitted in the zone in which it is located providing that all yard requirements are met.

(c) **Area Requirements for Lots of Record.** Where a lot of record at the time of the effective date of this Ordinance has less area than required in the zone in which it is located and the owner of such lot does not own any other parcel or tract abutting thereon, the lot may nonetheless be used for a single family dwelling or for any non-dwelling use permitted in the zone in which it is located.

Sec. 29.402. SETBACKS.

(1) **Building Setback Standard.** Except as provided below, all buildings and structures, Principal and Accessory, shall be located to comply with the minimum and maximum Building Setbacks established for Principal and Accessory Buildings listed in each Zone Development Standards Table, Supplemental Development Standards Table, condition or other regulation applicable to the lot or the use being employed at the site.

(2) **Extensions into Required Building Setbacks.**

(a) **Principal Buildings.**

(i) **Minor projections allowed.** Minor features of a building, such as eaves, chimneys, open or lattice-enclosed fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required setback up to 3 feet. Such projection, however, may not extend to within 3 feet of a lot line.

(ii) **Full projection allowed.** In addition to the minor projections listed in Section 4.3(B)(1)(a) above, the following features are allowed to project into required setbacks as follows:

a. Canopies, marquees, awnings and similar features may fully extend to a Street Lot Line in commercial and industrial zones;

b. Stairways and wheelchair ramps that lead to the front door of a building may fully extend to a Street Lot Line; and

(iii) **Porches.** An open porch may project into the required front yard not more than 8 feet, the required side yard not more than 3 feet, and the required rear yard not more than 8 feet.

(b) **Accessory Structures.**

(i) **Uncovered accessory structures.** Uncovered accessory structures such as flagpoles, lampposts, signs, radio antennas and small satellite dishes less than 24 inches or less in diameter, mechanical equipment, uncovered decks, and play structures are allowed in a street setback or other setback, but not in a required setback from an abutting Residential Zone. Satellite dishes greater than 24 inches in diameter shall meet the district setback requirements.

(ii) **Covered structures.** Covered structures such as storage buildings, greenhouses, work sheds, covered decks and covered recreational structures are subject to the setbacks for buildings in the applicable Zone Development Standards Tables.

(3) **Setbacks in Lots Abutting Residential Zones.** In all zones other than Residential Base Zones, Building Setbacks along lot lines that abut lots in Residential Zones must conform to the landscaping standards set forth in the applicable Zone Development Standards Table.

(4) **Rooftop Mechanical Equipment Setback.** All rooftop mechanical equipment shall be set back at least 15 feet from all roof edges parallel to Street Lot Lines.

(5) **Through Lots and Corner Lots.** On through lots, and corner lots with two or more abutting streets, the required front setback shall be provided on all streets.

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Sec. 29.403. LANDSCAPING AND SCREENING.

The minimum areas required to be landscaped are listed in the Zone Development Standards Tables for Base Zones. In the case of Special Purpose Districts and Overlay Zones, landscaping, screening, and buffer standards are set forth in the applicable Article. Any required landscaping, as for required setbacks or parking lots, may be applied toward the minimum landscaped area percentage requirement. Required landscaping and screening must meet the levels referenced in each applicable Zone Development Standards Table and this Ordinance as set forth in Section 29.403(1), below.

(1) Landscaping and Screening Standards.

(a) L1, General Landscaping.

(i) Generally. The L1 standard is a landscape treatment for open areas. It is generally intended to be applied in situations where distance is the principal means of separating uses or development and landscaping is required to enhance the area in between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs and low shrubs.

(ii) Required landscaping elements. The following landscaping elements must be applied in the following ratios:

a. If the area to be landscaped is less than 30 feet deep, the required minimum ratio is one Landscape Tree per 30 linear feet parallel to the lot line, plus 2 low shrubs per 300 square feet of area to be landscaped.

b. If the area to be landscaped is 30 feet deep or greater, the required minimum ratio is one Landscape Tree per 800 square feet and either 2 high shrubs or 3 low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped. Ground cover plants must fully cover the remaining area to be counted toward required landscaping.

(b) L2, Low Screen.

(i) Generally. The L2 standard requires a combination of distance and low-level screening to separate uses or development. The standard is generally applied where a low level of screening is adequate to soften the impact of the use or development and where visibility between areas is more important than a total visual screen. It is usually applied along front lot lines.

(ii) Required Landscape Elements. Low shrubs spaced at a maximum distance of 4 feet on center must form a continuous screen 3 feet high. In addition, one Landscape Tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A 3-foot-high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along Street Lot Lines, the screen or wall is to be placed along the interior side of the landscaped area.

(c) L3, High Screen.

(i) Generally. The L3 landscape standard uses screening to provide physical and visual separation between uses or development. It is generally used in those instances where visual separation is desirable.

(ii) Required Landscape Elements. The L3 standard requires high shrubs spaced at a maximum distance of 6 feet on center to form a screen 6 feet high. In addition, one Landscape Tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along Street Lot Lines, the screen or wall is to be placed along the interior side of the landscaped area.

(d) L4, High Wall.

(i) Generally. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting uses in areas where there is little space for separation.

(ii) Required Landscape Elements. The L4 standard requires a 6-foot-high masonry (but not concrete block) wall along the interior side of the landscape area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, 4 high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area.

(e) F1, Partially Sight-Obscuring Fence.

(i) Generally: The F1 fence standard provides a tall, but not totally blocked, visual separation. The standard is generally applied where a low level of screening is adequate to soften the impact of the use of development or where visibility between areas is more important than a total visual screen. It is generally applied in areas where landscaping is not necessary and where nonresidential uses are involved.

(ii) Construction Standards. Fences must be 6 feet high and at least 50% sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

(f) F2, Fully Sight-Obscuring Fence.

(i) Generally. The F2 fence standard provides a tall and complete visual separation and is primarily intended to be used in special instances where complete screening is needed to protect abutting uses and landscaping is not practical. It is usually applied in nonresidential situations.

(ii) Construction Standards. Fences must be 6 feet high and 100% sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

(2) **Plant Materials.**

(a) **Shrubs and Ground Cover.** All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. Ground cover plants may include grass or vines.

(b) **Landscape Trees.** Landscape Trees may be deciduous or coniferous. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 1-1/2 inches, measured 4 feet above the ground, and have a minimum height of 6 feet. Coniferous trees at the time of planting must be fully branched and have a minimum height of 3 feet.

(c) **Existing Vegetation.** Existing landscaping or natural vegetation may be used to meet the standards for required landscaping, if protected and maintained during the construction phase of the development. When the existing trees are at least 12 inches in diameter, measured 5 feet above the ground, they may count triple toward meeting the requirements of a landscaping standard.

(d) **Definition of Shrubs.**

(i) **Low Shrubs:** Shrubs with a mature height of 3 to 6 feet.

(ii) **High Shrubs:** Shrubs with a mature height of 6 feet or greater.

(3) **Installation and Maintenance.**

(a) **Installation.** Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must be adequately marked and must not interfere with vehicular or pedestrian movement.

(b) **Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind within 6 months after receipt of notice to the owner by the Zoning Enforcement Officer. Failure to maintain required landscaping shall be enforced in the same manner as any other violation of this Ordinance. Pursuant to applicable law, fines shall be levied and orders issued requiring the installation of new plants.

(4) **Landscaping Requirements For Surface Parking Lots.**

(a) **Purpose.** The purpose of this section is to protect and promote the public health, safety and general welfare by requiring the landscaping of surface parking lots in such a manner as will serve to reduce the effects of wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve ground water strata; to act as a natural drainage system and ameliorate stormwater drainage problems; to reduce the level of carbon dioxide and return oxygen to the atmosphere; to prevent soil erosion; to conserve and stabilize property values and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the blight of the appearance of surface parking lots; and to generally preserve a healthful and pleasant environment.

(b) **Setbacks and Perimeter Landscaping.** The minimum surface parking area setbacks and perimeter landscaping standards are set forth in Table 29.403(4) below.

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**Table 29.403(4)
Minimum Parking Area Setbacks and Perimeter Landscaping**

LOCATION	ALL ZONES EXCEPT IG	IG ZONE
Lot line abutting street	5 ft. @ L2 or 10 ft. @ L1	10 ft. @ L2 or 15 ft. @ L1
Lot line abutting a Residentially-Zoned Lot	5 ft. @ L3	10 ft. @ L3
Lot line abutting a Commercially or Industrially-Zoned Lot	5 ft. @ L2 or 10 ft. @ L1	5 ft. @ L2 or 10 ft. @ L1

(c) **Surface Parking Area Interior Landscaping.** All surface parking areas containing 16 or more spaces must contain the following minimum interior landscaping.

(i) For parking areas of less than 20,000 square feet, one square foot of interior landscaping must be provided for every 15 square feet of parking or maneuvering surface.

(ii) For parking areas greater than 20,000 square feet, at least one square foot of interior landscaping must be provided for every 10 square feet of parking or maneuvering surface. At least one Landscape Tree, as defined in Section 29.201, must be installed or maintained for every 500 square feet of landscaped area. Shrubs or ground cover plants must cover the remainder of the landscaped area.

(iii) All landscaping must comply with the standards of Section 29.403, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.

(iv) Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but groups of trees must be dispersed.

(v) Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.

(vi) Parking areas that are 30 feet or less in width may locate their interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.

(d) **Planting Materials.** No materials shall be approved for use in any Parking Lot Landscaping Plan that has been judged unsuitable for such use in the City by the Department of Planning and Housing. The following are minimum standards:

(i) All plant materials shall be of a heartiness suitable to the local climate;

(ii) Plant materials used for screening purposes shall provide effective screening by the third growing season.

(e) **Maintenance.** The owner shall be responsible for providing, protecting and maintaining all landscaping and health and growing condition, replacing it when necessary and keeping it free of refuse and debris.

(f) **Surface Parking Lot Landscaping Plan.** No surface parking lot of 16 or more spaces shall be constructed, enlarged or reconstructed (excluding repaving) until a Parking Lot Landscape Plan for that surface parking lot has been approved by the Department of Planning and Housing. The area surrounding and within the parking lot devoted to landscaping shall be equal to or greater than 10% of the gross area of the paved surface measured from the back of the curb. This measurement excludes stem-type, ingress and egress driveways, leading to the parking lot.

(i) The Department shall not approve any surface parking lot landscape plan submitted to it pursuant to this Section unless the plan conforms to the requirements of this Section.

(ii) Surface parking lot landscape plans shall be prepared and submitted in accordance with these provisions and the provisions contained in Section 29.1502(3), "Minor Site Development Plan."

(5) **Landscaping Requirements for Apartment Dwellings in the UCRM, RM and RH Zones.**

(a) **Generally.** These landscaping requirements are intended to be applied to front yards and side yards that abut streets for apartment dwellings in the RM and RH zoning districts. This landscaping is required to enhance the yard area and to soften the impact of the building from the street and from nearby residential areas.

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- (b) Required Landscape Elements. A minimum of one landscaping unit, consistent of:
One (1) deciduous (over-story) tree, or
Two (2) ornamental (understory) trees, or
Two (2) evergreen trees, or
One (1) ornamental (understory) tree or one (1) evergreen tree, and
Six (6) deciduous and evergreen shrubs,

shall be planted for every 60 feet or part thereof of frontage along a public or private street.

(i) Shrubs. Shrubs shall be a combination of deciduous and evergreen plant materials, and no more than $\frac{2}{3}$ of the shrubs shall be of one type or the other. The majority of the shrubs shall serve as foundation plantings for the multiple family structure, and no more than 50 percent of the building foundation, exclusive of windows, shall be visible from the street in the summer upon maturity of the shrubs.

(ii) Minimum Size. The plant materials shall meet the following minimum sizes when planted:
Deciduous (over-story) tree: 1-1/2 inch caliper, measured four (4) feet above the ground.

Ornamental (understory tree): Six (6) feet in height.

Evergreen tree: Three (3) feet in height.

Shrub: Small shrub -- minimum of a 12-inch spread

Medium and large shrub -- minimum of an 18 inch spread

(iii) Trees and Shrubs. Trees and shrubs may be traded within a landscape unit, when there are utility easements or other site impediments that prevent the planting of a specific plant established above, e.g. one deciduous (over-story) tree may be traded for an additional one ornamental (understory) tree and three (3) additional shrubs.

(iv) Existing Vegetation. Developers shall be encouraged to save existing desirable vegetation on the development site, and they will be given credit on a one for one basis against the required landscape units for desirable species saved.

(v) Any undeveloped area on the site not planted with trees or shrubs shall be planted with grass, sod or other cover that is suitable to the local climate and is a suitable variety of ground cover plantings to present a completed appearance and provide full coverage within one (1) year.

(vi) Installation and Maintenance. Installation and maintenance of the landscaping for apartment dwellings in the RM and RH zones shall meet the requirements provided for in Section 29.403(3).

Sec. 29.404. ON-SITE SIDEWALKS.

(1) General Standard. An on-site sidewalk shall connect the street to the main entrance of the primary structure on the site, except those located in the Agriculture Zone. Sidewalks shall be composed of concrete, brick or other masonry pavers and shall be at least 5 feet wide, except for those leading to Single Family and Two Family Dwellings, Community Residential Facilities, and Single Family Attached Dwellings, which shall be no less than 4 feet wide. Where sidewalks cross driveways, parking areas and loading areas, the crossing shall be clearly identifiable, through the use of striping, elevation changes, speed bumps, a different paving material or other similar method. The primary sidewalk leading to the main entrance of the primary structure on the site shall be lighted, except for such sidewalks leading to Single Family and Two Family Dwellings, Community Residential Facilities and Single Family Attached Dwellings.

(2) Corner Lots. On corner lots, sidewalks are only required between the main entrance of the primary structure and one street.

Sec. 29.405. OUTDOOR DISPLAY AND STORAGE.

The extent to which the outdoor display of goods and outdoor storage are allowed is set forth in the individual Zone Development Standards Tables. Any outdoor display of goods and outdoor storage permitted shall be in accordance with the following standards:

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- (1) **Outdoor Display of Goods.**
 (a) Outdoor displays may not interfere with pedestrian or automobile traffic on adjacent public rights-of-way and may not interfere with the enjoyment or operation of adjacent properties and uses.
 (b) Outdoor display areas must comply with all applicable setback requirements for buildings.
- (2) **Outdoor Storage.**
 (a) Outdoor storage areas must comply with all applicable setback requirements for buildings.
 (b) Outdoor storage areas shall count toward maximum building coverage limitations listed in the Zone Development Standards Tables.
 (c) All materials or wastes stored outdoors which cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored only in closed containers.
 (d) No materials or wastes shall be stored or deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.

Sec. 29.406. OFF-STREET PARKING

- (1) **Applicability.** The off-street parking requirements set forth in this Section apply to all off-street parking uses, whether required by this Ordinance or in excess of the requirements of this Ordinance; whether accessory to the principal use of a site, or operated as a commercial enterprise.
- (2) **Required Parking Spaces.** Off-street parking spaces must be provided in accordance with the minimum requirements set forth in Table 29.406(2) below, for any new building constructed and for any new use established.
- (a) The off-street parking space requirement for a use not specifically mentioned herein is the same as required for a use of similar nature.
- (b) Whenever a building erected or established after the effective date of this Section is enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of such enlargement or change.
- (c) Whenever a building existing prior to the effective date of this Section is enlarged to the extent of 50% or more in the floor area, said building or use shall then and thereafter comply with the parking requirements set forth herein.

**Table 29.406(2)
 Minimum Off-Street Parking Requirements**

PRINCIPAL LAND USE	SPACES REQUIRED
RESIDENTIAL DWELLINGS	
One and Two-Family and Single Family Attached (including Manufactured Homes outside RLP District)	2 spaces/Residential Unit (RU) All zones except DCSC. 1 space/RU in DCSC.
Apartment Dwellings	1.5 space/RU: for one-bedroom units. All zones except DCSC. 1 space/bedroom for units of 2 bedrooms or more 1 space/RU in DCSC 1.25 spaces/bedroom for units of 2 bedrooms or more in University Impacted District (O-UI)
Family Home	2 spaces plus 1 space/2 full time staff members of the largest shift
Group Living	1 space/2 beds, plus 1 space/2 staff members of the largest shift
Nursing and convalescent homes	1 space/bed
College and University housing, fraternities and sororities	
Mobile Home and Manufactured Home in Manufactured/Mobile Home Parks	2 spaces/Manufactured/Mobile Home Space plus 1 space for guest parking/4 Manufactured/ Mobile Home Spaces

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PRINCIPAL LAND USE	SPACES REQUIRED
Short-Term Lodging Hotel/Motel, including ancillary uses	1 space/guest room; plus 6 spaces/1,000 sf of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift. All zones except DCSC. 1 space/guest room, plus 5 spaces/1,000 sf. of ballroom, meeting, bar and restaurant areas; plus 1 space/2 employees of the largest shift in DCSC District.
Boarding houses, rooming houses, and lodging houses	1 space/bed. All zones except DCSC. 0.5 space/bed in DCSC District.
OFFICE	
Medical/Dental office	1 space/143 sf where there is no agreement for shared parking; 1 space/200 sf where there is an agreement for shared parking or for medical facilities that exceed 50,000 sf.
Other office	Ground level: 1 space/250 sf; other than ground level: 1 space/300 sf
TRADE AND WHOLESALE	
Retail Sales and Services--General	Ground level: 1 space 200 sf other than ground level; 1 space/250 sf
Wholesale Trade	1 space/500 sf
Printing	1 space/200 sf of retail area; plus 1 space/2 employees on largest shift; plus 1 space/company vehicle
Fuel Sale/Convenience Stores	1 space/200 sf. Spaces at fuel pump islands may be counted towards this requirement.
Major retail and shopping center over 200,000 sf, not including Grocery Stores and office	4 spaces/1,000 sf
Grocery Stores	1 space/150 sf
Display store(furniture, appliances, carpets, etc.)	1 space/500 sf
Financial institution (freestanding or as ground level service area)	Ground level: 1 space/250 sf other than ground level: 1 space/300 sf
Entertainment, Restaurant and Recreation Trade	14 spaces/1,000 sf
Fast food restaurant	12 spaces/1,000 sf in dining or waiting area, or 1 space/2 employees if no seating
Recreation facility, health club	5 spaces/1,000 sf
Enclosed tennis, handball, racquetball or squash courts	4 spaces/court plus 1 space/200 sf for rest of building
Bowling Alley	5 space/lane. Bar, restaurant and other uses shall provide parking according to the requirement for that use.
INSTITUTIONAL AND MISCELLANEOUS USES	
Auditoriums, theaters, stadiums and arenas	Greater of 1 space/5 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces. All zones except DCSC. Greater of 1 space/4 seats or 10 spaces/1,000 sf, with a minimum of 20 spaces in DCSC District.
Places of worship	When seating is provided in main auditorium: 1 space/4 seats, exclusive of Sunday School and other special areas. When seating is not provided in main auditorium: 1 space/60 sf of worship area
Private clubs, fraternal organizations, libraries, museums and community buildings	1 space/200 sf
Funeral Home/Mortuary	1 space/50 sf in slumber rooms, parlors and funeral service rooms.
Vehicle Service Facilities Fuel Sales Only Service/Repair Facilities	3 spaces plus 1/employee 3 spaces plus 2 spaces/service bay
Car Wash	2 spaces plus 5 stacking spaces/ washing bay
Motor vehicle sales and service	2 spaces plus 1 space/500 sf over 1,000 sf in the showroom, plus 2 spaces/service bay
Heliport or helicopter landing area	Greater of 1 space/employee or 2 spaces/1,000 sf of patron area, but not less than 10 spaces
Hospital/medical center	1 space/ 2 beds plus 1 space/2 staff members of the largest shift

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PRINCIPAL LAND USE	SPACES REQUIRED
Schools primarily serving children younger than age 16	Greater of 2 spaces/classroom or 1 space/4 seats in auditorium. All zones except DCSC. 2/classroom in DCSC District.
High schools and universities	Greater of 1 space/2 students; or 10 spaces/classroom; or 1 space/4 seats in auditorium. All zones except DCSC. 4/classroom in DCSC District.
INDUSTRIAL	
Industrial Service, Manufacturing and Production, Resource Production and Extraction	1 space/500 sf plus 1/space/company vehicle.
Warehouse	0.5 spaces/1,000 sf and 1 space/2 employees
MIXED-USE DEVELOPMENT	Mixed-use development parking shall be determined as the sum of parking requirements of the individual use components

(3) **Computation of Parking Spaces.** For purposes of computing the minimum required parking spaces pursuant to Section 29.406(2), the following rules apply:

- (a) When computing parking spaces based on floor area, areas used for parking are not counted.
- (b) When parking is required on the basis of square footage, gross square shall be used to calculate parking unless otherwise stated.
- (c) Where calculations yield a fractional result, fractions of 0.5 or greater shall be rounded to the higher whole number.

(4) **Occupancy of Structures Requiring Off-Street Parking.** All required parking areas must be completed and surface parking areas landscaped prior to occupancy of any structure. If landscaping cannot be completed due to weather or time of year, an agreement in a form prescribed by the Department of Planning and Housing shall be signed by the developer, which shall specify the completion date.

(5) **Use of Required Parking Spaces.** Required parking spaces must be maintained for the duration of the use requiring the spaces. Required spaces shall be used exclusively for the temporary parking of passenger motor vehicles or light trucks and must be available for the use of residents, customers, and employees of the use requiring the parking spaces. Fees may be charged for the use of required parking spaces. Required parking spaces for one site may not be assigned in any way to a use on another site unless such assignment is made under an approved Joint Use Parking Plan, the requirements for which are set forth in Section 29.406(17). Required parking spaces may not be used for the parking of equipment, the storage or display of goods, or the storage or repair of inoperable vehicles.

(6) **Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the lot containing the principal building and cannot be more than 500 feet from a main entrance to the structure for which the parking is provided. Except when valet parking is provided pursuant to Section 29.406(7); required parking spaces for non-residential uses must be in parking areas located not more than 1,000 feet from a main entrance to the structure served by the parking.

(7) **Locating Parking Spaces in Front Yard.**

(a) The use of the front yard for the location of vehicular parking is permitted in the "DCSC", "HOC" and "IG" Districts, if setbacks of 10 feet from the front lot line and 5 feet from the side lot lines are maintained and landscaping is installed and maintained within those setback areas. Unless a parking lot plan is submitted as part of the development process pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced

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by a document signed by both the property owner or owner's agent and the said director), prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved.

(i) The provisions of this subsection shall not apply to the use of a front yard for vehicular parking where it is proven by the property owner, by documentary evidence or the testimony of disinterested third parties, that such use was lawfully established prior to the effective date of this Ordinance.

(ii) This Ordinance shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet the surfacing standards in Section 29.406(11).

(b) The use of the front yard for the location of vehicular parking is permitted in the "S-HM" district only, but only if setbacks of 15 feet from the front lot line and 10 feet from the side lot lines are maintained with respect to the front yard parking area, and a landscaped berm is installed and maintained in said setback areas. The landscaped berm shall be so designed, constructed and maintained as to help screen from view from the front and sides, any and all motor vehicles parked on the parking lot in any season of the year. Unless a parking lot plan is submitted pursuant to Section 29.1502, a Surface Parking Lot Landscaping Plan to meet the standards of Section 29.403(4)(f) shall be submitted to and approved by the Director of Planning and Housing (to be evidenced by a written document signed by both the property owner, or owner's agent, and the said director) prior to any construction, reconstruction, installation, erection, conversion, alteration, addition, enlargement or development of any structure, improvement, feature or aspect of the premises. No Building/Zoning Permit required by Section 29.1501 shall be issued until the plan is submitted and approved as aforesaid.

(i) Parking in the front yard pursuant to this subsection shall be permitted as stated only with respect to a totally new building constructed on the site. Such parking shall not be permitted if there is on the subject premises any building or part of a building that was occupied or used for any purpose whatsoever prior to the effective date of the subsection or prior to the desired establishment or expansion of such front yard parking.

(ii) This subsection shall apply to any expansion or increase in the area of the front yard used for parking, even if no other conversion, construction or change to the subject premises occurs. Wherever this subsection applies, the subject parking area shall be so constructed and maintained as to meet or exceed the surfacing standards set out in Section 29.406(11).

(c) Under no circumstances shall vehicular parking be permitted in the front yard of any residential building in any "RL" zone, except upon a driveway that leads to the side or rear yard or to an attached garage. There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(d) For one and two family dwellings with access only from either Grand Avenue, Thirteenth Street, Duff Avenue, or Lincoln Way, and located on a segment of one of those streets where the Public Works Department can confirm an average weekday traffic count of not less than 12,000 vehicles per day, there may be a paved area appended to the driveway as a space in which a motor vehicle can be turned around to avoid backing onto the street. The dimensions of the said turning space shall be no greater than reasonably convenient to that purpose. The dimensions and configuration of that space shall be approved in writing by the Department of Planning and Housing prior to construction. A Building/Zoning Permit per Section 29.1501 shall be required for installation of the turn-around.

(8) **Stacked Parking.** Stacked or valet parking is allowed by Special Use Permit if an attendant is present to move vehicles. If stacked parking is to be used for required parking spaces, a covenant must be filed on the City land records obligating the property owner to have an attendant available at all times that the lot is in operation. The requirements for minimum spaces and all parking area development standards continue to apply for stacked parking. Stacked parking of two parking spaces is permitted as of right for single family owner occupied land use.

(9) **Parking Space and Vehicle Aisle Dimensions.**

(a) All required parking spaces must comply with the minimum dimensions for spaces stated in Figure 29.406(9).

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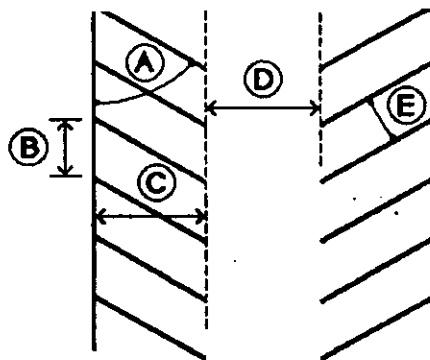
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(b) Smaller parking spaces for small cars are allowed only when the parking lot involved consists of 10 or more off-street parking spaces. These parking spaces shall be at least 8 feet wide and 16 feet long. No more than 20% of the required off-street parking spaces shall be designated for small cars. All small car spaces shall be clearly identified with signs. In computing the number of permitted small car spaces where a fractional number of spaces results, the number of permitted small car spaces shall be rounded to the next lowest number.

(c) If the degree of angle of parking provided is not listed in Figure 29.406(9), the aisle width required shall be the next largest angle of parking shown in Figure 29.406(9). In circumstances where a strict application would result in unnecessary practical difficulties, the Zoning Board of Adjustment may, after notice and hearing, authorize such specific, limited exceptions to the above table of dimensions as it shall find warranted and consistent with:

- (i) protecting landscaping features; and
 - (ii) adequate space for maneuvering of trucks, vans and full-sized passenger vehicles.
- (d) No exceptions shall be allowed for any other feature of these off-street parking rules.

Figure 29.406(9)
PARKING AREA DIMENSIONS
(For Standard-size Vehicles)



Full Sized Vehicles

Table 29.406(9)-1

Parking Angle (A)	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length Per Space (B)	N/A	26.3'	18.0'	14.0'	12.7'	11.7'	10.4'	9.6'	9.1'	9.0'
Space Depth (C)	9.0'	15.0'	17.3'	19.1'	19.8'	20.3'	21.0'	21.0'	20.3'	19.0'
Access Aisle Width (D)	12.0'	12.0'	12.0'	12.0'	13.0'	15.0'	18.0'	19.0'	24.0'	24.0'
Space Width (E)	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'	9.0'

Compact Vehicles

Table 29.406(9)-2

Parking Angle	0°	20°	30°	40°	45°	50°	60°	70°	80°	90°
Curb Length Per Space	N/A	23.4'	16.0'	12.4'	11.3'	10.4'	9.2'	8.5'	8.1'	8.0'
Space Depth	8.0'	13.0'	14.9'	16.4'	17.0'	17.4'	17.9'	17.8'	17.1'	16.0'
Access Aisle Width	12.0'	12.0'	12.0'	12.0'	13.0'	15.0'	18.0'	19.0'	24.0'	24.0'
Space Width	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'	8.0'

*Auto-accessible spaces shall be 13 feet wide, including parking space and passenger access aisle.

*Van-accessible spaces shall be 16 feet wide, including parking space and passenger access aisle.

(10) **Driveways.** Driveways for all parking facilities must be a minimum of 12 feet wide for one-way traffic and 20 feet wide for 2-way traffic. Driveways may not exceed 30 feet in width. Driveways must be designed to minimize curb cuts.

(11) **Improvements of Off-Street Parking Areas.**

(a) **Surface Material Standards.**

(i) **Materials.** All vehicle areas, including front yard parking areas described in Section 29.406(7), must be paved with Portland Cement Concrete, Asphaltic Cement Concrete, or an equivalent as determined by the City Engineer.

(ii) **Material Thickness.** All vehicle areas, including front yard parking areas described in Section 29.406(7), must be paved with an approved material no less than five inches thick. Greater thickness may be required by subsurface conditions or the type of vehicles using the parking area. In all off-street parking areas where access will be provided for heavy trucks and transit vehicles, the pavement thickness shall be adequate to accommodate such vehicles, as determined by the City Engineer. When it is anticipated that transit service will be extended to sites not presently served, pavement thickness shall be adequate to accommodate transit vehicles, as determined by the City Engineer.

(b) **Striping.** All parking areas must be striped in accordance with the dimension standards described in Figure 29.406(9).

(c) **Storm Water Management Design Standards:** Storm water management design shall include grading, facilities or improvements or some combination thereof which results in no increase in the rate of runoff when compared to the undeveloped condition of the area to be developed. The rainfall frequencies that shall be incorporated in the design of the storm water management system shall include the five year, ten year, 50 year and 100 year design storm events. The calculations and design of the storm water management system shall be prepared by an engineer licensed to practice in Iowa.

(d) **Lighting.** Illumination for parking and loading areas must be designed to be fully cut off from adjacent properties.

(12) **Parking Decks.** No parking may be provided in stacked parking decks unless the structure containing such parking conforms to the following requirements:

(a) Deck structure visible from the street must be horizontal rather than sloping.

(b) Screening or other improvements must be made so that parked vehicles are shielded from view at each level of the parking structure.

(c) In "NC", "CCN", and "DCSC" Zones, 75% of street level frontage must be maintained for walk-in retail and service uses.

(d) The parking structure must conform to all setback, height, bulk, and landscaping requirements for buildings within the zone in which the structure is located. If the rooftop is to be used for parking, the roof deck shall be treated as a surface parking lot for purposes of the minimum interior landscaping requirement of Section 29.403(4). Area devoted to hanging gardens, however, may be subtracted on a square foot basis from required interior landscaping. Ornamental trees may be substituted for required Landscape Trees on roofs of parking structures.

(e) No parking is permitted in any structure on the ground level of the structure or within a space, which extends from street level upwards a distance of 10 feet within 35 feet of a street lot line.

(13) **Surface Parking Landscaping and Screening.** Surface parking facilities must conform to the minimum landscaping and screening requirements set forth in Section 29.403(4).

(14) **Parking Spaces Accessible for Persons with Disabilities.** For new construction, (a) where parking spaces are provided for self parking of vehicles by employees or visitors to a site or use or (b) where required parking spaces for residential use exceeds 6 spaces, parking spaces accessible for persons with disabilities shall be provided in accordance with the minimum ratios set forth in Table 29.406(14) below. Required Accessible Parking Spaces may count as Required Parking Spaces for purposes of Section 29.406(2), Required Parking Spaces.

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**Table 29.406(14)
Required Accessible Parking Spaces**

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 spaces plus 1 for each 100 over 1000.

(15) Standards for Accessible Parking Spaces.

(a) **Signage.** Accessible Parking Spaces must be marked with above-grade signs with white lettering against a blue background and must bear the words "Handicapped Parking: State Permit Required" and "Violators Will Be Fined." The sign must also bear the international symbol of access. For parking spaces required to be van-accessible, a sign bearing the words "Van-Accessible" must be mounted below the symbol of accessibility. Signs must be positioned so that they are observable from the driver's seat and cannot be obscured by a vehicle parked in the space. When also allowed under federal and state law, Accessible Parking Spaces serving dwelling units are exempt from this subsection unless a dwelling unit in the building being served is occupied by an individual eligible for a state permit. This exception shall not apply to any visitor parking areas for residential structures or parking areas serving accessory facilities for residential structures.

(b) **Width of Accessible Parking Spaces and Passenger Access Aisles.**

(i) **Spaces.** Accessible Parking Spaces must have a minimum width of 8 feet.

(ii) **Passenger access aisles.** Except for spaces required to be van-accessible, all Accessible Parking Spaces must be served by passenger access aisles with a minimum width of 5 feet.

(iii) **Van-accessible spaces.** One in every 8, but not less than one, required Accessible Parking Spaces must be served by a passenger access aisle with a minimum width of 8 feet and must be designated "Van-Accessible" by a sign mounted below the symbol of accessibility.

(iv) **Combined width of space and passenger access aisle.** Irrespective of the minimum widths for spaces and passenger access aisles set forth above, the combined width of the space and passenger access aisle for all Accessible Parking Spaces may not be less than 13 feet (see Figure 29.406(9)).

(c) **Additional Requirements for Passenger Access Aisles.** Passenger access aisles must be painted in cross-hatching and must be part of an accessible route to the entrance of the building or facility being served. In parking facilities that do not serve a particular building or facility, passenger access aisles must be part of an accessible route to an accessible pedestrian entrance of the parking facility.

(d) **Vertical Clearance.** All Accessible Parking Spaces and at least one vehicle access route to and from all Accessible Parking Spaces must have a minimum vertical clearance of 8 feet 2 inches.

(e) **Location.** Accessible Parking Spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, Accessible Parking Spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, Accessible Parking Spaces shall be dispersed and located closest to the accessible entrances.

(16) **Relationship of Accessible Parking Space Requirements to Federal and State Law.** In addition to the requirements set forth in Sections 29.406(8) and 29.406(14), federal and state laws contain requirements and specifications for parking spaces accessible to disabled or handicapped persons. Property owners and operators of uses on property have the responsibility of determining their compliance with federal and state laws, as those laws may from time to time be amended. To the extent that federal or state laws contain standards which are more stringent than those contained in this Ordinance, state and federal law shall control.

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(17) **Joint Use Parking.**

(a) Where 2 or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times, the same parking spaces may be counted to satisfy the off-street parking requirements for each use upon the approval of a Joint Use Parking Plan by the City Council. Applications for Joint Use Parking Plan approval shall include:

(i) The names and addresses of the uses and of the owners or tenants who will share the parking.

(ii) The location and number of parking spaces to be shared.

(iii) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.

(iv) A legal instrument such as a joint use parking agreement, a lease, an easement or a deed restriction that guarantees access to the parking for both uses, designates the time periods under which each use will have rights to count spaces for purposes of the space requirements under Section 29.406(2), and places restrictions on the hours of operation of each use.

(b) **Approval of Joint Use Parking.** The City Council may approve an application for Joint Use Parking if it finds that:

(i) The analysis provided presents a realistic projection of parking demands likely to be generated.

(ii) Peak demand is sufficiently distinct so that the City Council is able to clearly identify a number of spaces for which there will rarely be an overlap of parking demand.

(iii) Rights to the use of spaces are clearly identified so as to facilitate enforcement.

(18) **Manufactured Home, Mobile Home, and Recreational Vehicle Parking.** Manufactured homes, mobile homes, travel trailers, or recreational vehicles shall not be parked, stored, or occupied on any property which is not part of an approved manufactured home park, or the permanent installed site of a manufactured home. The parking of one (1) unoccupied travel trailer or recreational vehicle is permitted behind the front yard setback of the lot in any district, provided the travel trailer or recreational vehicle is not used for living quarters or business purposes.

(19) **Trucks and Equipment Parking and Storage.** The standards for truck and equipment parking apply to business vehicles and equipment that are parked regularly at a site. The regulations do not apply to pickup and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short-term basis. Permissibility of truck and equipment parking and storage is covered in the individual Zone Development Standards Tables.

Sec. 29.407. OFF-STREET LOADING.

(1) **Off-Street Loading Facilities.** Except as provided in Section 29.407(3), off-street loading facilities must be provided in accordance with the minimum requirements prescribed by Table 29.407(1) for every new building constructed and every new use established. Off-street loading facilities for additions to existing structures or enlargements of existing uses may be provided only to the extent of such addition or enlargement.

**Table 29.407(1)
Minimum Required
Off-Street Loading Spaces**

	GROSS FLOOR AREA REQUIRING INITIAL BERTH (SQUARE FEET)	GROSS FLOOR AREA REQUIRING SECOND BERTH (SQUARE FEET)	GROSS FLOOR AREA REQUIRING ADDITIONAL BERTHS
RESIDENTIAL			
Group Living	50,000	150,000	One per 400,000 sf or fraction thereof above 300,000 sf
Short-term Lodgings	10,000	150,000	One per 300,000 sf or fraction thereof above 200,000 sf
OFFICE			
All Categories	25,000	100,000	One per 300,000 sf above 200,000 sf
TRADE			

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	GROSS FLOOR AREA REQUIRING INITIAL BERTH (SQUARE FEET)	GROSS FLOOR AREA REQUIRING SECOND BERTH (SQUARE FEET)	GROSS FLOOR AREA REQUIRING ADDITIONAL BERTHS
All Categories	10,000	40,000	One per 100,000 sf between 80,000 and 480,000 sf plus one per 200,000 sf above 480,000 sf
INSTITUTIONAL			
All Categories	10,000	100,000	One per 200,000 sf above 200,000 sf
INDUSTRIAL			
All Categories	5,000	40,000	One per 80,000 sf between 80,000 sf and 320,000 sf plus one per 150,000 sf above 320,000 sf
MULTIPLE USES	Where buildings or sites contain multiple uses, off-street loading spaces must be supplied for each category of use in the number required for the square footage of that use. In the alternative, where multiple uses are situated in such a manner that the uses can be equally and conveniently served by common loading spaces, the building or site may be treated as though the entire square footages were employed under the Use Category for which the greatest number of spaces would be required.		

(2) **Loading Berth Location.** Required off-street loading berths must be provided on the same or adjacent lot as the structure for which the space is required and must be designed in such a manner that loading activities will not block any required parking area, public right-of-way, public or private access, or sidewalk. Loading berths shall be designed to minimize visibility of loading berths from sidewalks and streets.

(3) **Off-Street Loading in the DCSC Zone.** In the DCSC Zone, the following conditions and exceptions apply:

(a) When a site is adjacent to an alley, access to off-street loading shall be from the alley. If a site is not adjacent to an alley, street access to off-street loading shall be from the adjacent street having the least volume of vehicle or pedestrian traffic.

(b) Existing structures may be renovated without off-street loading if space is not available on the site.

(4) **Loading Berth Dimensions.** Required off-street loading berths must be at least 35 feet long and 12 feet wide and have a vertical clearance of 14 feet.

Sec. 29.408. OTHER GENERAL DEVELOPMENT STANDARDS.

(1) **Vibration.**

(a) **All Uses.** Every use shall be operated so that continuous, frequent or repetitive vibrations inherently or recurrently generated may not be perceptible to a person of normal sensitivities on any point of any property line of the lot on which the use is located.

(b) **Exemptions.** Vibrations from temporary construction work and vehicles which leave the lot, such as trucks, trains and helicopters, are exempt from this Section, as are vibrations lasting less than 5 minutes per day. Vibrations from primarily on-site vehicles and equipment are not exempt.

(2) **Fences.**

(a) **Types of Fences.** These standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry or other material.

(b) **Location and Height.**

(i) The maximum height for fences in required front building setbacks is 4 feet.

(ii) The maximum height for fences in required side or rear building setbacks is 8 feet.

(iii) The maximum height for fences that are not placed in required setbacks is 10 feet.

(iv) In the case of retaining walls and supporting embankments, the above requirements

shall apply only to that part of the wall above ground surface of the retained embankment.

(3) **Garbage Collection Areas.** All outdoor garbage cans in outside collection areas shall be screened from all public rights-of-way other than alleys and from any adjacent properties to the L3 or F2 standards set forth in Section 29.403. Trash receptacles for pedestrian use are exempt.

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(4) **Mechanical Equipment.** Mechanical equipment located on the ground, such as cooling or heating equipment, pumps or generators, shall be screened from the street and any abutting residential properties to the L3 or F2 standards set forth in Section 29.403. Mechanical equipment on roofs shall be completely screened from the ground level of any abutting residentially zoned lot and substantially screened from all adjacent properties at any level.

(5) **Visibility at Intersections.**

(a) **Definition.** "Visibility Triangle" means the area created by the intersection of property lines at the corner of 2 abutting streets and a line connecting 2 points on these property lines 20 feet from the point of intersection.

(b) Within the Visibility Triangle on any corner lot located in Agricultural, Residential, or Hospital/Medical districts, no fence, wall, or other structure shall be erected and no foliage plant permitted to grow to a height of more than 3 feet above the elevation of the established street grade measured at the curb line at the intersection of the streets abutting the corner lot.

(6) **Height Near Airports.** Heights of buildings constructed within 750 feet of the property boundary of any airport shall be in compliance with height restrictions from the Federal Aviation Administration.

(7) **Requirements for Private Garages and Other Accessory Buildings.**

(a) The following requirements apply to private garages and accessory buildings in Agricultural, Residential and Hospital/Medical districts:

(i) **Location Within Setbacks.**

a. No detached garage or accessory building is allowed in the front setback.
b. A detached garage or accessory building shall meet all the same side setbacks as required with the principal building.
c. A detached garage or accessory building wholly within the rear yard shall be a minimum of 3 feet from the abutting property line.

(ii) **Height.**

a. A detached garage or accessory building on the same lot with a 1 story principal building shall not exceed the height of that principal building.
b. Detached garages or accessory buildings on the same lot with a principal building that is taller than 1 story shall not exceed 80% of the height of the principal building or 20 feet, whichever is lower.

(iii) **Size.**

a. Detached garages and accessory buildings in the rear yard shall not occupy more than 25% of the rear yard.
b. The maximum gross floor area shall not exceed 900 sf for accessory uses to a Single Family Dwelling or 1,200 sf for accessory uses to a Two Family Dwelling.
c. In any Agricultural or Residential district the number of parking spaces within a detached or attached garage shall not exceed 3 for a Single Family Dwelling or 2 per dwelling unit for a Two Family Dwelling.

(iv) **General Requirements.**

a. Driveways to streets. The driveway leading from a street to the entrance of a detached or attached garage shall be at least 20 feet long measured from the property line.
b. Driveways to alleys. The driveway leading from an alley to the entrance of a detached or attached garage shall be at least 8 feet long.
c. No detached garage or accessory building shall contain habitable space and/or a bathroom, except for recreational uses requiring plumbing such as a pool house.
d. The construction of a detached garage or accessory building shall not precede the construction of the principal building on the same lot.

(v) **Special Setbacks.**

a. In cases in which the rear yard of a lot abuts the front yard of an adjoining lot, a detached garage or accessory building in the rear yard shall be not less than 6 feet from the adjoining property line for the distance of the required front yard setback on the adjoining lot.
b. In no case shall a detached garage or an accessory building in the rear yard be placed closer than 15 feet to any lot line that abuts a street.

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(b) The following requirements apply to private garages and accessory buildings to legally nonconforming Single Family and Two Family Dwellings in Commercial and Industrial Districts:

- (i) No detached garage or accessory building is permitted in the front yard.
- (ii) A detached garage or accessory building is permitted in the side or rear yard on the same lot with a Single Family or Two Family Dwelling in Commercial Districts, provided it maintains the same side and rear yard setbacks that a principal building of a commercial nature would be required to maintain.
- (iii) A detached garage or accessory building is permitted in the side or rear yard on the same lot with a Single Family or Two Family Dwelling in an Industrial District, provided the same side and rear yard setbacks for a permitted structure in the district are maintained.

Sec. 29.409. BILLBOARDS.

- (1) **Locations Limited.**
 - (a) Billboards are permitted in only the following Zones: Highway-Oriented Commercial (HOC), General Industrial (IGI), Planned Industrial (IP), and Agricultural (A).
 - (b) Location of a Billboard within 600 feet of the boundary of a Zone in which Billboards are not permitted is prohibited.
 - (c) Billboards are prohibited within 250 feet of any part of any roadway interchange with either Interstate Highway 35 or U.S. Highway 30.
 - (d) No Billboard shall be located nearer than 600 feet to any other Billboard.
- (2) **Message Area.** The area of either side of a Billboard that displays a message shall not exceed 200 square feet, and, a Billboard shall not have more than two sides for the display of messages. However, the area of a message display side may be as much as 300 square feet if the Billboard is located in a corridor lying 300 feet on either side of the right-of-way of U.S. Highway 30.
- (3) **Monopole Required.** All Billboards shall be erected on a single steel monopole.
- (4) **Landscaping.** Landscaping that enhances the site of the Billboard, and the area surrounding the Billboard, shall be established and maintained at the base of each Billboard by the party in control of the Billboard, except for Billboards located in the Agricultural (A) Zone.
- (5) **Height Limit.** A Billboard shall not exceed 50 feet from the base of the monopole to the top of the Billboard's highest part.
- (6) **Setback Required.** A Billboard shall not be located nearer to any point in the boundary of the lot on which the Billboard is located than the number of feet in the vertical dimension of the Billboard determined as stated in subsection E above.
- (7) **Lighting Restricted.** A Billboard shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. by lights directed upwards. Illumination by lights directed downward is not subject to a time limit.
- (8) **One Per Lot.** More than one Billboard on a single lot is prohibited.
- (9) **Billboards shall be subject to the provisions of Municipal Code Chapters 5 and 7 (Building Code and Electrical Regulations, respectively), and other applicable provisions of this Ordinance. When there is a conflict between a provision of said regulations and a provision of this Section, the more restrictive provision shall control.**

Sec. 29.410. SINGLE FAMILY ATTACHED DWELLINGS - PARTY WALL AGREEMENT.

Whenever single family attached dwellings are constructed, there shall be recorded restrictive covenants or a common element agreement addressing the following issues;

- (1) **Wall in common or "party wall".** Party walls form a common wall between adjacent lots along a common lot boundary. Where such walls exist each owner of a lot shall grant to the adjacent owner sharing a party wall an easement over, across and under the portion of such owner's lot upon which the party wall is constructed. In addition the rights and responsibilities for the repair and rebuilding of such walls shall be addressed in the easement document.
- (2) **Roofs.** Those structures that share a party wall also share that portion of the roof, which lies immediately above the party wall. Each owner of a lot upon which an improvement has been constructed shall keep in good maintenance and repair his or her respective roof so as not to cause damage to the roof of the adjoining lot owner. In addition, the rights and responsibilities for the repair and rebuilding of such roofs shall be addressed in the easement document referenced in Section 29.410(1).

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(3) **Shared Driveways and Sidewalks.** All shared driveways and sidewalks shall be acknowledged as such and the respective owners of the affected lots shall have the right to use such driveways and sidewalks jointly. Cross easements shall be granted over, across and under that portion of each owner's lot where such shared driveways and/or sidewalks are located. In addition the rights and responsibilities for the maintenance, repair and rebuilding of such driveways shall be addressed in the cross-easement document.

(4) **Materials.** The restrictive covenant or common element agreement shall address the need for the use of the same or similar materials for building elements, driveways and sidewalks when making repairs or when any portion of a group of attached single family attached dwellings is rebuilt.

Sec. 29.411. OUTDOOR LIGHTING CODE.

(1) The provisions of Division II, Sections 29.411, of the Zoning Ordinance may be referred to as the Outdoor Lighting Code. These regulations are intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the City of Ames, Iowa. All business, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets. A purpose of the Outdoor Lighting Code is to set standards for outdoor lighting so that its use does not interfere with the reasonable use and enjoyment of property within the City. It is an intent of the Outdoor Lighting Code to encourage lighting practices that will reduce light pollution by reducing up-light, glare, and over lighting.

(2) **Definitions.** For the purposes of Section 29.411, terms used shall be defined as follows:

(a) **Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

(b) **Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

(c) **Fully-shielded lights:** outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

(d) **Glare:** Direct light emitted from a luminaire with an intensity great enough to cause visual discomfort, eye fatigue, a reduction in a viewer's ability to see, or in extreme cases momentary blindness.

(e) **Grandfathered luminaires:** Luminaires not conforming to this Outdoor Lighting Code that were in place at the time this Outdoor Lighting Code went into effect.

(f) **Lamp:** The component of a luminaire that produces the actual light.

(g) **Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

(h) **Lumen:** A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen output ratings of a lamp.

(i) **Luminaire:** This is a complete lighting system, and includes a lamp or lamps and a fixture.

(j) **Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

(2) **Regulations.**

All public and private outdoor lighting installed in the City of Ames, Iowa shall be in conformance with the requirements established by the Outdoor Lighting Code.

(3) **Control of Glare -- Luminaire Design Factors.**

(a) Any luminaire with a lamp rated at more than 1800 lumens shall not emit, in its installed position, any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.

(b) Any luminaire with a lamp rated at more than 1800 lumens, shall not emit in its installed position any more than 5% of its total light output in the zone from 15 degrees below the horizontal to the horizontal plane through the lowest direct light emitting part of the luminaire.

(4) **Exceptions to Control of Glare.**

(a) Any lighting source producing 1800 lumens or less shall be exempt from the Outdoor Lighting Code.

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(b) All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of the Outdoor Lighting Code.

(c) All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of the Outdoor Lighting Code.

(d) A building or structure that has been designated for historic preservation by the City of Ames, State of Iowa, or the National Park Service, shall be exempt from the "fully shielded" requirements, if an historic restoration cannot be achieved by other means.

(5) **Outdoor Advertising Signs.**

(a) Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 29.411(3). An exception to this requirement may be allowed for ground mounted, monument signs. Ground mounted, monument signs may be illuminated with a ground mounted or a bottom mounted lighting fixture, provided that the light output shall be directed totally to the monument sign surface to prevent up-lighting and glare.

(b) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.

(c) Electrical illumination of outdoor advertising off-site signs between the hours of 10:00 p.m. and 6:00 a.m., shall only be done by means of lights directed downward.

(6) **Recreational Facilities.** Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, special event or show areas, shall meet the following conditions:

(a) All fixtures used for such lighting shall be fully shielded as defined in Section 29.411(2)(d), or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(b) Illumination of the playing field, court, track, or event site, after midnight is prohibited except to conclude a scheduled event that was scheduled to be completed before 11:00 p.m. that circumstances prevented concluding before 11:00 p.m.

(7) **Prohibitions.**

(a) **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

(b) **Towers.** Lighting on towers is prohibited except as required by regulations of the Federal Aviation Administration.

(c) **Searchlights.** The operation of searchlights for advertising purposes is prohibited.

(8) **Grandfathering of Nonconforming Luminaires.** Luminaires lawfully in place prior to the effective date of the Outdoor Lighting Code shall be grandfathered. Such grandfathered luminaires may be replaced with a like kind of luminaire unless more than 50 percent of the like kind of luminaires on the same premises are being replaced. In such case all the replacement luminaires on the premises shall meet the standards of the Outdoor Lighting Code.

(9) **Development Permits.**

(a) **Submission Contents.** The applicant for any permit or site plan approval required by any provision of this city involving outdoor lighting fixtures shall submit (as part of the application for site plan approval or a permit) evidence that the proposed work or activity will comply with the Outdoor Lighting Code. Specifically, the application or submission shall include:

(i) plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

(ii) a detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested;

(iii) photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions.

(b) **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of the Outdoor Lighting Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

(c) **Lamp or Fixture Substitution.** Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

(10) **Light Trespass.** All nonexempt outdoor lighting fixtures shall be designed, installed, and maintained to prevent light trespass. Outdoor lighting fixtures shall be installed and thereafter maintained so as not to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby property or nearby land. If such condition should occur, the luminaire shall be redirected or its light output shall be controlled as necessary to eliminate such condition.

(11) **Penalties.**

(a) **Violation.** It shall be a municipal infraction for any person to violate any of the provisions of the Outdoor Lighting Code. Each and every day during which the violation continues shall constitute a separate offense.

(b) **Violations and Legal Actions:** If, after investigation, the City finds that any provision of the Outdoor Lighting Code is being violated, the City shall give written notice of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within one hundred twenty (120) days of the date of the written notice. If the violation is not abated within the one hundred twenty day period, the City shall institute actions and proceedings, to enjoin, restrain, or abate any violations of the Outdoor Lighting Code and to collect the penalties for such violations.

(c) **Penalties:** A violation of the Outdoor Lighting Code, or any provision thereof, shall be punishable by a civil penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation. Each day, after the expiration of the one hundred twenty day period provided in paragraph (b) above, that a violation occurs, or is permitted to exist, constitutes a separate violation for the purpose of the civil penalty.

Sec. 29.412. SIZE AND APPEARANCE, DETACHED DWELLINGS.

All non-attached dwelling structures of any kind located outside the RLP Zone, shall meet the following minimum standards:

(1) The principal portion or main body of the structure shall have a width and length of not less than 20 feet.

(2) The siding of the structure shall consist of wood, simulated wood siding (to include horizontal lapped steel, vinyl, or aluminum siding), brick, stone, stucco or concrete and, furthermore, shall not have an appearance or condition incompatible with conserving the market value and beneficial use and enjoyment of adjacent buildings, as determined by the person responsible for zoning administration. Any person aggrieved by that determination may appeal to the Zoning Board of Adjustment as by law provided.

Sec. 29.413. SIGNAGE STANDARDS — NEIGHBORHOOD COMMERCIAL ZONE.

(1) No signs are permitted in the Neighborhood Commercial (NC) zoning district except those signs that conform to the standards and restrictions stated in this section.

(2) The only types of signs permitted in the Neighborhood Commercial (NC) zoning district are wall signs and monument signs.

(3) Size restrictions.

(a) A wall sign is a sign that is displayed by being affixed to the outside of an exterior wall of a building in which at least one business is located. Wall signs shall be affixed to only those walls that face a street. A wall sign shall be no larger than sixteen square feet, except that a wall sign may be up to thirty-two square feet in size if it is affixed to a building on a lot that abuts an arterial street, and the wall sign faces the arterial street.

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(b) Monument signs shall be no larger than sixteen square feet, excluding the base; and no more than one such sign is permitted for each principal building on a lot. A monument sign is not permitted on a lot that is not the site of a principal building. If the principal building is on a lot that abuts an arterial street, the monument sign may be as large as thirty-two square feet, excluding the base.

(4) Height restrictions. The maximum permissible height for a monument sign is eight feet, including the sign base; that is, the top of a monument sign shall be no more than eight feet above the grade of the site on which it is erected. However, the height of a monument sign, including the base, may be up to twelve feet if the sign is erected on a lot that abuts on an arterial street.

(5) Lighting restrictions. The lighting of both wall signs and monument signs shall be projected downward, regardless of whether the lighting source is internal or external. If the sign faces an abutting residentially zoned lot, or a residentially zoned lot that is separated from the site of the illuminated sign by only one street, the face of the illuminated sign shall have a dark background.

ARTICLE 5 USE CATEGORIES

Sec. 29.500. PURPOSE.

The purpose of this Section is to describe the different classifications of uses found in this Ordinance and to provide a systematic basis for assignment of present and future uses to zones.

Sec. 29.501. CLASSIFICATION OF USES.

(1) Standards for Classification. Uses shall be assigned to the category with the description and listing of uses most closely describing the nature of the Principal Use.

(2) Developments with Multiple Principal Uses. When all the Principal Uses of a development fall within one Use Category, then the development is assigned to that Use Category. When the Principal Uses of a development fall within different Use Categories, each Principal Use is classified in the applicable category and is subject to the regulations for that category.

(3) Accessory Uses. Unless otherwise stated in this Ordinance or otherwise indicated in the Use Tables for each zone:

- (a) Accessory Uses are allowed by right in conjunction with a Principal Use;
- (b) Accessory Uses are subject to the same regulations as the Principal Use except as otherwise indicated;
- (c) All uses include parking for residents, customers or employees as an Accessory Use.
- (d) Examples of common Accessory Uses are listed within the Use Categories.
- (e) Accessory Uses are incidental only to a Principal Use and an accessory use need not be located within the principal structure if the use:
 - i. Is clearly incidental and customary to and commonly associated with the operation of the Principal Use;
 - ii. Is operated and maintained under the same ownership or by lessees or concessionaires of the owner, and on the same zone lot as the Principal Use;
 - iii. Does not include structures or structural features inconsistent with the Principal Use;
 - iv. Does not include residential occupancy in conjunction with uses other than hotels, motels, tourist homes and similar transient housing accommodations, except by owners and employees employed on the premises and the immediate families of such owners and employees; and
 - v. Has a gross floor area that, in combination with all other uses accessory to Principal Uses located in the same structure or on the same lot, does not exceed 25% of the gross floor area utilized by all Principal Uses. This 25% floor area limitation, however, shall not apply to off-street parking.

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(4) **Uses Included.** The names of uses on the following Tables are generic, and similar uses not listed in the "Uses Included" list may also be included in the Use Category if they are not included in another Use Category. Uses included are based on the common meaning of the terms and not on the name that an owner or operator might give to a use.

Table 29.501(4)-1
RESIDENTIAL USE CATEGORIES

Group Living
Definition Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these, as long as they also reside at the site.
Uses Included
Assisted Living Facilities
Boarding, rooming or lodging houses and single room occupancy (SRO) hotels with more than 6 units
Congregate housing
Dormitories or residence halls
Fraternities and sororities
Hospices
Nursing and convalescent homes
Residences for the physically disabled, mentally retarded, or emotionally disturbed which do not meet the definition of Family Home
Transitional Living Facilities, such as halfway houses for former offenders
Accessory Uses
Recreational facilities.

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Household Living**Definition**

Residential occupancy of a dwelling unit by a family, where the average length of stay is 60 days or longer.

Uses Included

Apartment Building

Manufactured Housing

Other structures with self-contained dwelling units

Single Family Attached Dwellings

Single- and Two-family houses

Single Room Occupancy Housing (SROs), if the average length of stay is 60 days or longer, there are no common dining facilities, and there are 6 units or less

Accessory Uses

Recreational activities; home occupations, and home day care are Accessory Uses that are subject to limitations found in the Zone Use Tables and the Use Development Standards.

Accessory Uses Specific to Manufactured Housing

Those buildings or structures that are complimentary to the manufactured home or mobile home such as carports, cabanas, garages, patio awnings, porches and storage buildings. Accessory structures shall not obstruct required openings for light and ventilation nor shall prevent the inspection of mobile home equipment and ventilation.

Subcategories of Uses

Single Family House: A detached structure containing one Residential Unit.

Two Family House: A single structure containing 2 Residential Units.

Single Family Attached Dwelling: One of 2 or more attached residential buildings having a common or party wall separating the dwelling units.

Apartment Building: A single structure containing 3 or more Residential Units.

Family Home: As defined in Section 29.201 of this Ordinance and in Iowa Code Section 414.22(c).

Short-Term Lodging**Definition**

Facilities offering transient lodging accommodations to the general public, where the average length of stay is less than 60 days.

Uses Included

Boarding, rooming or lodging houses and single room occupancy (SRO) hotels, where the average length of stay is less than 60 days
Bed and breakfasts

Hotels

Motels

Recreational vehicle parks

Accessory Uses

Coffee shops and dining areas primarily for use by guests or residents of the facility

**Table 29.501(4)-2
OFFICE USE CATEGORIES**

Definition

Activities conducted in an office setting and primarily focusing on administrative, business, government, professional, medical, or financial services. Contractors and others who perform services off-site are included in this Use Category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Exception: Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity.

Uses Included

Office uses such as:

Banking and bank-related services

Brokerage houses

Data processing centers

Government offices

Insurance services

Lenders and credit services

Public utility offices

Real estate and related services

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<p>Sales offices</p> <p>General office uses</p> <p>Medical and dental clinics, laboratories and offices</p> <p>Professional service offices such as:</p> <p style="padding-left: 40px;">Accountants</p> <p style="padding-left: 40px;">Architects</p> <p style="padding-left: 40px;">Engineers</p> <p style="padding-left: 40px;">Lawyers</p> <p>Television and radio studios</p> <p>Accessory Uses</p> <p>Cafeterias, health facilities, and other amenities primarily for the use of employees or visitors of the firm or building</p>

Table 29.501(4)-3
TRADE USE CATEGORIES

<p><u>Automotive and Marine Craft Trade</u></p> <p>Definition</p> <p>Retail sale or leasing of automobiles, including cars and trucks, and marine craft, including all types of boats and ships.</p> <p>Uses Included</p> <p>Sales or leasing of consumer vehicles, including:</p> <p style="padding-left: 40px;">Passenger vehicles</p> <p style="padding-left: 40px;">Motorcycles</p> <p style="padding-left: 40px;">Light and medium trucks</p> <p style="padding-left: 40px;">Other recreational vehicles</p> <p style="padding-left: 40px;">Marine craft and accessories, retail</p> <p>Accessory Uses</p> <p>Vehicle servicing, repair, detailing, body work and finishing when conducted as a secondary activity to the sale of vehicles</p> <p><u>Entertainment, Restaurant and Recreation Trade</u></p> <p>Definition</p> <p>Facilities providing entertainment or recreation services and eating and drinking establishments.</p> <p>Uses Included</p> <p>Banquet halls</p> <p>Bars and taverns</p> <p>Billiards and pool halls</p> <p>Bowling alleys</p> <p>Catering establishments</p> <p>Exhibition and meeting areas (20,000 sf or less)</p> <p>Game arcades</p> <p>Health clubs and gyms</p> <p>Ice or roller skating rinks</p> <p>Indoor firing ranges</p> <p>Lodges and social clubs</p> <p>Membership clubs</p> <p>Movie theaters</p> <p>Restaurants, cafes, delicatessens (with seating areas)</p> <p>Swimming pools (not open to the public)</p> <p>Tennis courts (not open to the public)</p> <p>Theaters</p> <p>Accessory Uses</p> <p>Offices and storage of food and alcohol</p>

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Retail Sales and Services—General

Definition

Uses that involve the sale, lease or rental of new or used consumer products, including prepared foods, to the general public and uses providing services involving predominantly personal or business services, including repair of consumer and business goods.

Exceptions: Lumber yards and other building material sales facilities that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Trade. Sale, rental, or leasing of heavy trucks and equipment is classified as Wholesale Trade. Uses for the repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are classified as Vehicle Service Facilities. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

Uses Included

Retail Sales:

Stores selling, leasing, or renting consumer, home, and business goods including:

- Antiques
- Appliances
- Art
- Art supplies
- Automobile supplies (no services)
- Bicycles
- Books and printed material
- Clothing
- Computer hardware and software sales and service
- Convenience Store
- Dry goods
- Electronic equipment
- Fabric
- Furniture
- Garden supplies
- Gifts
- Groceries
- Hardware
- Home improvements
- Household products
- Jewelry
- Music supplies
- Newspaper distribution
- Office machines
- Package liquor
- Pets
- Pet food
- Pharmaceuticals
- Plants and flowers
- Shoes
- Sporting goods
- Stationery
- Tobacco products
- Toys
- Videos

Food sales (not including seating areas):

- Bakeries
- Candy
- Delicatessens

Retail Personal, Business and Repair Services:

- Animal grooming salons
- Blueprinting and photocopying services
- Branch banks

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Business and commercial trade schools
Business and management consulting services
Dance or music schools
Dry cleaning collection and distribution centers
Emergency medical care facilities
Employment agencies
Hair, tanning, and personal care services
Kennels
Laundromats
Locksmiths
Martial arts instruction
Office equipment rental and leasing services
Photo drop off
Photographic studios
Quick printing
Recycling drop-off
Scientific and professional instrument repair
Sign making
Tailors
Television, bicycle, clock, watch, shoe, gun, appliance and office equipment repair
Upholsterers
Veterinarian offices
Accessory Uses
Offices and storage of goods, and manufacture or repackaging of goods for on-site sale

Wholesale Trade

Definition

Uses that involve the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. Uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

Uses Included

Mail order houses

Sale or rental of:

- Agricultural and Farm Equipment
- Building materials (including lumber)
- Electrical supplies
- Equipment
- Heating and plumbing equipment
- Heavy trucks
- Janitorial supplies
- Machine parts
- Machinery
- Restaurant equipment
- Special trade tools
- Store fixtures
- Welding supplies

Wholesalers of:

- Alcoholic beverages
- Auto parts
- Building hardware
- Clothing
- Electronics
- Home furnishings
- Food

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Accessory Uses

Offices, product repair, warehouses, minor fabrication services, limited retail areas, and repackaging of goods

**Table 29.501(4)-4
INDUSTRIAL USE CATEGORIES**

Industrial Service

Definition

Uses that involve the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products, but not including consumer goods service or retail outlets.

Exception: Establishments providing office space for contractors and others who perform services off-site are considered Office uses if major equipment or bulk quantity material storage is not conducted at the site, and fabrication, or similar work is not carried on at the site.

Uses Included

Auto and truck salvage and wrecking
Building, heating, plumbing or electrical contractors
Electric motor repair
Exterminators
Fuel oil distributors
Furniture stripping and refinishing
Heavy machinery sales, repair, and storage
Heavy truck servicing and repair
Janitorial and building maintenance services
Laundry, dry-cleaning, and carpet cleaning facilities
Machine shops
Metal and building materials, salvage or wrecking
Photo finishing laboratories
Printing, publishing, commercial art and reproduction services
Research and development laboratories
Solid fuel yards
Tire retreading or recapping
Tool repair
Towing and vehicle storage
Truck stops
Welding shops
Accessory Uses
Offices, storage, rail spur or lead lines, and docks.

Manufacturing and Processing

Definition

Uses that involve the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site, but if so, they are a subordinate part of sales.

Exceptions: Manufacture of consumer goods to be sold primarily on-site and to the general public is classified as Retail Sales and Services. Manufacture and production of products from composting organic material are classified as Waste Processing and Transfer.

Uses Included

Apparel and textiles manufacturing
Artwork, jewelry and toy production
Chemicals, rubber, leather, clay, bone, plastic, stone, and glass materials manufacturing
Concrete batching and asphalt mixing
Energy production
Food and related products manufacturing
Furniture and fixtures manufacturing
Lumber and wood products manufacturing
Metal and metal products manufacturing, including enameling and galvanizing
Machinery and electrical equipment manufacturing

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Manufactured homes and prefabricated structures manufacturing

Movie production facilities

Printing and publishing

Rock crushing and screening

Woodworking, including cabinetry

Accessory Uses

Offices, cafeterias, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleet maintenance and parking areas, and caretakers' quarters.

Resource Production and Extraction

Definition

Uses that involve agricultural production, commercial fishing, mining, quarrying, and mineral extraction.

Uses Included

Farming

Mining

Quarrying

Production or extraction of mineral products

Accessory Uses

Offices, storage, rail spur or lead lines and docks.

Warehouse and Freight Handling

Definition

Uses that involve the storage or movement of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present.

Exception: Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Processing and Transfer uses.

Uses Included

Bus barns or yards

Cold storage plants, including frozen food lockers

Freight storage

Grain terminals

Household moving storage

Inter-model transfer facilities

Mini-warehousing and self-service storage facilities

Parcel services

Regional postal distribution facilities

Sand and gravel storage

Truck, and air freight terminals

Warehouses used by retail stores

Weapons and ammunition storage

Wholesale distribution centers

Accessory Uses

Offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

Waste Processing and Transfer

Definition

Uses that receive solid or liquid wastes from other uses for disposal, storage or treatment on-site or for transfer to another location; uses that collect sanitary wastes; uses that treat contaminated materials; uses that process materials for recycling; and uses that manufacture or produce goods or energy from the composting of organic material.

Uses Included

Energy recovery plants

Portable sanitary collection equipment storage and pumping

Recycling operations

Sewage treatment plants

Waste composting

Waste incineration

Accessory Uses

Offices, recycling of materials, and repackaging and transshipment of by-products

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Table 29.501(4)-5
INSTITUTIONAL USE CATEGORIES

Colleges and Universities

Definition

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by a recognized accrediting agency.

Uses Included

Community colleges
Liberal arts colleges
Nursing and medical schools not accessory to a hospital
Seminaries
Universities

Accessory Uses

Accessory Uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, and maintenance facilities.

Community Facilities

Definition

Uses generally providing a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (e.g., any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Alternative incarceration centers are not included in this definition.

Exception: Private lodges, clubs, and private or commercial athletic or health clubs are classified as Entertainment, Restaurant and Recreation Trade.

Uses Included

Community centers
Libraries
Museums
Post offices
Senior centers
Swimming pools (open to the public)
Vocational training for the handicapped
Youth club facilities

Accessory Uses

Offices, meeting rooms, food preparation areas, health and therapy areas, day care uses, and athletic facilities.

Child Day Care Facilities

Definition

Uses where a program of supplementary care, protection, and supervision is regularly provided to children at least twice a week. The service is provided outside the home of the care recipients and covers only a portion of the day. Child Day Care Facilities uses include "group day care homes", "child care centers" and "registered family day care homes" as those terms are defined in 237A.1 of the Iowa Code. Commercial Day Care uses permitted under this Ordinance do not include any unlicensed facilities for which licensure is required by law.

Exception: Home Day Care, which includes "family day care homes" as defined by Section 237A.1(8)(a) of the Iowa Code, is accessory to all residential uses.

Uses Included

Child care center
Group day care homes
Latchkey programs
Nursery schools
Preschools
Registered family day care homes

Accessory Uses

Offices and play areas.

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Funeral Facilities**Definition**

Uses providing for the preparation of the deceased for burial or cremation, the display of the deceased and the rituals connected therewith before burial or cremation, or the storage of human bodies prior to burial or cremation.

Exceptions: Cemeteries and accessory structures erected therein are classified as Parks and Open Areas.

Uses Included

Funeral Homes

Mortuaries

Medical Centers**Definition**

Uses providing medical or surgical care to patients and offering overnight care, including uses that provide in-patient care and planned treatment for psychiatric, alcohol, or drug problems.

Exceptions: Medical clinics that provide care where patients are generally not kept overnight are classified as Office uses. Emergency medical care clinics are classified as Retail Sales and Services.

Uses Included

Drug, alcohol and psychiatric in-patient facilities

Hospitals

Medical centers

Accessory Uses

Out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance facilities, housing facilities for staff or trainees, and gift and hospitality shops.

Religious Institutions**Definition**

A facility where people regularly attend religious services and affiliated meetings and activities. Religious institutions include buildings in which the religious services of any denomination are held.

Uses Included

Churches

Mosques

Synagogues

Temples

Other houses of worship

Accessory Uses

Religious educational facilities, residence for clergy, caretakers' housing, and group living facilities such as convents or rectories.

Schools**Definition**

Facilities that provide a curriculum of elementary and secondary academic instruction, including public and private kindergartens, elementary schools, junior high schools, and high schools.

Exceptions: Preschools are classified as a Day Care use.

Uses Included

Boarding schools

Military academies

Public and private day schools

Public School Administration Center in conjunction with a public school building

Accessory Uses

Play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

Social Service Providers**Definition**

Social Service Provider uses (SSPs) are primarily engaged in providing on-site counseling, meals or shelter beds for free or at significantly below market rates. Uses that provide food on-site as an Accessory Use are not included if the service is provided fewer than 3 days a week. For example, a church that provides a free or low-cost meal once a week would not be classified as an SSP use.

Uses Included

Drug and alcohol counseling centers

Rescue missions

Shelters, temporary or permanent

Soup kitchens

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Surplus food distribution centers
Accessory Uses
Offices and facilities for counseling, recreation, restrooms, bathing, and washing of clothes.

Table 29.501(4)-6
TRANSPORTATION, COMMUNICATIONS AND
ESSENTIAL SERVICES USE CATEGORIES

Basic Utilities

Definition

Utility infrastructure that needs to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be publicly or privately provided.

Exception: Regional power lines and utility pipelines are classified as Rail Lines and Utility Corridors. Power generating plants are classified under Manufacturing and Production as energy production uses.

Uses Included

Electrical substations
Mass transit turnarounds
Stormwater retention and detention facilities
Telephone exchanges
Water and sewer pump stations
Water towers and reservoirs

Commercial Parking

Definition

Parking not accessory to a specific use, whether or not a fee is charged. A facility that provides both accessory parking for a specific use and regular fee parking for vehicles not connected with the use is classified as a Commercial Parking use.

Exceptions: The following facilities are classified as Accessory Uses: parking facilities accessory to a Principal Use, but charging the public to park for occasional events nearby; and parking facilities that are accessory to a Principal Use, even if the operator leases the facility to the Principal Use or charges a fee to the individuals who park in the facility.

Uses Included

Commercial shuttle parking
Office/retail zone shared parking lots
Mixed parking lots (partially for a specific use, partially for rent to others)
Short- and long-term fee parking facilities (surface and structured)

Accessory Uses

In a parking structure only, Accessory Uses may include gasoline sales, car washing, and vehicle repair activities, if these uses provide service solely for autos parked in the garage.

Parks and Open Areas

Definition

Land outdoors, open to the public, and reserved primarily as a natural area or an area consisting mostly of vegetative landscaping, outdoor recreation space, community gardens, or public square or plaza.

Uses Included

Boat launching areas
Botanical gardens
Cemeteries
Golf courses
Nature preserves
Parks
Plazas
Public squares
Recreational trails
Tennis courts (open to the public)

Accessory Uses

Accessory Uses may include club houses, maintenance facilities, concessions, and caretakers' quarters.

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Passenger Terminals**Definition**

Passenger terminals and related facilities for aircraft, regional bus service, regional rail service.

Uses Included

Air passenger terminals
Bus passenger terminals for regional bus service
Helicopter landing facilities
Railroad passenger stations for regional rail service

Accessory Uses

Freight handling areas, ticketing areas, concessions, offices, and maintenance and fueling facilities.

Essential Public Services**Definition**

Uses of a public nature, generally providing a local service to people of the community. Services are generally provided on the site or employees are at the site on a regular basis. The service is ongoing, not just for special events.

Uses Included

Ambulance stations
Fire stations
Police stations

Accessory Uses

Offices, meeting rooms, and food preparation areas.

Radio and Television Broadcast Facilities**Definition**

All devices, equipment, machinery, structures or supporting elements necessary to produce or transmit non-ionizing electromagnetic radiation for radio or television broadcast or transmission and operating as a discrete unit to produce or transmit a signal or message. Towers may be self-supporting or mounted on poles or buildings.

Exception: Radio and television studios are classified as Office uses. Personal wireless service facilities are classified in a separate definition.

Uses Included

Broadcast towers
Communication towers
Point-to-point microwave towers

Accessory Uses

Transmitter facility buildings.

Personal Wireless Service Facilities**Definition**

Facilities for the provision of personal wireless services to include commercial mobile services, unlicensed wireless communications, and common carrier wireless exchange access services.

Uses Included

Wireless communication antenna
Antenna support structure

Accessory Uses

Wireless communication transmission building

Rail Lines and Utility Corridors**Definition**

Railroad tracks and lines for the movement of trains on land owned or leased by the railroad. This category also includes public or private passageways, excluding easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

Exceptions: Railroad lead and spur lines for delivery of rail cars on specific sites are classified as accessory to the Principal Use of the site. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included. Railroad yards.

Uses Included

Rail trunk and feeder lines
Regional electrical transmission lines
Regional gas and oil pipelines

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Railroad Yards**Definition**

Areas with multiple railroad tracks used for rail car switching, assembling of trains.

Exception: Facilities for the transshipment of goods from other transportation modes to trains are classified as Warehouse and Freight Handling.

Accessory Uses

Offices, employee facilities, storage areas, and rail car maintenance and repair facilities

Table 29.501(4)-7

MISCELLANEOUS USE CATEGORIES**Adult Entertainment Facilities****Definition**

Establishments including bookstores, bars, restaurants, movie theaters, and arcades where films are shown, or videotapes, magazines, books, or other printed matter are sold, or live performances take place, that are characterized by an emphasis upon the depiction or exposure of Specified Sexual Activities or Specified Anatomical Areas. Massage parlors where services are not administered by a licensed medical practitioner, chiropractor, acupuncturist, therapist or similar person licensed by the state are also included in this Use Category.

Uses Included

Adult motion picture arcades

Adult bookstores

Adult cabarets

Adult motion picture theaters

Adult theaters

Bars featuring "topless" or "exotic" dancers or striptease performances

Massage parlors

Agricultural and Farm Related Activities**Definition**

Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinarian and other animal services, and farm labor and management services.

Uses Included

Farms

Stables

Accessory Uses

Seed sales and sale of other farm produce

Commercial Outdoor Recreation**Definition**

Large, generally commercial facilities, that provide continuous or seasonal recreation or entertainment-oriented activities. They generally take place outdoors or may take place in a number of structures that are arranged together in an outdoor setting.

Exceptions: Golf courses and botanical gardens/arboretums are classified as Parks and Open Space. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, such as stadiums and amphitheaters, are classified as Major Event Entertainment.

Uses Included

Amusement parks

Beach clubs

Campgrounds (private)

Golf driving ranges

Miniature golf facilities

Zoos

Accessory Uses

Accessory Uses may include concessions, restaurants, caretakers' quarters, and maintenance facilities.

Detention Facilities**Definition**

Facilities for judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by sworn officers, except when on an approved leave.

Exception: Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are classified as Group Living.

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Uses Included

Alternative incarceration centers

Jails

Juvenile detention homes

Probation centers

Accessory Uses

Offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.

Major Event Entertainment

Definition

Activities and structures that draw people to spectate or participate at specific events or shows.

Exception: Motion picture theaters, including drive-in theaters, are classified as Entertainment, Restaurant and Recreation Trade.

Uses Included

Auditoriums

Bazaars and carnivals

Coliseums

Exhibition and meeting areas (more than 20,000 sf)

Fairgrounds

Sports arenas

Stadiums

Accessory Uses

Restaurants, bars, concessions, and maintenance facilities.

Vehicle Service Facilities

Definition

Either of the following subcategories of uses:

Vehicle Service Stations: Any use where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning is conducted. Service station uses shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Vehicle Repair Facilities: Businesses servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles, including premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Exception: Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified as Industrial Service.

Uses Included

Vehicle Service Station Uses:

Car washes

Publicly and privately owned vehicle emission test sites

Gas stations

Minor auto repair and tire sales

Quick lubrication services

Vehicle Repair Facility Uses:

Auto body shops

Auto detailing shops

Auto upholstery shops

Tire sales and mounting shops

Transmission or muffler shops

Vehicle repair shops

Accessory Uses

Offices, sales of parts, and vehicle storage.

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**DIVISION III
USE REGULATIONS**

**ARTICLE 6
AGRICULTURAL**

Sec. 29.600. "A" AGRICULTURAL.

(1) **Purpose.** This zone is intended to accommodate areas predominantly agricultural in character or undeveloped for urban use; protect land use for agriculture from incompatible uses; and serve as a transitional area between unincorporated areas and residential districts.

(2) **Use Regulations.** The uses permitted in the A Zone are set forth in Table 29.600(2) below:

**Table 29.600(2)
Agricultural (A) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y	ZP	ZEO
• Two Family Dwelling	N	--	--
• Single Family Attached Dwelling	N	--	--
• Apartment Dwelling (6 units and over)	N	--	--
• Family Home	Y	SP	ZBA
Household Living Accessory Uses			
• Accessory Apartment	N	--	--
• Home Office	Y	HO	ZBA/Staff
• Home Business	Y	HO	ZBA/Staff
Group Living	N	--	--
Short-term Lodging	N	--	--
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services			
• Plants and Produce	Y	ZP	ZEO
Wholesale Trade			
• Agricultural & Farm Equipment	N	--	--
INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Child Day Care Facilities	Y	HO or SP (Depending on size)	ZBA/Staff
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y	SP	ZBA
Personal Wireless Communication Facilities	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Parks & Open Areas	Y	SDP Minor	Staff
Radio & TV Broadcast Facilities	Y	SP	ZBA
Rail Lines & Utility Corridor	Y	SP	ZBA
MISCELLANEOUS USES			
• Agricultural & Farm-Related Activities	Y	ZP	ZEO
• Stables	Y	SP	ZBA

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- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- ZP = Building/Zoning Permit required: See Section 29.1501
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- HO = Home Occupation
- ZBA = Zoning Board of Adjustment
- ZEO = Zoning Enforcement Officer

(3) **Zone Development Standards.** The zone development standards for the A Zone are set forth in Table 29.600(3) below:

Table 29.600(3)
Agricultural (A) Zone Development Standards

DEVELOPMENT STANDARDS	A ZONE
Minimum Lot Area	43,560 sf
Minimum Principal Building Setbacks:	
Front Lot Line	50 ft.
Side Lot Line	20 ft.
Rear Lot Line	50 ft.
Corner Lots	Provide 2 front yards and 2 side yards
Minimum Frontage	35 ft. @ street line 100 ft. @ building line
Maximum Building Coverage	N/A
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	N/A
Minimum Landscaped Area	N/A
Maximum Height Principal Building	40 ft. or 3 stories, except for farm building, communications towers, flag poles, bell towers and steeples
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	N
Drive-Through Facilities	N
Outdoor Display	Plants & Produce only
Outdoor Storage	Y
Trucks and Equipment	Y

ARTICLE 7 RESIDENTIAL

Sec. 29.700. RESIDENTIAL BASE ZONES.

- (1) **Purpose.** The Residential Base Zones established by this Ordinance are:
- (a) Residential Low Density (RL);
 - (b) Residential Medium Density (RM);
 - (c) Urban Core Residential Medium Density (UCRM);
 - (d) Residential High Density (RH); and
 - (e) Residential Low Density Park (RLP).

Each of these zones is designed and intended to establish the priority of residential uses by prohibiting uses detrimental to residential neighborhoods and allowing, through Special Use Permit, with regulation of design, scale,

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and location, only those nonresidential uses that support and give vitality to residential life. The residential Base Zones differ on the basis of density, predominant housing type, and range of nonresidential uses. The differentiation among the residential Base Zones is designed and intended to provide for variety in the size and density of residential neighborhoods and to allow for a range of affordability in each housing type.

(2) **Use Regulations.** Use regulations for all the Residential Base Zones are set forth in the following Use Tables: RL Zone, Table 29.701(2); RM Zone, Table 29.702(2); UCRM Zone, Table 29.703(2); RH Zone, Table 29.704(2); and RLP Zone, Table 29.705(4).

(3) **Residential Density.** In each Residential Base Zone, residential development must be in accordance with the Residential Density standard established for that zone. Residential Density is expressed in terms of the square feet of lot area required per dwelling unit. Residential Density varies by zone. The number of dwelling units that may be built on a given lot is a function of 2 factors: the lot size and the Residential Density of the Zone.

Sec. 29.701. "RL" RESIDENTIAL LOW DENSITY.

(1) **Purpose.** This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas.

(2) **Permitted Uses.** The uses permitted in the RL Zone are set forth in Table 29.701(2) below:

**Table 29.701(2)
Residential Low Density (RL) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y, if pre-existing.	ZP	ZEO
Single Family Attached Dwelling	N	--	--
Apartment Dwelling (12 units or less)	N	--	--
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Group Living	N	--	--
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES			
	N	--	--
TRADE USES			
Retail Sales and Services - General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Child Day Care Facilities	Y	SP or HO, depending on the size	ZBA
Community Facilities	Y	SP	ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y, if pre-existing	--	--
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Essential Public Services	Y	SP	ZBA
Personal Wireless Service Facilities	Y	SP	ZBA

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- ZP = Building/Zoning Permit required: See Section 29.1501
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- HO = Home Occupation
- ZBA = Zoning Board of Adjustment
- ZEO = Zoning Enforcement Officer.

(3) **Zone Development Standards.** The zone development standards for the RL Zone are set forth in Table 29.701(3) below:

Table 29.701(3)
Residential Low Density (RL) Zone Development Standards

DEVELOPMENT STANDARDS	SINGLE FAMILY	TWO FAMILY DWELLING
Minimum Lot Area	6,000 sf	7,000 sf.
Minimum Principal Building Setbacks:		
Front Lot Line	25 ft.	25 ft.
Side Lot Line	6 ft.; or 8 ft for 2 stories 8 ft. for 3 stories	6 ft.; or 8 ft for 2 stories 8 ft. for 3 stories
Rear Lot Line	20 ft	20 ft
Corner Lots	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft. @ street line; 50 ft. @ building line	35 ft. @ street line; 50 ft. @ building line
Maximum Building Coverage	35%	40%
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	60%	60%
Minimum Landscaped Area	40%	40%
Maximum Height Principal Building	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	No	No
Drive-Through Facilities	No	No
Outdoor Display	No	No
Outdoor Storage	No	No
Trucks and Equipment	No	No

Sec. 29.702. "RM" RESIDENTIAL MEDIUM DENSITY.

- (1) **Purpose.** This District is intended to accommodate medium-density residential development and to serve as a transition from high-density residential areas to low-density residential areas.
- (2) **Permitted Uses.** The uses permitted in the RM Zone are set forth in Table 29.702(2) below:

Table 29.702(2)
Residential Medium Density (RM) Zone Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Single Family Dwelling	Y	ZP	ZEO
Two Family Dwelling	Y	ZP	ZEO
Single Family Attached Dwelling	Y	SDP Minor	Staff
Apartment Dwelling (12 units or less)	Y	SDP Minor	Staff
Family Home	Y	ZP	ZEO
Household Living Accessory Uses			

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USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Group Living	N, except Hospices, Assisted Living, and Nursing Homes, permitted by Special Permit.	SP	ZBA
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services - General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funerary Facilities	Y	SP	ZBA
Child Day Care Facilities	Y	HO or SP (depending on size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

- Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer

(3) **Zone Development Standards.** The zone development standards for the RM Zone are set forth in Table 29.702(3) below:

**Table 29.702(3)
Residential Medium Density (RM) Zone Development Standards**

DEVELOPMENT STANDARDS	RM ZONE
Minimum Lot Area	
Single Family Dwelling	6,000 sf
Two Family Dwelling	7,000 sf
Single Family Attached Dwelling	3,500 sf per unit
Apartment Dwelling Over 2 Units	1,800 sf each additional unit

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DEVELOPMENT STANDARDS	RM ZONE
Minimum Principal Building Setbacks Front Lot Line Side Lot Line Side Lot Line (party wall for Single Family Attached Dwellings) Side Lot Line (all other side lot lines except party wall line) Rear Lot Line Corner Lots	25 ft. • 6 ft. for one story • 8 ft. for 2 stories • 10 ft. for 3 stories • 20 ft. for 4 stories 0 ft. • 6 ft. for one story • 8 ft. for 2 stories • 10 ft. for 3 stories • 20 ft. for 4 stories 25 ft. Provide 2 front yards and 2 side yards
Minimum Frontage	35 ft. @ street line; 50 ft. @ building line
Minimum Landscaping	See Article 29.403(5)
Maximum Height Principal Building	50 ft. or 4 stories, whichever is lower
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	No, except if preexisting
Drive-Through Facilities	No
Outdoor Display	No
Outdoor Storage	No
Trucks and Equipment	No

Sec. 29.703. "UCRM" URBAN CORE RESIDENTIAL MEDIUM DENSITY ZONE.

(1) **Purpose.** This District is intended to accommodate and conserve the existing medium-density, one and two-family residential neighborhoods that exist in the Urban Core near the Downtown. The predominant land use pattern is one and two-family residential structures, with several existing apartment dwelling structures that create the character of this portion of the City.

(2) **Permitted Uses.** The uses permitted in the UCRM Zone are set forth in Table 29.703(2) below:

**Table 29.703(2)
Urban Core Residential Medium Density (UCRM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y	ZP	ZEO
• Two Family Dwelling	Y, if pre-existing	ZP	ZEO
• Single Family Attached Dwellings (2 units only)	Y, if pre-existing	SDP Minor	Staff
• Multifamily Dwelling (12 units or less)	Y, if pre-existing.	SDP Minor	Staff
• Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
• Home Office	Y	HO	ZBA/Staff
• Home Business	Y	HO	ZBA/Staff
Group Living	N	SP	ZBA
Short Term Lodging	N, - except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES	N	--	--
TRADE USES			
Retail Sales and Services - General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Funeral Facilities	N	--	--
Child Day Care Facilities	Y	HO or SP (depending upon size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y, only if pre-existing	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

- Y = Yes: permitted as indicated by required approval
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer

(3) **Zone Development Standards.** The zone development standards applicable in the UCRM Zone are set forth in Table 29.703(3) below:

**Table 29.703(3)
Urban Core Residential Medium Density (UCRM) Zone Development Standards**

DEVELOPMENT STANDARDS	UCRM ZONE
Minimum Lot Area	
Single Family Dwelling	6,000 sf
Two Family Dwelling	7,000 sf
Single Family Attached Dwelling	3,500 sf per unit
Apartment Dwellings Over 2 Units	1,800 sf each additional unit
Minimum Principal Building Setbacks:	
Front Lot Line	25 ft.
Side Lot Line	<ul style="list-style-type: none"> • 6 ft. for one story; • 8 ft. for 2 stories; • 8 ft. for 3 stories;
Side Lot Line (party wall line for Single Family Attached Dwelling)	0 ft.
Side Lot Line (all other side lot lines except party wall line)	<ul style="list-style-type: none"> • 6 ft. for one story; • 8 ft. for 2 stories; • 8 ft. for 3 stories;
Rear Lot Line	20 ft.
Corner Lots	Provide 2 front yards and 2 side yards
Minimum Frontage	35 ft. @ street line; 50 ft. @ building line
Maximum Building Coverage	35% Single Family Dwelling; 40% all others
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	60%
Minimum Landscaped Area	See Article 29.403(5)
Maximum Height	
Principal Building	40 ft. or 3 stories, whichever is lower
Maximum Height	
Accessory Building	20 ft. or 80% of the height of principal structure, whichever is less

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DEVELOPMENT STANDARDS	UCRM ZONE
Parking Between Buildings and Streets	No, except if pre-existing
Drive-Through Facilities	No
Outdoor Display	No
Outdoor Storage	No
Trucks and Equipment	No

Sec. 29.704. "RH" RESIDENTIAL HIGH DENSITY.

(1) **Purpose.** This Zone is intended to accommodate certain high-density residential areas in the City, including areas on or adjacent to the Iowa State University campus and areas adjacent to existing commercial and employment centers.

(2) **Permitted Uses.** The uses permitted in the RH Zone are set forth in Table 29.704(2) below:

**Table 29.704(2)
Residential High Density (RH) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y, if preexisting	ZP	ZEO
• Two Family Dwelling	Y	ZP	ZEO
• Single Family Attached Dwelling	Y	SDP Minor	Staff
• Apartment Dwelling	Y	SDP Minor	Staff
• Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
• Home Office	Y	HO	ZBA/Staff
• Home Business	Y	HO	ZBA/Staff
Group Living	Y	SDP Minor	Staff - No Transitional Living Facility for former offenders may be closer than 500 ft. to another such facility or to a Family Home.
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA
OFFICE USES	N, Except in conjunction with a mixed office/residence use where the residence use is above the first floor. Office Uses Limited to 5,000 sf.	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	N, Except in conjunction with a mixed retail/residence use where the residence use is above the first floor. Retail Uses Limited to 5,000 sf.	SDP Minor	Staff
Entertainment, Restaurant and Recreation Trade	N, Except in conjunction with a mixed E, R, & R/residence use where the residence use is above the first floor. E, R, & R Uses Limited to 5,000 sf.	SDP Minor	Staff
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SDP Minor	Staff
Child Day Care Facilities	Y	SDP Minor	Staff
Funeral Facilities	Y	SDP Minor	Staff
Medical Centers	N	--	--
Religious Institutions	Y	SDP Minor	Staff
Schools	Y	SDP Minor	Staff

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USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Social Service Providers	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Parks & Open Areas	Y	SDP Minor	Staff
Radio & TV Broadcast Facilities	N		
Personal Wireless Communication Facilities	Y	SP	ZBA

- Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer

(3) Zone Development Standards. The zone development standards applicable in the RH Zone are set forth in Table 29.704(3) below:

Table 29.704(3)
Residential High Density (RH) Zone Development Standards

DEVELOPMENT STANDARDS	RH ZONE
Minimum Lot Area Single Family Dwelling Two Family Dwelling Apartment Dwellings over 2 Units Single Family Attached Dwelling	6,000 sf 7,000 sf 1,000 sf each additional unit 3,500 sf per unit
Minimum Principal Building Setbacks: Front Lot Line Side Lot Line Side Lot Line (party wall line for Single Family Attached Dwelling) Side Lot Line (all other side lot lines except party wall line)	25 ft • 6 ft. for one story; • 8 ft. for 2 stories; • 10 ft. for 3 stories; • 12 ft. for 4 stories; • 4 ft. additional for each story over 4 0 ft. • 6 ft. for one story; • 8 ft. for 2 stories; • 10 ft. for 3 stories; • 20 ft. for 4 stories
Rear Lot Line	25 ft.
Corner Lots	Provide 2 front yards and 2 side yards
Minimum Frontage	35 ft. @ street line 50 ft. @ building line
Minimum Landscaping Apartment Dwellings	See Article 29.403(5).
Maximum Height Principal Building	100 ft. or 9 stories, whichever is lower
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	No, except if preexisting
Drive-Through Facilities	No
Outdoor Display	No
Outdoor Storage	No
Trucks and Equipment	No

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Sec. 29.705. "RLP" RESIDENTIAL LOW DENSITY PARK ZONE.

(1) **Purpose.** The Residential Low Density Park Zone is intended to provide for mobile home and manufactured home parks that are suitably developed in areas with compatible uses, adequate utility and road support systems, reasonable convenience to community facilities, and adequate open space to preserve residential character; to accommodate manufactured home lots where they exist or may be proposed as part of a residential subdivision approved for manufactured home use under the Subdivision Regulations; and to limit use of mobile homes to this Zone, except for temporary use as a place of business during the construction of a financial office, business office, or other similar use, or as a contractor's office at a construction site.

(2) **Location.** A manufactured home park may be established in the 'RLP', Residential Low Density Park district, as provided for in this section. It is the policy of the City of Ames that mobile homes are a permitted use only in the 'RLP', Residential Low Density Park district. The use and occupancy of a mobile home is not a permitted land use in any district other than the 'RLP', Residential Low Density Park district; however, mobile home sales lots and manufactured home sales lots may be established in districts where such use is permitted. A mobile home may also be used as a temporary use at a construction site as a contractor's office.

(3) **Manufactured Home Subdivision.** A manufactured home subdivision, which is suitably developed for the placement and occupancy of manufactured homes for residential purposes on individually owned lots, may be established in the 'RLP' Residential Low Density Park district. The manufactured home subdivision shall comply with all development requirements applicable for a manufactured home park as provided for in this section and with Chapter 23, Subdivision Regulations, and all other applicable state and local laws.

(a) In a manufactured home subdivision, only one (1) manufactured home shall be permitted on each approved manufactured home lot. No recreational vehicles or conventional construction shall be permitted on the manufactured home lot for living purposes.

(b) All land in the manufactured home subdivision indicated as common land and common open space, such as common recreation areas, private roads and walkways, shall be maintained by one of the following methods:

(i) If the land is deeded to a Homeowner's Association (HOA), the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for approval of the use and development plan by City Council. The provisions shall include, but not be limited to:

- a. The HOA must be set up before the lots are sold.
- b. Membership must be mandatory for each lot buyer and any successive buyer.
- c. The open space restrictions must be permanent.
- d. The HOA must be responsible for liability insurance, taxes, and the maintenance of recreational and other facilities.

(ii) All or any part of the open space system may be conveyed to the City of Ames by joint agreement of the developer and City. Such conveyance may be by dedication or easement.

(4) **Permitted Uses.** The uses in the RLP Zone are set forth in Table 29.705(4) below:

**Table 29.705(4)
Residential Low Density Park (RLP) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	Y	SDP Major	City Council. Single-Family Manufactured Home and accessory uses listed in Table 29.500 only. Home Office and Home Business allowed as necessary uses.
Short-term Lodgings	N	--	--
OFFICE USES	N	--	--
TRADE USES	N	--	--
INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES	N	--	--

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USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES	N	--	--
MISCELLANEOUS USES	N	--	--

Y = Yes: permitted as indicated by required approval.

N = No: prohibited

SDP Minor = Site Development Plan Minor: See Section 29.1502(3)

SDP Major = Site Development Plan Major: See Section 29.1502(4)

(a) The following uses are allowed in the RLP Zone only so far as they are shown on the Site Development Plan consistent with the requirements set forth in Section 29.1502(4): a manager's office and residence, which may be of a conventional type construction; community centers and recreation facilities; laundry facilities; outdoor drying area; maintenance buildings and/or facilities; recreational vehicle and boat storage; commercial uses, limited to those shown and described in the plan for the use and development of the manufactured home park approved by the City Council as herein required, are permitted provided that such commercial uses are of a sort intended exclusively for the service and convenience of the residents of the manufactured home park, any buildings so used are designed to reflect the residential character of the park, there is no advertising sign other than a single identification sign no larger than four square feet placed flush on the wall of the building containing the commercial use which shall not be readily observable from outside the manufactured home park; and other uses of a similar nature for the exclusive use of the manufactured home park residents.

(b) A manufactured home sales lot is permitted in connection with an approved Manufactured Home Park under the provisions of this Ordinance, provided that the sales lot ceases when 90% of the manufactured home spaces have been occupied. However, if it is the intention for the sales lot to continue beyond such initial period, the sales lot area must be in a district where such use is permitted.

(c) Only one (1) manufactured home is permitted on each approved manufactured home space, in accordance with the provisions of this section and applicable regulations of the State of Iowa statutes. Only one (1) manufactured home per manufactured home lot in a Manufactured Home Subdivision is permitted on each approved manufactured home lot.

(5) **Zone Development Standards.** The zone development standards for the RLP Zone are set forth in Table 29.705(5) below:

**Table 29.705(5)
Residential Low Density Park (RLP) Zone Development Standards**

DEVELOPMENT STANDARDS	RLP ZONE
Minimum Parcel Size for a Manufactured Home Park	10 acres
Maximum Density of Manufactured home Spaces	7/gross acre
Minimum Area of Manufactured Home Space	To be determined by the size of the manufactured homes, separation requirements and occupied lot area ratios
Maximum Area of Detached Garage	600 sf.
Minimum Lot Frontage	35 ft., only in a Manufactured Home Subdivision.
Minimum Building Setback, Manufactured Homes	15 ft.
• Interior Street Lot Line	20 ft., except for detached garages, that can be within 6 ft. of another garage or a manufactured home
• Between Manufactured Homes, including structural additions	
Minimum Building Setback, Manufactured Home Park Exterior Boundary Line	30 ft., except for awnings and raised open decks, that may extend 10 ft. into this setback
Minimum Building Setbacks, Detached Garages	
• Interior Street Line	20 ft.
• From Exterior Boundary	20 ft.
• Rear	20 ft. clear between structures
Minimum Recreation Area	8%
Maximum Height	15 ft. or 1 story, whichever is lower
Parking Allowed Between Buildings and Streets	No
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	No

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(6) **Infrastructure.** The following infrastructure elements shall be provided in a Manufactured home Park:

(a) **Streets.** Safe and convenient vehicular access from abutting public streets or roads to each manufactured home space. Access to the individual manufactured home spaces shall be from the interior street system of the manufactured home park. All interior private streets shall meet these standards:

Street Classification	Number of Lanes	Minimum Lane Width	Parking Lane Width
Collector	2	10'	8'
Local	2	9'	8'

Where streets are to be dedicated to the public as public streets, the minimum right of way and lane width shall adhere to the standards found in the Subdivision regulations of this Code (Chapter 23).

(b) **Utilities.** Utility and service lines within the Manufactured home Park shall be placed underground. All electrical, plumbing, and gas connections shall be inspected for compliance with the Plumbing Code, Electrical Code and Mechanical Code of the City of Ames.

(c) **Water Supply.** The City's public water system shall serve the Manufactured home Park and all Manufactured home Spaces.

(d) **Sewer System.** The City's public sewer system shall serve the Manufactured home Park and all Manufactured home Spaces.

(e) **Walkways.** Provision and maintenance of a common walk system in conjunction with street systems or other suitable alternatives to facilitate ease of movement and safe pedestrian access for all occupants of the manufactured home park. Such common walks shall be hard-surfaced and have a minimum width of forty-eight (48) inches.

(f) **Lighting.** Adequate lighting shall be provided for all streets, walkways, and common areas subject to nighttime use.

(g) **Fire Access.** Access to a Manufactured home for fire protection services shall permit fire apparatus to approach within 100 feet or less of each Manufactured home.

(h) **Garbage and Trash Disposal.** Unless individual garbage and trash collection is provided for each manufactured home unit, permanent locations for the collection of garbage and trash shall be established. These areas shall be convenient to users, hard-surfaced, and so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them, and must be screened on three sides.

(i) **Recreation Area.** A minimum of not less than eight (8) percent of the gross site area shall be devoted to recreational facilities, which are easily accessible to all residents in the manufactured home park. The required areas are generally provided in a central location and may include space for a community building and community use facilities, such as indoor recreation areas, swimming pools, hobby and repair shops and service buildings, and other similar uses.

(7) **Spaces and Lots.** The following elements shall be provided for each Manufactured Home Space or Lot:

(a) **Manufactured Home Stand.** The manufactured home stand shall provide for the practical placement of the manufactured home and removal of the manufactured home from the manufactured home space. Access to the manufactured home stand shall be kept free of trees or other immovable obstructions.

(i) The manufactured home stand shall be constructed of appropriate material (such as concrete), be properly graded, placed and compacted in order to provide durable and adequate support of the maximum loads during all seasons of the year. The manufactured home stand shall react as a fixed support and remain intact under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Adequate surface drainage shall be obtained by proper grading of the manufactured home stand and the manufactured home space.

(ii) Manufactured home stands shall not occupy an area in excess of one-third of the respective manufactured home space.

(b) **Ground Anchors and Tiedowns.** Ground anchors shall be installed by the lot owner or developer at each manufactured home stand, prior to or when the manufactured home is located thereon to permit tiedowns of manufactured home. Ground anchors shall meet manufacturer's recommendations and applicable administrative rules of the State of Iowa.

(i) Every owner or occupant of a manufactured home shall secure the same against wind damage, and every owner, operator or person in charge and control of a manufactured home park shall inspect and enforce this requirement.

(c) **Skirting.** The frame, wheels, crawl space, storage areas, and utility connections of all manufactured homes shall be concealed from view by skirting made of a durable all-weather construction that is consistent with the exterior of the manufactured home. Installation of the skirting must be completed within 60 days of the placement of the manufactured home on the stand.

(8) **Written Agreement Addressing Ownership of Detached Garages and Other Accessory Buildings.** Prior to the issuance of permits for the construction of a detached garage and other accessory buildings, a signed agreement between the owner of the manufactured home park property and the owner of the manufactured home that establishes ownership of the proposed building, shall be filed with the City Building Official.

ARTICLE 8 COMMERCIAL ZONES

Sec. 29.800. COMMERCIAL BASE ZONES.

(1) **Purpose.** The Commercial Base Zones established by this Ordinance are:

- (a) Neighborhood Commercial (NC);
- (b) Community Commercial Node (CCN);
- (c) Downtown Campustown Service Center (DCSC);
- (d) Highway-Oriented Commercial (HOC); and
- (e) Planned Regional Commercial (PRC).

The different Commercial Base Zones are intended to reflect the diversity of the City's commercial areas. The zones are distinguished by the uses and intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential neighborhoods, while other zones allow commercial areas that have a citywide or regional market. The regulations are intended to promote uses and development that will enhance the economic viability of the specific zone and the City as a whole.

(2) **Use Regulations.** Use regulations for all Commercial Base Zones are set forth in the following Use Tables: NC Zone, Table 29.801(2); CCN Zone, Table 29.802(2); DCSC Zone, Table 29.803(2); HOC Zone, Table 29.804(2); and PRC Zone, Table 29.805(2).

(3) **Commercial Base Zone Development Standards.** Zone development standards for all Commercial Base Zones are set forth in the following Zone Development Standards Tables: NC Zone, Table 29.801(3); CCN Zone, Table 29.802(3); DCSC Zone, Table 29.803(3); HOC Zone, Table 29.804(3); and PRC Zone, Table 29.805(3).

Sec. 29.801. "NC" NEIGHBORHOOD COMMERCIAL.

(1) **Purpose.** The Neighborhood Commercial (NC) zone is intended for small areas in or near residential neighborhoods. The zone encourages the provision of small-scale retail and service use for nearby residents. Uses are

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restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are strictly regulated, to promote compatibility with the character of surrounding residential development and the intended pedestrian orientation of the uses.

(2) Permitted Uses. The uses permitted in the NC Zone are set forth in Table 29.801(2) below:

Table 29.801(2)
Neighborhood Commercial (NC) Zone Uses

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	Y	SDP Minor	Staff
Short-term Lodgings	N	--	--
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	Y	SDP Minor	Staff
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service - Low Impact	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	N	--	--
Community Facilities	Y	SDP Minor	Staff
Social Service Providers	Y	SDP Minor	Staff
Medical Centers	N	--	--
Parks and Open Areas	N	--	--
Religious Institutions	Y	SDP Minor	Staff
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	N	--	--
Basic Utilities	Y	SDP Minor	Staff
Commercial Parking	N	--	--
Personal Wireless Communication Facilities	Y	SP	ZBA
Radio and TV Broadcast Facilities	N	--	--
Rail Line and Utility Corridors	N	--	--
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SDP Minor	Staff
Detention Facilities	N	--	--
Major Event Entertainment	N	--	--
Vehicle Service Facilities	N, except convenience stores in combination with gasoline service and car wash, by Special Use Permit.	SP	ZBA

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit: See Section 29.1503
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- ZBA = Zoning Board of Adjustment

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(3) **Zone Development Standards.** The zone development standards for the NC Zone are set forth in Table 29.801(3) below:

**Table 29.801(3)
Neighborhood Commercial (NC) Zone Development Standards**

DEVELOPMENT STANDARDS	NC ZONE
Maximum FAR	.70
Maximum Lot Area, Single Building	20,000 sf
Maximum Lot Area, Neighborhood Commercial Center	30,000 sf
Maximum Lot Area for Pre-existing Buildings and Pre-existing Neighborhood Commercial Centers	100,000 sf (with approval by Special Use Permit according to Sec. 29.1503)
Minimum Lot Frontage	60 ft.
Minimum Building Setbacks:	
Front Lot Line	0 if pre-existing, 10 ft if not pre-existing.
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting a Residentially Zoned Lot	5 ft. side (for RM & RH zones) & 10 ft side for RL, UCRM & RLP zones, or a historic district 15 ft. rear
Maximum Building Setbacks:	60 ft.
Street Lot Line	
Landscaping in Setbacks Abutting an R Zoned Lot	5 ft. at L3; see Section 29.403
Maximum Building Coverage	35%
Minimum Landscaping Area	15%
Maximum Height	35 ft.
Parking Allowed Between Buildings and Streets	No, except where allowed prior to the effective date of this ordinance.
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	No

Sec. 29.802. "CCN" COMMUNITY COMMERCIAL NODE.

(1) **Purpose.** The Community Commercial Node (CCN) Zone is intended to provide a shopping and services area where there is a shared attraction involving one trip to 2 or more destinations within a node. Each Community Commercial Node is characterized by a cluster of mixed commercial uses typically found in business districts. Uses within the nodes are more limited than those permitted in the Highway-Oriented Commercial (HOC) Zone.

(2) **Use Regulations.** The uses permitted in the CCN Zone are set forth in Table 29.802(2) below:

**Table 29.802(2)
Community Commercial Node (CCN) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N, except in combination with a commercial building, in which case it shall be located above the first floor.	SDP Minor	Staff
Short-term Lodgings	Y	SDP Minor	Staff
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	Y	SDP Minor	Staff

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USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	N	--	--
Community Facilities	Y	SDP Minor	Staff
Social Service Providers	Y	SDP Minor	Staff
Medical Centers	N	--	--
Parks and Open Areas	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	Y	SDP Minor	Staff
Basic Utilities	Y	SDP Major	City Council
Commercial Parking	Y	SDP Minor	Staff
Radio and TV Broadcast Facilities	Y	SP	ZBA
Personal Wireless Communication Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	N	--	--
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	Y	SDP Minor	Staff
Child Day Care Facilities	Y	SDP Minor	Staff
Detention Facilities	Y	SP	ZBA
Major Event Entertainment	N	--	--
Vehicle Service Facilities	Y	SDP Minor	Staff

- Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
ZBA = Zoning Board of Adjustment

(3) **Zone Development Standards.** The zone development standards for the CCN Zone are set forth in Table 29.802(3) below:

**Table 29.802(3)
Community Commercial Node (CCN) Zone Development Standards**

DEVELOPMENT STANDARDS	CCN ZONE
Maximum FAR	.75
Minimum Lot Area, Single Building	25,000 sf
Minimum Lot Area, Center	100,000 sf
Maximum Building Area, Single Building	150,000 sf
Maximum Building Area, Center	800,00 sf
Minimum Lot Frontage	60 ft.
Minimum Building Setbacks:	
Front Lot Line	0
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting a Residentially Zoned Area	10 ft. side 10 ft. rear
Maximum Building Setbacks:	60 ft.
Front Lot Line	
Landscaping in Setbacks Abutting a Residentially Zoned Lot	5 ft. @ L3. See Section 29.403

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DEVELOPMENT STANDARDS	CCN ZONE
Maximum Building Coverage	65%
Minimum Landscaped Area	15%
Maximum Height	35 ft.
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Plants and produce only. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

Sec. 29.803. "DCSC" DOWNTOWN/CAMPUSTOWN SERVICE CENTER.

(1) Purpose. The Downtown/Campustown Service Center (DCSC) zone is intended to provide for high-density development within the City's Urban Core and University Impacted areas. A broad range of uses is allowed to reflect the City's role as a commercial, cultural and governmental center. Development is intended to be very dense with high building coverage, large buildings in scale with the predominant building pattern in the Downtown and Campustown commercial area, and buildings placed close together. Development is intended to encourage pedestrian activity with a strong emphasis on safe, vital and attractive streets.

(2) Permitted Uses. The uses permitted in the DCSC Zone are set forth in Table 29.803(2) below:

Table 29.803(2)
Downtown/Campustown Service Center (DCSC) Zone Uses

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N, except in combination with a commercial building, in which case it shall be located above the first floor.	SDP Minor	Staff
Short-term Lodgings	Y	SDP Minor	Staff
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	Y	SDP Minor	Staff
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	Y	SP	ZBA
Community Facilities	Y	SDP Minor	Staff
Social Service Providers	Y	SP	ZBA
Medical Centers	N	--	--
Parks and Open Areas	Y	SDP Minor	Staff
Religious Institutions	Y	SP	ZBA
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	Y	SDP Minor	Staff
Basic Utilities	Y	SDP Major	City Council
Commercial Parking	Y	SDP Minor	Staff
Radio and TV Broadcast Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	Y	SP	ZBA
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SP	ZBA
Detention Facilities	N	--	--
Major Event Entertainment	Y	SP	ZBA
Vehicle Service Facilities	N	--	--

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- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- ZBA = Zoning Board of Adjustment

(3) **Zone Development Standards.** The zone development standards for the DCSC Zone are set forth in Table 29.803(3) below:

**Table 29.803(3)
Downtown/Campustown Service Center (DCSC) Zone Development Standards**

DEVELOPMENT STANDARDS	DCSC ZONE
Minimum FAR	1.0 (1)
Minimum Lot Area	No minimum, except for mixed uses, which shall provide 250 sf of lot area for each dwelling unit
Minimum Lot Frontage	No minimum, except for mixed uses, which shall provide 25 ft.
Minimum Building Setbacks:	
Front Lot Line	0
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting a Residentially Zoned Lot	10 ft.
Landscaping in Setbacks Abutting an R Zoned Lot	5 ft. @ L3. See Section 29.403
Maximum Building Coverage	100%
Minimum Landscaped Area	No minimum
Maximum Height	7 stories
Minimum Height	2 Stories
Parking Allowed Between Buildings and Streets	No
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

(4) **Standards for the Granting of Exceptions to the Minimum Requirement for Two Story Buildings in the DCSC (Downtown/Campustown Service Center) District.** Before an exception to the requirement for two-story buildings in the DCSC (Downtown/Campustown Service Center) can be granted, the Zoning Board of Adjustment shall establish that the following standards have been, or shall be satisfied:

(a) **Standards.** The Planning and Zoning Commission and the Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed one-story building, in the DCSC zone, meets the following standards:

(i) Physical circumstances exist for the property which result in a lot with a size and shape that is not conducive to a multi-story structure, and

(ii) It can be demonstrated that there is a direct benefit to the community to have a one-story structure, at the proposed location, as opposed to a multi-story structure.

(b) **Procedure.** The procedure to follow for an "exception" is described in Section 29.1503(3).

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Sec. 29.804. "HOC" HIGHWAY-ORIENTED COMMERCIAL.

(1) Purpose. The Highway-Oriented Commercial (HOC) Zone is intended to allow auto-accommodating commercial development in areas already predominantly developed for this use. The zone allows a full range of retail and service businesses with a large local or citywide market. Development is expected to be generally auto-accommodating, with access from major traffic ways. The zone's development standards are intended to promote an open and pleasant street appearance; development that is aesthetically pleasing for motorists, pedestrians and the businesses themselves; and compatibility with adjacent residential areas.

(2) Permitted Uses. The uses permitted in the HOC Zone are set forth in Table 29.804(2) below:

Table 29.804(2)
Highway-Oriented Commercial (HOC) Zone Uses

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N, except Transitional Living Facility	SP	ZBA
Household Living	N	--	--
Short-term Lodgings	Y	SDP Minor	Staff
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General (including printing, publishing, commercial art and reproduction)	Y	SDP Minor	Staff
Retail Trade - Automotive, etc.	Y	SDP Minor	Staff
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	Y	SDP Minor	Staff
INDUSTRIAL USES			
Industrial Service	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	Y	SP	ZBA
Community Facilities	Y	SDP Minor	Staff
Social Service Providers	Y	SP	ZBA
Medical Centers	Y	SP	ZBA
Parks and Open Areas	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	Y	SDP Minor	Staff
Basic Utilities	Y	SDP Major	City Council
Commercial Parking	Y	SDP Minor	Staff
Radio and TV Broadcast Facilities	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	Y	SP	ZBA
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	Y	SDP Minor	Staff
Child Day Care Facilities	Y	SDP Minor	Staff
Detention Facilities	Y	SDP Minor	Staff
Major Event Entertainment	Y	SDP Minor	Staff
Vehicle Service Facilities	Y	SDP Minor	Staff

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- ZBA = Zoning Board of Adjustment

(3) Zone Development Standards. The zone development standards for the HOC Zone are set forth in Table 29.804(3) below:

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**Table 29.804(3)
Highway-Oriented Commercial (HOC) Zone Development Standards**

DEVELOPMENT STANDARDS	HOC ZONE
Maximum FAR	.50
Minimum Lot Area	No minimum except for mixed uses, which must provide 6,000 ft. of lot area for the first dwelling unit and 1,000 sf for each additional dwelling unit in a group living use
Minimum Lot Frontage	50 ft.
Minimum Building Setbacks: Front Lot Line	20 ft., except for a fuel pump canopy, which shall maintain a 10 ft. setback measured from the front edge of the canopy
Side Lot Line	5 ft.
Rear Lot Line	10 ft.
Lot Line Abutting a Residentially Zoned Lot	20 ft. side 20 ft. rear
Maximum Building Setbacks from Front Lot Line	60 ft.
Landscaping in Setbacks Abutting a Residentially Zoned Lot	5 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	85 ft. or 7 stories, except for fuel pump canopies, which are limited to 18 ft. with a minimum clearance of 14 ft.
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes. See Section 29.1303
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	Yes. See Section 29.405
Trucks and Equipment Permitted	Yes

29.805. "PRC" PLANNED REGIONAL COMMERCIAL.

(1) **Purpose.** The Planned Regional Commercial (PRC) Zone is intended for application to areas of special sensitivity in order to avoid detrimental public and environmental impact by new land uses and to:

- (a) Accommodate large-scale regional commercial land uses;
- (b) Accommodate major retail and commercial service centers;
- (c) Promote clustered and integrated development; and
- (d) Locate such development near limited-access highways, to limit extraneous traffic on the City's existing internal systems.

(2) **Permitted Uses.** The uses permitted in the PRC Zone are set forth in Table 29.805(2) below:

**Table 29.805(2)
Planned Regional Commercial (PRC) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N	--	--
Short-term Lodgings	Y	SDP Minor	Staff
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	Y	SDP Minor	Staff
Retail Trade - Automotive, etc.	Y	SP	ZBA
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service	N	--	--
INSTITUTIONAL USES			
Colleges and Universities	Y	SDP Minor	Staff
Community Facilities	Y	SDP Minor	Staff
Social Service Providers	Y	SP	ZBA
Medical Centers	Y	SDP Minor	Staff

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USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Parks and Open Areas	N	--	--
Religious Institutions	N	--	--
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	Y	SDP Minor	Staff
Basic Utilities	Y	SDP Major	City Council
Commercial Parking	Y	SDP Minor	Staff
Radio and TV Broadcast Facilities	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA
Rail Line and Utility Corridors	Y	SDP Minor	Staff
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	Y	SDP Minor	Staff
Child Day Care Facilities	Y	SDP Minor	Staff
Detention Facilities	N	--	--
Major Event Entertainment	Y	SDP Minor	Staff
Vehicle Service Facilities	Y	SDP Minor	Staff

- Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
ZBA = Zoning Board of Adjustment

(3) **Zone Development Standards.** The zone development standards for the PRC Zone are set forth in Table 29.805(3) below:

**Table 29.805(3)
Planned Regional Commercial (PRC) Zone Development Standards**

DEVELOPMENT STANDARDS	PRC ZONE
Minimum FAR	.50
Minimum Lot Area	One Acre
Minimum Lot Frontage	50 ft.
Minimum Building Setbacks:	
Street Lot Line	50 ft.
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear
Maximum Building Setbacks:	
Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

ARTICLE 9 INDUSTRIAL

Sec. 29.900. INDUSTRIAL BASE ZONES.

(1) **Purpose.** The industrial base zones established by this Ordinance are General Industrial (GI) Zone

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and Planned Industrial (PI) Zone. Each of these zones is intended to reserve appropriately located areas for predominantly industrial uses and to protect these areas from intrusion by dwellings and other inharmonious uses. The zones are intended to promote the economic viability of the City's industrial areas and to provide standards to assure safe, functional, efficient and environmentally sound industrial areas and to provide standards to assure safe, functional, efficient and environmentally sound operations. Differentiation between the zones is intended to provide appropriate areas for industrial uses of different character, intensity or impact while minimizing potential conflicts among land users.

(2) Use Regulations. Use regulations for the Industrial Base Zones are set forth on the Use Tables as follows: GI Zone, Table 29.901(2), and PI Zone, Table 29.902(2).

Sec. 29.901. "GI" GENERAL INDUSTRIAL ZONE.

(1) Purpose. This Zone is intended to provide a limited development review procedure, involving only developer- and staff-coordinated efforts to satisfy the planning and permitting requirements. This District applies to those areas where there is a need to provide a desirable industrial environment and to promote economic viability of a type generally not appropriate for or compatible with retail sales areas. A site plan review process is required in order to assure such development and intensity of use in a way that assures safe, functional, efficient and environmentally sound operations.

(2) Permitted Uses. The uses permitted in the GI Zone are set forth in Table 29.901(2) below:

**Table 29.901(2)
General Industrial (GI) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES	N	--	--
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Service - General Uses greater than one 3,000 sf use per site require a Special Use Permit from the ZBA.	Y	SDP Minor/SP	Staff/ZBA
Automotive and Marine Craft Uses greater than one 10,000 sf use per site require a Special Use Permit from the ZBA.	Y	SDP Minor/SP	Staff/ZBA
Entertainment, Restaurant and Recreation	N	--	--
Wholesale Trade	Y	SDP Minor	Staff
INDUSTRIAL USES			
Manufacturing/Processing *Except Major Industrial Groups 28 & 29	Y*	Minor	Staff
Resource Production/Extraction	Y	SDP Minor	Staff
Warehousing/ Freight Storage	Y	SDP Minor	Staff
Industrial Service (except Salvage Yards)	Y	SDP Minor	Staff
Salvage Yards See Sections 29.1306 and 29.1503.	Y	SP	ZBA
Waste-Processing and Transfer	Y	SP	ZBA
INSTITUTIONAL USES			
Limited to Child Day Care Facilities and Vocational/ Technical High Schools	Y	SDP Minor	Staff
TRANSPORTATION, COMMUNICATIONS, AND ESSENTIAL SERVICES	Y*	SDP Minor	Staff
*Except Passenger Terminals Personal Wireless Communication Facilities	Y	SP	ZBA
MISCELLANEOUS USES			
Adult Entertainment Facilities	N	--	--
Commercial Outdoor Recreation	N	--	--
Detention Facilities	Y	SP	ZBA
Major Event Entertainment	N	--	--
Vehicle Servicing Facilities	Y	SDP Minor	Staff

Y = Yes: permitted as indicated by required approval.
N = No: prohibited

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- SP = Special Use Permit required: See Section 29.1503
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- ZBA = Zoning Board of Adjustment

(3) **Zone Development Standards.** The zone development standards applicable in the GI Zone are set forth in Table 29.901(3) below:

**Table 29.901(3)
General Industrial (GI) Zone Development Standards**

DEVELOPMENT STANDARD	GI ZONE
Minimum FAR	.35 for Office Use Only
Minimum Lot Area	No limit
Minimum Frontage	25 ft
Minimum Building Setbacks	
Front Lot Line	10 ft.; 40 ft. if abutting an arterial street, except for a fuel pump canopy, which shall maintain a 10 ft. setback from an arterial street, measured from the front edge of the canopy
Side and Rear Lot Lines	12 ft.; 40 ft. if abutting an arterial street except for a fuel pump canopy, which shall maintain a 10 ft. setback from an arterial street, measured from the front edge of the canopy
Lot line abutting a Residentially Zoned Lot	20 ft.
Landscaping in Setbacks Abutting a Residentially-Zoned Lot	10 ft. @ LA. See Section 29.403
Maximum Building Coverage	85%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or 9 stories
Parking Allowed Between Building and Streets	Yes
Drive-Through Facilities Permitted	Yes. See Section 29.1303
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	Yes. See Section 29.405
Trucks and Equipment Permitted	Yes

(4) **Site Development Plan Requirements.**

(a) In addition to Minor or Major Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (i) approximate number of employees;
- (ii) approximate utility needs and effect upon existing systems, e.g., projected water demand (GPM/GPD), waste water generation (GPD + COD/BOD), electricity demand (KW), storm water increase (CFS), solid waste generation (tons); and

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(iii) possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, or fumes, vibration, heat.

(b) No Site Development Plan approval will be issued for any use in the GI District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state and federal regulations.

Sec. 29.902. "PI" PLANNED INDUSTRIAL ZONE.

(1) **Purpose.** This District is intended to be applied to those areas where there is a need to provide a desirable industrial environment. It is also intended to:

- (a) Accommodate large-scale industrial land uses;
- (b) Promote a clustered and integrated development in a park-like setting; and
- (c) Locate such developments near limited-access highways, air transportation or the Research

Park.

(2) **Permitted Uses.** The uses permitted in the PI Zone are set forth in Table 29.902(2) below:

**Table 29.902(2)
Planned Industrial (PI) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N	--	--
Short-term Lodgings	N	--	--
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
Retail Sales and Services - General	N	--	--
Retail Trade - Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade Except as necessary to an industrial use, in which case a Special Use Permit is required from the ZBA.	N	--	--
Wholesale Trade	N	--	--
INDUSTRIAL USES			
Industrial Service	Y	SDP Minor	Staff
INSTITUTIONAL USES			
Colleges and Universities	N	--	--
Public Facilities and Services	Y	SDP Minor	Staff
Social Service Providers	N	--	--
Medical Centers	N	--	--
Parks and Open Areas	Y	SP	ZBA
Religious Institutions	N	--	--
Schools	N	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
Passenger Terminals	Y	SDP Minor	Staff
Basic Utilities	Y	SDP Major	City Council
Commercial Parking	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA
Radio and TV Broadcast Facilities	Y	SDP Minor	Staff
Rail Line and Utility Corridors	Y	SDP Minor	Staff
Railroad Yards	N	--	--
MISCELLANEOUS USES			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SDP Minor	Staff
Detention Facilities	N	--	--
Major Event Entertainment	N	--	--
Vehicle Service Facilities	N	--	--

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USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Vehicle Repair	N	--	--

- Y = Yes: permitted as indicated by required approval.
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
ZBA = Zoning Board of Adjustment

(3) **Zone Development Standards.** The zone development standards applicable in the PI Zone are set forth in Table 29.902(3) below:

**Table 29.902(3)
Planned Industrial (PI) Zone Development Standards**

DEVELOPMENT STANDARDS	PI ZONE
Maximum FAR	.35
Minimum Lot Area	One Acre
Minimum Lot Frontage	100 ft.
Minimum Building Setbacks:	
Street Lot Line	50 ft.
Side Lot Line	20 ft.
Rear Lot Line	30 ft.
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear
Maximum Building Setbacks:	None
Street Lot Line	
Landscaping in Setbacks Abutting an R Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Impervious Surface Coverage	70%
Minimum Landscaped Area	20%
Maximum Height	100 ft.
Parking Allowed Between Buildings and Streets	Yes, except along major thoroughfares
Drive-Through Facilities Permitted	No
Outdoor Display Permitted	No
Outdoor Storage Permitted	Yes, See Section 29.405; Screened per Section 29.403(1)(c)
Trucks and Equipment Permitted	Yes

(4) **Site Development Plan Requirements.**

(a) In addition to Minor or Major Site Development Plan submittals, a Use Analysis Report shall be prepared by the applicant that shows the following:

- (i) Approximate number of employees;
- (ii) Approximate utility needs and effect upon existing systems, e.g., projected water demand (GPM/GPD), waste water generation (GPD + COD/BOD), electricity demand (KW), storm water increase (CFS), solid waste generation (tons); and
- (iii) Possible nuisance factors and means for alleviating those factors, such as noise, odor, smoke, dust, or fumes, vibration, heat.

(b) No Site Development Plan approval will be issued for any use in the PI District if the determination is made by the approving authority exercising independent judgment, that there is reason to believe that the proposed use or structure, as presented by the application, will create a nuisance in terms of diminished air quality, smoke, noise, toxic matter, odor, vibration, glare, sewage waste, water quality, street system capacity, heat or other condition detrimental to the public health and safety or reasonable use, enjoyment and value of other properties; or diminish the quality or quantity of any utility service presently provided by the City. Furthermore, no approval or permit shall be issued unless there is compliance with all other applicable City, state and federal regulations.

**ARTICLE 10
SPECIAL PURPOSE DISTRICTS**

Sec. 29.1000. SPECIAL PURPOSE DISTRICTS.

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(1) **Purpose.** Each Special Purpose District will appear on the City's Zoning Map as a Base Zone. The Special Purpose Districts are intended to further the goal of creating a new vision for the City, including the planning and management of growth; provisions for developable areas; a sense of place and connectivity; cost effectiveness and efficient growth patterns; mobility and alternative transportation; and economic expansion and diversification. The Special Purpose Districts are designed to allow for new development that is consistent with existing land use patterns in scale, type and density.

- (2) **Establishment.** The Special Purpose Development Districts established by this Ordinance are:
- (a) Hospital/Medical Design District (S-HM);
 - (b) Government/Airport District (S-GA);

Sec. 29.1001. "S-HM" HOSPITAL/MEDICAL DESIGN DISTRICT.

(1) **Purpose.** The intent of the Hospital/Medical Design District is to allow for typical uses associated with a hospital, including outpatient diagnostic and surgical centers and special treatment facilities that involve extended stay to be permitted around existing hospital-medical uses. This District recognizes that medical offices benefit from being close to hospitals. However, expansion of the hospital and medical offices has involved displacement of several residences. There is general incompatibility between the nature and scale of the hospital operation in the surrounding residential neighborhood. This Special Purpose District is designed to accommodate the hospital's primary functions through further intensification of the present site. This District attempts to promote compatibility where hospital and residential uses interface. Compatibility provisions include parking provisions, landscaping buffers and minimizing the impact of lighting.

(2) **Use Regulations.** The uses permitted in the Hospital/Medical Design District are set forth in Table 29.1001(2) below:

**Table 29.1001(2)
Hospital/Medical Design District ("S-HM") Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Hospital	Y	SDP Minor	Staff
Clinic	Y	SDP Minor	Staff
Medical Laboratory	Y	SDP Minor	Staff
Hearing Testing Services, if pre-existing	Y	SDP Minor	Staff
Pharmacy (limited to sale of prescription and non-prescription drugs)	Y	SDP Minor	Staff
Pharmacy (including sale of sundries)	Y	SDP Minor	Staff
Offices for Dental Care/Surgery	Y	SDP Minor	Staff
Kidney Dialysis Facility	Y	SDP Minor	Staff
Office of Ophthalmology, Optometrist, or Optician	Y	SDP Minor	Staff
Retail Sales and Service	N	--	--
Child Day Care Facility	Y	SDP Minor	Staff
Multi-Level Parking Facility	Y	SDP Minor	Staff
Nursing Home	N	--	--
Restaurant	N	--	--

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: see Section 29.1503
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See section 29.1502(4)
- ZP = Building/Zoning Permit required: see Section 29.1501
- ZBA = Zoning Board of Adjustment
- ZEO = Zoning Enforcement Officer

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(3) **Development Standards.** The development standards applicable in the S-HM Design District are set forth in Table 29.1001(3) below:

**Table 29.1001(3)
Hospital/Medical Design District ("S-HM") Development Standards**

DEVELOPMENT STANDARDS	REQUIREMENT
Minimum Lot Area	6,000 sq. ft.
Minimum Principal Building Setbacks:	
Front Lot Line	25 ft.
Side Lot Line	8 ft for 2 stories; or 10 ft for 3 stories
Rear Lot Line	20 ft
Corner Lots	Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft. @ street line; 50 ft. @ building line
Maximum Building Coverage	65%
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	75%
Minimum Landscaped Area	25%
Maximum Height Principal Building	80 ft. or 6 stories, whichever is lower
Minimum Height Principal Building	20 ft. or 2 stories, whichever is greater (if any nonconforming structure is enlarged to the extent of 50% or more in floor area, whether through a single or cumulative expansions, such addition shall conform to this requirement)
Parking Between Buildings and Streets	Yes
Drive-Through Facilities	No
Outdoor Display	Yes
Outdoor Storage	No
Trucks and Equipment	Yes

(4) **Off-Street Parking Requirements.** The off street parking requirements for uses in the S-HM Design District are set forth in Table 29.406(2) of this Ordinance.

(5) **Landscaping, Screening and Buffering Requirements.** The landscaping, screening and buffering requirements applicable in the S-HM District for the purpose of providing a transition between S-HM District uses and adjacent residential areas, are set forth in Section 29.403 except as modified below.

(a) Where the boundary of the S-HM District is marked by a street, a buffer area not less than fifteen feet in width shall be maintained abutting the S-HM side of the street right-of-way. No structures shall be permitted in said buffer area except for a high screen or high wall that conforms to the requirements of Section 29.403(1)(c) or 29.403(1)(d), respectively. The buffer area shall be landscaped in accordance with the L1 standards set forth in Section 29.403(1)(a).

(b) Where the boundary of the S-HM District is marked by a lot line, a buffer area not less than eight feet in width shall be maintained abutting the S-HM side of the lot line. There shall be constructed and maintained in said buffer area, for its entire length, a high screen or high wall that conforms to the requirements of Section 29.403(1)(c) or 29.403(1)(d), respectively. The buffer area shall be landscaped in accordance with the L1 standards set forth in Section 29.403(1)(a).

Sec. 29.1002. "S-GA" GOVERNMENT/AIRPORT DISTRICT.

(1) **Purpose.** This Special Purpose District is to be located on the City Zoning Map by the City Council and is reserved exclusively for structures and uses related to or owned by federal, state, county or municipal governmental authorities. Such structures and uses include property of Story County, publicly owned facilities of the City of Ames for administration and services, and general aviation. Although such governmental structures and uses enjoy a legal exemption from local zoning requirements, with the exception of height limitations in the vicinity of any airport, it is expected that such authorities will cooperate with the Department of Planning and Housing to encourage the development of standards which will be applicable to and compatible with the general character of the area in which this District is situated.

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ARTICLE 11 OVERLAY ZONES

Sec. 29.1100. OVERLAY ZONES.

(1) **Purpose.** Each of these Overlay Zones is intended to supplement one or more established Base Zones, in order to conserve the single-family residential character of certain areas of the City; preserve the historical resources of the City; protect the environment; establish distinctive entries to the City; and reflect the unique development and parking needs of areas impacted by proximity to Iowa State University.

(2) **Establishment.** The Overlay Zones established by this Ordinance are;

- (a) "O-SFC" Single Family Conservation Overlay;
- (b) "O-H" Historic Preservation Overlay;
- (c) "O-E" Environmentally Sensitive Area Overlay; and
- (d) "O-G" Gateway Overlay.
- (e) "O-UI" University Impacted District

(3) **Applicability.** These zones are intended to function as an "overlay" to the underlying Base Zones, in addition to all of the use, yard, bulk and other requirements of the applicable Base Zone. In each case, the most restrictive provision of the Overlay or the underlying Base Zone shall apply. The location of Overlay Zones shall be shown on the Official Zoning Map.

Sec. 29.1101. "O-SFC" SINGLE FAMILY CONSERVATION OVERLAY.

(1) **Purpose.** The Single-Family Conservation Overlay (O-SFC) Zone is intended to conserve the existing single-family residential character of areas identified as O-SFC adjacent to the downtown. The O-SFC is intended to protect single-family neighborhoods while guiding the transition to higher density and compatibility with the surrounding uses where intensification is permitted. The O-SFC is meant to help maintain the general quality and appearance of the neighborhoods; promote a more cohesive look to the neighborhoods; recognize the neighborhood characteristics as a major part of the City's identity and positive image; promote local design qualities; stabilize and improve property values; reduce conflicts between new construction and existing homes; and allow a limited amount of increased housing densities.

(2) **Definitions.** See Section 29.201 of this Ordinance.

(3) **Findings.** The O-SFC is based in part on the findings that:

- (a) Conservation of older residential areas continues to provide a broad range of housing choices;
- (b) Conservation of architecturally significant structures adds to the distinctiveness of a neighborhood and encourages a sense of "place";
- (c) The downtown is strengthened by the existence of healthy residential neighborhoods nearby;
- (d) The existing single-family residential character can be conserved while guiding the transition and compatibility where intensification is permitted; and
- (e) Standards that encourage in-fill development, retain the values of surrounding development and protect the City's unique character will promote stable neighborhoods.

(4) **Permitted Uses.**

(a) Subject to the Building/Zoning Permit requirements of Section 29.1501, land, buildings and structures may be used for the following purposes in an O-SFC Zone without City Council approval, in accordance with standards and regulations of the Base Zone:

- (i) Dwelling - Single-Family
- (ii) Dwelling - Two Family

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(b) All uses and structures conforming to the Base Regulations and all lawfully vested nonconforming uses and structures that exist in the O-SFC on the effective date of the amendment of the official zoning map to show the O-SFC are hereby deemed to be conforming with the terms of this Section. The O-SFC shall not be deemed to create a nonconforming use or structure within the scope of Section 29.307.

(5) **Site Development Plan Review.** In the O-SFC, there shall be no construction of a new multifamily building or any addition to an existing multifamily building or to a nonconforming building whether vested or not until after Plan approval is granted pursuant to the provisions contained in this Section and Section 29.1502(4), unless exempted by Section 29.1101(4)(a) above. Approval decisions under this Section 29.1101 for sites located in a Historic Preservation District shall be made by the Historic Preservation Commission. For sites in the O-SFC but not in a Historic Preservation District, Site Development Plan approval decisions shall be made by the City Council.

(6) **Intensification Limited.** In the O-SFC the maximum number of dwelling units, of any kind defined in Section 29.201, shall not at any time be permitted to exceed 648. Additionally, in the O-SFC, apartment dwellings shall not be permitted unless the plans for the project meet the following standards:

(a) The existing infrastructure must be sufficient to support the proposed project at the time of application, or sufficient infrastructure shall be provided as a part of the proposed project. "Sufficient infrastructure" includes water distribution, sanitary sewer, storm drainage, fire protection, streets and transportation, refuse collection, greenway connectors and/or sidewalks;

(b) The development has convenient access to public services, public transportation, or major thoroughfares;

(c) Housing developments shall be in character with the surrounding neighborhood(s) in terms of scale and character of the architectural elements; and

(d) Any yard that abuts another residential Zone, dwelling unit type or density shall be not less than the corresponding front, side, or rear yard requirement of the adjacent district, dwelling unit type or density.

(7) **Bulk Regulations.** Land, buildings and structures used in the O-SFC shall comply with the lot area, lot width, and yard requirements as provided in the Base Regulations.

(8) **Landscaping, Screening and Buffer Areas.** Landscaping, screening and buffer areas shall be provided in accordance with Section 29.403.

(9) **Compatibility Standards.** New construction of any building or other structure or any change in the use of land shall comply with the following compatibility standards:

(a) **Driveways.** All new driveways that are located in the front yard shall be of a width no greater than 12 feet. This width limitation shall apply to only that area between the street and the primary facade of the structure. The front yard shall always be the narrowest portion of a lot that fronts a street. For lots accessible from an alley, any new driveway shall be constructed in the rear yard with access only from the alley. Existing front yard driveways may be maintained or replaced, but shall not be widened to more than 12 feet in width. Driveways leading from an alley that provide access to a parking lot may be constructed at a width of 16 feet.

(b) **Garages.** The purpose of this subsection is to establish the setback requirement for i) garage setback from an alley and ii) garage setback from the front of a principal building. Detached garages that open to an alley shall be located either 8 feet from the property line abutting the alley or a minimum of 20 feet from the property line abutting the alley. No setback distance that is more than 8 feet but less than twenty feet shall be allowed. All garages, attached or detached, shall be set back a minimum distance of 18 feet behind the primary facade of the principal building on the lot.

(c) **Parking.** No parking lot shall be located in the front yard or side yard of any lot. Only rear yard parking lots are allowed.

(d) **Trees.** Any tree that is removed from the street right-of-way shall be replaced in the street right-of-way as close to the original location as possible.

(e) **Solids and Voids.** A solid to void ratio shall be required for the primary facade, including any recessed facades that face the front yard, and the secondary facade. The void requirements for the primary facade of new buildings shall be a minimum of 15% and a maximum of 80%.

(f) **Roofs.** A minimum roof pitch of 6:12 rise to run shall be required. However, mansard and mansard-style roofs will be permitted. Building additions, with the exception of porches and stoops, shall be required to have similar roof pitches as the existing structure to which they are being added. The roof pitch requirement shall not apply to porches or stoops.

(g) **Dormers.** Where the primary facade does not have a gable facing the street, a minimum of one dormer shall be required for every 15 feet of street-facing roof width, after the first 20 feet.

(h) **Windows.** Windows shall have a width-to-height ratio of 2:3. This requirement shall only apply to the primary facade, front facing recessed facades, and the secondary facade. In addition, an exception will be made for decorative windows, gable windows, or a single large window where the interior floor plan contains a space where such a window type would be expected.

(i) **Entrances.** There shall be an entrance with a porch or stoop on the primary facade of any new structure. This entrance shall face the street and be accessible by means of a paved walkway. No more than one entrance shall be placed on any primary or recessed facade.

(j) **Porches.** Where a porch is constructed, the porch shall have a depth of not less than 6 feet, and shall extend a minimum of 50% of the width of the facade to which it is attached. Porches shall not be enclosed by walls, windows, or solid doors and shall not exceed 10 feet in height measured from the floor of the first story to the roof line.

(k) **Stoops.** A stoop shall be of a width not greater than 30% of the width of the facade to which it is attached and shall be of a depth not less than 4 feet. Stoops shall not be enclosed by walls, windows, or solid doors and shall not exceed 10 feet in height, measured from the floor of the first story to the roof line. The roof of a stoop that is supported by brackets shall project from the building a minimum depth of 4 feet.

(l) **Foundations.** Substantial foundation plantings shall be required to screen the base of the primary and secondary facade of any new building. The first floor elevation shall be constructed a minimum of one and one-half feet above grade. Grade shall be determined at the high point of the sidewalk that is located in the public right-of-way parallel to and abutting the front of the lot. In addition, ground-mounted mechanical units shall be screened with plantings.

(m) **Orientation.** Structures shall be situated at right angles with the street. Primary facades shall be parallel with the street to which they front. Buildings shall be oriented perpendicular to the front facing facade.

(n) **Width - Building.** No building shall be constructed or remodeled to have a width greater than 76 feet.

(o) **Width - Facade.** The primary facade of a building shall have a width between the range of 24 feet and 38 feet. Any portion of the building that is wider than the primary facade shall be recessed from the primary facade a distance of not less than 8 feet. A second primary facade will be permitted, provided that it is separated by a recessed facade that conforms to the minimum facade width of 24 feet.

(p) **Height.** No structure shall be constructed or remodeled to a height greater than 3 stories or 40 feet, whichever is lower.

(q) **Lot Configurations.** Lots in the O-SFC shall remain configured as they are on the date that the O-SFC regulations go into effect. In the O-SFC a Zoning Permit shall not be issued with respect to one or more dwelling units to be established on a lot formed by the combination of 2 or more lots or the combination of the parts of 2 or more lots or the combination of a lot and a part or parts from one or more lots.

(r) **Compliance.** New buildings shall be constructed in full compliance with subsections (a) through (q) above. In building additions or remodeling it is not required that the entire building be brought into full compliance with subsections (a) through (q). It is only required that the addition or remodeling comply. It is required that the addition or remodeling does not have the effect of increasing the level or degree of nonconformity of the building as a whole.

(10) **Parking Requirements.** Off-street parking shall be provided and maintained in accordance with the Base Regulations.

(11) **Historic Preservation.** In those parts of the O-SFC that have been designated as Historic Preservation District, the historic preservation regulations of Chapter 31 shall also apply in addition to the Base Regulations and the O-SFC regulations. In the event of conflict between the historic preservation regulations and the O-SFC regulations, the historic preservation regulations shall control. Any plan approval decision required by this Section shall be made by the Historic Preservation Commission when the site is in an Historic Preservation District. When the site is not in an Historic Preservation District, the Site Development Plan approval decision shall be made by the City Council.

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Sec. 29.1102. "O-H" HISTORIC PRESERVATION OVERLAY.

(1) **Purpose.** The Historic Preservation Overlay (O-H) Zone is intended to recognize the establishment of the City's local Historic Districts (see Section 31.1 et seq. of the Municipal Code) and to promote the public interest in having the full and informed participation of the City's Historic Preservation Commission in the hearing of zoning applications potentially affecting the City's historic resources. To fully meet this objective, the Historic Preservation Overlay Zone may include properties that are proximate to, but not within, one of the Historic Districts established by the Municipal Code. The procedures established by this Section are intended to ensure that the City's Historic Preservation Commission is specifically notified of all applications before the Planning and Zoning Commission or the Zoning Board of Adjustment respecting property within or proximate to the City's local Historic Districts.

(2) **Notice.** Within 5 days of the receipt of any application by the Planning and Zoning Commission or the Zoning Board of Adjustment respecting property within an Historic Preservation Overlay Zone, the receiving agency shall mail notice to the chair of the City's Historic Preservation Commission informing him or her of such application. The application shall be considered by the Historic Preservation Commission, prior to consideration by the Zoning Board of Adjustment, or by the Planning and Zoning Commission.

(3) **Certificate of Appropriateness.** As provided by Section 31.10 of the Municipal Code, and notwithstanding any uses otherwise permitted under an applicable Base Zone classification, no building or structure within an Historic District established pursuant to Chapter 31 of the Municipal Code may be erected, altered, demolished or removed, and no area within Such Chapter 31 Historic District may be used for industrial, commercial, business, home industry or occupational parking until a certificate of appropriateness has been issued for such activity by the Historic Preservation Commission. This requirement applies only to properties within the City's Historic Districts.

Sec. 29.1103. "O-E" ENVIRONMENTALLY SENSITIVE AREA OVERLAY.

(1) **Purpose.** The Environmentally Sensitive Overlay (O-E) Zone is intended to supplement the City's flood plain regulations and to protect designated natural resource areas by using the natural resources inventory to identify and preserve natural resources and by establishing parks and open space areas. Greenways are included in this district for stream corridors, linear parks and open spaces adjacent to environmentally sensitive areas to create a continuous system throughout the City.

(2) **Designation of Environmentally Sensitive Areas.** Any area may be designated an O-E Zone by ordinance of City Council, after the advice and recommendation of the Planning and Zoning Commission, if the results of a scientific study of the area support the conclusion that the area so designated is especially sensitive to adverse public impact from development due to unique environmental circumstances. Examples of such areas that may be designated as an O-E zone are:

- (a) Flood Plain Areas. Those areas defined in Chapter 9 of the Municipal Code;
- (b) Designated Natural Resource Areas. Those areas defined in "A Natural Areas Inventory of Ames" (July 18, 1994);
- (c) Park and Open Space Areas. Those areas defined in the City's Parks and Recreation Master Plan of the Municipal Code;
- (d) Green-ways. Those areas as may be defined as Green-ways by the City Council; and
- (e) Aquifer Protection Areas. Those areas as may be defined as Aquifer Protection Areas as defined by the City Council.

(3) **Studies.** The Department of Planning and Housing and the Planning and Zoning Commission are authorized to conduct studies in order to evaluate areas for environmental sensitivity as part of the continuing process of maintaining a current comprehensive land use plan for the City. Additionally, studies done by or for other governmental or private parties may be adopted for the purposes of this section.

(4) **Procedures.** No Building/Zoning Permit shall be issued and no grading, excavation, construction or change in use shall occur in an area designated as an O-E Zone except in accordance with the procedures set forth in Section 29.1503(4), "Major Site Development Plan Review". In addition, the applicant shall prepare and submit an Environmental Assessment Report which shall detail how the problems identified in the study on which the O-E Zone designation was based will be addressed, obviated or mitigated. City Council shall not approve the Major Site Development Plan unless it has reviewed and approved the Environmental Assessment Report.

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(5) **Enforcement.** Development or other activities in conflict with the Major Site Development Plan, or a failure to implement the Plan, including the measures set out in the Environmental Assessment Report shall constitute the violation of this section for which any and all enforcement means and remedies established by law or zoning regulations may be invoked and instituted.

Sec. 29.1104. "O-G" GATEWAY OVERLAY

- (1) **Purpose.** The Gateway Overlay (O-G) Zone is intended to:
- (a) Protect the character and attractiveness of traditional corridors and major entryways to the City; and
 - (b) Promote a character of development that is consistent with the traditional corridors and major entry ways to the City.
- (2) **Applicability.** The O-G Zone shall be designated on the Official Zoning Map by ordinance of the City. Some example of such possible areas are:
- (a) Dayton Avenue and U. S. Highway 30;
 - (b) Duff Avenue and U.S. Highway 30;
 - (c) East 13th Street and Interstate 35;
 - (d) Elwood Drive U.S. Highway 30;
 - (e) South Dakota Avenue and U.S. Highway 30;
 - (f) Interstate 35 and U.S. Highway 30;
 - (g) North Grand Avenue and Northern Corporate Limits.
- (3) **Actions.** This Section applies to any of the following actions that are visible from the intersections listed above:
- (a) The demolition of an existing principal building or a substantial part thereof, outside a Historic District established pursuant to Chapter 31 of the Municipal Code;
 - (b) The construction of a new principal building or use;
 - (c) The expansion of a nonresidential principal building by more than 3,000 square feet; or
 - (d) The development of 5 or more parking spaces.
- (4) **Design Standards.** The "actions", listed in 29.1104(3) above, shall comply with adopted design standards for community entries. Design standards, which shall be written and graphic materials adopted as a part of this ordinance or as appendices to this ordinance shall address the following design characteristics:
- (a) Specialized signage, lighting and landscaping announcing the approach;
 - (b) Guided placement of buildings and landscaping announcing the approach;
 - (c) Limited ingress and egress by individual uses;
 - (d) Limited parking in front of uses. Landscaping should be provided in front of parking areas as a buffer along primary access; and,
 - (e) Any corridors associated with entries should be designed to reflect a continuation of the distinctive design characteristics of the associated interchange.

Sec. 29.1105. "O-UI" UNIVERSITY IMPACTED DISTRICT.

- (1) **Purpose.** The purpose of the University Impacted District is to include areas adjacent to the Iowa State University campus and affiliated facilities, in order to increase housing diversity opportunities and housing density, to the extent that base zoning would allow, while assuring the provision of such requirements as adequate parking and architectural compatibility with the existing structures of historic and architectural significance. The District will include the existing residential development east, south, and west of the Campustown Service Center, and the residential areas north of Lincoln Way and west of the Iowa State University campus. These are areas, which the City has deemed appropriate for limited multifamily residential intensification, to the extent that base zoning would allow.
- (2) **Applicability.** The O-UI district shall be designated by ordinance amending the official zoning map.
- (3) **Parking Requirements.** For all dwelling units located in the University Impacted Area, the parking requirement shall be as follows:
- (a) 1.5 parking spaces per Dwelling Unit for one bedroom dwelling units.
 - (b) 1.25 parking spaces per bedroom for units of 2 bedrooms or more.
 - (c) All other uses shall provide parking as required in Table 29.406(2).
- (4) **Compatibility Standards.** New construction of any building or other structure or any change in the use of land shall comply with Compatibility Standards that are to apply to the area that is zoned "O-UI". Compatibility

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Standards, which shall be written and graphic materials adopted as a part of this ordinance or as appendices to this ordinance, shall regulate such features as:

- (a) Building height;
- (b) Building mass;
- (c) Building placement;
- (d) Parking placement;
- (e) Parking lot landscaping; and
- (f) Site landscaping.

ARTICLE 12 FLOATING ZONES

Sec. 29.1200. FLOATING ZONES

(1) **Purpose.** The "floating" zone concept is not a pre-mapped zoning district on the City Zoning Map. It "floats" above the zoning map and is dropped or "mapped" on the zoning map upon compliance with standards and the application process provided for in this Article.

(2) **Establishment.** Areas zoned F-VR, F-SR and F-PRD shall be established through a three step process involving, (1) a Pre-application conference, (2) approval of a Major Site Development Plan by the City Council as required in Section 29.1502(4), and (3) the approval of a rezoning petition. The requirements of the Major Site Development Plan become the mapped zoning district requirements and all subsequent development shall adhere to the requirements of the approved plan. The requirements of the Major Site Development Plan overlays any other zoning requirements of any base zone and thus modifies the base zone requirements to the extent authorized by the City Council on the approved Major Site Development Plan. The procedural requirements for this three step process is outlined below:

(a) **Pre-application Conference.** A Pre-application conference with staff from the Department of Planning and Housing, Public Works Department staff, and other staff, as necessary, shall occur to review the Major Site Development Plans for any "F-VR", "F-SR", or "F-PRD" project. Neither the developer nor the City shall be bound by any comments, determinations or decisions of City staff offered or made during the Pre-Application Conference. The following information shall be submitted to the City as part of the Pre-application Conference.

- (i) The location any points of access and the location and layout of any proposed streets or other public ways;
- (ii) The arrangement and size of any lots to be proposed;
- (iii) An indication of the land use of each lot in sufficient detail to determine compliance with the requirements of this ordinance and other requirements of the City;
- (iv) The layout of any proposed public infrastructure;
- (v) The pattern of surface water drainage on the tract;
- (vi) Development potential of abutting property

(b) **Major Site Development Plan.** An applicant proposing to develop any tract or parcel of land as either an "F-VR", "F-SR" or "F-PRD" shall first submit to the City a Major Site Development Plan in compliance with the applicable requirements of this Article and in compliance with all submittal requirements and procedural requirements contained in Section 29.1502(4).

(c) **Rezoning Approval.** As specified in Article 29.1200(1), the administration of the requirements of the "F-VR", "F-SR", "F-PRD" shall occur as a "floating" zone where the requirements of each of these zones shall be applied as a result of a rezoning map amendment as provided for in Article 29.1506 of this Ordinance. Applicants requesting a rezoning amendment to either "F-VR", "F-SR", or "F-PRD" shall be required to comply with all applicable, petition, notice, voting and processing time requirements as set forth in Article 29.1506.

(d) **Subdivision Requirements.** Approval of a Major Site Development Plan for property to be zoned "F-VR", "F-SR", "F-PRD" shall also be required to comply with all requirements of Chapter 23 of the Municipal Code as amended, and all applicable subdivision requirements of the Code of Iowa.

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(3) **Use Regulations.** Use regulations for all areas zoned F-VR, F-SR and F-PRD are set forth in the following Use Tables: Village Residential, 29.1201(5); Suburban Residential Low Density, 29.1202(4)-1; Suburban Residential Medium Density, 29.1202(4)-2; Planned Residence District, 29.1203(4).

(4) **Floating Zone Supplemental Development Standards.** Zone supplemental development standards for all areas zoned F-VR, F-SR, F-PRD are set forth in the following Zone Supplemental Development Standards Tables: F-VR Supplemental Development Standards, 29.1201(6); Suburban Residential Low Density, 29.1202(5)-1; Suburban Residential Medium Density, 29.1202(5)-2; Planned Residence District, 29.1203(5).

(5) **Village Residential Floating Zone Urban Regulations.** Urban Regulations are applicable only to land uses that are permitted in the Village Residential F-VR zone. These regulations are found in the following Tables: Country House, 29.1201(7)-1; Village House, 29.1201(7)-2; Village Cottage, 29.1201(7)-3; Single Family Attached/Side-Yard House, 29.1201(7)-4; Single Family Attached/Row-House, 29.1201(7)-5; Village Apartments, 29.1201(7)-6; Mixed Use/Shop House, 29.1201(7)-7; Commercial/Shop Front, 29.1201(7)-8.

(6) **Village Residential Floating Zone Street Design Standards.** Street design standards that are applicable to streets that are developed in a Village Residential project are found in the following tables: Street Right-of-Way Standards 29.1201(11)-1; Street Width Standards 29.1201(11)-2.

(7) **Suburban Residential Floating Zone Suburban Regulations.** Suburban regulations are applicable only to land uses that are permitted in areas zoned Suburban Residential (F-SR) and are found in table 29.1202(6).

Sec. 29.1201. "F-VR" VILLAGE RESIDENTIAL DISTRICT.

(1) **Purpose.** The Village Residential District is intended to allow for integration of uses and design with greater potential for social and physical interaction through a "village" concept. These villages will be adapted to the emerging suburban landscape by creating living areas designed to ensure the development of the land along the lines of traditional neighborhoods. This District utilizes the urban conventions prevalent in the United States from colonial times until the 1940s.

(2) **Village Residential Development Principles.** Property developed according to the requirements of this district shall create neighborhoods or villages with a development pattern that adheres to the following development principles:

(a) Neighborhoods that are limited in area to that which can be traversed in a 10 to 15 minute walk (a distance not greater than ¼ mile) promoting pedestrian activity;

(b) Neighborhoods that have identifiable centers and edges;

(c) A mixture of housing, jobs, shopping, services and public facilities in close proximity to one another;

(d) Well defined and detailed system of interconnected streets creating small blocks that serve the needs of pedestrians, bicyclists, public transit and automobiles equitably;

(e) Well defined squares, plazas, greens, landscaped streets, greenbelts and parks to provide places for formal social activity and recreation;

(f) Civic buildings, open spaces and other visual features on prominent sites throughout the neighborhood that act as landmarks, symbols and focal points for assembly for social and cultural activities;

(g) Visually compatible buildings and other improvements, as determined by their arrangement, bulk, form, character and landscaping;

(h) Private buildings that reflect the unique character of the region, that form a consistent, distinct edge defining the border between the public streets and the private block interior; and

(i) Provide building design standards that promote pedestrian mobility over vehicular mobility.

(3) **Definitions.** The following definitions apply in the F-VR District. When conflicts arise between the terms used herein and the definitions provided in Article 2 of the Ordinance, this section shall take precedence.

(a) **Alley** means a public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way and allow for ingress and egress plus serving as a utility corridor.

(b) **Block** means a combination of building lots serviced by an alley, the perimeter of which abuts Public Use Lands, which in most instances would be public right-of-way.

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(c) **Build to Line** means a line to which the front wall of a building is to be constructed to. The build to line and the setback line are synonymous. The build to line runs parallel to the front lot line and is established to create an even building facade line along a street.

(d) **Civic Building** means a building or complex of buildings that house such functions as meeting places, schools, places of worship, day care facilities, cultural and recreational activities, play ground structures and facilities, and neighborhood governmental office functions such as police stations, fire stations, libraries and similar neighborhood scale facilities.

(e) **Civic Green** means a smaller, natural open space that is often partially surrounded by buildings and is located in a place of distinction such as a vista termination of a street or a similar place of importance within the project.

(f) **Civic Plaza** means a public space in a location of distinction such as at the end of a street or some similar location. A civic plaza may be the location of a civic building.

(g) **Curb Radius** means the curbed edge of the street at intersections, measured at the edge of the travel lanes.

(h) **Front Porch** means an open air, unglazed and roofed structure attached to the front of the dwelling unit with access to and from the dwelling unit.

(i) **Frontage Build-out** means the length of a front building façade compared to the length of the front lot line, expressed as a percentage.

(j) **Green** means an open space available for unstructured recreation, its landscape consisting of grassy areas and trees. See "Park".

(k) **Neighborhood Center** means an area of varying size at the center of a parcel zoned F-VR that is of greatest density and intensity that may contain residential, commercial, civic and mixed-use buildings along with a green, park or similar open space feature.

(l) **Neighborhood Edge** means an area furthest from the Neighborhood Center yet within a five to fifteen minute walk or approximately one-quarter mile of the Neighborhood Center that is of lowest residential density.

(m) **Neighborhood General** means the area generally surrounding the Neighborhood Center and adjacent to the Neighborhood Edge that is of residential land use that is less dense than the Neighborhood Center but more dense than the Neighborhood Edge.

(n) **Park** means an open space, available for recreation, its landscape consisting of paved paths and trails, some open lawn, trees, open shelters or recreation facilities.

(o) **Pedestrian Pathways** means interconnecting paved walkways that provide pedestrian passage through blocks, located on both side of the street and running from one street to another street.

(p) **Private Open Space** means open spaces owned and maintained by a property owner's association or an individual property owner.

(q) **Public Open Space** means open spaces that are owned and maintained by the city, county, the state or federal government.

(r) **Street-wall** means a wall constructed of material as approved by the City of Ames that is 6 feet in-height, that is generally opaque and built along the front lot line. Openings in the street-wall shall be gated.

(s) **Streetscape** means the area within the street right-of-way that contains sidewalks, street furniture, landscaping, or trees.

(t) **Village Residential Project** means the development of property by a single property owner or multiple property owners that meet the requirements of this Section of the Zoning Ordinance and is approved by the City Council.

(4) **Establishment.** The F-VR district is hereby established and applies to all lands that are rezoned Village Residential on the Zoning Map through a Zoning Map Amendment as described in Section 29.1506 provided that the City Council makes the following findings:

(a) The designation is consistent with the Land Use Policy Plan.

(b) The development complies with all requirements of Section 29.1201. as stated herein;

(c) The existing infrastructure system to be utilized by the proposed F-VR has the capacity to support the development contemplated as a result of the rezoning designation.

- (d) The parcel will have access to and be served by public transportation now or in the future.
- (e) The designation and contemplated development of the proposed F-VR provides for an alternative land use not available under the zoning designation prior to the proposed amendment.
- (5) Permitted Uses. The uses permitted in the F-VR Zone are set forth in Table 29.1201(5) below:

Table 29.1201(5)
Village Residential (F-VR) Floating Zone Uses

USE CATEGORY	NEIGHBORHOOD CENTER	NEIGHBORHOOD GENERAL	NEIGHBORHOOD EDGE
RESIDENTIAL			
Country House	N	N	Y
Village House	N	Y	Y
Village Cottage	Y	Y	N
Single Family Attached (Side-yard House)	Y	Y	N
Single Family Attached (Row-house)	Y	Y	N
Village Apartment	Y	N	N
COMMERCIAL			
Apothecary Shop	Y	N	N
Artist Studio and accessory gallery	Y	N	N
Bait and Tackle Shop	Y	N	N
Banks	Y	N	N
Barber Shops	Y	N	N
Beauty Shops	Y	N	N
Cabinet Shops	Y	N	N
Car Wash	Y	N	N
Convenience store with gas	Y	N	N
Dance Studio	Y	N	N
Dry Cleaner	Y	N	N
Dwellings above the first floor	Y	N	N
Hardware store	Y	N	N
Grocery, bakery, delicatessen or similar retail stores	Y	N	N
Office Uses	Y	N	N
Photography labs	Y	N	N
Pottery Shops	Y	N	N
Printing shops	Y	N	N
Retail sales as defined in Section 29.502 of this ordinance	Y	N	N
Restaurants, excluding drive through service	Y	N	N
Second Hand stores	Y	N	N

Y = permitted
N = prohibited

- (6) Village Residential (F-VR) Floating Zone Supplemental Development Standards Requirements. The supplemental development standards for the F-VR zone are set forth in Table 29.1201(6) below:

Table 29.1201(6)
Village Residential Floating Zone (F-VR) Supplemental Development Standards

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-VR ZONE
Size	Not less than 40 acres or more than 160 acres in size, except that parcels larger than 160 acres may be developed as multiple Village Residential Projects, each individually subject to all provision of this Article.
Location Along Arterial Streets	<ul style="list-style-type: none"> Village residential projects shall be located adjacent to a street that is classified as an arterial street in the Transportation Plan of the City. Arterial streets should not bisect a Village residential project to the extent practicable. Where an arterial street does bisect a village residential project, the arterial street shall be designed with such features as center medians, curvilinear alignment, or other such features that will off set the negative impact of the arterial street.

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SUPPLEMENTAL DEVELOPMENT STANDARDS	F-VR ZONE
Land Use Distribution	<ul style="list-style-type: none"> Village residential projects shall contain three areas that have been defined as Neighborhood Center in Section 29.1201(3)(k), Neighborhood General in Section 29.1201(3)(m), and Neighborhood Edge 29.1201(3)(l). Land uses and buildings shall be grouped and located with respect to other buildings on the basis of design compatibility in contrast to land uses and buildings being grouped and related in relation to use. Land uses and buildings of similar design and use shall face each other across a street. Changes to building design and use shall occur at the rear lot line or along an alley.
Land Use Density/Intensity	<ul style="list-style-type: none"> Residential densities shall be the greatest in the Neighborhood Center with gradual less density occurring in the Neighborhood General and Neighborhood Edge. Residential land use shall be developed with an average net density of 8 dwelling units per acre for residential land use, where all residential use types are computed in the average. Commercial land use shall be developed where the intensity of development is at .70 ground coverage including buildings and other impervious surfaces.
Permitted Land Use Types in Village Residential Projects	<ul style="list-style-type: none"> Village residential projects shall contain a wide variety of residential use types; Residential Use types include: <ul style="list-style-type: none"> Country Houses Village Houses Village Cottages Single Family Attached Dwellings (Side-yard House) Single Family Attached Dwellings (Row-houses) Commercial Use types include: <ul style="list-style-type: none"> Mixed Use/shop house buildings Commercial shop front buildings
Residential Land Use Allocation	<ul style="list-style-type: none"> Village residential projects shall contain a minimum of five (5) residential use types selected from the residential use types listed in Table 29.1201(5) Permitted Land Use Types Village Residential Projects. Each residential use type shall contain a sufficient number of dwelling units to represent not less than 5% of all dwelling units in the village residential project.
Commercial Land Use Allocation	<ul style="list-style-type: none"> Commercial land use be permitted to locate in a village residential project on the basis of projected population within the village residential project. Projected population shall be calculated according to the following formula: <ul style="list-style-type: none"> Single family detached - 3.2 people per dwelling; Single family attached - 2.5 people per dwelling; and Multiple family - 2.0 people per dwelling. Total commercial land use in a village residential project shall not occupy more than 8 acres in an individual project.
Park/Open Space Land Allocation	<p>A minimum of 10% of the gross area of the Village residential project shall be devoted to park and open space uses.</p>
Building Placement Standards	<p>The term "build-to-line" refers to the line on a lot upon which the front wall of a building is to sit and align with as lot configuration allows. The build-to-line is synonymous with the setback requirements. Unless otherwise specified, porches, stoops, balconies, and bay windows may project beyond the build-to-line.</p>
Lot and Block Design	<ul style="list-style-type: none"> All streets and alleys shall terminate at other streets within the project and shall connect to the existing and proposed through streets outside the project. Street layout and design shall create an open network that create blocks that shall not exceed 660 feet on block face. The street network shall create a hierarchical street system that establishes the overall structure of the Village Residential project. Cul-de-sacs shall not be permitted except where unusual physical or topographic conditions exists that make the use of a cul-de-sac an essential means of providing street frontage. Where the street design proposes a street to terminate at an intersection with another street, the termination vista shall be the location of a significant and carefully designed building, open space or public monument that creates a landmark or a focal point. Curved street design shall maintain one general directional orientation. Alleys shall be required for property access for lots that are less than 60 feet wide, and where an alley exists no access shall be permitted from the adjoining street. Lots that are less than 60 feet in width shall be subdivided into sub-lots of no less than 12 feet in width. Sub-lots may be consolidated into larger lots at the discretion of the property owner to create flexibility for a variety of residential housing types. A corner lot condition exists whenever a street intersects with another street or plaza.

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(7) Village Residential Floating Zone Urban Regulations. The Urban Regulations for the F-VR zone are provided for in the following tables 29.1201(7)-1 through 29.1201(7)-8

**Table 29.1201(7)-1
Village Residential (F-VR) Floating Zone Urban Regulations
Country Houses**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> All proposed building design shall be submitted to and approved by the Village Architect. Country Houses shall be permitted in the Neighborhood Edge. Country Houses shall be constructed on lots that are between 72 and 96 feet or larger in width.
Building Placement	<ul style="list-style-type: none"> There shall be a mandatory build to line of 20 feet for Country Houses. In the Neighborhood Edge and 18 feet in the Neighborhood General. Country Houses with attached garages that have access from a street shall be setback a minimum of 20 feet from the property line. Where Country Houses have detached garages, the garage shall be located no closer than 3 feet nor more than 20 feet from the rear lot line or alley line. Attached and detached garages shall be located no closer than 5 feet to a side lot line for an interior lot and 20 feet from the side lot line in a corner condition. Country Houses shall be located no closer than 5 feet to an interior side lot line and 20 feet to the side lot line in a corner condition in the Neighborhood Edge, and 18 feet to the side lot line in a corner condition in the Neighborhood General.
Design Elements	<ul style="list-style-type: none"> The front facade(s) of Country Houses shall be composed as a single plane with a minimal number of outside corners and articulation. Open porches, stoops, bay windows and or balconies, where constructed, shall encroach into the area between the build-to-line and the front property line. Where porches are constructed, they shall have a depth of between 6 feet and 8 feet. Fences and garden walls that may be constructed shall be constructed on the property lines and shall be constructed of a design and made of materials as proscribed in the Architectural Design Guidelines for the Village Residential Project. Openings in fences and walls shall be gated with a gate that conforms to the Architectural Design Guidelines. Trash containers shall be in the area of the lot where parking is permitted and shall be screened from view.
Use Requirements	<ul style="list-style-type: none"> Country Houses shall be used for residential use only.
Height Restrictions	<ul style="list-style-type: none"> The height of Country Houses shall not exceed two stories. The height of fences and walls shall not exceed 6 feet along the side and rear lot lines and not exceed 3 feet when constructed between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> Each Country House shall be required to provide two parking spaces in an attached or detached garage located between the build-to-line and the rear lot line. Where a Country House has an alley, the drive to the garage must extend from the alley and not the street.

**Table 29.1201(7)-2
Village Residential (F-VR) Floating Zone Urban Regulations
Village House**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> All building design shall be submitted to and approved by the Village Architect. Village Houses shall be permitted in the Neighborhood Edge and the Neighborhood General. Village Houses shall be constructed on lots that are between 48 and 72 feet in width.
Building Placement	<ul style="list-style-type: none"> There shall be a mandatory build-to-line of 15 feet in the Neighborhood General and 20 feet in the Neighborhood Edge. Village Houses shall be located no closer than 5 feet for an interior side lot line and 15 feet to the side lot line in a corner condition in the Neighborhood Edge and 20 feet to the side lot line in a corner condition in the Neighborhood Edge. Attached garages that have access from the street in the Neighborhood General, shall be set back a minimum of 33 feet from the front lot line if no porch exists. Where a porch does exist, and the access is from the street, that garage shall be set back 25 feet from the front property line. Attached and detached garages shall locate no closer than five feet to an interior side lot line and three feet from the rear lot line. Detached garages on a corner lot condition shall be set back a minimum of 18 feet from the side lot line.

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URBAN REGULATIONS	F-VR ZONE
Design Elements	<ul style="list-style-type: none"> • The front facade(s) of Village Houses shall be composed as a single plane with a minimal number of outside corners and articulation. • Opens porches, stoops, bay windows and or balconies, where constructed, shall encroach into the area between the build-to-line and the front property line. • Where porches are constructed, they shall have a depth of between 6 and 8 feet. • Fences and garden walls that may be constructed shall be constructed on the property lines and shall be constructed of a design and made of materials as proscribed in the Architectural Design Guidelines for the Village Residential Project. • Openings in fences and walls shall be gated with a gate that conforms to the Architectural Design Guidelines. • Trash containers shall be in the area of the lot where parking is permitted and shall be screened from view.
Use Requirements	<ul style="list-style-type: none"> • Village Houses shall be used for residential use only.
Height Restrictions	<ul style="list-style-type: none"> • Village Houses shall not exceed 2 stories for lots that are between 60 and 72 feet wide, and 1-1/2 stories for Village Houses on lots that are between 48 and 60 feet wide. • The height of fences and walls shall not exceed 6 feet along the side and rear lot lines and shall not exceed 3 feet when constructed between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> • Each Village House shall be required to provide two parking spaces in an attached or detached garage located in conformance with the Building Placement requirements as provided in this Section. • Village Houses on lots smaller than 60 feet shall have access from alley and not from the street.

**Table 29.1201(7)-3
 Village Residential (F-VR) Floating Zone Urban Regulations
 Village Cottages**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> • All building design shall be submitted to and approved by the Village Architect. • Village Cottages shall be permitted in the Neighborhood General and Neighborhood Center, only. • Village Cottages shall be constructed on lots that are between 24 and 48 feet wide.
Building Placement	<ul style="list-style-type: none"> • There shall be a mandatory build-to-line of 0 to 15 feet. Where a porch or stoop is a design element on the Village Cottage, the build-to-line shall be measured from the porch or stoop. • Village Cottages shall be located no closer than 5 feet to the interior side lot line and 0 to 15 feet to the side lot line in a corner condition. The build-to-line in the corner condition shall place the Village Cottage in line with adjacent Village Cottage structures on the same street face. • Access to lots that have Village Cottages shall be from an alley. • Garages may be attached or detached to the Village Cottage. • Attached garages shall locate no closer than 5 feet to the interior side lot line and 18 feet on the side lot line in a corner condition. • Attached garages shall locate no closer than 8 feet and not more than 24 feet from the rear lot line. • Detached garages shall locate no closer than 3 feet to the interior side lot line and the rear lot line.
Design Elements	<ul style="list-style-type: none"> • The front facade(s) of Village Cottages shall be composed of a single plane with a minimal number of outside corners and articulation. • Open porches, stoops, bay windows and or balconies shall encroach into the area between the build-to-line and the front property line. • Covered stoops or porches are required. • Porches shall be constructed with a depth of between 6 and 8 feet. • Fences and garden walls that may be constructed shall be constructed on the property lines and shall be constructed of a design and made of material as proscribed in the Architectural Guidelines for the Village Residential Project. • Openings in fences and walls shall be gated with a gate that conforms to the Architectural Guidelines. • Trash containers shall be in the area of the lot where parking is permitted and shall be screened from view.
Use Requirements	<ul style="list-style-type: none"> • Village Cottages shall be used for residential purposes only.
Height Restrictions	<ul style="list-style-type: none"> • Village Cottages shall not exceed 2 stories in height. • The height of fences and walls shall not exceed 6 feet along the side and rear lot lines and not exceed 3 feet when constructed between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> • Each Village Cottage shall be required to provide two parking spaces in the area of the lot from behind the principal Village Cottage structure and the rear lot line.

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**Table 29.1201(7)-4
Village Residential (F-VR) Floating Zone Urban Regulations
Single Family Attached/Side-Yard House**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> • All building design shall be submitted to and approved by the Town Architect. • Single Family Attached Dwellings are permitted in the Neighborhood General and Neighborhood Central. • Single Family Attached Dwellings shall be constructed on lots that are between 24 and 48 feet wide.
Building Placement	<ul style="list-style-type: none"> • There shall be a mandatory build-to-line of 0 to 15 feet and the build-to-line shall be constant for a street face. The build-to-line shall be measured from a porch or stoop where a porch or stoop is a design element of the Single Family Attached Dwelling. • Single Family Attached Dwellings shall have no required setback from side lot lines. • Single Family Attached Dwellings built in attached groups shall not exceed 12 units in a single group. • Where no building wall is present along the front property line, a fence or garden wall shall be constructed on the property line. • Single Family Attached Dwellings may extend to meet garages if the extensions remain 5 feet from the side property line. • All single family attached dwelling lots shall have access from an alley. • Garages may be attached or detached to the principal single family attached dwelling structure. • Garages shall be located no closer than 8 and more than 24 feet from the rear lot line. • Garages may be constructed on the interior side lot line or 15 feet from the side lot line in a corner condition.
Design Elements	<ul style="list-style-type: none"> • The front facade of Single Family Attached Dwellings shall be composed of a single plane and contain a minimum number of outside corners. • Porches or stoops are required and shall encroach in the areas between the build-to-line and the front property line. • Porches or stoops shall extend along the side of a Single Family Attached Dwelling in a corner condition and shall be a minimum of 40% of the length of the wall of the Single Family Attached Dwelling to which it is attached. • Porches or stoops shall have a depth of between 6 and 8 feet. • Walls of a Single Family Attached Dwelling facing the side of another Single Family Attached Dwelling shall not contain windows that will create visual access to the other Single Family Attached Dwelling structure. • Fences and garden walls that may be constructed shall be constructed on the property lines and shall be constructed of a design and made of materials as proscribed in the Architectural Design Guidelines for the Village Residential Project. • Openings in fences and walls shall be gated with a gate that is consistent with the Architectural Guidelines. • Trash containers shall be in the area of the lot where parking is permitted and shall be screened from view.
Use Requirements	<ul style="list-style-type: none"> • Single Family Attached Dwellings shall be used for residential use only.
Height Restrictions	<ul style="list-style-type: none"> • Single Family Attached Dwellings may be either one or two stories in height. The height for single family attached dwellings in a single group shall be of the same height. • The height of fences and walls shall not exceed 6 feet along the side and rear lot line. And not exceed 3 feet when constructed between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> • Each Single Family Attached Dwelling shall be required to provide two parking spaces in the area of the lot from behind the principal Single Family Attached Dwelling structure and the rear lot line.

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**Table 29.1201(7)-5
Village Residential (F-VR) Floating Zone Urban Regulations
Single Family Attached/Row-House**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> • All building design shall be submitted to and approved by the Town Architect. • Row-houses shall be permitted in the Neighborhood Center and Neighborhood General only. • Row-houses shall be constructed on lots that are between 24 and 36 feet wide.
Building Placement	<ul style="list-style-type: none"> • There shall be a mandatory build-to-line of between 0 and 15 feet, and the build-to-line shall be constant along a street face. • Row-houses shall have no required side yard set back requirement except on a corner condition where there shall be a setback of 6 feet in the Neighborhood Center and 12 feet in the Neighborhood General. • Row-houses built in attached groups shall not exceed 12 units in a single group nor have less than 3 units in a single group. • Row-houses shall be constructed where the front facade of a Row-house shall extend along 100% of the street frontage. • Where no Row-house is built, a wall or privacy fence shall be constructed on the property line. • On a corner condition, Row-houses shall have entrances on both the front and side facades of the Row-house. • The side of the Row-house shall resemble as much as possible a house front. • Access for all Row-house lots shall be from an alley. • Garages shall be attached and be built to the rear of the principal Row-house structure or may be detached but connected with a breezeway of at least 12 feet in width. • Garages may be constructed with no side yard setback from interior lot lines. Garages shall be set back from the side lot line in a corner condition 6 feet in the Neighborhood Center and 12 feet in the Neighborhood General. • Garages shall be setback from the rear property line no less than 8 feet and not more than 24 feet.
Design Elements	<ul style="list-style-type: none"> • A covered porch or stoop is required. • Open porches, stoops or balconies may encroach to the area between the build-to-line and the property line. • Porches shall be between 6 and 8 feet deep. • Balconies shall be 3 feet deep. • On corner lot conditions, porches and stoops shall extend around the corner. • A breezeway that may connect a Row-house with a garage on a corner lot condition shall be located adjacent to the interior side lot line farthest from the corner lot line. • Opening in garden walls and privacy fences shall be gated.
Use Requirements	<ul style="list-style-type: none"> • Row-houses shall be used for residential use only.
Height Restrictions	<ul style="list-style-type: none"> • Row-houses shall be a minimum of 2 stories and a maximum of 3 stories in height. • The height of fences and wall shall not exceed 6 feet in height along the side and rear lot lines, and shall not exceed 3 feet in height when constructed between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> • Each Row-house dwelling unit shall be required to provide two parking spaces. • Parking spaces shall be located behind the principal Row-house structure.

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**Table 29.1201(7)-6
Village Residential (F-VR) Floating Zone Urban Regulations
Village Apartments**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> All designs must be submitted to and approved by the Village Architect. Village Apartment shall be permitted in the Neighborhood Center only. Village Apartment shall be constructed on lots that are wider than 96 feet.
Building Placement	<ul style="list-style-type: none"> There shall be a mandatory build-to-line of 15 feet for two story Village Apartments and 20 feet for three story Village Apartments. Village Apartments shall locate no closer than 8 feet to the side lot line. Village Apartments shall be occupied for residential use only in the area of the Village Apartment structure that is constructed at and within 20 of the build-to-line. Parking use located within a Village Apartment structure may occur as long as the area for parking is no closer than 20 feet to the front of the structure. Surface parking shall be located to the interior of the lots and screened from the view by either the placement of apartment buildings that will screen the parking lots or a berm with landscaping that will screen the parking areas. Village Apartment structures shall be constructed where the front facade of the structure shall extend along 70% of the front property line. Where no building wall is constructed, a fence or garden wall shall be constructed on the property line. All exterior walls enclosing parking spaces shall be constructed with design detail as if the use of the interior space was residential.
Design Elements	<ul style="list-style-type: none"> Porches or balconies shall be required for a minimum of 40% of the built street frontage. Porches shall be constructed with a depth of between 6 and 8 feet. Balconies shall be 3 feet deep. Porches and balconies shall encroach in the area between the build-to-line and the front property line.
Use Requirements	<ul style="list-style-type: none"> Village Apartments shall be used for residential uses only.
Height Restrictions	<ul style="list-style-type: none"> Village Apartments shall be shall minimum of 2 stories and a maximum of three stories in height. Fences and garden walls shall not exceed 6 feet in height along the side and rear property lines and shall not exceed 3 feet in height when located between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> Each dwelling in a Village Apartment shall be provided with 2 parking spaces located within or behind the Village Apartment. Parking for Village Apartments may be located below grade. Trash containers shall be located in the areas where parking is permitted behind the Village Apartment structure. Where parking is permitted on the street, the street parking on the side of the street adjacent to lots and only for the width of the lots that are developed as Village Apartments may be calculated towards the required parking for the Village Apartment.

**Table 29.1201(7)-7
Village Residential (F-VR) Floating Zone Urban Regulations
Mixed Use/Shop House**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> All designs shall be submitted to and approved by the Village Architect. A Shop House structure shall be permitted in the Neighborhood Center only. Shop houses shall be permitted on lots that are between 24 and 36 feet wide.
Building Placement	<ul style="list-style-type: none"> There shall be a mandatory build-to-line of 6 feet. Shop House structures shall have no required side yard setback requirement for interior side lot lines. Shop House structure shall locate no closer than 3 feet to the side lot line in a corner condition. The front facade of the Shop House structure shall extend along 100% of the street frontage. Where no building wall exists, a fence or garden wall shall be constructed on the property line. In a corner condition the Shop House shall be connected to a garage, located along the side lot line closest to the corner, with a garden wall or privacy fence.

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URBAN REGULATIONS	F-VR ZONE
Design Elements	<ul style="list-style-type: none"> Balconies, porches, bay windows may encroach into the area between the build-to-line and the front property line. A second story balcony is required and shall extend along 50% of the street frontage. Balconies shall be 3 feet deep, and porches shall be 6 feet deep. The area between the build-to-line and the front property line and the area between the side yard setback on a corner condition shall be paved similar to the sidewalk. On corner lots, the side of the structure shall be designed to resemble the front of the structure. Vehicle access to all Shop House lots shall be from an alley only. A breezeway of 12 feet in width maximum connecting the Shop House structure to a garage is allowed adjacent to a side lot line. Openings in fences and garden walls shall be gated.
Use Requirements	<ul style="list-style-type: none"> Shop House structures shall be used for both residential and commercial purposes. Commercial uses shall be restricted to the ground floor, first story space. Residential uses shall be restricted to the second and third story space. Commercial uses of first floor space shall be limited to commercial uses as provided for in Commercial/Shop Front buildings in the Village Residential Project.
Height Restrictions	<ul style="list-style-type: none"> Shop House structures shall be a minimum of 2 stories and a maximum of three stories in height. Fences and walls shall not exceed 6 feet in height along the side and rear property lines and shall not exceed 3 feet when located between the build-to-line and the front property line.
Parking Requirements	<ul style="list-style-type: none"> There shall be 2 parking spaces provided for each dwelling unit in a Shop House structure. Parking for commercial space shall be provided for in conformance with the parking standards provided for in Section 29.406 of this Ordinance. Parking located on the street wholly adjacent to a Shop Front lot may count towards the commercial parking requirement.

**Table 29.1201(7)-8
Village Residential (F-VR) Floating Zone Urban Regulations
Commercial/Shop Front**

URBAN REGULATIONS	F-VR ZONE
General Requirements	<ul style="list-style-type: none"> All design shall be submitted to and approved by the Village. Architect Commercial/Shop Front structures shall be permitted in the Neighborhood Center only. Commercial/Shop Front structures shall be permitted on lots that are between 24 and 48 feet wide.
Building Placement	<ul style="list-style-type: none"> There shall be a mandatory build-to-line of 6 feet. Vehicle access to all Commercial/Shop Front lots shall be from an alley only. Commercial/Shop Front structures shall be constructed with no side yard setback on interior side yard lines. There shall be a 6-foot side yard setback on the side yard in a corner condition. The front facade of Commercial/Shop Front structures shall extend along 100% of the frontage and 50% along the side lot line in a corner condition. Commercial/Shop Front structures shall be arranged where the building placement along a street creates a traditional "Main Street" effect. Commercial/Shop Front structures shall be arranged where a mid-block pedestrian pathway or paseo of 8 feet in width is constructed to enable pedestrian mobility through the Neighborhood Center. Where no building wall exists, a garden wall shall be constructed on the property line, except in the instance of a Convenience Store with gas.

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Design Elements	<ul style="list-style-type: none"> The area between the build-to-line and the front property line and the area between the structure and side lot line in a corner condition shall be paved similar to the adjacent sidewalk. Balconies, awnings and roof overhangs may encroach into the area between the build-to-line and the front property line and the area between the side yard setback line and the side yard line. An awning or second story balcony is required for a minimum of 50% of the street frontage or the distance adjacent to a path. Balconies shall be 3 feet deep and awning shall be 6 feet deep adjacent to street frontage. Awning adjacent to a path shall be 3 feet deep. All exterior building walls facing adjacent streets shall be glazed along a minimum of 40% of the wall length with clear glass at eye level. Setback areas for entrance doors to Commercial/Shop Front structures shall not exceed 75 square feet. Commercial/Shop Front structures shall not exceed 10,000 square feet of floor area in any single structure. 	
Use Requirements	Apothecary Shop Bait and Tackle Shop Barber Shops Cabinet Shops Convenience Store With Gas Dry Cleaner Hardware Store Grocery, Bakery, Delicatessen or Similar Retail Sales Photography Labs Printing Shops Restaurants, Excluding Drive Through Service	Artists Studios and Accessory Gallery Banks Beauty Shops Car Wash Dance Studio Dwelling Units Located Above the First Floor Office Buildings Pottery Shops Retail Sales as Defined in Section 5.3 of this Ordinance Second Hand Stores
Height Restrictions	<ul style="list-style-type: none"> Commercial/Shop Front structures shall be a maximum of three stories in height Single Story Commercial/Shop Front structures facing adjacent street shall be a minimum of 16 feet in height. Garden walls shall not exceed 6 feet in height when located along the side lot line and shall not exceed 3 feet in height when located between the build-to-line and the front property line. Awnings shall be constructed at a height of between 9 and 12 feet above the walk. 	
Parking Requirements	<ul style="list-style-type: none"> Parking is allowed on Commercial/Shop Front lots behind the structure only. Parking shall be in conformance with the standards provided for in Section 4.7 of this ordinance. Required parking includes all parking on the Commercial/Shop Front lots plus all parking on and off the street within 300' of the Commercial/Shop Front lot. Trash container and loading areas shall be located behind the Commercial/Shop Front structure. 	

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(8) **Park and Open Space Requirements.** The plan for the Village Residential Project shall include an evenly distributed system of park and open space areas, that totals a minimum of 10% of the area of the project. Small park and open space areas shall remain the property of a Homeowners Association. Park and opens spaces that are consistent with the Parks Master Plan of the City shall become the property of the City. The park and open space areas shall include one or more of the following park types, which are more clearly defined by the *Architectural Graphic Standards*.

(a) **Playground.** An area utilizing one or more of the lots in a block. Playgrounds shall provide sunny and shaded play areas, as well as an open shelter with seating facilities. Playgrounds are to be fenced and lit.

(b) **Close.** An area shared by buildings inside a block that may be pedestrian or may have a roadway loop around the green area. The minimum width of a close shall adhere to the turn-around requirements of emergency equipment.

(c) **Attached Squares.** Are areas that are part of the geometry of a block that often provide settings for civic buildings and monuments, which may locate at the center or edge of the square. Squares are usually lined with formal tree plantings.

(d) **Detached Squares.** Are areas that are detached from a block and is a space unto itself that is surrounded by streets that is also lined by formal tree plantings.

(e) **Civic Plaza.** An area typically used as a public space that may be the location of a civic building. The location should indicate an elevated status of the space; thus square, locations at the termination of a street or a similar distinguished location are appropriate for a civic plaza.

(f) **Green.** Is an urban naturalistic open space that is small and often surrounded by buildings. Greens are to be informally planted and may include irregular topography. Tree planting should be at the edge and the center should be open and sunny.

(g) **Park.** A naturalistic space that can be larger and less tended than other opens spaces. Most parks should utilize natural existing wooded areas that should also include some open area. Knolls and ponds areas are likely locations for park spaces. Parks can be edged by streets or buildings, but must be connected by pedestrian systems.

(h) **Buffer.** An area that has similar features as a green but is located for the purpose of buffering an impact from a street or highway. Buildings and a street surround the buffer area.

(9) **Landscaping Requirements.** Village Residential Projects shall comply with the following landscaping requirements:

(a) Trees shall be planted within the right-of-ways parallel to the street along all streets.

(b) Trees spacing shall be determined by tree species planted, but shall generally adhere to a spacing of between 30 to 40 feet on center.

(c) Tree species shall be those as approved by the City of Ames and shall be hardy to the climate.

(d) Existing tree vegetation shall be incorporated into the design of the Village Residential Project to the extent possible by being included in the park and open space system or becoming part of the street tree design scheme.

(10) **Residential and Commercial Architectural Design Guidelines.** The plan for the Village Residential Project shall include architectural design guidelines for all residential and commercial structures in the project. The architectural design guidelines shall be prepared by the Village Architect for the project and include the architectural guidelines for the following design components:

(a) Residential Structures;

(i) References to overall architectural styles of structures;

(ii) Building Massing;

(iii) Exterior wall form and materials;

(iv) Roof form and materials;

(v) Exterior building trim form and materials;

(vi) Door form and materials;

(vii) Window form and materials;

(viii) Front porch form and materials;

(ix) Bay window form and materials;

(x) Balcony form and materials; and

(xi) Chimney form and materials.

(b) Commercial structures.

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- (i) Exterior wall line guidelines;
- (ii) Exterior material guidelines;
- (iii) Exterior door requirements;
- (iv) Glazing requirements;
- (v) Awning and balcony requirements;
- (vi) Commercial building corner requirements for corner conditions;
- (vii) Proportions for exterior design features;
- (viii) Signage requirements; and
- (ix) Sidewalk furniture and exterior treatment guidelines.

(11) **Village Residential Street Design Standards.** Streets that are constructed in a Village Residential Projects are generally narrower than streets in conventional subdivisions. Street right-of-way standards are listed in table 29.1201(11)-1 and street width standards are listed in table 29.1201(11)-2 below.

**Table 29.1201(11)-1
Village Residential Street Right-of-Way Standards**

RIGHTS-OF-WAY		
Type of Street	Minimum Width (ft) Without Parking	Minimum Width (ft) With Parking
Arterial	100	N/A
Commercial		70
Local Residential (with alley)		50
Local Residential (without alley)		55
Commercial Alley	20	
Residential Alley	16	N/A

**Table 29.1201(11)-2
Village Residential Street Width Standards**

STREET WIDTHS				
Type of Street	Minimum Lane Width (ft)	Minimum Number of Lanes	Minimum Street Width Without Parking	Minimum Street Width With Parking
Arterial	12	5	61 BB	N/A
Commercial	12.5	2	N/A	41 BB
Local Residential With on Street Parking	9	2	N/A	27 BB or 37 BB

Sec. 29.1202. "F-SR" SUBURBAN RESIDENTIAL ZONE.

(1) **Purpose.** Suburban Residential development is intended to accommodate contemporary development patterns similar to development in the past 20 to 30 years. The F-SR Suburban Residential is an alternative to the Village Residential zone that is provided for in Section 29.1201 of this ordinance.

(2) **Suburban Residential Development Principles.** Property that is developed according the F-SR requirements shall create a development pattern that adheres to the following development principles:

(a) A development pattern that contains generally distinct and homogeneous land uses to occur in the remaining in-fill areas and the targeted growth areas where Village Residential development is not selected by the property owner.

(b) An economic and efficient subdivision design with respect to the provision of streets, utilities, and community facilities with limited focus on building and development design integration and a greater emphasis on vehicular mobility;

(c) Effective landscaped buffers between distinctly different land uses.

(d) The provision of common open space in residential areas where the maintenance of the open space is the responsibility of those directly benefiting.

(e) A development pattern that ensures compatibility in the design of buildings with respect to placement along the street; spacing and height of building and provides for spaciousness, and effective vehicular and

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pedestrian circulation;

(f) A development pattern that is compatible with surrounding neighborhoods and is consistent with the Goals and Objectives of the Land Use Policy Plan.

(3) Establishment. The F-SR is hereby established and applies to all lands that are rezoned to F-SR on the Zoning Map through a Zoning Map Amendment as described in Section 29.1506 provided the City Council makes the following findings:

(a) The designation is consistent with the Land Use Policy Plan;
 (b) The development complies with all requirements of Section 29.1202 as stated herein;
 (c) The existing infrastructure system to be utilized by the land proposed to be zoned F-SR has the capacity to support the development contemplated;

(d) The designation and contemplated development of the land proposed to be zoned F-SR has been selected by the property owner as an alternative to the F-VR zoning designation.

(4) Suburban Residential Permitted Uses. The uses permitted in the Suburban Residential Floating Zone are set forth in the following tables: Suburban Residential Low Density (SRLD) 29.1202(4)-1; Suburban Residential Medium Density (SRMD) 29.1202(4)-2 below:

**Table 29.1202(4)-1
 Suburban Residential Floating Zone
 Residential Low Density (SRLD) Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y	ZP	ZEO
• Two Family Dwelling	Y, if pre-existing.	ZP	ZEO
• Single Family Attached Dwelling	N	--	--
• Apartment Dwelling (12 units or less)	N	--	--
• Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
• Home Office	Y	HO	ZBA/Staff
• Home Business	Y	HO	ZBA/Staff
Group Living	N	--	--
Short-term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES			
N			
TRADE USES			
Retail Sales and Services - General	N	--	--
Entertainment, Restaurant and Recreation	N	--	--
Trade			
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Child Day Care Facilities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	N	--	--
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Essential Public Services	Y	SP	ZBA
Personal Wireless Service Facilities	Y	SP	ZBA

- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- ZP = Building/Zoning Permit required: See Section 29.1501
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)

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HO = Home Occupation
 ZBA = Zoning Board of Adjustment
 ZEO = Zoning Enforcement Officer

Table 29.1202(4)-2
 Suburban Residential Floating Zone
 Residential Medium Density (SRMD) Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y	ZP	ZEO
• Two Family Dwelling	Y	ZP	ZEO
• Single Family Attached Dwelling	Y	SDP Minor	Staff
• Apartment Dwelling (12 units or less)	Y	SDP Minor	Staff
• Family Home	Y	ZP	ZEO
Household Living Accessory Uses			
• Home Office	Y	HO	ZBA/Staff
• Home Business	Y	HO	ZBA/Staff
Group Living	N, except Hospices, Assisted Living, and Nursing Homes, permitted by Special Permit.	SP	ZBA
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA
OFFICE USES			
TRADE USES			
Retail Sales and Services – General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funerary Facilities	Y	SP	ZBA
Child Day Care Facilities	Y	HO or SP (depending on size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

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- Y = Yes: permitted as indicated by required approval.
- N = No: prohibited
- SP = Special Use Permit required: See Section 29.1503
- ZP = Building/Zoning Permit required: See Section 29.1501
- SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
- SDP Major = Site Development Plan Major: See Section 29.1502(4)
- HO = Home Occupation
- ZBA = Zoning Board of Adjustment
- ZEO = Zoning Enforcement Officer

(5) **Suburban Residential Floating Zone Supplemental Development Standards.** The standards that are applicable to property that is developed using the F-SR floating zone alternative shall be those zone supplemental development standards that are applicable to other areas of the City that are zoned RL, Residential Low Density, RM Residential Medium Density and RLP Residential Low Density Park Zone. These standards are set forth in the Tables 29.1202(5)-1 Residential Low Density and 29.1202(5)-2 Residential Medium Density.

The zone supplemental development standards for areas that are to be zoned RLP Residential Low Density Park Zone shall adhere to the standards as set forth in Section 29.705 of this ordinance.

**Table 29.1202(5)-1
Suburban Residential Floating Zone
Residential Low Density Supplemental Development Standards**

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-SR ZONE LOW DENSITY	
	SINGLE FAMILY	TWO FAMILY DWELLINGS
Minimum Lot Area	6,000 sf	7,000 sf.
Minimum Principal Building Setbacks:		
Front Lot Line	25 ft.	25 ft.
Side Lot Line	6 ft.; or 8 ft for 2 stories 8 ft. for 3 stories	6 ft.; or 8 ft for 2 stories 8 ft. for 3 stories
Rear Lot Line	20 ft	20 ft
Corner Lots	Provide 2 front yards and 2 side yards	Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft. @ street line; 50 ft. @ building line	35 ft. @ street line; 50 ft. @ building line
Maximum Building Coverage	35%	40%
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	60%	60%
Minimum Landscaped Area	40%	40%
Maximum Height Principal Building	40 ft. or 3 stories, whichever is lower	40 ft. or 3 stories, whichever is lower
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	No	No
Drive-Through Facilities	No	No
Outdoor Display	No	No
Outdoor Storage	No	No
Trucks and Equipment	No	No

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**Table 29.1202(5)-2
Suburban Residential Floating Zone
Residential Medium Density Supplemental Development Standards**

SUPPLEMENT DEVELOPMENT STANDARDS	F-SR ZONE MEDIUM DENSITY
Minimum Lot Area Single Family Dwelling Two Family Dwelling Single Family Attached Dwelling Apartment Dwelling Over 2 Units	6,000 sf 7,000 sf 3,500 sf per unit 1,800 sf each additional unit
Minimum Principal Building Setbacks: Front Lot Line Side Lot Line Side Lot Line (party wall line for Single Family Attached Dwellings) Side Lot Line (all other side lot lines except party wall line) Rear Lot Line Corner Lots	25 ft. • 6 ft. for one story; • 8 ft. for 2 stories; • 10 ft. for 3 stories; • 20 ft. for 4 stories 0 ft. • 6 ft. for one story; • 8 ft. for 2 stories; • 10 ft. for 3 stories; • 20 ft. for 4 stories 25 ft. Provide 2 front yards and 2 side yards
Minimum Frontage	35 ft. @ street line; 50 ft. @ building line
Minimum Landscaping	• See Article 29.403(5).
Maximum Height Principal Building	50 ft. or 4 stories, whichever is lower
Maximum Height Accessory Building	12 ft. to midpoint of roof; 15 ft. to ridge
Parking Between Buildings and Streets	No, except if preexisting
Drive-Through Facilities	No
Outdoor Display	No
Outdoor Storage	No
Trucks and Equipment	Light only, no advertising

(6) Suburban Residential Floating Zone Suburban Regulations. The Suburban Regulations for the F-SR zone are provided for in Table 29.1202(6) below.

**Table 29.1202(6)
Suburban Residential Floating Zone Suburban Regulations**

SUBURBAN REGULATIONS	F-SR ZONE
Minimum Density Suburban Residential Low Density (SRLD)	• The minimum average density for one and two-family dwelling units in areas zoned SRLD shall be 3.75 dwelling units per net acre. Net acres shall be determined by subtracting from the gross acreage of a subdivision the land area devoted to the following uses or containing the following characteristics: 1. Public or private right-of-way; 2. Public or private open space; 3. Areas of severe slope where the topography exceeds 10% as determined by the Story County Soil Survey; 4. Areas containing natural resources as identified in the Natural Areas Inventory of the City of Ames dated 1994.
Minimum Density Suburban Residential Medium Density (SRMD) Lot and Block Design Requirements	The minimum density for property developed in the SRMD zone shall be 10 units per acre. Block lengths that exceed 660 feet in length on a block face shall contain a mid-block cut through or cross walk to enable effective pedestrian movement through the block. From one street to another street on the opposite block face.
Open Space Requirement	A minimum of 10% of the gross area shall be devoted to private or public open space. The ownership and maintenance responsibility of the open space shall be a Homeowner's Association or a similar private entity.
Landscape Buffer Requirement	A landscaped buffer of 10 feet in width shall be provided in the setback area of any lot zoned SRMD where the lot is adjacent to any lot zoned SLRD. The landscaping shall adhere to the L.3 Low Wall Standards as provided for in Section 29.403 of the ordinance.

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SUBURBAN REGULATIONS	F-SR ZONE
Parking Requirements	Parking shall be provided to meet the requirement as set forth in Section 29.406 of this ordinance.

(7) **Site Development Plan Amendments.** All site development plans approved hereunder may only be amended pursuant to the same procedures for approving an F-SR Plan as provided herein.

Sec. 29.1203. "F-PRD" PLANNED RESIDENCE DISTRICT

(1) **Purpose.** The F-PRD is intended to provide for development of a variety of innovative housing types, including: attached and detached dwellings, zero lot line detached housing, clustered housing development, residential condominiums and innovative multiple family housing projects. In all instances, development that occurs in areas zoned F-PRD shall include integrated design, open space, site amenities and landscaping that exceeds the requirements that exist in underlying base zone development standards.

(2) **Planned Residence District Development Principles.** Property developed according to the requirements of this district shall create a development pattern that is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of Base Zone requirements. Innovation and flexibility in the design and development of the property shall create a more efficient and effective utilization of land. Property that is zoned F-PRD shall adhere to the following development principles:

(a) Provide for innovative and imaginative approaches to residential development that would not occur as a result of the underlying zoning regulations;

(b) Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining the density of use, as provided for in the Land Use Policy Plan and the underlying base zone regulations;

(c) Promote innovative housing development that emphasizes efficient and affordable Home ownership and rental occupancy;

(d) Provide for flexibility in the design, height and placement of buildings that are compatible with and integrate with existing developed neighborhoods and the natural environment;

(e) Promote aesthetic building architecture, significant availability of open space, well designed and landscaped off-street parking facilities that meet or exceeds the underlying zone development standards, more recreation facilities than would result with conventional development, and pedestrian and vehicular linkages within and adjacent to the property;

(f) Provide for the preservation of identified natural, geologic, historic and cultural resources, drainage ways, floodplains, water bodies and other unique site features through the careful placement of buildings and site improvements; and

(g) Provide for a development design that can be more efficiently served by existing and proposed infrastructure, including: street, water, sewer, and storm water infrastructure, than would be otherwise required as a result of conventional development.

(3) **Establishment.** The F-PRD zone is hereby established and applies to all lands that are rezoned to F-PRD on the zoning Map through a Zoning Map Amendment as described in Section 29.1506 provided the City Council makes the following findings:

(a) The designation is consistent with the Land Use Policy Plan;

(b) The development complies with all requirement of Article 29.1203 as stated herein;

(c) The existing infrastructure system to be utilized by the land proposed to be zoned F-PRD has the capacity to support the development contemplated;

(d) The designation and contemplated development of the land proposed to be zoned F-PRD has been selected by the property owner as an alternative to the F-VR or the F-SR zoning designation.

(4) **Planned Residence District (F-PRD) Floating Zone Permitted Uses.** The uses permitted in the F-PRD are set forth in table 29.1203(4) below.

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Table 29.1203(4)
Planned Residence District (F-PRD) Floating Zone Uses

PERMITTED PRINCIPLE USES	PERMITTED ACCESSORY USES
Single Family House	Recreational facilities for the residents of the PRD.
Two-Family House	Accessory uses of the Household Living category provided for in Table 29.500 of this ordinance.
Apartment Building	Garages
Townhouse	Open space uses.
	Home occupations subject to the standards of Section 29.1304 of this ordinance
	Home Day Care subject to the standards of Section 29.1304.
	Office and Trade use where the property owner can demonstrate through a written Market/Study that the Office and Trade use can be supported by the residents of the Planned Residence District project.

(5) **Planned Residence District (F-PRD) Floating Zone Supplemental Development Standards.** Property that is zoned F-PRD shall be developed in accordance with the Zone Supplemental Development Standards listed in Table 29.1203(5) below.

Table 29.1203(5)
Planned Residence District Floating Zone Supplemental Development Standards

SUPPLEMENTAL DEVELOPMENT STANDARDS	F-PRD ZONE
Area Requirement	A minimum of two (2) acres shall be required for all areas developed as F-PRD.
Density	Densities shall comply with the densities provided for in the Land Use Policy Plan and the underlying base zone regulations. Where a property has more than one base zone designation, each area of the PRD project shall comply with the density limitation that is established for the base zone of that area. Density transfer from one area of a PRD project to another area of the same project of a lower density shall not be permitted.
Height Limitations	Structures proposed to be developed in areas zoned PRD shall be compatible with the predominant height of structures in adjacent neighborhoods. There is no absolute height limitation in the PRD district.
Minimum Yard and Setback Requirements	There are no specified yard and setback requirements in areas zoned PRD, except that structures constructed adjacent to public right-of-way and adjacent to the exterior boundary of an area zoned PRD shall comply with the setback standards in the underlying base zone regulations.
Parking Requirements	Parking for uses permitted in areas zoned PRD shall comply to the parking standards set forth in Section 29.406 of this ordinance
Open Space Design Requirements	Open space shall be designed as a significant and integrated feature of the entire area to be developed as a PRD project. Open space may include such features as: <ul style="list-style-type: none"> • Larger recreation areas for all residents of the PRD project. • Mini-parks for selected residents of a PRD project. • Pedestrian open space systems. • Environmental features, drainage ways, flood prone areas and other areas of geologic, cultural or historic significance.
Open Space Area Requirement	The area devoted to open space in a PRD project shall meet the landscape and open space requirements as set forth in the base zone standards. These standards are: <ul style="list-style-type: none"> • Residential Low Density - 40% open space. • Residential Medium Density - 40% open space. • Residential High Density - 35% open space
Open Space Improvements and Amenities	Open space and amenity features in areas zoned PRD shall include such features as: <ul style="list-style-type: none"> • Pathway systems • Club houses and meeting room facilities • Playground facilities • Swimming pool improvements • Tennis courts • Volleyball improvements • Picnic shelters • Other similar amenities
Maintenance of Open Space and Site Amenities	Open space and site amenities for areas developed as a PRD project shall be the ownership and maintenance responsibilities of a Homeowner's Association.
Street/Infrastructure Improvements	Street improvements, water, sanitary sewer, storm sewer improvements, and electric facilities shall be installed in compliance with the subdivision regulations of the City and shall meet the construction specifications of the City.

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(6) **Effects and Limitations of Approval.** When a Site Development Plan Major is approved and property has been rezoned to F-PRD, the contents of the plan, the location, design, height, and use of all buildings and structures, and any other requirements related to the buildings or the use, plus any other site improvements, shall constitute the development regulations for the use and development of the property. Construction of buildings, or the use of the property in any way that constitutes a major change from the approved Site Development Plan Major, shall constitute a violation of the Zoning Ordinance and shall be enforceable as provided for in Article 16 of this ordinance.

(7) **Effective Period of Approval and Time Extensions.**

(a) **Period of Approval.** The approval of any Site Development Plan Major under this Section shall be effective for a period of one (1) year from the date at which the rezoning decision of the City Council is finalized and published in a newspaper of general circulation. The approval of the Site Development Plan Major shall become null and void as a result of any of the following circumstances:

(i) Failure to obtain Building Permits for the commencement of construction within the one year period of approval;

(ii) Failure to commence construction within 18 months of approval of the Site Development Plan Major. For the purpose of this provision construction shall be defined as including site excavation and excavation for and installation of footings and foundations for structures approved for construction.

(b) **Time Extension.** The owner of property who has obtained an approval of a Site Development Plan Major under this article may petition the City Council for an extension of time to the effective period of approval as long as the following conditions are met:

(i) The request for a time extension is submitted and acted upon by the City Council within the one year period of approval;

(ii) The request for a time extension is accompanied by a written explanation describing events or circumstances that have prevented the commencement of construction and the events or circumstances shall be beyond the control of the property owner.

(8) **Progress on Phased Development.** Where the approval of a Site Development Plan Major has included the approval of a Phasing Plan for a "F-PRD" project, the progress for developing the "F-PRD" project shall occur according to approved phasing plan. No variation of the development progress from the approved Phasing Plan shall occur without the City Council approval of a revision to the Phasing Plan. Failure to obtain approval of a revision to the Phasing Plan shall nullify the approval of the entire Site Development Plan Major. No further construction of any kind shall be permitted without subsequent approval of the Site Development Plan Major in accordance with Section 29.1203(6) of this article.

(9) **Minor Changes.** Minor changes to the approved Site Development Plan Major may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Site Development Plan Major current. Minor changes are defined as changes that:

- (a) Do not constitute a change in the land use of the project; or the overall layout and design;
- (b) Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;
- (c) Does not change the overall landscape design of the F-PRD project; or
- (d) Change the height or placement of buildings, or other major site features.

ARTICLE 13
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Sec. 29.1300. GENERAL.

This Article establishes additional specific requirements for certain specific uses in addition to the other requirements of this Ordinance and the requirements of each Zone. Wherever 2 or more requirements apply to the same use, structure or activity, then the requirement that is more restrictive upon the use, structure or activity shall apply.

Sec. 29.1301. ADULT ENTERTAINMENT BUSINESSES.

(1) **Location.**

(a) No person shall establish any adult entertainment business as herein defined within 1,000 feet from another such business, any school, place of worship, public park, public playground, public plaza or area zoned for residential use. Measurement shall be taken on a direct line from the main entrance of such adult entertainment business to the point on the property line of such other business, school, places of worship, public park, public playground, public plaza or area zoned for residential use that is closest to the said main entrance of such adult entertainment business.

(b) No person shall establish any adult entertainment business within 200 feet of the public right-of-way for any arterial street in the City, as designated on the City of Ames Arterial Street Map.

(2) **"Establishment" Defined.** The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities as described below. It shall also include any addition to or expansion of an existing adult entertainment business that causes said business to occupy over 50% more space than before such addition or expansion.

Sec. 29.1302. BED & BREAKFAST ESTABLISHMENTS.

To obtain a Special Use Permit for a Bed & Breakfast Establishment, all criteria in "Home Occupations," set forth in Section 29.1304, must be met, in addition to the following:

(1) **Guest Rooms.** A maximum of 5 per structure in the RM and RH Zones and a maximum of 2 per structure in the RL Zone. The Zoning Board of Adjustment may restrict the number of guest rooms to a lesser number.

(2) **Breakfast shall be the only meal served.** This service must occur before 11:00 a.m. Only guests residing in the structure or persons living in the premises may be served. The structure shall not be remodeled into a commercial kitchen unless required by Environmental Health rules and regulations established pursuant to Municipal Code Chapter 11.

(3) **Off-Street Parking Requirements.** One space per guest room, plus one space for the owner. The parking spaces shall meet standards established by Section 29.406 of this Ordinance.

(4) **Guests shall register upon arrival, stating their names, current residence address and the license plate number of the vehicle that is being used by the guest.** The registration form shall be kept by the owner for a period of 3 years and shall be made available for examination by a representative of the City upon one day's notice.

(5) **Guest stays shall be limited to 2 weeks.**

(6) **The Special Use Permit is not transferable to a subsequent owner or to another property.**

(7) **The establishment must comply with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building/zoning permits and licenses.**

Sec. 29.1303. DRIVE-THROUGH FACILITIES.

All Drive-Through Facilities, whether primary or accessory uses, must comply with the following conditions:

(1) **Setbacks and Landscaping.** Stacking lanes for a Drive-Through Facility must be setback at least 5 feet from all lot lines. Where the setback abuts other than Residential Zones, the setback must be landscaped to at least the L2 standard. Where the setback abuts a Residential Zone, the setback must be landscaped to at least the L3 standard.

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(2) **Design and Layout.** Stacking lanes must be designed to provide adequate on-site maneuvering, queuing and circulation area, so that stacking vehicles will neither impede traffic on abutting streets nor interfere with vehicle circulation.

Sec. 29.1304. HOME OCCUPATIONS.

This Section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations. It is not the intent to eliminate certain businesses and occupations that may be compatible with residential areas.

(1) **Permitted, Special and Prohibited Home Occupants.**

- (a) The following are Permitted Home Occupations:
- (i) Home sewing or tailoring;
 - (ii) Studios for painting, sculpturing, ceramics or other similar arts;
 - (iii) Writing or editing;
 - (iv) Telephone answering, scheduling of appointments, and other office activities where there are limited visits to the home;
 - (v) Production of crafts such as handiwork, model-making, weaving, lapidary, and cabinet-making for the purpose of selling the product;
 - (vi) Tutoring and giving lessons, limited to 4 students;
 - (vii) Catering, home-cooking and preserving for the purpose of selling the product;
 - (viii) Computer programming, services provided over the Internet and other similar activities;
 - (ix) Mail order businesses where products are shipped directly from the supplier to the customer; and
 - (x) Offices for architects and engineers.
- (b) The following are Special Home Occupations:
- (i) Family day care home for the care of six or fewer preschool children and for the care of five or fewer school age children. The care of school age children shall be limited to before and after school care for less than two hours at a time. Or in the alternative a day care home for the care of six or fewer adults;
 - (ii) Physicians and other licensed medical practitioners;
 - (iii) Barbershops and beauty parlors;
 - (iv) Small repair shops (including small appliances, mower repair, blade sharpening and similar uses);
 - (v) Realtors;
 - (vi) Insurance agents;
 - (vii) Bed-and-breakfast operations;
 - (viii) Home professional offices, lawyers and members of similar professions, excluding physicians and other licensed medical professionals; and
 - (ix) All other activities not included on either the permitted or prohibited list.
- (c) The following are prohibited Home Occupations:
- (i) Animal hospitals;
 - (ii) Dancing studios or exercise studios;
 - (iii) Private clubs;
 - (iv) Restaurants;
 - (v) Stables and kennels; and
 - (vi) Repair or painting of motor vehicles, including motorcycles.
- (d) Rummage/garage sales are not included in the listing of permitted, special or prohibited home occupations and are not defined as home occupations, provided no more than 3 sales per year are conducted. In addition, sale of garden produce is not defined as a home occupation provided no more than 3 sales per year are conducted.

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(2) **Permit and Review Procedures.**

(a) **Permitted Home Occupations.** Applicants must submit an application to the Planning and Housing Department. The application will be reviewed by the staff, and the applicant will be notified of the decision of the Department. If the applicant is aggrieved, the decision may be appealed to the Zoning Board of Adjustment within 30 days.

(b) **Special Home Occupations.** Applicants must submit a Special Use Permit application to the City Clerk for consideration by the Zoning Board of Adjustment. Applications will then be reviewed by the Planning and Housing Department. A staff report will be prepared and sent to the Zoning Board of Adjustment.

The Board may grant the Special Use Permit if it reasonably concludes from the evidence that the home occupation proposed will meet the criteria set out in Section 29.1304(3). The Board may, if warranted by the evidence, impose such additional conditions as may be deemed necessary to protect the legitimate use and enjoyment of neighboring properties. Any failure to obtain such Special Use Permit when required, or to comply with the criteria and conditions set out when issued, shall constitute a violation of this Section and shall be grounds for revocation of the Special Use Permit after notice and hearing by the Zoning Board of Adjustment.

(c) **Prohibited Home Occupations.** No person will be allowed to operate prohibited home occupations.

(3) **Criteria.** All home occupations must meet the following criteria:

(a) **Area to Be Used.**

(i) The activity shall be conducted in a manner that will not alter the normal residential character of the premises nor, in any way cause a nuisance to adjoining residents, nor shall there be any structural alteration to accommodate the occupation. There should be no emission of smoke, dust, odor, fumes, glare, noises, vibration, electrical or electronic disturbances detectable at the lot line that would exceed that normally produced by a single residence. Special noise exceptions will be allowed for day-care homes due to the nature of the clients using the facility.

(ii) The activity shall be located within the principal building or within an accessory structure. It shall occupy no more than 25% of the total floor area of the residence and shall not exceed 400 square feet of an accessory building.

(b) **Signs.** Any sign utilized at the home occupation shall be limited to one flush-mounted sign on the main residential structure, which shall not exceed one square foot in area. Such sign shall not be lighted and nonreflecting materials shall be used. The legend shall show only the name of the occupant and the type of occupation. Color shall be consistent with the residential character.

(c) **Equipment.** There shall be no mechanical equipment used except as customary for domestic household purposes. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in any accessory building. No storage is to be visible from lot lines.

(d) **Employment.** The activity shall employ only members of the household residing in the dwelling unless approval for the employment of up to two (2) non-family members is granted by the Zoning Board of Adjustment.

(e) **Traffic.** The activity shall not generate significantly greater traffic volumes than would normally be expected in a residential area. Not more than 10 vehicular visits per day shall be allowed. An exception to the number of visits allowed per day may be permitted for family day care homes due to the number of children or adults allowed on-site and the need for parent or caregiver contact during the day. The delivery and pick up of materials or commodities to the premises by commercial vehicles shall not interfere with the delivery of other services to the area.

(f) **Parking Criteria.**

(i) Only one delivery vehicle associated with the activity may be parked on the street near the premises for not more than 4 consecutive hours.

(ii) One additional on-site parking space is required above the normal parking requirement where 2 or more clients are likely to visit the premises concurrently.

(iii) This requirement shall not be construed to prohibit occasional exceptions. No more than 4 client vehicles during any given hour shall be allowed on the site for such events as meetings, conferences, demonstrations, or similar events that are in no way a nuisance to adjoining residences.

(g) **Class Size.** If the home occupation is the type in which classes are held or instructions given, there shall be no more than 4 students or pupils at any given time. The Board may approve up to 6 students if it finds that the additional students will not generate additional traffic. Day-care homes may have up to 6 children or adults at a time. Additional children or adults will require a Special Use Permit for a day-care center.

(h) **Number of Home Occupations.** The total number of home occupations within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit shall not be greater than the impact of one home occupation. This will be determined by using the home occupation criteria.

Sec. 29.1305. MANUFACTURED HOUSING.

This Section is intended to regulate manufactured housing in a manner consistent with the provisions of Section 414.28, Code of Iowa.

(1) **A Manufactured Home** is defined for purposes of the Ordinance as any structure manufactured or constructed under the authority of 42 U.S.C. Section 5403, and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

(2) Neither the provisions of this Section nor of Section 29.705 shall pertain to what is called the "modular home," that is housing built in whole or in part off the site of its occupancy and use and certified by the State of Iowa as meeting the State Building Code. If so certified by the State of Iowa, modular homes shall be governed by the same regulations and standards as pertain to housing that is built at the site of its occupancy and use.

(3) A manufactured home located on a lot outside a Residential Low Density Park Zone shall be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage that would apply to a site-built dwelling.

Sec. 29.1306. SALVAGE YARDS.

(1) It is found that the keeping of salvaged parts and materials and the storage of motor vehicles out of doors can detract from the beneficial use and enjoyment of neighboring properties. A salvage yard is prohibited anywhere except in the GI Zone. Such salvage yard shall be authorized only by a Special Use Permit issued after a public hearing by the Zoning Board of Adjustment in accordance with the procedures set out in Section 29.1503 and shall be subject to such protective conditions that may be warranted by the nature of the salvage operation. A salvage yard operation is also subject to all the submittal and approval requirements set out in Section 29.901.

(2) The Zoning Board of Adjustment shall not grant any Special Use Permit as authorized and required in Subsection A above, unless it shall first find as a fact that the keeping of motor vehicles that are stored or displayed under their present or proposed conditions or circumstances will not:

- (a) Provide an attractive and dangerous nuisance for young children;
- (b) Be a harborage for rats and other forms of vermin; or
- (c) Be an unsightly detraction from the use and enjoyment of adjacent properties.

In granting a Special Use Permit, the Zoning Board of Adjustment may impose such time limits and other special protective conditions as it shall find useful and reasonable to the concerns expressed in Subsections a, b and c above.

Sec. 29.1307. WIRELESS COMMUNICATIONS FACILITIES

(1) **Scope, Purpose, and Policy.** The provisions of this Section apply to, and apply only to, the placement, construction and modification of that which is called "personal wireless service facilities" in Section 704 of the Telecommunications Act of 1996. It is the intent of this Ordinance not to discriminate unreasonably among providers of functionally equivalent services and not to have the effect of prohibiting the provision of personal wireless services. Any request for authorization to place, construct, or modify personal wireless service facilities shall be acted on within a reasonable time after the request is duly filed with the proper city office, taking into account the scope and nature of such request. Any decision to deny a request to place, construct or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(2) **Definitions.** For the purpose of this Section, the following definitions shall apply:

(a) **Antenna Height** means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the site shall be used in calculating the antenna height.

(b) **Antenna Support Structure** means any tower or any other structure that supports a device used in the transmitting or receiving of radio frequency energy.

(c) **Cell Site** means a tract or parcel of land that contains the wireless communication antenna, its support structure, accessory building(s), and parking and may include other uses associated with and necessary for wireless communication transmission.

(d) **Tall Structure** means any structure the top of which is more than 50 feet above grade.

(3) **Special Use Permit Not Required.** A cell site with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure is permitted in all Zones. The height of the antenna shall not exceed the height of the existing tall structure by more than 20 feet. If the antenna is to be mounted on an existing tall structure, a Site Development Plan shall not be required.

(4) **Special Use Permit Required.** A cell site with antenna that is either not mounted on an existing tall structure or is more than 20 feet higher than the tall structure on which it is mounted shall not be permitted except pursuant to a Special Use Permit issued by the Zoning Board of Adjustment pursuant to both Section 29.1503 and the provisions of this Section.

(5) **Ancillary Activities.** All other uses and activities ancillary to the antenna and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from a cell site, unless otherwise permitted pursuant to the zoning regulations for the Zone in which the cell site is located.

(6) **Monopoles Required.** All antenna support structures shall be "monopole." Lattice or guyed towers are prohibited in all Zones except Industrial Zones.

(7) **Standards for Special Use Permit.** The following standards and procedures, in addition to those contained in Section 29.1503, shall apply to the issuance of a Special Use Permit for a cell site with antenna:

(a) **Necessity.** The wireless communications company shall demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's grid system.

(b) **Co-location Effort.** If the wireless communications company proposes to build a tower (as opposed to mounting the antenna on an existing tall structure), it shall demonstrate that it contacted the owners of tall structures within a one-quarter-mile radius of the site proposed, asked for permission to install the antenna on those tall structures, and was denied for reasons other than failure to agree on compensation. The Zoning Board of Adjustment may deny the permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing tall structure.

(c) **Antenna Height.** The applicant shall demonstrate, to the reasonable satisfaction of the Zoning Board of Adjustment, that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

(d) **Setbacks from Base of Antenna Support Structure.** The minimum distance between the base of the support or any guy anchors and any property line shall be the largest of the following:

- (i) 50% of antenna height;
- (ii) The minimum setback in the underlying Zone; or
- (iii) 60 feet.

(e) **Antenna Support Structure Safety.** The applicant shall demonstrate, to the reasonable satisfaction of the Zoning Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

(f) **Fencing.** An opaque fence shall be installed around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a maximum of 6 feet in height and serve to screen the base of the structure and improve security.

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(g) Co-location. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies and local police, fire and ambulance companies.

(h) FCC License. The wireless communication company shall provide proof that it is licensed by the Federal Communications Commission.

(i) Required Parking. If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.

(j) Painting. Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.

(k) Site Plan. A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.

(l) Air Safety. Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration regulations.

(8) Changes. There shall be no change in the exterior appearance of a cell site, including any change in the profile of the antenna support structure, that is a departure from or addition to what was shown or represented in the application for the granted special use permit, without first obtaining a new special use permit for that cell site through the same process as for obtaining the initial special use permit, including the review and recommendation of the Planning and Zoning Commission.

(9) Engineered Addition. If an additional antenna is installed on an existing antenna support structure, engineering data and certification by a licensed professional engineer assuring that the installation is structurally sound within the standards of good engineering practice shall be provided to the City Building Official.

(10) Removal. If a cell site, or any antenna support structure, is not used for a period of one year, it shall be the duty and obligation of the party then in possession and control of the site to have the unused antenna support structure and any other unused cell site apparatus completely dismantled and removed from the site.

DIVISION IV ADMINISTRATION AND PROCEDURES

ARTICLE 14 ADMINISTRATION

Sec. 29.1400. INTERPRETATION OF THIS ARTICLE.

This Article describes certain administrative functions and the powers and duties of administrative bodies and officers. Some of the powers and duties described are not controlled by this Ordinance, but are established by other City ordinances or state statutes. Furthermore, the descriptions of the powers and duties provided in this Article are not meant to be exhaustive, but are meant instead to be descriptions of those primary duties that are relevant to the application, administration and enforcement of this Ordinance.

Sec. 29.1401. CITY COUNCIL.

The City Council is the elected body that is ultimately responsible for all decisions and actions that establish the overall land use policy and vision for the City. This occurs through the City Council adoption of the Land Use Policy Plan for the City. The Council is also responsible for other policy direction established through the City's long range Transportation Plan, Parks and Recreation Plan, Bicycle Route Master Plan and other functional plans like water distribution and wastewater collection plans. These plans and policies are implemented by Council through a variety of strategies, including zoning and subdivision regulations, the City's operating budget, the Capital Improvements Program, and annexation policies.

Sec. 29.1402. PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission is appointed by the Mayor with the advice and consent of City Council to serve as an independent advisory body to the Council and, periodically, to the Zoning Board of Adjustment. The Commission is responsible for the preparation and adoption of the official Land Use Policy Plan of the City and gives advice and recommendations on matters involving amendments to the City's Zoning Ordinance and historic preservation ordinance and guidelines. The Commission reviews and gives advice on subdivisions occurring within the City and within the extraterritorial jurisdiction of the City.

Sec. 29.1403. ZONING BOARD OF ADJUSTMENT.

(1) **Establishment and Membership.** A Zoning Board of Adjustment is hereby established, which shall consist of 5 members appointed by the Mayor, subject to confirmation by the City Council. Appointments to the Board shall be for a term of 5 years. Any vacancy shall be filled in the same manner for the unexpired portion of the term. Terms of office begin on April 1 of the year of appointment. No member may serve more than 7 years.

(2) **Compensation.** All members of the Zoning Board of Adjustment shall serve without compensation.

(3) **Meetings and Quorum.** There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of 3 members shall be necessary to constitute a quorum.

(4) **Board Action.** The concurring vote of 3 members of the Board is necessary on all matters upon which the Board is required to act under the provisions of this Ordinance and state law.

(5) **Officers and Duties.**

(a) **Chair.** The Board shall annually elect this chair at its first meeting on or after April 1 of each year. Such chair or, in the chair's absence, the acting chair, may administer oaths and compel the attendance of witnesses.

(b) **Secretary.** The City Clerk or his/her designee shall serve as secretary of the Board. In the absence of the secretary, the chair may appoint one of the members of the Board to act as secretary *pro tem* for the meeting. The secretary shall keep minutes of the Board's proceedings, showing the vote for each member upon each question. If a member is absent or does not vote on any matter, the minutes shall indicate this fact. The Board shall keep records of all official actions, which shall be on file in the office of the City Clerk as a public record.

(6) **Rules of the Board.** The Board shall adopt, from time to time, subject to the approval of the City Council, such rules of procedure as it deems necessary for the conduct of its functions.

(7) **Powers.** As provided by Section 414.12 of the Iowa Code, the Board has the power to:

(a) **Appeals.** Hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance;

(b) **Special Use Permits and Exceptions.** Hear and decide on applications for Special Use Permits and exceptions in accordance with Section 29.1503 of this Ordinance; and hear and decide on applications for exceptions to the Minimum Height Requirement in the Downtown/Campustown Service Center zone in accordance with Section 29.803(4).

(c) **Variances.** Hear and decide on specific cases seeking a variance from the terms of this Ordinance in accordance with Section 29.1504. In granting any variance, the Board may prescribe appropriate conditions and safeguards to foster the policy and intent of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance shall be municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

(8) **Appeals to the Board.**

(a) **General.** Appeals to the Board may be taken by any person aggrieved by any decision of the Zoning Enforcement Officer or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Enforcement Officer.

(b) **Filing.** Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department or board of the City affected by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within 30 days of the decision of the Zoning Enforcement Officer by filing with the secretary of the Board a written notice of appeal specifying the grounds thereof and the publication of notice of appeal in a paper of general circulation in the City of Ames as provided by the regulation of the board. The secretary of the Board shall give notice of such appeal within 10 days of the filing to the Zoning Enforcement Officer, who shall forthwith transmit to the Board all papers and documents constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board after the notice

of the appeal shall have been filed with the Building Official, that by reason of facts stated in the appeal a stay would, in the Building Official's opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application of notice to the Building Official and due cause shown.

(c) **Stay of Proceedings.** The filing of an appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board after notice of the appeal has been filed with the Zoning Enforcement Officer that, by reason of facts stated in the appeal, a stay would, in the Zoning Enforcement Officer's opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by a court of competent jurisdiction on an application with notice to the Zoning Enforcement Officer and with due cause shown.

(9) **Applications to the Board.** Applications to the Board for a Special Use Permit or Variance may be made by any person. Such application shall be made by filing with the secretary of the Board a written notice specifying the grounds therefore. The secretary shall publish notice of the application in a paper of general circulation in the City.

Sec. 29.1404. DEPARTMENT OF PLANNING AND HOUSING.

The Department of Planning and Housing provides technical support to the City Council, the Planning and Zoning Commission, and the Zoning Board of Adjustment. The Department is responsible for the administration of the zoning and subdivision regulations of the City, including the technical review of site plans, plats of subdivision and other land development requests submitted to the City. Department staff is responsible for the intake, distribution, review, coordination and communication to applicants seeking a decision on a development request in the City. Department staff is authorized by the Zoning Ordinance in specific instances to review and approve site plans and Zoning Permits.

Sec. 29.1405. ZONING ENFORCEMENT OFFICER.

(1) This Ordinance shall be enforced by a Zoning Enforcement Officer who shall be appointed by the City Manager. The Zoning Enforcement Officer shall be directly responsible to the Fire Chief, but for the purpose of administering the Ordinance, shall consult with the Director of Planning and Housing. The Zoning Enforcement Officer shall carry out duties according to law and under such rules and regulations as the city council may from time to time adopt. The City Manager may designate a person or persons to act as the Interim Zoning Enforcement Officer in the absence of the Zoning Enforcement Officer.

(2) The Zoning Enforcement Officer may cause any building, structure, place or premises to be inspected and examined and to order in writing the remedy of any condition found to exist in violation of any provision of this Ordinance. Any one or more of the owner, agent, lessee, tenant, architect, builder or contractor, as applicable in the context of the violation, of any building or premise or part thereof in which a violation has been committed or exists shall be considered the violator and shall be subject to the penalties set forth in this Ordinance.

ARTICLE 15 PROCEDURES

Sec. 29.1500. GENERAL.

(1) **General.** The requirements of this Section shall apply to all applications.

(a) **Application Forms and Fees.** All applications required by this Article shall be submitted on forms provided by the Department responsible for accepting the application and in such number as required. Applications shall be accompanied by a non-refundable fee as shall be determined from time to time to defray the costs of processing applications. Any application that does not include required information or that is not accompanied by the required fee shall be returned to the applicant as incomplete and no further processing of the application shall occur until the deficiencies are corrected.

(b) A copy of all staff reports regarding any application review must be forwarded to the applicant no fewer than 2 working days prior to a hearing date.

(2) **Notices and Hearings.** The requirements and limitations of this Section shall apply to all hearings and public notices required under this Article.

(a) **Compliance with Notice Requirements.**

(i) Notice under this Ordinance shall be deemed to be complete when there is

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substantial compliance with the applicable notice requirements.

(ii) Minor technical deviations from the requirements shall not be deemed to impair the notice where there is actual notice.

(iii) When required written notices have been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action.

(iv) Requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed.

(v) In the event that questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Article.

(b) **Limitations on Action.** The body holding the hearing may take any action on the application that is consistent with the notice given, including approving the application, approving the application with conditions or denying the application. The reviewing body may impose conditions on the application or allow amendments to the application if the effect of the conditions or the amendments is to allow a less intensive use or Zone than proposed on the application or to reduce the impact of the development or to reduce the amount of land area included in the application. The reviewing body may not approve a greater amount of development, a more intensive use or a more intensive Zone than was indicated in the notice.

(c) **Continuance.** A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Article, provided that the hearing is set for a date and time certain.

(d) **Notices.** The provisions of this Section describe the various types of notices that are required for different types of applications. The actual type of notice required for a given application is specified under the relevant review procedure of this Article.

(i) **Mailed Notice.** Notice required pursuant to this Section shall be mailed in such a manner as objectively to prove such a mailing to surrounding property owners based on ownership information generated by the Department, as derived from information available in the office of the County Recorder and Auditor of Story County, Iowa. The notice shall indicate the time and place of the public hearing and provide a general description of the application. The minimum required radius of notification shall be 200 feet from the subject property. Notice shall be given not more than 20 days nor less than 4 days prior to the meeting or hearing, except as otherwise prescribed by statute.

(ii) **Published Notice.** Notice required pursuant to this Section shall be published in a newspaper of general circulation, as defined in Section 362.3(1) and Section 414.4 of the Iowa Code. The notice shall indicate the time and place of the public hearing and provide a general description of the application. If the application affects specific property, that property shall be designated by legal description or by a general description sufficient to identify it. If a general description is used, the notice shall include a statement indicating where the complete legal description may be found. Notice shall be given not more than 20 days nor less than 4 days prior to the meeting or hearing, except pursuant to the requirements in Section 29.1506(4) of this Ordinance or as otherwise prescribed by statute.

(iii) **Posted Notice.** Notice required pursuant to this Section shall be posted by the City on signs posted on the subject property. One sign shall be posted for each public street frontage. Required signs shall be posted along the perimeter of the subject property in locations that are highly visible from adjacent public streets not less than 7 days prior to the meeting or hearing, unless otherwise prescribed by statute.

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Sec. 29.1501. BUILDING/ZONING PERMIT.

(1) Permit Required.

(a) No Building/Zoning Permit shall be issued by the Building Official for any building, building addition, structure or structural alteration, and no building or structure shall be erected, added to, or structurally altered, and no change of use shall be permitted or established unless and until the Zoning Enforcement Officer certifies that such building structure or use is in conformity with this Ordinance or is a valid nonconforming use.

(b) No Building/Zoning Permit shall be issued for any building, structure or use that requires Site Development Plan review or Special Use Permit approval under this Ordinance without the prior approval of said Site Development Plan or issuance of said Special Use Permit.

(c) A Building/Zoning Permit shall be revoked if there are any substantial changes or alterations to the plot plan, building plans and/or other supporting application documents after the issuance of the permit.

(2) Submission Requirements.

(a) Exhibits. An application for Building/Zoning Permit approval, filed in accordance with Section 29.1500(1)(b), shall be accompanied by such information and exhibits as are required herein and such additional information as may be requested by the Zoning Enforcement Officer in order that the proposal may be interpreted adequately and evaluated as to its conformity with the intent and provisions of the Ordinance.

(b) Plot Plan. The applicant shall provide 2 copies of a plot plan drawn to scale on a sheet not to exceed 24" x 36" showing:

- (i) Legal description and street address of the property;
- (ii) Dimensions of the present lot and lot area;
- (iii) Size and location of all existing and proposed buildings, additions, structures and uses; and
- (iv) Dimensions relating the existing and proposed buildings, additions and structures to the lot boundaries.

(c) Building Plan. The applicant shall provide 2 copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed 1" = 8 feet, showing:

- (i) Name of applicant and name of the owner of record;
- (ii) Legal description and street address of property;
- (iii) Numerical scale and date;
- (iv) All exterior wall elevations, indicating floor heights, overall building height and fenestration; and
- (v) Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

(d) Deletion or Modification of Submission Requirements. The Zoning Enforcement Officer may delete or modify any requirements for a Building/Zoning Permit specified in Section 29.1501(2) of this Ordinance, provided the Zoning Enforcement Officer documents in writing that any such requirement is inappropriate to the particular application and that the deletion or modification of such requirement will not impair or prejudice the Zoning Enforcement Officer's determination as to the application's conformity to the Ordinance.

(3) Procedures.

(a) Expiration, Extension of Building/Zoning Permits.

(i) Any Building/Zoning Permit under which no construction work or use has been commenced within one year after the date of issue or under which the proposed construction, reconstruction or alteration has not been completed within 2 years of the date of issue, shall expire by limitation; and no work or operation shall take place under such permit after such expiration.

(ii) A Building/Zoning Permit may be renewed for one additional year, provided the renewal is obtained before the expiration of the first permit and a substantial amount of work on the project has been done. Substantial work shall be deemed to mean at least the subsurface utility facilities, drainage structures and a complete building foundation with a certified "as-built" plot plan, where applicable.

(iii) An expired Building/Zoning Permit shall be considered null and void. Any further renewal will require a new application or a new Building/Zoning Permit and other necessary approvals as applicable.

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(b) **Issuance of Building/Zoning Permit.** If after a review of the Plot Plan, the Zoning Enforcement Officer finds that the Plot Plan complies with all provisions of the Zoning Ordinance and all other applicable codes, the Zoning Enforcement Officer shall, upon payment of the required fee, issue a Building/Zoning Permit therefore.

(c) **Refusal of Building/Zoning Permit.** If after a review of the Plot Plan the Zoning Enforcement Officer finds that the Plot Plan does not comply with all provisions of the Zoning Ordinance and all other applicable codes, the Zoning Enforcement Officer shall furnish the applicant with a signed statement refusing to issue such permit and setting forth reasons for such refusal. The refusal by the Zoning Enforcement Officer may be appealed by the applicant to the Zoning Board of Adjustment.

(4) **Record-Keeping.** The Zoning Enforcement Officer shall keep a record of all zoning applications filed, Building/Zoning Permits issued or refused and, if refused and appealed, the final action thereon. The Zoning Enforcement Officer shall keep a record of all permit fees collected and shall remit the amount of such fees to the office of the Director of Finance at such intervals as the Director shall require.

Sec. 29.1502. SITE DEVELOPMENT PLAN REVIEW.

(1) **Purpose.** This Section is intended to:

- (a) Plan for and review proposed development or redevelopment of property;
- (b) Provide approval procedures for all types of Site Development Plans;
- (c) Insure the orderly and harmonious development of property;
- (d) Promote the most beneficial relationship between uses of land;
- (e) Provide for orderly and efficient circulation of traffic within the development and throughout the City;
- (f) Insure that the proposed development or redevelopment is within the capacity limitations of public facilities and services;
- (g) Insure adequate provision for surface and subsurface drainage; and
- (h) Provide for suitable screening of parking, truck loading, refuse disposal, and outdoor storage from adjacent property.

(2) **General Requirements for Site Plan Review.**

(a) **Issuance of Permits.** All Site Development Plans shall be submitted, reviewed and approved prior to the issuance of a Building/Zoning Permit for the development or redevelopment of any lot, tract or parcel of land in any of the Zones.

(b) **Exceptions.** No Site Development Plan shall be required for the development or redevelopment of a single-family dwelling or a two-family dwelling in any Zone, or for a project that meets the following conditions:

- (i) The development or redevelopment does not require the provision of any additional parking spaces;
- (ii) The development or redevelopment does not increase the rate of storm water runoff as determined by the City Public Works Department; and
- (iii) The development or redevelopment does not exceed 150 square feet of area, as calculated from the exterior dimension of the structure.

The exceptions stated above shall meet the submittal requirements in Section 29.1501(2).

(c) **Number of Copies.** An application for Site Development Plan approval, filed in accordance with Section 29.1502, shall be accompanied by the following:

- (i) 7 copies of Minor Site Development Plans; or
- (ii) 7 copies of Major Site Development Plans and one (1) reduced copy of the Major Site Development Plan no larger than 11" x 17".

(d) **Submission Requirements.**

(i) **Site Plan.** The applicant shall provide copies of a site plan, in such number as required by Section 29.1502(2)(c), drawn to scale on a sheet not to exceed 24" x 36" prepared by a Civil Engineer, a Land Surveyor or a Landscape Architect, and certified as "substantially correct" by a Professional Engineer or Land Surveyor, licensed by the State of Iowa, showing the following information as of the date of application:

- a. Name of applicant and name or owner of record;
- b. Legal description and street address of property;
- c. North point, graphic scale and date with the graphic scale. The scale shall

be not less than 1" to 10' and no greater than 1" to 60' unless an alternate scale is approved by the Director of the Department of Planning & Housing;

- d. Dimensions of the present lot and lot area;
 - e. Size and location of all existing and proposed buildings, additions, structures, and uses;
 - f. Dimensions of all setbacks to the property lines observed by buildings and structures;
 - g. Location and dimensions of parking areas, individual parking spaces and drive aisles, driveways, curb cuts, easements and rights-of-way;
 - h. Location and size of sanitary sewer mains and service lines or septic tank, and leaching field;
 - i. Location and size of water mains, service lines and hydrants and/or water well;
 - j. Location and size of the proposed electrical service (electrical riser diagram) and location of high pressure gas lines and high tension transmission lines;
 - k. Location of waterbodies, watercourses, swamps and flood-prone areas with delineated channel encroachment lines, wetland boundary lines, 100-year flood plain boundary line, and floodway boundary line;
 - l. Location of all storm drainage facilities on the property and adjacent to the property;
 - m. When an application pertains to any new permanent detached building or structure (principal or accessory), include existing and proposed contours at 2 foot intervals based on City datum;
 - n. When an application is located in a flood-prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation;
 - o. When an application for development involves .5 acres or more of cumulative disturbed area(s), a Sediment and Erosion Control Plan shall be submitted. However, such a Plan may be required for applications with disturbed land of less than .5 acres, if deemed necessary by the Planning Director;
 - p. Storm water management plan;
 - q. A landscape plan, showing location of plants, and a plant list to include: plant species, number of each plant, and plant size; and
 - r. Soils tests, traffic impact studies, utility capacity analysis, and other similar information if deemed necessary by the Department of Planning and Housing to determine the feasibility of the proposed development.
 - s. For Village Residential projects, Suburban Residential projects, or Planned Residence District projects that are to develop in phases, the applicant shall provide a phasing plan indicating areas to be developed in each phase and the time frame for the development of each phase.
- (ii) Building Plan. The applicant shall provide 2 copies of architectural drawings of all new building or structures, or alterations, at a scale not to exceed 1" = 8 feet, showing the following information:
- a. Name of applicant and name of the owner of record;
 - b. Legal description and street address of property;
 - c. Numerical scale and date;
 - d. All exterior wall elevations, indicating floor heights, overall building height an fenestration; and
 - e. Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

(3) **Procedures for Approval of a Minor Site Development Plan.** For all uses listed in Article 6 through Article 10 that require a minor site plan approval by staff, the Planning Director or designee shall review applications for development and issue a Certificate of Compliance certifying that the Minor Site Development Plan conforms with this Ordinance. Upon receipt of such a Certificate, the Zoning Enforcement Office shall issue a Building/Zoning Permit.

- (a) Applications for a Certificate of Compliance shall be submitted to the Planning Director;
- (b) The Planning Director shall prescribe the forms on which applications are made.

Applications shall include the name and address of the applicant, the name and address of the owner of each lot involved, and the relationship of the applicant and property owner in connection with the application. If the applicant or property owner listed on an application for a Certificate of Compliance is an entity other than a natural person, the application shall also include detailed information regarding the principals of the entity. The Planning Director shall prescribe any other material that may reasonably be required to determine compliance with this Ordinance, with sufficient copies for necessary referrals and records.

(c) No application shall be accepted by the Planning Director unless it complies with the submittal requirement as set forth in Section 29.1502(2). Applications that are not complete shall be returned to the applicant, with a notation of the deficiencies in the application.

(d) Where an Engineering Construction Permit, Building/Zoning Permit, or Sign Permit is required, applications for such permits may be made concurrently with the application for a Certificate of Compliance.

(e) Upon receipt of a complete application, the Planning Director shall forward copies to the Development Review Committee for a determination of compliance with applicable provisions of this chapter.

(f) **Design Standards.** When acting upon an application for minor site plan approval, the Planning Director shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary for fulfillment of the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

(i) The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property;

(ii) The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical and other utility lines within the capacity limits of those utility lines;

(iii) The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety;

(iv) The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property;

(v) Natural topographic and landscape features of the site shall be incorporated into the development design;

(vi) The design of interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property;

(vii) The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property;

(viii) The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement;

(ix) Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets;

(x) The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations; and

(xi) Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

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(g) Planning Director Decision. Final action by the Planning Director or designee on an application shall be based solely on findings as to compliance with all applicable provisions of this Ordinance and shall be one of the following:

- (i) Approval;
- (ii) Approval subject to conditions; or
- (iii) Denial.

The Planning Director may impose such reasonable conditions on an approval as are necessary to ensure compliance with applicable regulations.

Final action by the Planning Director shall be taken within 30 days of the filing of an application or within such further time consented to by written notice from the applicant.

(h) Applicant's Appeal of Conditions. An applicant may appeal any conditional approval to City Council upon written notice to the Planning Director.

(i) Other Approvals. In conjunction with Minor Site Development Plan approvals, the applicant shall obtain and submit all other approvals, in writing, required by any other local, state or federal agency. Such prior approvals include:

- (i) Variance from Zoning Board of Adjustment;
- (ii) Curb cut;
- (iii) Flood Plain Development Permit;
- (iv) Historic Preservation Commission Approval;
- (v) Iowa Department of Transportation Permit(s); and
- (vi) Sediment & Erosion Control Plan Approvals.

All such approvals shall be duly noted on a copy of the site plan and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approval official, as applicable.

(4) Major Site Development Plan Review

(a) When Applicable. Major Site Development Plans are required for all development or redevelopment of any lot, track, or parcel of land not otherwise qualifying for Minor Site Development Plan Review.

(b) Submission Requirements.

(i) Site Plan. The applicant shall provide copies of a site plan, in such number as required by Section 29.1502(2).

(c) Procedures for Approval of a Major Site Development Plan. The City Council shall review applications for development and issue a Certificate of Approval certifying that the Major Site Development Plan conforms with this Ordinance. Upon receipt of such a Certificate, the Zoning Enforcement Officer shall issue a Building/Zoning Permit.

(i) Applications for Major Site Development Plan approvals shall be submitted to the Planning Director.

(ii) The Planning Director shall prescribe the forms on which applications are made. Applications shall include the name and address of the applicant, the name and address of the owner of each lot involved, and the relationship of the applicant and property owner in connection with the application. If the applicant or property owner listed on the application is an entity other than a natural person, the application shall also include detailed information regarding the principals of the entity. The Planning Director shall prescribe any other material that may reasonably be required to determine compliance with this Ordinance, with sufficient copies for necessary referrals and records.

(iii) No application shall be accepted by the Planning Director unless it complies with the submittal requirements set forth in Section 29.1502(4)(b). Applications that are not complete shall be returned to the applicant, with a notation of the deficiencies in the application.

(iv) Where an Engineering Construction Permit, Building/Zoning Permit, or Sign Permit is required, applications for such permits may be made concurrently with the application for a Major Site Development Plan approval.

(v) **Development Review Committee.** Upon receipt of a complete application the Planning Director shall forward copies to the Development Review Committee for a determination of compliance with applicable provisions of this Chapter. Upon its review the Development Review Committee shall forward the application and its recommendations to the Planning and Zoning Commission.

(vi) **Planning and Zoning Commission.** Commission review shall not be concluded until consideration is given to comments at a public hearing, which may be scheduled as part of the regularly scheduled meeting. Notification of the public hearing shall be made by mail and posting in accordance with Sections 29.1500(2)(d)(i) and (iii) above. Within 30 days of the hearing the Planning and Zoning Commission shall submit the written recommendation to the City Council setting forth the reasons for its recommendation of acceptance, denial or modification of the application.

(vii) **City Council Decision.** After the transmittal of the recommendation from the Planning and Zoning Commission, the City Council shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail and posting, in accordance with Sections 29.1500(2)(d)(i) and (iii) above. The City Council must approve, deny or modify the Major Site Development Plan approval application within 60 days of the public hearing.

(d) **Design Standards.** When acting upon an application for a major site plan approval, the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

(i) The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property;

(ii) The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical and other utility lines within the capacity limits of those utility lines;

(iii) The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety;

(iv) The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property;

(v) Natural topographic and landscape features of the site shall be incorporated into the development design;

(vi) The design of interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property;

(vii) The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property;

(viii) The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement;

(ix) Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets;

(x) The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations; and

(xi) Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

(e) **Other Approvals.** In conjunction with Major Site Development Plan approvals, the applicant shall obtain and submit all other approvals, in writing, required by any other local, state or federal agency. Such prior approvals include:

(i) Variance from Zoning Board of Adjustment;

(ii) Curb cut permit;

(iii) Flood plain development permit;

(iv) Historic Preservation Commission Approval;

(v) Iowa Department of Transportation Permits; and

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(vi) Sediment and Erosion Control Plan Approvals.

All such approvals shall be duly noted on a copy of the site plan and/or building plan, as applicable. Any such plan shall include the date of approval and signature of the approving official, as applicable.

Sec. 29.1503. SPECIAL USE PERMIT.

(1) **Purpose.** This Section is intended to provide a set of procedures and standards for specified uses of land or structures that will allow practical latitude for the investor or developer, but that will, at the same time, maintain sound provisions for the protection of the health, safety, convenience and general welfare. This Section permits detailed review of certain types of land use activities that, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structural uses possessing these characteristics may be authorized within designated Zones by the issuance of a Special Use Permit. This Section also provides for the use of Single Family Dwellings, Two Family Dwellings, and Single Family Attached Dwellings by a Functional Family.

(2) **Submission Requirements.** An application for a Special Use Permit, filed in accordance with Section 29.1503, shall be accompanied by:

(a) A statement of supporting evidence that the general and specific standards as delineated in this Article will be fulfilled;

(b) A Site Plan meeting all the submittal requirements stated in Section 29.1502(2); and

(c) Preliminary plans and specifications for all construction, as applicable.

(3) **Procedure for Special Use Permits and Exceptions.**

(a) **Planning and Zoning Commission.** The application, along with all required data, shall be transmitted to the Planning and Zoning Commission for review and recommendation. Such review by the Commission shall not be concluded until consideration is given to comments at a public hearing that may be part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii), and (iii) above. Within 30 days of the hearing, the Planning and Zoning Commission shall submit a written recommendation to the Zoning Board of Adjustment setting forth the reasons for its recommendation of acceptance, denial, or modification of the application.

(b) **Zoning Board of Adjustment.** After the transmittal of the recommendation from the Planning and Zoning Commission, the Zoning Board of Adjustment shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. The Zoning Board of Adjustment must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing.

(4) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (2) and (3) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.

(a) **General Standards.** The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;

(ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

(iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;

(iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, and/or schools;

(v) Not create excessive additional requirements at public cost for public facilities and services;

(vi) Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

(vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

(b) Residential Zone Standards. The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Not create excessively higher levels of traffic than the predominate pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;

(ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;

(iii) Not generate truck trips by trucks over 26,000 g.v.w. (gross vehicle weight) to and from the site except for waste collection vehicles and moving vans;

(iv) Not have noticeably different and disruptive hours of operation;

(v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;

(vi) Be compatible in terms of structure placement, height, orientation or scale with the predominate building pattern in the area;

(vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and

(viii) Be consistent with all other applicable standards in the zone.

(c) Commercial Standards. The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use located in a commercial zone meets the following standards as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be compatible with the potential commercial development and use of property planned to occur in area;

(ii) Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit; and

(iii) Be consistent with all other applicable standards in the zone.

(d) Special Use Permits for Functional Families.

(i) Purpose. This Section is to provide for the regulation of Functional Families that may request to reside in a Single Family Dwelling, Two Family Dwelling or Single Family Attached Dwelling. The regulations are also intended to prohibit larger groups of unrelated persons from residing in Single Family Dwellings, Two Family Dwellings, or Single Family Attached Dwellings. Larger groups of unrelated persons have frequently shown to have a detrimental affect on Single Family neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to a neighborhood.

(ii) Standards of Functional Families. The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for a Special Use Permit for a functional family as provided for in this section after having determined that the application meets the following standards:

a. The functional family shares a strong bond or commitment to a single purpose (e.g. religious orders);

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- b. Members of the functional family are not legally dependent on others not part of the functional family;
- c. Can establish legal domicile as defined by Iowa law;
- d. Share a single household budget;
- e. Prepare food and eat together regularly;
- f. Share in the work to maintain the premises; and
- g. Legally share in the ownership or possession of the premises.

(e) **Conditions.** The Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed.

(5) **Lapse of Approval.** All Special Use Permits shall lapse 12 months after the date of issuance unless the use is undertaken or a building permit has been issued and actual construction started. Where unusual circumstances may prevent compliance with this time requirement, the Zoning Board of Adjustment may, upon written request by the affected permittee, extend the time for required start of construction an additional 60 days. Excavation shall not be considered construction for the purpose of enforcing this Section.

(6) **Successive Applications.** In the event that the Board denies an application for a Special Use Permit, a similar application shall not be refiled for 12 months from the advertised public hearing date. The Board, on petition by the applicant, may permit a refiling of this application after 6 months from the original hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning ordinance text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a detailed statement setting out those changes that he or she deems significant or upon which he or she relies for refiling the original application.

Sec. 29.1504. VARIANCE.

(1) **Purpose.** This Section is intended to allow for variances from the terms of this Ordinance pursuant to Section 414.12 of the Iowa Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

(2) **Submittal Requirements.** An application for a variance, filed in accordance with Section 29.1500(1)(b), shall include the following:

- (a) The specific provision of this Ordinance from which the variance is sought;
- (b) The justification for the variance in light of the standards set forth in this Section; and
- (c) How the granting of the requested variance relates to the intent and purposes of this Ordinance and the Land Use Policy Plan.

(d) Any pending Site Development Plan to which the proposed variance is related.

(3) **Procedure.** Review of an application for variance shall be conducted by the Zoning Board of Adjustment and shall be in accordance with the following:

(a) **Application Review.** The Zoning Board of Adjustment shall review applications so submitted at its next regularly scheduled meeting following submittal. Applications must be submitted at least 14 days prior to the regularly scheduled meeting of the Board in order to be received at said meeting. Upon review of the application, the Board shall either accept the same as complete or return an incomplete application to the applicant with an explanation of the submittal requirements not met.

(b) **Public Hearing Required.** Prior to disposition of an application for a variance, the Zoning Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be by mail, in accordance with Section 29.1500(2)(d)(i) above, except that at least 7 days notice must be given.

(c) **Review and Disposition.**

(i) The Zoning Board of Adjustment shall act upon all applications for a variance in accordance with the requirements set forth in the Iowa Code.

(ii) In granting any variance, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards to promote the purposes and protect the integrity of this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

(4) **Standards.** Pursuant to Iowa law, a variance shall be granted only if all of the following standards are satisfied:

- (a) That granting the variance shall not be contrary to the public interest;
- (b) That without grant of the variance, and due to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship. Unnecessary hardship exists when:
 - (i) the land in question cannot yield a reasonable return if used only for a purpose allowed in the zone;
 - (ii) the plight of the owners is due to unique circumstances and not to the general conditions of the neighborhood;
 - (iii) the use to be authorized by the variance will not alter the essential character of the locality;
- (c) The spirit of the ordinance shall be observed even when the variance is granted;
- (d) Substantial justice shall be done as a result of granting the variance.

(5) **Application After Denial.** Once an application for a variance is denied by the Zoning Board of Adjustment, the Board may decline to consider an application that is substantially the same for a period of 12 months after a decision by the Board or court on the earlier application.

Sec. 29.1505. REQUESTS FOR REASONABLE ACCOMMODATION.

(1) **Purpose.** It is the policy of the City to provide Reasonable Accommodation for handicapped persons seeking fair access to housing in the application of its zoning laws. The purpose of this Section is to provide a process for making a Request for Reasonable Accommodation.

(2) **Request Application.**

(a) Any person who requires Reasonable Accommodation, because of a handicap, in the application of a zoning law that may be acting as a barrier to fair housing opportunities may apply to the Zoning Board of Adjustment for an exception on a form to be provided by the Department of Planning and Housing.

(b) If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the Request for Reasonable Accommodation together with the application for such permit or approval.

(3) **Required Information.** The applicant shall provide the following:

- (a) The applicant's name, address and telephone number;
- (b) Address of the property for which the request is being made;
- (c) The present actual use of the property;
- (d) The zoning ordinance provision, regulation or policy from which accommodation is being requested; and
- (e) The factual basis for the need for the accommodation, including a description of the person's handicap and a physical description of the property.

(4) **Notice for Request for Accommodation.** Written notice that a Request for Reasonable Accommodation shall be given as follows:

(a) In the event that there is no approval sought other than the Request for Reasonable Accommodation, the notice shall be mailed to the owners of record of all properties that are immediately adjacent to the property that is the subject of the Request.

(b) In the event that the Request is being made in conjunction with some other process, the notice shall be transmitted along with the notice of the other proceeding.

(c) Notice that such a request has been made shall be made by posting, in accordance with Section 29.1500(2)(d)(iii) above.

(5) **Grounds for Accommodation.** In making a determination regarding the reasonableness of a Requested Accommodation, the following factors shall be considered by the Zoning Board of Adjustment:

- (a) Special needs created by the handicap;
- (b) Potential benefit that can be accomplished by the requested modification;
- (c) Potential impact on surrounding uses;
- (d) Physical attributes of the property and structures;
- (e) Alternative accommodations that may provide an equivalent level of benefit; and
- (f) In the case of a determination involving a Single Family Dwelling, whether the household

would be considered a Single Housekeeping Unit if it were not using special services that are required because of the handicaps of the residents.

Sec. 29.1506. ZONING TEXT AND MAP AMENDMENTS.

(1) **Authorization.** The City Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings, and after a report by the Planning and Zoning Commission, or after 30 days written notice to said Commission, amend, supplement or change the regulations, districts, or Official Zoning Map herein or subsequently established.

(2) **Petition for Amendment.** Whenever the owners of 50% or more of the area of the lots in any district or part thereof desire amendment, supplement or change in any of the provisions of this Ordinance applicable to such area, they may file an application in the Department of Planning and Housing requesting City Council to make such amendment, supplement or change. Such application shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement, or change, together with the boundaries of said area, and the names and addresses of all the owners of record in the Office of the County Recorder and Auditor of Story County, Iowa, of lots therein and within a distance of 200 feet from the boundaries of said area. Such application shall be transmitted immediately to the Planning and Zoning Commission for an investigation and report. The Planning and Zoning Commission shall file its recommendations approving, disapproving or modifying the proposed amendment, supplement or change with City Council within 90 days thereafter.

(3) **Conditions.** Council may impose reasonable conditions on map amendments in accordance with Section 414.5 of the Iowa Code.

(4) **Notice.**

(a) **Map.** Notice of a map change shall be made by mail, publication and posting, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(b) **Text.** Notice of a text change shall be made by publication in accordance with Section 29.1500(2)(d)(ii) above, except that at least 7 days notice must be given. In no case shall the public hearing be held earlier than the next regularly-scheduled City Council meeting following the notice.

(5) **Vote Required When Amendment Protested.** If a written protest against any proposed amendment, supplement or change has been filed with the City Clerk, signed by the owners of 20% or more of the area of the lots included in the proposed amendment, supplement or change or by the owners of 20% or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least 3/4 of all members of the City Council.

(6) **Renewal of Petition After Denial.** Whenever a petition requesting an amendment, supplement, or change of any regulation prescribed by this Ordinance has been denied by the City Council, such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least 50% of the property owners who previously objected to the change. This provision, however, shall not prevent City Council from acting on its own initiative in any case or at any time as provided in this Section.

(7) **Processing Time.**

(a) **Rezoning proposals referred by the City Council to the Planning and Zoning Commission shall be acted upon and returned to the Council not more than 90 days thereafter unless time extensions are specifically requested by the applicant.**

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(b) Failure of the Planning and Zoning Commission to render a decision within the time specified will be deemed approval of the application as submitted.

Sec. 29.1507. APPEALS.

(1) **Appeals from Decisions of the Zoning Enforcement Officer.** Appeals to the Zoning Board of Adjustment of zoning enforcement decisions may be taken in accordance with Section 414.12 of the Iowa Code. The final disposition of any appeal to the Zoning Board of Adjustment shall be in the form of a written decision by the Board signed by the chairperson or acting chairperson, either reversing, modifying, or affirming the decision or determination appealed from. A copy of such decision shall be filed with the Zoning Enforcement Officer.

(2) **Appeals from Decisions of the Zoning Board of Adjustment.** Appeals to the court may be taken by any party aggrieved by a decision of the Zoning Board of Adjustment in accordance with Section 414.15 of the Iowa Code.

(3) **Appeals from Decisions of City Council.** These appeals shall be taken in accordance with Iowa Law.

**ARTICLE 16
ENFORCEMENT**

Sec. 29.1600. AUTHORITY.

This Ordinance shall be enforced by the Zoning Enforcement Officer or such other officer of the City as may from time to time be designated by the City Manager.

Sec. 29.1601. ISSUANCE OF PERMITS.

No person in the employ of the City or acting on behalf of the City shall issue any Building Permit, grant any Occupancy Permit or otherwise allow a building or use that would violate the provisions of this Ordinance. Any permit issued upon a false statement of fact that is material to the issuance of such permit shall be void.

Sec. 29.1602. TYPES OF VIOLATIONS.

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by Iowa law:

(1) **Without Permits.** To engage in any development, use, construction, remodeling or other activity of any nature that is subject to the provisions of this Ordinance without all of the required permits, approvals, certificates and other forms of authorization required by this Ordinance in order to conduct or engage in such activity;

(2) **Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms, conditions, or qualifications of any permit, approval, certificate or other form of authorization required in order to engage in such activity;

(3) **Inconsistent with Ordinance.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land in violation or contravention of any regulation of this Ordinance;

(4) **Making Lot or Setback Noncomplying.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance;

(5) **Increasing Intensity of Use.** To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Ordinance;

(6) **Removing, Defacing, Obscuring Notice.** To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance; and

(7) **Continuing Violation.** To continue any of the above violations.

Sec. 29.1603. REMEDIES.

The City shall have the following remedies and enforcement powers, which shall be cumulative and are not exclusive of any other remedy available at law or in equity:

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(1) **Withhold Permits.** The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, the Planning & Zoning Commission or the Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this Section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

(2) **Revoke Permits.** Any permit may be revoked when the Zoning Enforcement Officer determines that any of the following conditions exist:

(a) That there is departure from the plans, specifications, or conditions that apply to the permit;
(b) That the same was procured by false representation or was issued by mistake; or
(c) That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no construction shall proceed.

(3) **Stop Work.** With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the City Building Code.

(4) **Revoke Plan or Other Approvals.** Where the violation involves a failure to comply with approved plans or conditions to which the approval was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as may reasonably be imposed.

(5) **Injunctive Relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance, pursuant to Iowa Code §414.20.

(6) **Abatement.** The City may file an action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation, pursuant to Iowa Code §414.20.

(7) **Civil Penalties.** A violation of any provision of chapter 29, Zoning, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

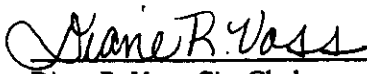
(8) **Other Remedies.** The City shall have such other remedies as are and as may be from time to time prescribed by Iowa law."

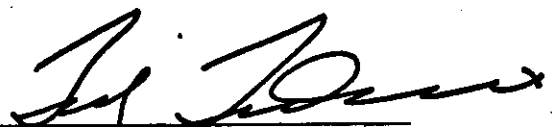
Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable by a penalty of \$500 for a first violation, and \$750 for each repeat violation.

Section Three. Ordinance No. 3532 and all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. After passage and publication as required by law, the effective date of this ordinance shall be that same date that is the effective date of a separate and specific ordinance hereafter first enacted by the Ames City Council to establish a new Official Zoning Map for the City of Ames, Iowa.

Passed this 25th day of April, 2000.


Diane R. Voss, City Clerk
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Ted Tedesco, Mayor

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City Clerk's Office

515 Clark Avenue, P. O. Box 811
Ames, IA 50010
Phone: 515-239-5105
Fax: 515-239-5142

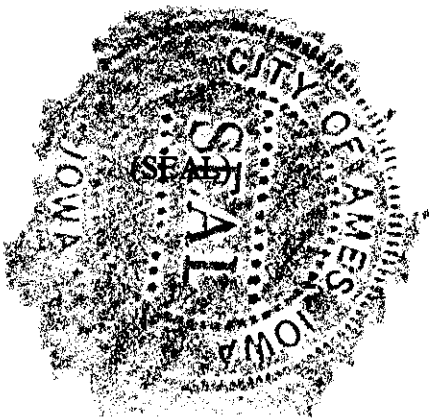
May 2, 2000

**STATE OF IOWA
COUNTY OF STORY
CITY OF AMES**

I, Diane R. Voss, being the duly appointed City Clerk of the City of Ames, Iowa, do hereby certify that the above and foregoing Ordinance No. 3557 is a true and accurate copy of the said Ordinance, and that the said Ordinance was passed and adopted by the City Council of the City of Ames, Iowa, at a duly called meeting thereof on the 25th day of April, 2000.



Diane R. Voss, City Clerk



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