

CHAPTER 167

ZONING ORDINANCE – DISTRICT REGULATIONS

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167.01 A-1 DISTRICT REGULATIONS. The district regulations for the A-1 Agricultural District are as follows:

1. Purpose.
 - A. To protect the floodway from development;
 - B. To foster an orderly development pattern and to limit leapfrog development. These areas outside the floodway will be rezoned for other uses only at the time when the City can effectively provide municipal services.
2. Permitted Uses. The following uses are permitted:
 - A. Agricultural land uses;
 - B. Farmstead residences, on ten or more acres;
 - C. Forestry and nurseries;
 - D. Telephone and power transmission lines and necessary appurtenant structures;
 - E. Public parks and recreation open space;
 - F. Mining and extractions;
 - G. Home occupations as regulated in Section 165.16 of this Zoning Ordinance;
 - H. Accessory uses and buildings incidental to the above uses;
 - I. Private recreational camps, golf courses, recreational vehicle parks and other recreational facilities (permitted only through granting of conditional use);
 - J. Kennels (permitted only through granting of conditional use).
3. Building Height. The maximum height of buildings allowed: 25 feet or 2½ stories.
4. Lot Sizes. All permitted uses shall be located on a lot not less than one acre in size.
5. Yard Areas. All permitted uses:
 - A. Front yard – Minimum 50 feet;
 - B. Side yard – Minimum 15 feet;

- C. Rear yard – Minimum 50 feet.

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167.02 R-1 DISTRICT REGULATIONS. The district regulations for the R-1 One-Family Dwelling District are as follows:

1. Permitted Uses. The following uses are permitted:
 - A. One-family detached dwellings;
 - B. Parks, forest preserves and recreational areas, when publicly owned and operated;
 - C. Home occupations;
 - D. A temporary real estate office in conjunction with a new housing development, limited to the selling or renting of new units in such developments and in no case to be in operation for more than one year following completion of construction of said housing development;
 - E. Permitted accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 168 of this Zoning Ordinance;
 - F. Planned developments, residential, as defined herein;
 - G. Schools, public denominational or private, elementary and high, including playgrounds and athletic fields auxiliary thereto;
 - H. Churches, rectories, seminaries, convents, monasteries and similar religious institutions, including dormitories and other accessory uses required for operation;
 - I. Temporary buildings for construction purposes for a period not to exceed the completion date of such construction;
 - J. Signs, subject to the provisions of Section 169.02 of this Zoning Ordinance;
 - K. The following transitional uses, where the side of the zoning lot abuts upon the side or rear of a railroad right-of-way or a zoning lot in a business or manufacturing district or is separated only by an alley, provided such transitional use does not extend more than 100 feet from the boundary of the business or manufacturing district which it adjoins, and provided the location and proposed development are first approved by the Commission after public hearing:
 - (1) Two-family dwellings with the same lot area requirements as in the R-3 General Residence District;
 - (2) Principal offices of professional persons for practice of medicine, dentistry, law, architecture and engineering, provided that each such office is situated in the same dwelling unit as the home of the occupant, with not more than two persons other than members of the occupant's immediate family being employed and provided further that the residential character of the exterior of the dwelling is maintained;
 - (3) Public parking area, when located and developed as required in Chapter 168 hereof;

L. Bed and breakfast inns, as long as they comply with the following restrictions:

- (1) There shall be no more than four guest rooms per structure.
- (2) Meals shall be served only to residents and overnights guests. The structure shall remain a residential structure, i.e., the kitchen shall not normally be remodeled into a commercial kitchen.
- (3) One non-illuminated sign may be erected on the property and shall be limited in size as specified in Chapter 169 hereof. The sign shall complement the nature of the use.
- (4) The owner is required to occupy the property.
- (5) Off-street parking ratio shall be one space per guest room and one space for the owners.
- (6) No receptions, private parties, etc., for fee, shall be permitted.
- (7) Short-term overnight lodging may be provided; monthly rentals shall not be permitted.

M. Day nursery, nursery schools and day care center, provided that such use will not adversely affect surrounding properties; that all necessary precautions and safeguards be taken to minimize the nonresidential character, traffic, parking and noise of the use, and that two off-street parking spaces plus one space per employee be provided. A day nursery, nursery school or day care center shall only be permitted through the granting of a conditional use. Parking regulations are not required if the use qualifies as a home occupation.

N. Nursing Homes and Retirement Communities.

2. Building Height. The maximum height of buildings permitted shall be as follows:

- A. One-family detached dwellings – 25 feet or 2½ stories;
- B. Churches – 45 feet for the main structure and 75 feet for towers or steeples;

3. Lot Sizes:

A. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 9,000 square feet, and a width at the established building line of not less than 80 feet.

B. All nonresidential principal uses of buildings as permitted in this section shall be located on a tract of land having an area of not less than 15,000 square feet, with a minimum width of 100 feet at the building line and shall be served by an approved system of water and sanitary sewer facilities.

4. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.

- A. Front Yard. A front yard of not less than 25 feet.

B. Side Yard. On each lot upon which a dwelling is constructed there shall be a side yard on each side of not less than 6½ feet. On corner lots there shall be maintained a side yard of not less than 15 feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage, and in the case of a reversed corner lot there shall be maintained a setback from the side street of not less than 75 percent of the front yard required on the lots in the rear of such corner lot, but such setback need not exceed 25 feet. No accessory building on said reversed corner lot shall project beyond the front yard required on the adjacent lot to the rear, nor be located nearer than five feet to the side lot line of said adjacent lot. On lots upon which a nonresidential use is erected or enlarged, there shall be a side yard of not less than ten feet on each side of the main structure.

C. Rear Yard. A rear yard of not less than 30 feet. A deck shall be permitted to encroach into a rear yard area, as defined by this Zoning Ordinance, by an additional ten feet, or 33 percent of the rear yard, whichever is less.

5. Lot Coverage. Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

6. Dwelling Standards. All one-family detached dwellings located within R-1 One Family Dwelling Districts shall be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets as commonly used in agricultural buildings is prohibited. Such structures shall be constructed with a roofing material commonly used for residential structures, which shall include asphalt, fiberglass, or steel shingles, shakes or vulcanized rubber. The use of steel or aluminum roofing materials as commonly found in commercial or agricultural structures is prohibited.

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167.03 R-2 DISTRICT REGULATIONS. The district regulations for the R-2 One-Family Dwelling District are as follows:

1. Permitted Uses. Any use permitted in the R-1 One-Family Dwelling District, Section 167.02(1).
2. Building Height. The same regulations shall apply as permitted or required in the R-1 One-Family Dwelling District.
3. Lot Sizes:
 - A. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 7,500 square feet, and a width at the established building line of not less than 70 feet.
 - B. All nonresidential principal uses as permitted in this section shall be located on a tract of land having an area of not less than 10,000 square feet, with a minimum width of 75 feet at the building line.
4. Yard Areas. The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.
5. Lot Coverage. Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.
6. Dwelling Standards. All one-family dwellings located within R-2 One-Family Dwelling Districts shall be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets as commonly used in agricultural buildings is prohibited. Such structures shall be constructed with a roofing material commonly used for residential structures, which shall include asphalt, fiberglass, or steel shingles, shakes or vulcanized rubber. The use of steel or aluminum roofing materials as commonly found in commercial or agricultural structures is prohibited.
7. Signs. The same regulations shall apply as permitted or required in the R-1 One-Family Dwelling District.

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167.04 R-3 DISTRICT REGULATIONS. The district regulations for the R-3 General Residence District are as follows:

1. Permitted Uses. The following uses are permitted:
 - A. Any of the uses permitted in the R-2 One-Family Dwelling District;
 - B. Two-family dwellings;
 - C. Multiple-family dwellings and apartments;
 - D. One-family row dwellings (party-wall) with not more than six dwellings in a row or building;
 - E. Garages for storage of private passenger vehicles and/or recreational vehicles;
 - F. Mobile home parks;
 - G. Undertaking establishments, funeral parlors or mortuaries (permitted only through granting of conditional use per Section 166.09 of this Zoning Ordinance).
 - H. Condominiums. (This term pertains to the ownership of the structure.) For more information, refer to the Code of Iowa Chapter 499B (Horizontal Property Act).
2. Building Height.
 - A. One-family detached dwellings, two-family detached dwellings, and churches (the same regulations shall apply as permitted or required in the R-1 One-Family Dwelling District).
 - B. Multiple-family dwellings, apartments, and one-family row dwellings – 35 feet or 2½ stories.
3. Lot Area Per Dwelling:
 - A. Every one-family detached dwelling hereafter erected shall be located on a lot having an area of not less than 8,000 square feet, and a width at the established building line of not less than 70 feet.
 - B. All two-family dwellings hereafter erected or structurally altered shall be located on a lot having an area of not less than 8,000 square feet, with a minimum width of 70 feet at the building line.
 - C. All structures or buildings containing three or more dwelling units shall provide minimum lot area per dwelling unit as follows:
 - (1) Apartments with 4 or more bedrooms, 2,000 square feet;
 - (2) Apartments with 3 bedrooms, 1,500 square feet;
 - (3) Apartments with 2 bedrooms, 900 square feet;
 - (4) Apartments with 1 bedroom and efficiency apartments, 600 square feet;
 - (5) One-family row dwellings, 2,000 square feet;

- D. Corner and end dwellings shall have not less than 2,500 square feet of lot area, provided, however, that in no event shall the minimum lot area be less than 8,000 square feet and the width at the building line less than 70 feet.
- E. All nonresidential principal uses as permitted in this section shall be located on a lot having an area of not less than 10,000 square feet, with a minimum width at the established building line of not less than 75 feet.
4. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained:
- A. Front Yard. On every zoning lot a front yard shall be provided of not less than 30 feet.
- B. Side Yard. On every zoning lot, side yards shall be provided as follows:
- (1) For one-, two- and multiple-family dwellings, the same regulations shall apply as in the R-2 One-Family Dwelling District.
 - (2) For one-family row dwellings, the same regulations shall govern side yards of multiple-family dwellings, except that there may be not less than 15 feet between the adjacent row buildings.
 - (3) For nonresidential buildings, on a lot improved with a nonresidential building, there shall be a side yard of not less than 12 feet on each side of the main structure and a combined total of side yards of not less than 30 feet.
- C. Rear Yard. In the-R-3 General Residence District there shall be provided and maintained a rear yard of not less than 30 feet. A deck shall be permitted to encroach into a rear yard area, as defined by this Zoning Ordinance, by an additional ten feet, or 33 percent of the rear yard, whichever is less.
5. Lot Coverage. Not more than 35 percent of the lot area may be occupied by buildings and structures, including accessory buildings.
6. Dwelling Standards.
- A. For one-family dwellings, the same regulations shall apply as required in the R-2 One-Family Dwelling District.
- B. Two-family dwelling structures shall have a total floor area of not less than 620 square feet for each dwelling unit, measured from the outside walls, including utility rooms but excluding all other areas not used for living or sleeping purposes.
- C. Multiple-family structures (three or more dwelling units) shall have a total floor area per dwelling unit of not less than:
- (1) Apartments with 4 or more bedrooms, 650 square feet;
 - (2) Apartments with 3 bedrooms, 550 square feet;
 - (3) Apartments with 2 bedrooms, 450 square feet;
 - (4) Apartments with 1 bedroom, 300 square feet;
 - (5) Efficiency apartments, 275 square feet.

- D. All one-family dwellings, two-family dwellings, multiple-family dwellings and apartments located within R-3 General Residence Districts shall be constructed with siding commonly used for residential structures. The use of galvanized steel, painted steel, or aluminum sheets as commonly used in agricultural buildings is prohibited. Such structures shall be constructed with a roofing material commonly used for residential structures, which shall include asphalt, fiberglass, or steel shingles, shakes, or vulcanized rubber. The use of steel or aluminum roofing materials as commonly found in commercial or agricultural structures is prohibited.
7. Signs. The regulations shall apply as required in the R-1 One-Family Dwelling District.

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167.05 R-3C DISTRICT REGULATIONS. The district regulations for the R-3C Condominium District are as follows:

1. Definitions.
 - A. “Condominium” means a form of property ownership in which the homeowner holds title to an individual unit, an undivided interest in common areas of a multi-unit project, and sometimes the exclusive use of certain limited common areas.
 - B. “Low-density” means the construction of four units or less per acre lot.
 - C. “Medium-density” means the construction of nine units or less per acre lot.
 - D. “High-density” means the construction of 10 units or more per acre lot.
2. R-3C Condominium Low-Density District Regulations. The district regulations for the R-3C Condominium Low Density District are as follows:
 - A. Permitted Uses. The following uses are permitted:
 - (1) Condominiums.
 - B. Building Height. The same regulations shall apply as required or permitted in the R-3 General Residence District.
 - C. Lot Area Per Dwelling. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(3)(B) and (C)].
 - D. Yard Areas. The same regulations shall apply as required or permitted in the R-3 General Residence District
 - E. Lot Coverage. The same regulations shall apply as required or permitted in the R-3 General Residence District.
 - F. Dwelling Standards. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(6)(B) and (C)].
 - G. Signs. The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.
3. R-3C Condominium Medium-Density District Regulations. The district regulations for the R-3C Condominium Medium-Density District are as follows:
 - A. Permitted Uses. The following uses are permitted:
 - (1) Condominiums
 - B. Building Height. The same regulations shall apply as required or permitted in the R-3 General Residence District
 - C. Lot Area Per Dwelling. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(3)(B) and (C)].
 - D. Yard Areas. The same regulations shall apply as required or permitted in the R-3 General Residence District.

- (1) Front Yard. On every zoning lot a front yard shall be provided of not less than 30 feet.
 - (2) Side Yard. On every zoning lot upon which a dwelling unit is constructed there shall be a side yard of not less than eight feet. On corner lots there shall be maintained a side yard of not less than 15 feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage.
 - (3) Rear Yard. On every zoning lot a rear yard shall be provided of not less than 30 feet.
- E. Lot Coverage. The same regulations shall apply as required or permitted in the R-3 General Residence District.
- F. Dwelling Standards. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(6)(B) and (C)].
- G. Signs. The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.
4. R-3C Condominium High-Density District Regulations. The district regulations for the R-3C Condominium High-Density District are as follows:
- A. Permitted Uses. The following uses are permitted:
 - (1) Condominiums.
 - B. Building Height. The same regulations shall apply as required or permitted in the R-3 General Residence District.
 - C. Lot Area Per Dwelling. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(3)(B) and (C)].
 - D. Yard Areas. The same regulations shall apply as required or permitted in the R-3 General Residence District.
 - (1) Front Yard. On every zoning lot a front yard shall be provided of not less than 30 feet.
 - (2) Side Yard. On every zoning lot upon which a dwelling unit is constructed there shall be a side yard of not less than 15 feet.
 - (3) Rear Yard. On every zoning lot a rear yard shall be provided of not less than 30 feet.
 - E. Lot Coverage. The same regulations shall apply as required or permitted in the R-3 General Residence District.
 - F. Dwelling Standards. The same regulations shall apply as required or permitted in the R-3 General Residence District [167.04(6)(B) and (C)].
 - G. Signs. The same regulations shall apply as required or permitted in the R-1 One-Family Dwelling District.

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167.06 R-4 DISTRICT REGULATIONS. It is primarily intended that this zone provide for the development of small lot single-family dwellings. This zone represents a relatively high density for single-family development. Utilization of the R-4 One-Family Dwelling District requires the approval of the entire subdivision in which the R-4 District is proposed. Approval of subdivisions shall be limited to generally undeveloped areas. The district regulations for the R-4 One-Family Dwelling District are as follows:

1. Permitted Uses. The following uses are permitted:
 - A. One-family detached dwellings;
 - B. Parks, forest preserves and recreational areas, when publicly owned and operated;
 - C. Home occupations;
 - D. Mobile home parks;
 - E. Permitted accessory uses, including off-street parking facilities in accordance with the provisions of Chapter 168 of this Zoning Ordinance;
 - F. Signs, subject to the provisions of Chapter 169 of this Zoning Ordinance;
 - G. Special exceptions.
 - (1) Duplexes provided they have a minimum lot area of 8,700 square feet and that the minimum lot area per unit is 4,350 square feet.
 - (2) Child care facilities subject to the requirements of the R-1 Zoning District.
 - (3) Public utilities.
 - (4) Religious institutions and schools subject to the requirements of the R-1 Zoning District.
2. Building Height. The maximum height of building permitted shall be 25 feet or 2½ stories;
3. Lot Sizes:
 - A. Every dwelling hereafter erected shall be located on a lot having an area of not less than 5,000 square feet, and a width at the established building line of not less than 50 feet.
 - B. All nonresidential principal uses permitted as special exceptions in this section shall be located on a lot having an area of not less than 10,000 square feet, with a minimum width at the established building line of not less than 75 feet.
4. Yard Areas. No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure or enlargement.
 - A. Front Yard. A front yard of not less than 20 feet.
 - B. Side Yard. On each lot upon which a dwelling is constructed there shall be a side yard on each side of not less than five feet. On corner lots

there shall be maintained a side yard of not less than 15 feet on the side adjacent to the street which intersects the street upon which the building or structure maintains frontage. On lots upon which a nonresidential use is erected or enlarged, there shall be a side yard of not less than 15 feet on each side of the main structure. All lots within an R-4 District whose side yards adjoin other residential districts must utilize the side yard setback of the adjoining district for the R-4 side yard that is adjacent to the other residential district.

C. Rear Yard. A rear yard of not less than 20 feet.

5. Lot Coverage. Not more than 50 percent of the lot area may be occupied by buildings and structures, including accessory buildings.

6. Dwelling Standards. Every one-story dwelling erected in any R-4 One-Family Dwelling District shall have a total ground floor area of not less than 720 square feet. Every dwelling of more than one story shall have a total floor area of not less than 1,100 square feet.

7. Minimum Area Requirements. No property shall be zoned as an R-4 District unless the proposed district shall consist of not less than 15 contiguous lots or the equivalent area.

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167.07 B-1 DISTRICT REGULATIONS. The district regulations for the B-1 Business District, Limited Retail, are as follows:

1. Permitted Uses. The following retail business and service uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities. The outside storage of merchandise and materials is prohibited except as specifically permitted in subsection 2 of this section.
 - A. Air conditioning and heating sales and service;
 - B. Antique shops;
 - C. Art and school supply stores;
 - D. Art galleries and studios;
 - E. Bakery shops, including the baking and processing of food products, when prepared for retail use on the premises only;
 - F. Banks and financial institutions;
 - G. Barber shops, beauty parlors, chiropody, massage or similar personal shops;
 - H. Book and stationery stores;
 - I. Candy and ice cream shops;
 - J. Camera and photographic supply shops for retail sales;
 - K. Carpet, rug and linoleum stores;
 - L. China and glassware stores;
 - M. Churches, Clubs or lodges (nonprofit), fraternal or religious institutions;
 - N. Coin and philatelic stores;
 - O. Custom dressmaking, millinery, tailoring or shoe repair shops, when conducted for retail sale on the premises only;
 - P. Department stores;
 - Q. Dry goods stores;
 - R. Drug stores;
 - S. Dry-cleaning and pressing establishments when employing facilities for the cleaning and pressing of not more than 750 pounds of dry goods per day, and when using perchloroethylene or other similar noninflammable solvents approved by the Fire Department;
 - T. Electrical appliance stores and repairs, but not including appliance assembly or manufacture;
 - U. Employment agencies;
 - V. Florist shops and conservatories for retail trade on the premises only;
 - W. Food, meat and fruit stores;
 - X. Frozen food stores and food lockers;

- Y. Furniture stores, and upholstery when conducted as a part of the retail operations and secondary to the main use;
- Z. Furrier, when conducted for retail trade on the premises only;
- AA. Gift shops;
- BB. Hardware stores;
- CC. Haberdasheries;
- DD. Hobby stores;
- EE. Hotels and motels, including restaurants and meeting rooms;
- FF. Household appliance stores and repair;
- GG. Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles when conducted as a part of the retail operations and secondary to the main use;
- HH. Jewelry and watch repair shops;
- II. Laundries, automatic self-service types, or hand;
- JJ. Leather goods and luggage stores;
- KK. Locksmith;
- LL. Meeting halls;
- MM. Millinery shops;
- NN. Musical instrument sales and repair, retail trade only;
- OO. Newsstands;
- PP. Offices, business and professional, including medical clinics;
- QQ. Optician, optometrist;
- RR. Orthopedic and medical appliance stores but not including the assembly or manufacture of such articles;
- SS. Package liquor stores;
- TT. Pet shops, but not including animal hospitals;
- UU. Photography studios, including the development of film and pictures when done as a part of the retail business on the premises;
- VV. Planned developments, business as defined herein;
- WW. Plumbing and heating showroom and shops;
- XX. Picture framing, when conducted for retail trade on the premises only;
- YY. Photo developing and processing;
- ZZ. Postal substations;
- AAA. Public utility collection offices;
- BBB. Public utility and public services uses, including: public art galleries and museums; public libraries; telephone exchanges; repeater stations, microwave relay towers and stations; mobile transmitting towers and stations,

antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity; terminal or other public transportation terminal facilities and other similar uses;

CCC. Residential uses, as follows: dwelling units and lodging rooms, if business uses or premises designed for such uses occupy the ground floor, and provided that either:

(1) No less than 20 percent of the frontage on the same street and within the same block or 20 percent of the frontage directly across the street from such frontage is already developed with buildings in which there are dwelling units or lodging rooms; or

(2) At least two-thirds of the frontage in the entire block is zoned for business, and that not less than 20 percent of the frontage so zoned for business is already developed with buildings in which there are dwelling units or lodging rooms.

DDD. Restaurants, tearooms or cafes, when the establishment is not of the drive-in type where food is served to occupants remaining in motor vehicles;

EEE. Savings and loan associations;

FFF. Sewing machines sales and service;

GGG. Shoe and hat stores, and repairing when done as part of the retail business;

HHH. Signs, as regulated by Chapter 169;

III. Sporting goods stores;

JJJ. Taverns;

KKK. Theater, indoor;

LLL. Telephone booths, public;

MMM. Telegraph offices;

NNN. Tobacco shops;

OOO. Toy shops;

PPP. Travel bureau and transportation ticket offices;

QQQ. Typewriter and adding machine sales and services;

RRR. Wearing apparel shops;

SSS. Accessory uses, including off-street parking and loading facilities, as permitted or required in accordance with the provisions of Chapter 168;

TTT. Other retail business uses not specifically listed above when found to have economic compatibility with established uses on adjoining property;

UUU. Day nursery, nursery schools and day care centers permitted only through the granting of a conditional use.

2. Outside Storage Restrictions for Permitted Uses. The outside storage of merchandise and all other materials shall be subject to the following:

A. Outside Storage of Merchandise for Resale. The outside storage of retail merchandise is permitted provided that its sale must be incidental to the permitted use of the premises. “Merchandise” for the purpose of this section is defined as including items which are ordinarily the objects of trade and commerce. “Merchandise” does not include the following:

- (1) Building materials such as lumber, pipes, plumbing, heating and cooling equipment or similar materials;
- (2) Equipment or items held for salvage, recycling, or otherwise held for purposes other than resale to the general public for its intended use as a unit;
- (3) Raw materials of any kind;
- (4) Automobile parts, or other used items of a similar nature.

Used motor vehicles or boats held for retail sale to the general public are, however, included within the definition of merchandise for which outside storage is permitted.

B. Outside Storage of Motor Vehicles, Boats, and Farm Implements Waiting for Repair. The outside storage of motor vehicles, boats and farm implements waiting for repair or service within a 72-hour period is permitted. Upon a violation, the City shall submit a notice to the property owner indicating that the owner shall have seven days to come into compliance with this section. Failure to comply with this section as stated in the notice shall be enforceable as a municipal infraction. Outside storage of such items in excess of 72 hours is prohibited, unless such items are located within a side or rear yard and are screened from view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of not less than six feet in height. “Screened from view” is defined to require the fence or structure to be at least the height of the material being stored.

C. Outside Storage of Materials, Used Appliances or Equipment. Outside storage of materials, used appliances or equipment which is incidental to a permitted use shall be permitted if such materials are located in the rear or side yard and are screened from outside view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of no less than six feet in height. “Screened from view” is defined to require the fence or structure to be at least the height of the material being stored.

This subsection shall not be deemed to regulate the location or size of dumpsters or other commercial refuse containers.

3. Conditions of Use. All uses permitted in this district, except residential district uses, shall be retail establishments dealing directly with consumers and shall be subject to the following conditions:

- A. Dwelling units and lodging rooms are not permitted below the second floor.
- B. The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.

- C. Establishments of the “drive-in” type, offering goods or services directly to customers waiting in parked motor vehicles, are not permitted.
 - D. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises.
 - E. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.
 - F. Any exterior sign displayed shall pertain only to a use conducted within the building.
4. Height of Building. No building or structure shall be erected or structurally altered to exceed a height of three stories or 45 feet except as provided herein.
5. Yard Requirements. In the Central Business District, no yards are required. In other areas:
- A. A front yard shall be provided of not less than 30 feet, or if frontage is abutting a State highway, as required by the Iowa Department of Transportation;
 - B. A side yard of not less than 6½ feet is required. On corner lots, 15 feet is required on the side adjacent to the street, or if side yard is abutting a State highway, as required by the Iowa Department of Transportation;
 - C. A rear yard of not less than 30 feet is required, or if rear abuts on State highway, as required by Iowa Department of Transportation.
6. Signs. The same sign regulations shall apply as provided in Sections 169.03 and 169.04 of this Zoning Ordinance.

[The next page is 1017]

167.08 B-2 DISTRICT REGULATIONS. The district regulations for the B-2 Business District, General Retail, are as follows:

1. Permitted Uses. The following retail business and service uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities, and except for establishments of the “drive-in” type offering goods and services directly to customers waiting in parked motor vehicles. The outside storage of merchandise and materials is prohibited except as specifically permitted in subsection 2 of this section.

- A. Any use permitted in the B-1 Business District;
- B. Agricultural implement sales and services;
- C. Auction rooms;
- D. Automobile service stations;
- E. Ambulance service;
- F. Amusement establishments; bowling alleys, pool halls, dance halls, skating rinks and other similar place of recreation;
- G. Auto accessory store, where there is no driveway entrance across the sidewalk into the main building;
- H. Automobile, truck and vehicular sales and service, but no painting, body and fender work;
- I. Blueprinting and Photostatting establishments;
- J. Bicycle sales and repair;
- K. Boat showrooms, sales and service;
- L. Catering establishments;
- M. Costume rental shop;
- N. Cutting of glass and glazing establishments;
- O. Exterminating shops;
- P. Garages, public, for storage of private passenger automobiles and commercial vehicles under one and one-half (1½) tons;
- Q. Hand laundries;
- R. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place;
- S. Loan offices, when located above the first floor;
- T. Mirror and glazing shops;
- U. Monument sales, but not including the cutting or grinding of stones or other material, on an open lot or within a building;
- V. Pawn shops;
- W. Physical culture and health service;

- X. Printing and publishing of newspapers, periodicals, books and including letter process work;
 - Y. Radio and television broadcasting stations;
 - Z. Schools: music, dance, business, commercial and trade;
 - AA. Secondhand stores and rummage shops;
 - BB. Silver plating and repair shops;
 - CC. Telephone exchange, repeater stations, microwave relay towers and stations, mobile transmitting towers and stations, antenna towers and other outdoor equipment essential to the operation of the exchange in the interest of public convenience and necessity, and including business offices in conjunction therewith;
 - DD. Undertaking establishments, funeral parlors or mortuaries;
 - EE. Accessory uses, including off-street parking and loading facilities as permitted or required in accordance with the provisions of Chapter 168.
2. Outside Storage Restrictions for Permitted Uses. The outside storage of merchandise and all other materials shall be subject to the following:
- A. Outside Storage of Merchandise for Resale. The outside storage of retail merchandise is permitted provided that its sale must be incidental to the permitted use of the premises. “Merchandise” for the purpose of this section is defined as including items which are ordinarily the objects of trade and commerce. “Merchandise” does not include the following:
 - (1) Building materials such as lumber, pipes, plumbing, heating and cooling equipment or similar materials;
 - (2) Equipment or items held for salvage, recycling, or otherwise held for purposes other than resale to the general public for its intended use as a unit;
 - (3) Raw materials of any kind;
 - (4) Automobile parts, or other used items of a similar nature.

Used motor vehicles or boats held for retail sale to the general public are, however, included within the definition of merchandise for which outside storage is permitted.

B. Outside Storage of Motor Vehicles, Boats, and Farm Implements Waiting for Repair. The outside storage of motor vehicles, boats and farm implements waiting for repair or service within a 72-hour period are permitted. Upon a violation, the City shall submit a notice to the property owner indicating that the owner shall have seven days to come into compliance with this section. Failure to comply with this section as stated in the notice shall be enforceable as a municipal infraction. Outside storage of such items in excess of 72 hours is prohibited, unless such items are located within a side or rear yard and are screened from view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of not less than six feet in height. “Screened from view” is

defined to require the fence or structure to be at least the height of the material being stored.

C. Outside Storage of Materials, Used Appliances or Equipment. Outside storage of materials, used appliances or equipment which is incidental to a permitted use shall be permitted if located in the rear or side yard and such materials are screened from outside view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of no less than six feet in height. “Screened from view” is defined to require the fence or structure to be at least the height of the material being stored.

This subsection shall not be deemed to regulate the location or size of dumpsters or other commercial refuse containers.

3. Conditions of Use. All uses permitted in this district (except residential district uses) shall be retail establishments only and shall be subject to the following conditions:

A. Dwelling units and lodging rooms are not permitted below the second floor, except in hotels and motels.

B. There shall be no manufacture, processing or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the premises.

C. Not more than five persons (exclusive of manager, clerk and drivers) shall be engaged in said manufacturing, processing or treatment of products including catering, cleaning, laundering, plumbing, upholstering and other similar permitted uses.

D. Such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

4. Height of Building. The same regulations shall apply as permitted or required in the B-1 Limited Retail Business District.

5. Yard Areas. All yard regulations shall be the same as required in the B-1 Limited Retail Business District.

6. Signs. The same sign regulations shall apply as provided in the B-1 Limited Retail Business District.

[The next page is 1031]

167.09 B-3 DISTRICT REGULATIONS. The district regulations for the B-3 Business District, Service and Wholesale, are as follows:

1. Permitted Uses. The following retail business and service uses are permitted, provided they are operated entirely within a building, except for off-street parking and loading facilities, and except for establishments of the “drive-in” type offering goods and services directly to customers waiting in parked motor vehicles. The outside storage of merchandise and materials is prohibited except as specifically permitted in subsection 2 of this section.

- A. Any use permitted in the B-2 Business District;
- B. Agricultural implement sales and services, on an open lot or within a building;
- C. Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning;
- D. Battery and tire service stations;
- E. Beverages, nonalcoholic, bottling and distributing;
- F. Bicycle and motorcycle sales and repair;
- G. Book binding;
- H. Building materials sales, when conducted wholly within a building;
- I. Contractor’s offices and shops, where no fabrication is done on the premises and where all storage of materials and equipment is within a building;
- J. Feed and seed stores, wholesale;
- K. Greenhouse;
- L. Heating and air conditioning (fabricating and assembly) shops;
- M. Live bait stores;
- N. Motels;
- O. Pet shops or animal hospitals when conducted wholly within an enclosed building;
- P. Plumbing, heating and roofing supply shops;
- Q. Printing, publishing and issuing of periodicals, books, stationery and other reading matter;
- R. Processing or assembly limited to the following, provided that space occupied in a building does not exceed 6,000 square feet of total floor space and basement space, and not including stairwells or elevator shafts; and provided such processing or assembly can be conducted without noise, vibration, odor, dust or any other condition which might be disturbing to occupants of adjacent buildings. When manufacturing operations of the same or similar products demand space exceeding 6,000 square feet, they shall then be located in the M-1 or M-2 Manufacturing Districts:
 - (1) Advertising displays;

- (2) Awnings, Venetian blinds and window shades;
 - (3) Brushes and brooms;
 - (4) Bakeries, wholesale;
 - (5) Cosmetics, drugs and perfumes;
 - (6) Electrical equipment appliances;
 - (7) Food processing, packaging and distribution;
 - (8) Medical and dental supplies;
 - (9) Pattern making;
 - (10) Scientific and precision instruments;
 - (11) Products from finished materials such as bone, cloth, cork, feather, felt, fiber, fur, glass, hair, horn, leather, plastic, precious or semi-precious stones, paper, rubber, shell or yard;
 - S. Restaurants and taverns, including live entertainment and dancing;
 - T. Storage and warehousing, and wholesale establishments;
 - U. Taxidermist shops;
 - V. Tinsmiths;
 - W. Trailer sales or rental (house trailers) business on an open lot or within a building, not including occupancy of trailers;
 - X. New and used passenger automobile sales on an open lot or within a building;
 - Y. Accessory uses, including off-street parking and loading facilities as permitted or required in Chapter 168;
 - Z. Commercial-recreational uses such as a miniature golf course when privately owned and operated;
 - AA. Automobile, truck and vehicular painting, repairing, upholstering, reconditioning and body and fender repairing, when done within the confines of a structure;
 - BB. Livestock auction, sale barns and stockyards (permitted only through the granting of a conditional use per Section 166.09 of this Zoning Ordinance.)
 - CC. Kennels (permitted only through granting of conditional use).
2. Outside Storage Restrictions for Permitted Uses. The outside storage of merchandise and all other materials shall be subject to the following:
- A. Outside Storage of Merchandise for Resale. The outside storage of retail merchandise is permitted provided that its sale must be incidental to the permitted use of the premises. "Merchandise" for the purpose of this section is defined as including items which are ordinarily the objects of trade and commerce. "Merchandise" does not include the following:
 - (1) Building materials such as lumber, pipes, plumbing, heating and cooling equipment or similar materials;

- (2) Equipment or items held for salvage, recycling, or otherwise held for purposes other than resale to the general public for its intended use as a unit;
- (3) Raw materials of any kind;
- (4) Automobile parts, or other used items of a similar nature.

Used motor vehicles or boats held for retail sale to the general public are, however, included within the definition of merchandise for which outside storage is permitted.

B. Outside Storage of Motor Vehicles, Boats, and Farm Implements Waiting for Repair. The outside storage of motor vehicles, boats and farm implements waiting for repair or service within a 72-hour period are permitted. Upon a violation, the City shall submit a notice to the property owner indicating that the owner shall have seven days to come into compliance with this section. Failure to comply with this section as stated in the notice shall be enforceable as a municipal infraction. Outside storage of such items in excess of 72 hours is prohibited, unless the items are located within a side or rear yard and are screened from view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of not less than six feet in height. “Screened from view” is defined to require the fence or structure to be at least the height of the material being stored.

C. Outside Storage of Materials, Used Appliances or Equipment. Outside storage of materials, used appliances or equipment which is incidental to a permitted use shall be permitted if located in the rear or side yard and shall be screened from outside view by a solid wood fence, a solid metal fence with factory-applied paint or finish, or a densely planted landscape screen of no less than six feet in height. “Screened from view” is defined to require the fence or structure to be at least the height of the material being stored.

This subsection shall not be deemed to regulate the location or size of dumpsters or other commercial refuse containers.

- 3. Height of Buildings. The same regulations shall apply as required in the B-1 Retail Business District.
- 4. Yard Areas. All yard regulations shall be the same as required in the B-1 Limited Retail Business District.
- 5. Signs. The same regulations shall apply as in the B-1 Limited Retail Business District.

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167.10 M-1 DISTRICT REGULATIONS. The district regulations for the M-1 Limited Manufacturing District are as follows:

1. Permitted Uses. Since most uses permitted in this district will be in proximity to residential districts, it is hereby declared that standards shall be high, and that all manufacturing, processing or assembly of materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reasons of the emission of odors, fumes or gases, dust, smoke, noise or vibrations or fire hazards. Therefore, the following uses may be permitted, provided there is compliance with the standards established above:

- A. Artificial limb manufacture;
- B. Apparel and other products manufactured from textiles;
- C. Batteries, manufacture and rebuilding;
- D. Bedspring and mattress manufacture;
- E. Belting;
- F. Bicycle manufacture;
- G. Blacksmith or welding shops;
- H. Brooms and brushes;
- I. Boat building and repair;
- J. Bus line shops and garages;
- K. Canning and preserving;
- L. Canvas and canvas products;
- M. Carpet and rug cleaning;
- N. Carpet manufacturing;
- O. Cleaning and dyeing establishments when employing facilities for handling more than 1,000 pounds of dry goods per day;
- P. Cigarettes and cigars;
- Q. Coated fabrics, except rubberized;
- R. Cork and cork products;
- S. Creameries and dairies;
- T. Drapery and bedding manufacture;
- U. Drugs and pharmaceutical products;
- V. Electric motors and generators;
- W. Fur goods, not including tanning or dyeing;
- X. Glass products, from previously manufactured glass;
- Y. Grain elevators;
- Z. Heating appliances and sheet metal products, including stoves and ranges;

- AA. Hosiery manufacture;
- BB. Ice cream and ice manufacturers;
- CC. Laundries, more than 1,000 pounds daily capacity;
- DD. Machine shops and metal products manufacture, when not equipped with heavy punch presses, drop forges or riveting machines or any other equipment which may create noise, vibration, smoke, odors, heat, glare or fire hazards exceeding the performance standards made a part of this section;
- EE. Metal polishing and plating;
- FF. Musical instruments;
- GG. Pianos and organs;
- HH. Parking (off-street) as required or permitted;
- II. Perfumes and cosmetics;
- JJ. Planned developments, manufacturing, as defined herein;
- KK. Plastic products, but not including the processing of the raw materials;
- LL. Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations;
- MM. Rubber products (small) such as washers, gloves, footwear and bathing caps, but excluding rubber and synthetic rubber processing;
- NN. Shoes and boots;
- OO. Signs as defined and regulated in this Zoning Ordinance;
- PP. Storage of household goods;
- QQ. Storage and sale of trailers, farm implements and other similar products on an open lot;
- RR. Sporting and athletic equipment;
- SS. Storage of flammable liquids, fats or oils in tanks, each of 50,000 gallons or less capacity, but only after the location and protective measures have been approved by local governing authorities;
- TT. Stone, marble and granite grinding and cutting;
- UU. Textiles, spinning, weaving, dyeing and printing;
- VV. Tools and hardware, such as hand tools, bolts, nuts, screws, cutlery, house hardware, locks and plumbing appliances;
- WW. Tool and die shops;
- XX. Truck tractor, trailer or bus storage yard, but not including a truck terminal;
- YY. Toys and children's vehicles;
- ZZ. Wire brush manufacture;

- AAA. Any other manufacturing establishment that can be operated in compliance with the requirements of this section without creating objectionable noise, odors, dust, smoke, gas, fumes or vapor and that is a use compatible with the use and occupancy of adjoining property;
- BBB. Day nursery, nursery schools and day care centers permitted only through the granting of a conditional use.
2. Conditions of Use. All uses permitted are subject to the following conditions:
- A. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic and noxious materials, odors, fire or explosive hazards or glare or heat.
- B. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within 150 feet of a residential district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage and suitably landscaped. However, open off-street loading facilities and open off-street parking of motor vehicles under 1½-ton capacity may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required under the provisions of Chapter 168.
- C. Uses established on the effective date of the ordinance codified herein and by the provisions of such ordinance are nonconforming shall be permitted to continue, subject to the regulations of Sections 165.19 through 165.25 of this Zoning Ordinance.
- D. Uses established after the effective date of the ordinance codified herein shall conform fully to the performance standards set forth for the district.
3. Height of Buildings. No building or structure shall be erected or structurally altered to exceed a height of three stories 45 feet, except as provided herein.
4. Area. The maximum ground area occupied by all buildings shall be not more than 60 percent of the area of the lot or tract on which a building permit has been issued.
5. Yard Areas.
- A. Front Yard. There shall be a front yard having a depth of not less than 30 feet wherein there shall be no structure of any kind nor open storage, materials or equipment.
- B. Side Yards. There shall be a minimum side yard of not less than 15 feet, on both sides of the building or buildings; but where the property is adjacent to a residential district, there shall be a side yard of not less than 25 feet on the side nearest to the residential lots. The parking or private automobiles may be permitted within the side yard area, but not closer than five feet to any lot zones for residential use.

C. Rear Yard. There shall be a rear yard of not less than 30 feet, and no storage of materials or equipment or the parking of automobiles shall take place within ten feet closest to any residential lot or lots.

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167.11 M-2 DISTRICT REGULATIONS. The district regulations for the M-2 General Manufacturing District are as follows:

1. Permitted Uses. The uses permitted in this district generally include those manufacturing and industrial activities which cannot be operated economically without creating some conditions which may be objectionable or obnoxious to the occupants of adjoining properties and for that reason must be grouped in areas where similar industrial uses are now located or where the permitted uses will be best located in accordance with the comprehensive land use plan of the City, which is designed to protect the welfare of the community.

- A. Any use permitted in the M-1 District;
- B. Aircraft, assembly and testing of fuselage and motors;
- C. Automobiles, trucks and trailers assembly;
- D. Asphalt mixing plants;
- E. Box and crate manufacture;
- F. Brass foundry;
- G. Brick, tile and terra cotta manufacture;
- H. Building materials such as prefabricated houses, composition wallboards, partitions and panels;
- I. Building equipment yards;
- J. Cement products, including concrete batch plants and manufacture of concrete products;
- K. Chemicals, not including those which may be inflammable or explosive;
- L. Coffin manufacture;
- M. Cooperage works;
- N. Corrugated metal products;
- O. Dyes, aniline, ink pigments and others;
- P. Feed milling and processing;
- Q. Glass blowing and manufacture;
- R. Graphite and graphite products;
- S. Hemp products;
- T. Ink from primary raw materials, including colors and pigment;
- U. Linoleum;
- V. Lumber, preserving treatment, processing, sawmills and planing mills;
- W. Metal stamping and extrusion of metal products;
- X. Metal foundries and casting;

- Y. Machinery, heavy manufacturing and repair, including electrical, construction, mining and agricultural;
 - Z. Meat and fish products, packing and processing of, but not including slaughtering or glue and size manufacturing;
 - AA. Motor testing and internal combustion motors;
 - BB. Porcelain products such as bathroom and kitchen equipment;
 - CC. Railroad equipment such as railroad car and locomotive manufacture;
 - DD. Rubber products, including tires and tubes and tire recapping;
 - EE. Wax products, manufactured from paraffin;
 - FF. Wool scouring and pulling.
2. Conditions of Use. All permitted uses are subject to the conditions that within 150 feet of a residential district, all business, production, processing, servicing and storage shall take place or be within completely enclosed buildings, except that storage of materials may be open to the sky provided the storage area is enclosed with a solid wall or fence at least eight feet high. However, within such 150 feet of a residential district, off-street loading facilities and off-street parking of motor vehicles under 1½-ton capacity may be unenclosed except for such screening of parking and loading facilities as may be required under the provisions of Chapter 168.
3. Height of Buildings. No building or structure shall be erected or structurally altered to exceed a height of four stories or 60 feet, except as provided herein.
4. Area. The maximum ground area occupied by all buildings shall be not more than 60 percent of the area of the lot or tract on which a building permit has been issued.
5. Yard Areas. The same regulations shall apply as required or permitted in the M-1 Manufacturing District.

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167.12 PLANNED UNIT DEVELOPMENT. This section shall be known as the Planned Unit Development (P.U.D.) Code.

1. Purpose. The purpose of the P.U.D. District is to provide for well planned developments that uphold this Code of Ordinances. The Planned Unit Development District accompanied with guidelines and regulations are intended to allow freedom of design in order to promote developments. This creates an asset for the City, by equaling or surpassing ordinance quality of development. A P.U.D. must ensure adequate standards relating to public health, safety and general welfare of the community. More specifically, it is the intent to:

A. Flexibility. Promote and permit flexibility that will encourage a more creative and imaginative approach in development which results in a more efficient, aesthetic, desirable and economic use of land, while maintaining the density and intensity of use.

B. Adjacent and Existing Development. Provide minimal effect upon adjacent properties and existing development.

C. Utilities. Promote development that can be conveniently, efficiently, and economically served by existing municipal utilities and services or by their logical extension.

D. Special Site Features. Promote flexibility in design, placement of buildings, and use of open space, pedestrian and vehicular circulation facilities, and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size or shape.

E. Mixed Uses. Encourage appropriate mixed use development.

F. Natural and Historic Features. Provide, where it is shown to be in the public interest, for the preservation of historical features and such natural features as streams, drainageways, flood plains, ponds/lakes, topography, rock outcroppings, unique area of vegetation, stands of trees and other similar natural assets.

G. Recreational Facilities. Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.

H. Natural Setting. Provide for the enhancement of the natural setting through careful and sensitive placement of manmade facilities and plant materials.

I. Public Involvement. Promote public input through feedback hearings to increase knowledge and support of the P.U.D.

(1) Petition; Pre-Application Conference. The owners of a contiguous tract of land may petition the City Council for a change to the "PUD" District classification. Said tract shall be no less than two acres in area. Before submitting such petition, the developer shall confer with the City Manager. The purpose of the conference shall be to discuss the feasibility of the proposal and to provide the developer with information and guidance regarding applicable City ordinances,

specifications, standards and procedures, before the developer enters into binding commitments or incurs substantial expenses.

(2) Neighborhood Input. The developer is also encouraged to contact neighbors as soon as possible to conduct a neighborhood meeting.

2. Review Application Procedure. The reviewing and processing of any proposed P.U.D. shall be in two steps:

- A. Pre-Application. Pre-application conference with sketch.
- B. Application. Application for P.U.D. plan approval.

3. Pre-Application Sketch. In order to eliminate unnecessary expenditures of time and funds, the developer shall present to the City Manager a pre-application sketch plan. The City Manager will involve the Mayor, City Council and the Commission. This sketch should show the generalized overall plan for development of the proposed P.U.D. area. Included as part of the overall sketch plan, should be the following elements:

- A. Site. Location and size of site.
- B. Topography. Existing topography with major earth work areas, major storm water runoff consideration, and problem drainageway areas so indicated.
- C. Environmental Characteristics. Existing tree masses and other geological and environmentally important characteristics.
- D. Traffic and Parking. Generalized vehicular and pedestrian systems and parking areas.
- E. Buildings. Generalized building locations and heights.
- F. Density. Approximate gross density, and number and types of dwelling units and the approximate gross floor areas of commercial and industrial land uses.
- G. Utilities. Generalized utility line considerations with sanitary sewer capacity limitations so noted.
- H. Lot Ownership. Generalized public and private ownership boundaries, including common ownership areas, if any.
- I. Impact. Narrative addressing the positive and negative effects of the project on the surrounding property.
- J. Rationale. Narrative addressing the need for such a project in the community.
- K. Sun and Wind. Generalized building locations shall reflect that consideration be given to the positive and negative affects of sun and wind.
- L. Schedule. Generalized flow chart indicating construction schedule.
- M. Filing Fee. A filing fee in an amount set by resolution of the Council.

The City Manager shall have 15 days in which to review and comment on the pre-application sketch plan.

4. Application For P.U.D. Plan Approval. After the pre-application conference, application for P.U.D. plan approval shall be made to the Planning and Zoning Commission for review and recommendation. Such recommendations shall be forwarded to Council within 45 days of referral. Upon written request and approval by Council, an additional 45 days may be granted for a recommendation. All technical assistance to the Commission on the application shall be coordinated by the City Manager. The application shall include the following written and visual materials (copies shall be supplied in sufficient number as the City deems necessary):

A. Statement and Fee.

(1) A written statement concerning the proposed development, including the nature of the project, proposed land uses, building types, density ranges, and description of the open space and recreational system. The narrative should also address the positive and negative effects of the project on the surrounding property as well as the need for this project in the community.

(2) A filing fee in an amount set by resolution of the Council.

B. Plan. A site development plan containing the following:

(1) Legal description of the total site being developed along with the names of the owners and seal of the registered land surveyor making the plat.

(2) A topographical survey of the site at an interval of not more than one foot, unless characteristics of the site indicate a greater or shorter interval appears appropriate.

(3) Dimensions and bearings of external property boundaries.

(4) The location of all existing structures, easements, utilities, proposed utilities, and public dedications either contained upon or adjacent to the site.

(5) The existing and proposed public and/or private street and sidewalk system.

(6) A statement of quantitative data including total number and types of structures to be constructed on the site, individual parcel sizes, lot coverage, areas reserved for open space and recreation, and off-street parking areas.

(7) A statement addressing the positive and negative affects of sun and wind on the building locations.

C. Site. Site supporting information to include, as appropriate:

(1) Any water course areas.

(2) Unique natural features.

(3) Unique historical sites.

(4) General vegetation cover.

(5) Soil suitability.

- D. Landscaping. A landscape plan delineating the proposed treatment of the site. The plan shall be supplemented with a written Statement of Intent of the plan and how the intent is to be realized.
- E. Plans. Representative floor plans and exterior elevations of proposed structures and buildings accompanied with the uses of each structure.
- F. Schedule. A flow chart indicating the approximate phasing and construction timetable.
- G. Performance Bond. Performance bond or bonds approved by the City Clerk in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the City that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan.
- H. Covenant. Covenant to run with the land, in favor of the City and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks and plantings which have not been dedicated to the City in compliance with the ordinances of the City and the final development plan as approved by the City Council, which covenant shall be recorded in the office of the County Recorder.
- I. Additional Matters. Additional easements or agreements required by the Council at the time of preliminary plan approval.
5. Council Action on P.U.D. Application. The Council shall by resolution grant approval of or reject the P.U.D. application. If the application is rejected, the Council will advise the owner or developer of any changes which are desired, or which should have consideration, before approval will be given. In the alternative, the City Council should advise the owner or developer of the reasons why the application has been rejected. Upon approval of the P.U.D. application, a certification of approval signed by the Mayor and attested by the City Clerk shall be affixed to the original application. Said application and attachments shall be recorded at the office of the Delaware County Recorder. Such action may be taken by the Council only after complying with the requirements for Notice and Hearing as required by Section 170.07.
6. Design Standards. Even though P.U.D.s promote and permit flexibility of design, certain standards must be applied to assure compatibility of the project with the intent of this chapter. These standards follow:
- A. Permitted Uses. Normal permitted uses are those of a residential character including single-family (detached or attached), two-family and/or multiple-family dwellings and the usual accessory buildings, such as garages, storage space, maintenance structures, and buildings for recreational purposes. Commercial uses, limited to those specifically approved by the City Council, are permitted. Parking areas shall:
- (1) Be treated as an integral part of the development in scale, location, and character. Other zoning district parking requirements shall be used as a guideline to determine the necessary amount of parking.

- (2) Be so arranged to discourage through traffic.
- (3) As appropriate, be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade, and/or similar examples.
- (4) Be so designed to allow for drainage of surface water without erosion, flooding, and other inconveniences.

B. Height. There shall be no maximum height requirement. However, heights shall be regulated to the extent that it relates to the proposed development and to the general area within which the development is proposed to be located.

C. Open Space. A major portion of any P.U.D. is its open space provisions. The desirability is closely tied to the integration of open space with the total development. The Statement of Intent of this section sets forth the overall objective desired for P.U.D.s. Therefore, no quantitative standards are stated in this section. Quality standards acknowledge the separate and multiple functions of open preservation of natural site amenities. In designing the P.U.D., consideration shall be given to such functions. All land in the P.U.D. indicated as common land and common open space shall be maintained by one of the following methods:

- (1) 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 the P.U.D. The provisions shall include, but not be limited to:

- (a) The HOA must be set up before the dwellings are sold.
- (b) Membership must be mandatory for each home 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.

- (2) All or any part of the open space system may be conveyed to the City by joint agreement of the developer and City; such conveyance may be by dedication or easement.

D. Additional Requirements. P.U.D. plans, where applicable, shall comply with the final plat requirements of the subdivision regulations, and with all other City or State regulations pertaining to subdivisions.

E. Other Considerations. A number of major factors should undergo evaluation as a portion of design standards. These include:

- (1) Natural drainage areas shall be retained as appropriate and, if necessary, improved.
- (2) Due consideration shall be given to preserving natural site amenities and minimizing the disturbance to the natural environment.

(3) Existing trees shall be preserved wherever possible. The location of trees is to be considered in designing building locations, underground services, and paved areas.

(4) If the development includes flood plain areas, they shall be preserved as permanent open space.

(5) Due consideration shall be given to the natural topography and major grade change shall be avoided. If the development includes hillsides and slopes special evaluation shall be given to geological conditions, erosion and topsoil loss. If unfavorable development conditions exist, the City Council may restrict clearing, cutting, filling or other substantial changes in the natural conditions of the affected area.

F. Building or Grading Permits. No building permit shall be issued until after the developer has provided satisfactory evidence of the recording with the Delaware County Recorder of the approved development plan, P.U.D. application and any amendments thereto and of any covenant, deed, easement or agreement.

G. Board of Adjustment Review Precluded. Because the P.U.D. District is intended to provide relief from the rigid regulations of more conventional zoning districts pursuant to a carefully integrated overall development plan, the Board of Adjustment shall have no jurisdiction to grant any variation, exception or special permit relating to any property in the P.U.D. District.

H. Failure to Submit Development Plan or to Commence Construction; Remedial Measures. In the event that the developer fails either (a) to submit a development plan within the time requirements or (b) to commence construction in accordance with the time schedule set forth in the development plan, then a public hearing shall be scheduled before the Plan and the Commission regarding such failure, and the developer shall be served prior notice thereof by certified mail. At such meeting, the Commission shall consider all circumstances relevant to the developer's failure and shall vote to recommend to the City Council that appropriate remedial measures be initiated, which measures may include the initiation of rezoning of the subject property to the zoning classification effective immediately prior to the rezoning of the subject property to a P.U.D. District classification. Upon receipt of the recommendations of the Commission, the City Council shall act to initiate remedial measures in conformity to the Commission's recommendations or to initiate such other remedial measures as the Council determines to be reasonably necessary under the circumstances.

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167.13 CONDITIONAL ZONING. An ordinance changing land from one zoning classification to another may impose conditions on property owners which are in addition to existing regulations provided:

1. The additional conditions have been agreed to in writing by the property owner and reviewed by the City Attorney before a public hearing is held on the proposed ordinance.
2. The conditions are reasonable and are composed to satisfy public needs which are directly caused by the requested change.
3. The proposed change in zoning classification and additional conditions will result in land use and development which is consistent with the comprehensive plan.
4. Conditions imposed shall provide for more restrictive use of the land than permitted by the proposed rezoning.
5. The conditions imposed are more appropriate than granting a variance or amending the ordinance for the current property classification.
6. The City shall, upon passing any ordinance establishing conditions authorized under this section, make notation on the zoning map for the City, indicating that conditions have been imposed upon the designated property by authority of this section. This change in zoning classification will not be effective until recorded by the petitioner with the Delaware County Recorder.

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