

ORDINANCE NO. 15-13

**AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE:
DEFINITIONS, NON-CONFORMING ACCESSORY STRUCTURES; EXCEPTIONS AND MODIFICATIONS;
HOME OCCUPATIONS; PRIVATELY OWNED IMPROVEMENTS; BULK REGULATIONS TABLE; ZONING
DISTRICTS; MULTI-FAMILY OFF-STREET PARKING; BUFFERS; AND, ARCHITECTURAL STANDARDS.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Section 17.40.030 Off-Street Parking Requirements of the City of Norwalk Zoning Ordinance.

SECTION 2. AMENDMENT. The City of Norwalk Zoning Ordinance is hereby amended with the following:

1. Section 17.04.040 Definitions is hereby deleted in its entirety and replaced with Exhibit "A" attached hereto and made a part thereof by reference.
2. Section 17.04.150 Non-Conforming Structures and Site Improvements is hereby amended to include subsection E as shown in Exhibit "B" attached hereto and made a part thereof by reference.
3. Section 17.04.200 Exceptions and Modifications is hereby deleted in its entirety and replaced with Exhibit "C" attached hereto and made a part thereof by reference.
4. Section 17.04.300 Home Occupations is hereby deleted in its entirety and replaced with Exhibit "D" attached hereto and made a part thereof by reference.
5. Section 17.04.340 Privately-Owned Improvements Serving More Than One Property Owner is hereby deleted in its entirety and replaced with Exhibit "E" attached hereto and made a part thereof by reference.
6. Chapter 17.10 Zoning Districts is hereby amended to include Exhibit "F" attached hereto and made a part thereof by reference.
7. Sections 17.10.010 A-R Zoning District Regulations, 17.10.020 RE-1 Zoning District Regulations, 17.10.030 R-1 Zoning District Regulations, 17.10.040 R-2 Zoning District Regulations, 17.10.050 R-3 Zoning District Regulations, and, 17.10.060 R-4 Zoning District Regulations are hereby deleted in their entirety and replaced with Exhibit "G" attached hereto and made a part thereof by reference.
8. Section 17.04.030 Off-Street Parking Requirements is hereby amended to include the additions and changes outlined in Exhibit "H" attached hereto and made a part thereof by reference.
9. Chapter 17.50 Buffer Requirements is hereby deleted in its entirety and replaced with Exhibit "I" attached hereto and made a part thereof by reference.
10. Chapter 17.60 Architectural Standards is hereby deleted in its entirety and replaced with Exhibit "J" attached hereto and made a part thereof by reference.

SECTION 3. SEVERABILITY CLAUSE. In any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Norwalk, Iowa on the 17th day of December, 2015.

Tom Phillips, Mayor

ATTEST:

Jodi Eddleman, City Clerk

First Reading: December 3, 2015

Second Reading: December 17, 2015

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 15-13 on the 24th day of December, 2015.

Jodi Eddleman, City Clerk

EXHIBIT "A"
DEFINITIONS

17.04.040 Definitions. For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

Access: The place, means or way by which pedestrians or vehicles shall have ingress and egress to a property or parking area.

Accessory Living Quarters: A separate dwelling unit wholly enclosed within a principal building, or a detached dwelling, for the sole use of persons fully employed on the premises.

Accessory Use or Structure: A use or structure on the same lot with the principal use or structure, and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not encompass more floor area or use a greater part of the lot than the principal permitted use(s).

Acquisition Plat: The graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

Addition: An extension or increase in floor area or height of a building or structure.

Adult: As used in this ordinance, refers to a person who has attained the age of eighteen (18) years.

Adult Entertainment Facilities: Any one of or any combination of the following, which are customarily not open to persons who have not attained the age of eighteen (18) years.

- A. Adult Art or Adult Modeling Studio: An establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise; provided entrance to such establishment and such services are available only to adults.
- B. Adult Artist - Body Painting Studio: An establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.
- C. Adult Bath House: An establishment or business which provides the services of baths, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.
- D. Adult Book Store: An establishment having as the primary portion of its stock in trade, books, magazines, and other periodicals which are substantially devoted to the depiction of "specified sexual activities" and "specified anatomical areas."
- E. Adult Business: Any business or establishment where a "specified sexual activity" or a "specified anatomical area" is displayed.
- F. Adult Motel: A motel or similar establishment offering public accommodations for any form of

consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

- G. Adult Movie Theater: Any theater, arcade or similar establishment where an enclosed building or open-air facility is used for presenting material in the form of motion picture film, video tape, or other similar means which is substantially devoted to the depiction of "specified sexual activities" and "specified anatomical areas" for observation by persons therein.
- H. Adult News racks: Any coin-operated machine or device which dispenses material substantially devoted to the depiction of "specified sexual activities" and "specified anatomical areas."
- I. Adult Nightclub: Any club, cabaret, nightclub, bar, restaurant or similar establishment where an enclosed building or open-air facility is used for live performances which are characterized by the exposure of "specified sexual activities" and "specified anatomical areas" for observation by persons therein.
- J. Sexual Encounter Center: A place provided by any business, agency or person where, for any form of consideration or gratuity, persons who are not all members of the same household, may congregate, assemble or associate for the purpose of engaging in sex act(s) or exposing "specified anatomical areas."

After Hours Business: Any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.

Agriculture: The use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.

Airport: The Des Moines International Airport.

Airport Elevation: The reference point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 957.2 feet for the Des Moines International Airport.

Airport Hazard: Any structure, tree, or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations sections 77.21, 77.23, and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or takeoff at an airport, or is otherwise hazardous to such landing or taking off of an aircraft.

Airspace Height: For the purpose of determining the height limits in all zones set forth in Section 17.20.050 and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

Alley: A private or public way, other than a street, twenty (20) feet or less in right-of-way width affording a secondary means of access to abutting property.

Amendment: A change in wording, context or substance of this ordinance, or a change in the zoning or district boundaries of the "Official Zoning Map", which is a part of this ordinance when adopted by ordinance passed by the City Council in the manner prescribed by law.

Amusement Arcade: A building or part of building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.

Antenna: (See also "Satellite Dish Antenna" and "Tower") Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Apartment Hotel: A building designed for or containing both individual guest rooms or suites of rooms and rooms or suites or rooms for dwelling units. (See "Dwelling, Multiple Family")

Apartment House or Building: Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments. Said buildings have dwelling units that are both vertically and horizontally attached to one another.

Aquaculture: Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

Aquifer: A geological stratification in which porous and permeable conditions exist and thus are capable of yielding usable amounts of underground water.

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater aquifers.

Assisted Living Residential Facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.

Auditor's Plat: A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor, and in accordance with the City of Norwalk subdivision regulations.

Automobile Sales and Storage Lot: An open off-street area where two or more operable motor vehicles are stored or offered or displayed for sale or advertising purposes.

Automobile Wrecking: (Also see "Junk Yard") The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of five (5) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for re-use, salvage or sale, shall constitute prima facie evidence of an automobile wrecking yard.

Awning: Any structure made of cloth or other non-rigid material with a metal or other rigid material for a frame and attached to a building and projecting outward from the building. (See "Canopy")

Balcony: An unroofed platform, unenclosed except by a railing, which cantilevers from the outer wall of a building above ground level without support other than the building.

Bar: Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (May also be referred to as "Cocktail Lounge," "Tavern," or "Saloon")

Basement: The lower part of a building having more than one-half ($\frac{1}{2}$) of its height between its floor and the floor of the story above is below the adjacent ground elevation.

Basement, Walkout: A basement which has more than one-half ($\frac{1}{2}$) the horizontal dimension of an exterior wall above the adjacent ground elevation permitting access to the exterior through a doorway with its base at floor level.

Bed and Breakfast Inn: An owner-occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation.

Bedroom: Any room intended for sleeping purposes, provided that no room having less than one hundred (100) square feet of floor area shall be considered a bedroom.

Billboard: All signs, regardless of material used in the construction of the same, that are erected, maintained, or used for public display of poster, painted signs, wall signs, whether the structure be placed on the wall itself, pictures, or other pictorial reading matter which advertise a business, a commodity sold, service, or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Block: A block shall be deemed to be all that property frontage along one public thoroughfare lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other similar space.

Board: Norwalk Board of Adjustment.

Boarding House: An establishment with lodging for five (5) or more unrelated persons for compensation, where meals are regularly prepared and served upon a table family style, without service or ordering of individual portions from a menu, but shall not include assisted living residential facilities.

Body Piercing Studio: Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service. (See "Tattoo Studio")

Borrow Pit: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

Buffer: (Also see "Screening") A landscaped area, wall, or other structure intended to separate or partially obstruct the view between two adjacent zoning districts, land uses or properties from one another.

Buffer Zone: An area reserved for the establishment, construction and continued maintenance of a buffer.

Buildable Area: The area remaining on a lot after the minimum open-space requirement for yards has been met.

Building: Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated

by walls in which there are no common walls, connecting doors or windows, or any similar opening, each portions so separated shall be deemed a separate building.

Building Frontage: That wall or side of a building which is adjacent and most nearly parallel to a street.

Building Height of: The vertical distance from the average ground elevation at the building lines, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building Line: The extreme overall dimensions of a building as determined from its exterior walls or any part of a structural support or component which is nearest to the property line, other than usual uncovered steps, patios and decks. Horizontally projecting roof overhangs and chimneys into the setback up to two (2) feet shall be permitted, provided no part of a side of a building for residential occupancy which is not attached to another building shall be closer than five (5) feet to a lot line or within 10 feet of another building.

Building Plot or Site: The ground area of one (1) lot, or the ground area of two (2) or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this Ordinance. (See "Lot")

Building Sign: A sign which is wholly supported by the building wall, parallel to the plane thereof and which does not extend beyond the surface of said building wall more than twelve (12) inches. This sign may be painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

Bulk or Tank Stations: Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Caliper, Tree Trunk: a tree trunks diameter as measured three (3) feet above grade.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Canopy: A permanent roofed structure, including marquees and awnings, attached to and supported by a building and projecting over private property, or over public property.

Car wash: An area of land and/or a structure with machine-or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

Cemetery: Land used or intended to be used for the burial of the dead, including mausoleums, columbariums and crematoriums when operated in conjunction with and within the boundary of such cemetery.

Centerline, Public Thoroughfare: The line running parallel with the thoroughfare right-of-way boundaries and which is half the distance between the extreme edges of the official right-of-way width.

Certificate of Occupancy: A document issued by the City to permit the use of a building which has been determined to have fulfilled City Zoning and building code requirements to permit occupancy.

Certified Survey: A sketch, plan, map or other exhibit bearing a written statement of its accuracy of conformity to specified surveying standards which is signed and sealed by a registered surveyor.

Channel: A natural or artificial watercourse of perceptible extent, with a definite bed and definite banks to confine and to conduct continuously or periodically flowing water.

Child: A person under eighteen years of age.

Child Care Center: A facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home.

Child Day Care: (See Chapter 237A of the State Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:

- A. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.
- B. A religious-related instructional program of not more than one day per week.
- C. Short-term classes held between school terms.
- D. A program administered by a political subdivision of the State which is primarily for recreational or social purposes, and is limited to children who are five years of age or older and attending school.

Child Care Home: A private residence where care, protection and supervision are provided, for a fee, at least twice a week to five (5) or fewer children at one time.

Child Development Home: A private residence, officially registered by the State of Iowa, to provide child day care with a maximum of eight (8) full time children (Category A and B as defined by the Iowa Department of Human Services (DHS) on July 1, 2015, and Category C with one provider (C-1) as defined by DHS on July 1, 2015). In no case shall an in home childcare service exceed twelve (12) children, with no more than eight (8) being considered full time.

Church or Place of Religious Worship: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clear-Cutting: The indiscriminate removal of tree, shrubs, or undergrowth with the intention of preparing real property for development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

Clinic, Medical or Dental: A building or buildings in which physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their professions.

Club: An organization of persons for special purposes or for the promulgation of sports, arts,

literature, politics, fitness, or the like but not operated for profit, excluding churches, or other houses of worship.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Cocktail Lounge: Any place of business, other than a "night club", located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance.

Commercial Use: The barter, exchange, sale, service or trade of goods, materials, or services, either tangible or intangible for financial, material or monetary gain.

Commission: The Planning and Zoning Commission of Norwalk. (See Chapter 23 of the City Code of the City of Norwalk for the Powers and Duties of the Planning and Zoning Commission.)

Complex: A planned, coordinated development of a tract of land with two or more separate buildings. Such development is planned, designed, and constructed on an integrated and coordinated basis with special attention given to the master planning of on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Comprehensive Plan: The Comprehensive Plan for the City of Norwalk which sets forth the City's long range plans for land use, transportation, municipal utilities, city expansion, management and development policies to guide the city's growth and from which the City's zoning regulations shall be based.

Communications Tower: (Also see "Antenna") A structure that is intended for transmitting or receiving television, radio, or telephone communications.

Conditional Use: (See "Special Use")

Condominium: An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Condo-Conversion (Condominium Conversion): The filing of a condominium regime, per the Code of Iowa, for an existing real estate property, such as the conversion of an apartment building into condominiums.

Conservation Easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, wooded, or topographic condition, retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.

Control Zone: Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

Convenience Store: Any retail establishment offering for sale food products, household items and other goods commonly found in grocery stores, and having a gross floor area of less than 6,000 square feet. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.

Conversion: Any change of one principal use to another principal use.

Corridor Preservation: To preserve a right-of-way through the transfer of ownership, by easement or by an agreement, for a future public use as planned by the City of Norwalk or other public jurisdiction.

Council: The City Council of Norwalk.

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

Cul-De-Sac: A local street, one end of which is closed and consists of a circular turn around.

Curb Level: The top level of the established curb in front of a lot. Where no curb has been established, the City Engineer may establish such curb level or its equivalent.

Dead-End Street: A street with one end closed, and has only one location for entry and exit.

Deciduous: Plants which shed their foliage after a growing season.

Decision Height: The height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

Delayed Deposit Services Business: A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:

- A. Accepts a check, draft, share draft, or other instrument for the payment of money dated subsequent to the date it was written.
- B. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

The above are typically referred to as Check Cashing, Payday Lending, or Car Title Loan establishments.

Density, Gross: The number of dwelling units permitted per gross acre of land within a defined area including public streets and open spaces.

Density, Net: The number of dwelling units permitted per net acre of land being developed exclusive of public street rights-of-way.

Development: Any subdivision of land or man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Directory Sign: Any sign that does not advertise a product or place of business, but exists solely to direct vehicular or pedestrian traffic to a location of a business or part of a business. A directory sign shall not contain names or logos. Any such sign shall not be more than eight (8) square feet per face, more than three (3) feet in height, and must be five (5) feet or more from public right-of-way. All directory signs must be located on the same property that the business or firm is located on. No more than five (5) directory signs shall be allowed per property.

Dump: A premises used for illegal discarding of trash, garbage, junk or other refuse; but not including legally operating landfills or junk yards.

Duplex: (See "Dwelling, Two Family")

Drive-in or Drive-thru Facility: An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. In these guidelines, car washes and gas stations will not be categorized as drive-thru facilities.

Driveway: A privately owned roadway giving access from a public street to a building plat or abutting property.

Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, shall be designed to be placed on, supported by and attached to a continuous perimeter foundation, which shall be permanent and constructed in accordance with the Norwalk Building Code for site built housing.

Dwelling, Single Family: A detached residence designed for or occupied by one family only, with the minimum width of twenty (20) feet or more than 65% of the length of the building exclusive of garages.

Dwelling, Two Family: (Commonly referred to as a duplex.) A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, with a minimum width of twenty (20) feet for more than 65% of the length of the building, exclusive of garages.

Dwelling, One and Two Family - Rowhouse / Townhome: A building designed for or occupied by one (1) or two (2) families only, with separate housekeeping and cooking facilities for each, where the dwelling units are either detached (1 family) or attached horizontally to each other by party walls (2 families); where each unit maintains an individual entrance from the exterior of the building; and where the owner of the dwelling unit owns the lot beneath the unit.

Dwelling, Multiple Family - Rowhouse / Townhome - A dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building.

Dwelling, Multiple Family - Apartment – A building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two other units. Said buildings have dwelling units that are both vertically and horizontally attached to one another.

Dwelling Unit: A room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing sleeping, bathroom, and kitchen facilities.

Easement: A granted right by a land owner to a person, government agency, or public utility company to use land owned by another for a specific purpose.

Evergreen: Plants which maintain their green foliage throughout the year, including the winter season in temperate climates.

Existing Construction: Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

Existing Use or Structure: Any use or structure which exists as of January 1, 1998, or exists at the time of an amendment to this ordinance subsequent to its original adoption.

FAA: Federal Aviation Agency.

FEMA: Federal Emergency Management Agency.

Factory-Built Home: Any structure, designed for residential use, which is wholly or in substantial part; made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Factory-Built Home Park: A parcel or contiguous parcels of land divided into two (2) or more factory-built home lots for rent or sale.

Family: 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 (blood relatives), marriage, adoption, guardianship or other duly authorized custodial relationship;
- B. No more than three (3) unrelated people and any children related to any of them;
- C. Not more than eight (8) people who are:
 1. Residents of a "family home" as defined in section 414.22 of the Iowa Code and this section; or
 2. "Handicapped" as defined in the fair housing act, 42 USC Section 3602(h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the controlled substances act, 21 USC Section 802(6).
- D. The definition of a "family" does not include:
 1. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
 2. Any group of individuals whose association is temporary or seasonal in nature; and,
 3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

Family Home: 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 eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under chapter 237 of the Iowa Code.

Farm: Land area comprising ten (10) acres or more which is used for agriculture.

Farmstead: a grouping of buildings within a farm utilized for the storage and housing of equipment, agricultural products and livestock, and associated residence.

Feedlot: Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Fill: To raise the grade of land with the depositing of earth.

Flashing Lights: A sudden or transient outburst of bright light(s); a flood of light briefly appearing and disappearing. A single flash at regular intervals, the duration of light always being less than the duration of darkness.

Flea Market: An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods for sale to the public, not to include private garage sales.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

Flood Elevation: The elevation floodwater reaches at a particular site during the occurrence of a specific flood. For instance, the one hundred (100) year flood elevation is the elevation of flood waters related to the occurrence of the one hundred (100) year flood.

Flood Insurance Rate Map (Firm): The official map prepared by the Federal Insurance Administration as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

Flood Plain: A land area susceptible to being inundated by water as a result of a flood.

Flood Plain Basement: Any enclosed area of a building which has its floor or lowest level (subgrade) on all sides. (Also see "Lowest Floor")

Flood Plain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

Flood Profile: A graph showing longitudinal sections of a designed waterway and the relationship of the water surface elevation of a flood event to any location along the watercourse.

Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

Floodway: The channel of a river stream or other water course and those portions of the flood plain adjoining the channel, which are required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.

Floodway Fringe: Those portions of the flood plain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flood velocities.

Floor: The lower horizontal surface of a hollow structure, story or room, or the horizontal

structure which separates stories in a building.

Floor Area: The total area of all floors of a building or portion thereof measured to the outside surface of exterior walls or the centerline of walls to attached buildings or uses. It does not include garages, porches, balconies and other appurtenances. Space in the basement or cellar and all other space shall be included as floor area if habitable and used for a principal or accessory use permitted in the zone in which the building is located.

Floor Area Ratio: The square footage of floor area on all floors divided by the land area within the property lines.

Freeboard: A safety factor indicating the height above a projected flood occurrence level to which a levy or floodwall is constructed.

Frontage: The lot line adjoining a public street as measured along the street.

Funeral Home: A Building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, urns, and other related funeral supplies; d) the storage of funeral vehicles; and e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, Private: A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature. No dwelling or living space shall be contained within and shall not otherwise be used as a living quarters.

Garage, Public: A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Garage, Repair: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered.

Gas or Service Station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, gasoline, diesel fuel, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products. The rendering of accessory services is permitted including automatic car wash for one vehicle at a time, and making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting; body, fender, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

Grade: The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

Grandfathered: A use, or structure which exists at the time of the passage of an ordinance or regulation, and is permitted to continue to exist, although the use, or structure does not comply with the new ordinance or regulation.

Greenhouse: A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

Group Care facility: A government licensed or approved facility which provides resident services in a dwelling to more than eight (8) individuals not including resident staff, but not exceeding 30 individuals. These individuals are developmentally disabled, aged or undergoing rehabilitation; are in need of adult supervision; and are provided services in accordance with their individual needs. Group care facilities shall not include nursing homes.

Habitable room: Any room meeting the requirements of the City's adopted Building Code and used for sleeping, living or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar space.

Half-Story: A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor immediately below it.

Hazardous Materials: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Club: An establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: A home occupation is a business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building. (See Section 17.04.290, General Regulations).

Homeowners or Property Owners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

Hookah Lounge: An establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe. (See "Smoking Lounge" or "Smoking Den")

Hospital: An institution licensed by state law providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel: A building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an apartment hotel or apartment house/building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel by the State of Iowa and collect and pay to the State hotel/motel tax.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Inoperable Vehicle: Any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use.

Insignias and Flags: Insignias, flags and emblems of the United States, the State of Iowa, municipal and other bodies of established government, or flags which display the recognized symbol of a non-profit or non-commercial organization.

Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

Internet Café: A café, coffee bar, etc., that offers Internet access on its own computers or on customer's laptops, usually for a fee.

Junk: Old, wrecked, inoperable, or discarded automobiles, trucks, tractors and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building materials, scrap contractor's equipment, tanks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade.

Junk Yard: Any area where junk is stored, bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

Kennel: Facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Kennel, Private: Any building or buildings, any land containing, or any housing, designed for the care of, or actually containing four (4) or more dogs, six (6) months of age or older. (ORD. (01-16)

Kitchen: Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food.

Landfill: A disposal site employing an engineering method of disposing of solid wastes in a

manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Lawful Lot, Structure, or Use: A lot, structure, or use which complies with the zoning regulations within this Title or any other city, federal, or state law or regulation, or is grandfathered under the terms and conditions of this Title and is permitted to exist.

Livestock: Animals kept, or raised for use or pleasure including cattle, horses, sheep, goats, swine and similar hoofed animals.

Laundry, Self-Service: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Loading Space: Any off-street space or berth on the same lot with a building or contiguous to a group of building, for the temporary parking(less than twenty-four hours) for a commercial vehicle while loading or unloading merchandise or materials.

Lot: For the purpose of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex or mobile home park, and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Line: A line dividing one lot from another lot or from a street or alley.

Lot Lines:

- A. Front: The lot line(s) which adjoin(s) a public street right of way.
- B. Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a corner lot, either of the lot lines opposite the front lot line may be selected as the rear lot line. In the case of a double frontage lot, the rear lot line shall be that line opposite the front lot line from which street access is obtained for the lot. In case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which:
 - 1. Is parallel to the front lot line or its cord.
 - 2. Intersects the two (2) other lot lines at points most distant from the front lot line.
- C. Side: Any lot line not a front lot line or a rear lot line.

Lot Measurements:

- A. Area. The gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.
- B. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at the front lot line and rear lot lines.
- C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard

setback.

Lot of Record: A lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of this Title, an existing contract of purchase at the time of the effective date of this ordinance also constitutes a lot of record.

Lot, Substandard: A lot that has less than the required minimum area or width as required by the zone in which it is located.

Lot Types:

- A. Corner Lot: A lot located at the intersection of two (2) or more streets, and having the street right-of-way abut the front lot lines of the lot.
- B. Double Frontage or Through Lot: A lot, other than a corner lot, with frontage on more than one (1) street or public thoroughfare which does not intersect one another.
- C. Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor which does not meet the minimum permitted lot width requirements at the minimum setback distance from the public street.
- D. Interior Lot: A lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.
- E. Key Lot: A key lot is a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.
- F. Townhouse Lot or Postage Stamp Lot: A small lot typically contained within an associate owned common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit for ownership purposes.

Lowest Floor: The floor of the lowest enclosed area in a building, including a basement, except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 17.20.030.2.E.
- B. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- D. The enclosed area is not a "basement" as defined in this ordinance.
- E. In cases where the lowest enclosed area satisfied criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- F. Exception to the forgoing is a building basement which has been designed in accordance with Section 17.20.030.2.B. or 17.20.030.2.C. of this ordinance.

Liquor Store: A retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store's premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.

Maintenance Guarantee: A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this ordinance and regulations, or to maintain same.

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

Marina: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure water craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

Marquee: A canopy with rigid material of permanent construction projecting from and supported only by the wall of a building.

Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any form of consideration or gratuity.

Massage Establishment: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing (1) person(s) licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158 of the Code of Iowa, when performing massage services as a part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; and (5) an athletic coach or trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his/her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center; swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities; and facilities for the welfare of the residents of the area.

Master Plan: A schematic plan for a unified, coordinated development of a tract of contiguous land which is designed in an integrated and coordinated basis showing streets, water lines and appurtenances, sanitary sewers and appurtenances, storm water management facilities and appurtenances, lot boundaries, building locations, parking and loading areas, access drives, landscaping, existing and proposed grades, buffers, and other information as required to properly depict and communicate the proposed utilization and improvement of the property.

Metes and Bounds Description: A description of land that uses distances and angles, or distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

Mini-Warehouse: A building or group of buildings, no more than twenty-five (25) feet in height and

not having any dimension greater than two hundred fifty (250) feet per building, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers' goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.

Minimum Descent Altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

Minimum En Route Altitude: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum Obstruction Clearance Altitude: The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Minor Projects: Small development activities (except for filling, grading and excavating) valued at less than \$500.

Mobile Home: A factory built home without motive power and built on a chassis for conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a place of human habitation for one (1) or more persons.

A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided, if such mobile home has not been converted to property tax assessable real estate in accordance with Chapter 135D.26 of the Code of Iowa. Nothing in this ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.

Mobile Home Park: Any lot or portion of lot upon which one or more mobile homes, modular homes, or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

Modular Home: A factory-built home which is manufactured or constructed 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 attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

Motel: (See "Hotel")

Multiple Use: The occupancy of a defined area of land or a building by more than one type of use, i.e., single-family residential, multi-family residential, commercial, office, or industrial.

New Construction: (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community. Those structures or development for which the start of construction or installation commenced on or after the effective date of this ordinance.

Night Club: Any place of business located within any building or establishment, established and operated for the purpose of supplying entertainment or music and a dance floor and providing meals and/or refreshments prepared for consumption on the premises.

Noise and Aviation Easement: An easement granted by a land owner to the Des Moines International Airport and all aircraft landing at the airport to use the air space above the described area of the easement, and to emit noise associated with the operation of the aircraft.

Non-conforming Lot: A lot 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 the new district regulation in which it is located.

Non-conforming Structures: A building or structure exists at the effective date of adoption or amendment of this ordinance which is allowed to lawfully exist, but does not comply with the terms of this ordinance by reason of restrictions on area, lot coverage, height, setbacks, architecture, or other characteristics of the structure or its location on the lot.

Non-conforming Use: A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Non-Profit Institution: A non-profit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, education or similar services to the public, groups, or individuals. Cooperative non-profit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., shall not be considered a non-profit institution under this ordinance.

Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.

Occulting Light(s): Light which is totally eclipsed at regular intervals; the duration of light is always greater than the duration of darkness (such as an electronic information display).

Off-Premises: As used in this ordinance shall mean the purpose is to advertise, identify and/or direct attention to a profession, business, service, activity, product, campaign or attraction which is not carried on, sold, offered, or manufactured in or upon the premises.

Official Plat: Either an auditor's plat or a subdivision plat that meets the requirements of the State Code of Iowa and City subdivision regulations, and has been filed for record in the offices of the County recorder, auditor, and assessor.

On-Premises: As used in this ordinance shall mean the primary purpose is to advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign or attraction which is carried on, sold, offered or manufactured in or upon the premises.

One Hundred (100) Year Flood: A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include buildings, driveways, parking lots, display areas for retail sales of merchandise, loading areas, outdoor storage areas, or other surfaces designed or intended for vehicular travel.

Ornamental Tree: Small deciduous trees which normally have colorful flowers and leaves, and are generally less than thirty (30) feet in height at maturity.

Outdoor Storage: The keeping, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, that is not wholly contained within a fully enclosed structure.

Over-story Tree: A deciduous shade tree which grows to a sufficient height to establish an overhead canopy, and is generally greater than thirty (30) feet in height at maturity.

Parcel: A part of a tract of land.

Park: Any public or private land reserved for active and passive recreation to include such facilities playgrounds, swimming pools, tennis courts, trails, shelters, and other similar uses associated with a designed recreation area. The term park is not intended to include private or public amusement parks, permanent carnivals, or similar type activities.

Parking Area, Joint Use: An off-street parking area which is used commonly by two or more buildings or properties which are under different ownership.

Parking Area, Satellite: Off-street parking spaces located on a separate lot not adjoining the principal use for which they are required or associated with, whether in the same ownership as the property occupied by the principal use or leased from a separate owner.

Parking Space: An area on a lot and/or within a building intended for the use of parking of a personal vehicle. This term is used interchangeably with parking stall.

Patron: Customer who purchases a commodity or service.

Pawnshop: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.

Performance Guarantee: Any security accepted by the City in the form of cash, certified check, performance bond, surety bond, or certificate of deposit endorsed to the City, to assure the completion of improvements within a subdivision or site-planned development.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: A natural person, his or her executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Place of Business: Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.

Planned Unit Development (PUD): Any development in which the proposed land use, transportation elements, population densities, building arrangement and types are set out in a unified, contiguous plan.

Planning Commission: The Planning and Zoning Commission of the City of Norwalk.

Plant Nursery: Any land used to raise trees, shrubs, flowers, and other plants for transplanting.

Plat of Survey: The Graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

Post-Secondary Schools: A public or non-public educational institution such as colleges, universities, professional business training schools, and technical training schools, established to provide curriculum, academic instruction, or training to persons who have completed their high school education.

Premises: Any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width established in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal Building or Structure: A building or structure in which the principal use of the lot on which the building or structure is located is conducted.

Principal Use: The primary use of land or structures as distinguished from an accessory use.

Print Shop: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

Property Line: (See "Lot Line")

Public Thoroughfare: Any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State or Municipal government; which may be used by the public in general, and which may or may not serve as a frontage street to the abutting property. (See "Street")

Public View: Visible to the general populace from public streets, alleys, parks or other public property, adjoining privately-owned properties, and on-premise parking lots and other facilities accessible to the general populace including patrons and visitors.

Recreation Vehicle (RV): A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty vehicle; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle (RV) Park: Any parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Research Laboratory: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential (Residence): Any lot, plot, parcel, tract, area, or place of land or any building used exclusively for family dwelling purposes or intended to be used, including accessory uses specified herein.

Restaurant: An establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.

- A. Dine-in: A restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.
- B. Drive-in: A restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This definition includes coffee shops, ice cream parlors, and any other business that serves food or drinks to patrons in a motor vehicle.
- C. Carry-out: A restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked-up at the establishment by the customer; there is no consumption of food or beverages on the premises by patrons.

Re-subdivision: Any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purpose whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development or other use.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, highway, walkway, drainageway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, trail, or other public use.

Road, Private: A right-of-way open to vehicular ingress and egress established as a separate tract for the common use and benefit of certain, adjacent properties. This definition shall not apply to individual driveways.

Rooming House: A residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

Routine Maintenance Of Existing Buildings And Facilities: Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- C. Basement sealing;
- D. Repairing or replacing damaged or broken window panes;
- E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, middle schools and high schools.

School, Business Training: School, which specializes in business, commercial and industrial training courses and is operated for commercial gain.

Scenic Corridor: A strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

Scenic Easement: An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

Screening: (Also see "Buffer") The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Seating Capacity: The actual seating capacity of an area based upon the number of fixed seats or one seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

Section: Shall mean a section of this ordinance unless some other ordinance, code or statute is indicated.

Self-Service Storage Facility: (See "Mini-Warehouse")

Senior Citizen Center: A facility that is generally open to the public and owned or operated by a public or non-profit agency for the purpose of providing social services, activities, and/or meals to seniors or the elderly.

Servant's Quarters: A secondary dwelling unit occupied by a domestic employee of the principal residential building and conforming to the restrictions of this ordinance including those for accessory buildings.

Setback: The required minimum horizontal distance permitted between the building line and the related front, side, or rear property line.

Shopping Center: A grouping of retail business and service uses within a single Master Planned Complex of one or more buildings with common parking facilities, access and open space.

Side Yard: (See "Yard, Side")

Sidewalk Cafe: An area which is part of and adjacent to and directly in front of a street-level restaurant and located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof as required by the City Council.

Sign: Any device fixed to, painted on, or incorporated into the building surface or displayed from or with a building or structure, or free standing upon the site and which is visible from the public right-of-way and designed to convey or direct a message to the public concerning the identification of the premises, to advertise or promote the interests of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.

Sign, Awning: A sign painted on or incorporated into an awning. The area of an awning sign shall be the area of the inscription or message incorporated into the awning, provided the awning is not internally illuminated. For an awning sign incorporated on an awning internally illuminated, the area of the entire awning shall be considered the sign area.

Sign, Building: A sign which is wholly supported by the building wall, parallel to the plane thereof and which does not extend beyond the surface of said building wall more than twelve (12) inches. A building sign may be painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

Sign, Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, charitable organization, school, library, community center or similar institution and the announcement of its services or activities.

Sign, Changeable Copy: The graphic content, in letter or alphabetical form, of a sign, which can be changed or altered through mechanical or electrical means. (ORD. 02-04)

Sign, Construction: Such signs identifying the architects, engineers, contractors and other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for the building is intended but not including product advertising.

Sign, Directory: Any sign that does not advertise a product or place of business, but exists solely to direct vehicular or pedestrian traffic to a location of a business or part of a business. A directory sign shall not contain names or logos. Any such sign shall not be more than eight (8) square feet per face, more than three (3) feet in height, and must be five (5) feet or more from public right-of-way. All directory signs must be located on the same property that the business or firm is located on. No more than five (5) directory signs shall be allowed per property.

Sign, Free Standing: Free standing signs including pole and ground signs, as regulated by this chapter, shall include any sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.

Sign, Identification: An on-premises sign that displays no more than the name, address, crest or insignia, occupation or profession of an occupant of the premises, name of any building on the premises or the trademark of the occupant.

Sign, Illuminated: Illuminated sign shall mean any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

Sign, Interstate High Rise: An on-premise pole sign which is constructed to attract the attention of interstate travelers and is located within six hundred (600) feet of the centerline of Highway 5 and identifies or advertises the use of the principal building(s). (ORD. 02-04)

Sign, Memorial: Memorial signs or tablets, names of buildings and date of erection when engraved into any masonry surface or when constructed of bronze or other incombustible materials. Memorial signs shall not contrast in color from the material of which said sign is constructed.

Sign, Monument: An on-premises free standing identification sign identifying the name of a development or principal tenant(s) of said development, which is anchored to the ground. The sign has a monolithic or columnar line and which maintains essentially the same contour from grade to top. The standards listed in sections 17.60 and 17.70. apply to the design of monument signs. (ORD. 02-04)

Signs, Obsolete: Such signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

Sign, Panel: A message, inscription or logo which is painted or affixed to a panel of wood, plastic, cloth, fiberglass, or other material which is not part of the building's exterior materials, is of greater area than the message, inscription or logo, and provides a background for the message, inscription or logo.

Sign, Pole: An on-premise free standing sign that is supported by one or more uprights not attached to, or braced by, any other structure. Pole signs shall have a clear open space of not less than ten (10) feet between the base line of said sign and the ground level.

Sign, Political Campaign: A sign, either on or off-premise, announcing candidates seeking public political office in a forthcoming election or signs announcing political issues, for or against, to be considered in a forthcoming election.

Sign, Portable: A freestanding sign not permanently anchored or secured to the ground or any building or wall.

Sign, Projecting: A sign, other than an awning sign, canopy sign, building sign, or marquee which projects from and is supported by a wall of a building or structure, and whose message is on a plane which is generally perpendicular to the supporting wall.

Sign, Public: Such signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and all other similar signs, including signs designating City entry, hospitals, libraries, schools, airports and other institutions or places of public interest or concern.

Sign, Real Estate: Such signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed.

Sign, Roof: A sign erected upon or above a roof or parapet of a building.

Sign, Service: A sign identifying rest rooms, public telephone facilities, first aid stations, emergency shelters and other similar public service facilities.

Sign, Vehicle: A message, inscription or logo painted, attached, or incorporated on a motor

vehicle which advertises or promotes the interest of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.

Sign Area: The sign area shall be that area of a sign's exposed facing determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured from the extreme points or edges of the painted background, panel sign, or the peripheral encasement or structural trim which forms part of the sign proper, or the display, provided however, the area of a sign composed of characters or words attached directly to a wall surface shall be of the smallest rectangle which enclosed the whole group of characters or words.

Sign Perimeter: The external boundary of a sign at its widest point per plan view .

Site Improvements: Site improvements shall include all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, storm water management, parking, loading areas, landscaping, buffers, and free standing signs.

Site Plan: A plan, prepared to scale, 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. (See Chapter 17.80 for regulations.)

Slope: The change in ground elevation between two points.

Smoking Lounge or Smoking Den: An establishment where patrons can purchase and consume tobacco products on site.

Special Flood Hazard Area: The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

Special Use: A use of land, water or building which is allowable only after the issuance of a special use permit by the Board of Adjustment under conditions specified in this ordinance.

Specified Anatomical Areas: As used in this ordinance, are defined as: (1) less than completely and opaquely covered human genitals, human pubic region, mature human buttocks, and mature human female breasts, below a point, immediately above the top of the areola; and (2) human male genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: As used in this ordinance, are defined as (1) human genitals in the state of sexual stimulation or arousal; (2) acts of masturbation, sexual intercourse or sodomy; (3) fondling or other touching of human genitals, pubic region, buttocks, or female breasts; and (4) minors engaged in a prohibited sexual act or simulation of a prohibited sexual activity.

Stable, Private: An accessory building in which horses are kept for private use and not for remuneration, hire or sale.

Stable, Public: An accessory building in which horses are kept for commercial use including boarding, hire, instructions, and sale.

Stable, Riding Club: A building or structure used or intended to be used, for the housing only of horses by a group of persons for non-commercial purposes.

Start of Construction: Actual start occurs when footings or structural support columns are installed or constructed. For a "Factory-built home", actual start will occur when it is placed on a site or foundation is constructed.

State Plane Coordinates: All runway edges and height limitation boundary surfaces are located

within the airport's survey foot coordinate system which is closed to the calculated point in the National Geodetic Survey's state plane coordinate system of 1983 at the quarter section corner near Fleur Drive and Army Post Road. The calculated U.S. survey foot coordinates for this quarter section corner are:

Northing-	556,209.5724
Easting-	1,600,720.5140

Within the closed airport coordinate system the ultimate runway end coordinates for each of the runway ends are located as follows:

13L:	Northing-	563,308.61
	Easting-	1,592,510.75
	Elevation-	911.27
31R:	Northing-	556,960.54
	Easting-	1,599,451.27
	Elevation-	957.23
13R:	Northing-	561,694.69
	Easting-	1,587,904.08
	Elevation	899.0
31L:	Northing-	555,346.62
	Easting-	1,594,844.60
	Elevation-	938.1
5:	Northing-	554,950.26
	Easting-	1,591,755.30
	Elevation-	915.8
23:	Northing-	560,484.49
	Easting-	1,599,354.71
	Elevation-	934.5

(Those coordinates must be verified from the City of Des Moines Engineering Department and used when calculating the heights and distances around the airport. These coordinates are the official centers of each end of the runway surfaces, and must be used in all calculations, zoning requirements, and plans around the airport.)

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a walkout basement is more than five (5) feet above grade such basement shall be considered a story.

Street: A public or private thoroughfare with a right-of-way not less than twenty (20) feet which is used, or intended to be used, for passage or travel by motor vehicles.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street. (See "Lot Line, Front")

Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structural Trim: Structural trim shall mean the molding, battens, capping, nailing strips, laticing, and platforms, which are attached to the sign structure.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include

buildings, antenna, smoke stacks, mobile homes, billboards, signs, poster panels, factories, sheds, cabins, factory-built homes, overhead transmission lines, poles, satellite dish antenna, storage tanks, towers, and other similar uses.

Subdivision: A division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use, provided, however, this definition of a subdivision shall not include divisions of land into aliquot parts or more for agricultural purposes.

Subdivision Plat: The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county and city where the land is located.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.

This includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration will not preclude the structure's continued designation as a "historic structure."

Surveyor: A registered land surveyor who engages in the practice of land surveying pursuant to the State Code of Iowa.

Swimming Pool: All outdoor artificial or semi-artificial receptacles of either temporary or permanent construction, whether above or below ground, capable of containing water of a depth of eighteen (18) inches or more, whether used for swimming or aesthetic purposes, but shall exclude man-made lakes or ponds created through the collection of storm water or drainage runoff.

Tobacco Store: A retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products for off premise consumption only, and where 50% or more of total gross sales are derived from the sale of tobacco and alcohol.

Tattoo Studio: Any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. (See "Body Piercing Studio")

Tavern: (See "Bar")

Temporary Sale: (See "Flea Market")

Temporary Use: A use intended for a limited duration which may or may not be permitted in the zoning district in which it is proposed to be located, and which is permitted subject to the approval of a temporary use permit by the City Council.

Tent: Any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, or any light material, either attached to a building or structure, or unattached.

Tourist Cabin: A small single family dwelling of simple construction used as one of the units of a tourist park.

Tourist Park: Any lot or plot of real property upon which two (2) or more tourist cabins or two (2) or more recreational vehicles, camp sites, travel trailers or any combination of tourist cabins, recreational vehicles, camp sites, are located and maintained for seasonal temporary occupancy.

Tower: A tall free-standing framework or structure, other than a building, used for television, radio, telephone, and personal communication transmitters or antennas, as well as observation, liquid storage, or wind generation, and not including utility wire poles.

Townhouse: A dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

Tract: An Aliquot part of a section, a lot within an official plat, or a government lot.

Trail: A pedestrian walk way or bikeway designated with a paved surfaced pathway for travel by means other than by motorized vehicles.

Trailer Park: (See "Mobile Home Park")

Transfer of Development Rights: The conveyance of development rights to another parcel of land by legal instrument authorized by local law.

Transitional Use: A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Trash: Cuttings from vegetation, refuse, paper, bottles, rags. (Also see "Junk")

Travel Trailer: A recreational vehicle, with or without motive power; designed as a temporary habitation, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are used for travel or recreational purposes and not used for permanent habitation.

Travel Trailer Park: (See "Tourist Park")

Truck Stop: A service station which is designed principally for the servicing and temporary parking of trucks.

Truck Terminal: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage. The terminal facility may include storage areas for trucks, and buildings or areas for the repair of trucks associated with the terminal.

Unlawful Lot, Structure, or Use: A lot, structure, or use which does not comply with the zoning regulations within this Title or any other city, federal, or state law or regulation, is not grandfathered under the terms and conditions of this chapter, and is not permitted to exist.

VOR: Very high frequency omnidirectional range station. A ground based electronic navigation aid transmitting very high frequency navigation signals, 360 degrees in azimuth, oriented from

magnetic north. Used as the basis for navigation in the National Airspace System.

Variance: A modification of the specific regulations of this ordinance granted by resolution of the Board of Adjustment in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances and hardships applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration (FAA) approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Warehouse: A building used primarily for the storage of goods and materials.

Waterfront: Any site shall be considered as waterfront premises providing any of its lot lines abut on or are contiguous to any body of water, including a creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear or side.

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, signs, poles, post, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements limiting obstruction of visibility and other provisions of this ordinance. In measuring a yard for the purpose of determining the depth of a yard, the minimum setbacks shall be used.

Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building line or any projection thereof, other than the projection of the usual uncovered steps, patios or decks.

Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches.

Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the building line.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zone: Any one of the classes of districts established by this ordinance which is designated by area upon the Official Zoning Map of the City of Norwalk.

Zoning Administrator: The administrative officer designated or appointed by the City to administer and enforce the regulations contained in this ordinance.

Zoning Certificate: Written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this ordinance and for the purpose of carrying out and enforcing the provisions of this ordinance.

EXHIBIT "B"

NON-CONFORMING ACCESSORY STRUCTURES

17.04.150 Non-Conforming Structures and Site Improvements.

- E. An accessory structure lawfully in existence prior to the adoption of this provision may be reconstructed, rebuilt, or replaced within the same building setback line as the original structure. However, any non-conformity of the structure cannot be increased. Any expansion from the footprint and/or overhang of the original structure must comply with the current building setback requirements.

EXHIBIT "C"

EXCEPTIONS AND MODIFICATIONS

17.04.200 Exceptions and Modifications. The regulations specified in this ordinance shall be subject to the following exceptions, modifications, and interpretations:

A. Use of Existing Lots of Record.

1. In any zoning district where single-family detached dwellings are permitted, a single family detached dwelling may be located on any lot or plot of official record as of January 1, 1998, or at the time of an amendment of this ordinance which makes a lot or plot non-conforming irrespective of the lot's area or width, provided however:
 - a. The side yard setbacks shall comply with the bulk regulations of the R-1 zoning district classification with the largest permitted minimum lot width less than the width of the lot of record, provided no side yard shall be less than five (5) feet.
 - b. The depth of the rear yard of any such lot shall not be required to exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet at a minimum buildable depth of forty (40) feet.
2. In any zoning district, a building other than a single-family detached dwelling may be located on a lot of record as of January 1, 1998, or at the time of an amendment to this ordinance which makes a lot or plot non-conforming, irrespective of the lot's area or width, provided however:
 - a. The depth of the rear yard of any such lot may be reduced to no less than twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet, and
 - b. The side yard setbacks may be reduced, provided the side yard set back as a ratio of the lot of record width is not less than the ratio of the minimum side yard setback as a ratio of the minimum lot width permitted for the zoning district, and no side yard shall be reduced to less than five (5) feet.

B. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height greater than that permitted for the zoning district in which the structure is proposed, provided the structure is permitted in accordance with all other conditions or regulations as set forth in this ordinance.

C. Area Requirements. In any residential district, where neither public or a private multiple-user off-site water supply system, or waste water disposal facility is accessible, the lot area and width requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:

1. Lot area shall be - ten (10) acres; provided, however, that where a public or private multiple-user off-site water supply system is available these requirements shall be forty thousand (40,000) square feet.

- D. Double Frontage Lots. Buildings on double frontage lots extending from street to street shall provide the required minimum front yard setback on the street side where the city may determine access is permitted, and shall provide the required minimum rear yard setback on the street frontage where the City may determine that no vehicle access shall be permitted. The city may also require an additional landscape buffer area within the rear yard adjacent to the adjoining thoroughfare, in lieu of a buffer wall.
- E. Exceptions to Yard Requirements. Every part of a required yard setback area shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in the designated rear yard, and except for the ordinary projections of sills, belt courses, cornices, chimneys, fireplace projections, bay windows, ornamental features, roof overhangs, and gutters that do not extend or encroach more than twenty-four (24) inches into any required yard setback. Ground-mounted external air-conditioning or HVAC units for residential dwellings may encroach within a side or rear yard setback area.
- Uncovered steps, patios and decks may extend up to 15 feet into any front yard setback area and up to 25 feet into any rear yard setback area, provided a minimum fifteen (15) foot setback is maintained. No steps, patios or decks, covered or uncovered, may extend or encroach into a required side yard setback area.
- Detached canopies placed over fuel pumping facilities which are accessory to gas stations or convenience stores may be located in the front yard, provided a minimum fifteen (15) foot setback is maintained.
- F. Mixed-Use Yard Requirements. In instances where buildings are erected containing two (2) or more uses housed vertically, the required side yards for the first floor use shall control.

EXHIBIT "D"

HOME OCCUPATIONS

17.04.300 Home Occupations. This section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations without eliminating certain businesses and occupations that may be compatible with residential areas. These regulations establish criteria to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementation of personal/family income. Home occupations apply only to the residents that are living in the home where the occupation is taking place.

17.04.301 Permitted Home Occupations. The following operations and/or uses are considered permitted in any district that allows household living:

- A. Home sewing or tailoring.
- B. Studios for painting, sculpting, ceramics or other similar arts.
- C. Writing or editing.
- D. Office activities (scheduling, telephone answering, etc.) requiring a limited number of trips to the home.
- E. Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for the purpose of selling a product off-premise.
- F. Tutoring to no more than four (4) students at any one time.
- G. Home-cooking, preserving and baking for the purpose of selling a product off-premise.
- H. Computer programming, repair, internet services and similar occupations.
- I. Mail order business where products are shipped directly from an off-site supplier to the customer.
- J. Office for architects, engineers, realtors, accountants, or similar occupations.
- K. In-home child care home or child development home, provided the following requirements are met:
 - 1. All child care homes and child development homes shall be registered, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
 - 2. Child development homes registered as either a Category A, Category B, or Category C with one provider (C-1) or two providers (C-2), as defined by DHS on July 1, 2015, shall be permitted. In no case shall an in-home child care service exceed sixteen (16) children.
 - 3. All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall. Hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.
 - 4. All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.
 - 5. All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

6. No in-home child care service shall be allowed that does not meet items 1 through 5 above.
- L. Barber shops and beauty parlors.
- M. Small repair shops, including engines, small appliances, mower repair, blade sharpening and similar uses.
- N. Catering businesses.
- O. Private construction contractors provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
- P. Bed and breakfast establishments.
- Q. State licensed massage therapists having no age requirement for admittance.
- R. Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Community Development Department.

17.04.302 Restrictions for All Home Occupations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- A. Not more than one (1) person who is not a resident on the premises shall be employed.
- B. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- C. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
- D. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.
- E. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- F. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

17.04.303 Guidelines for Determining the Appropriateness of All Home Occupations. The following shall be used by the Zoning Administrator to determine if a Home Occupation is appropriate and/or having an adverse impact on the neighborhood:

- A. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation.
- B. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.

- C. The home occupation shall be conducted entirely within the principal dwelling unit or an average of six hundred (600) square feet of floor area in a permitted building accessory.
- D. No home occupation shall be apparent to adjoining residences and from any public street.
- E. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- F. No home occupation shall be noxious, offensive, or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- G. Employment for home occupations shall be limited to family members residing in the principal structure and one additional employee that is not a family member residing in the principal structure.
- H. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.
- I. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- J. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

17.04.304 Violations. Any violation of this section shall be grounds for a cease and desist order and punishable as a municipal infraction.

EXHIBIT "E"

PRIVATELY-OWNED IMPROVEMENTS SERVING MORE THAN ONE PROPERTY OWNER

17.04.340 Privately-Owned Improvements Serving More Than One Property Owner.

The development of a complex of buildings for any permitted use which proposes the common use of private streets, water facilities, sanitary sewer facilities, and storm water management facilities by more than two buildings and two property owners, and eventual maintenance of common facilities by a homeowners or property owners association, shall require the design and construction of such common facilities in accordance with City standards required for the construction of like public improvements, and the provision of associated City construction observation to verify that construction is acceptable and in accordance with City standards.

The developer of all such common use facilities shall submit to the City for review and approval detailed construction plans of the facilities. Said plans shall be prepared and signed by a licensed engineer. All common use facilities shall be inspected by the City as if said facilities were public improvements and the appropriate inspection fees shall be charged to the developer. Upon completion of the common use facilities, final "as-built" plans shall be submitted to the City, signed and sealed by a licensed engineer.

Nothing in this section shall be construed to imply or otherwise require the City to own and/or maintain said common use facilities.

Private Utilities: All private utilities shall be placed within a common outlot or private easement of sufficient width to allow for their maintenance, service, and replacement.

All One and Two-Family Dwellings - Rowhouse/Townhouse units and Multiple-Family Dwellings - Rowhouse/Townhome units shall have individual and separate service line connections to a public sanitary sewer main and a public water main. Sanitary sewer, water service, and sump pump drain lines shall be contained within the lot on which the dwelling unit is located, within a common association owned lot, and/or within a public street right-of-way. Said service lines shall not cross through a separately owned private individual lot without a private easement.

Private Streets and Roadways: Except as provided herein this section, all private streets and roadways shall be constructed with a paving design standard and street width consistent with the City standards as if said street were a public street. All typical street appurtenances, including sidewalks, street lights, traffic control and street name signage shall be provided in accordance with City standards for a public street.

Private streets and roadways serving One and Two-Family Dwellings - Rowhouse/Townhouse units and Multiple-Family Dwellings - Rowhouse/Townhome developments may be 24 feet wide, measured back-of-curb to back-of-curb, with no on-street parking permitted, or 28 feet wide, measured back-of-curb to back-of-curb, with parking permitted on one side of the street or roadway. At the discretion of the City Council, sidewalks may be required along at least one side of the street or roadway and may be permitted to be constructed back-of-curb of the roadway.

A private street easement or outlot shall be established for all private streets and roadways. The width of the private street easement or outlot shall be no less than the width of the private street or roadway plus any adjoining sidewalks. For Single-Family and Two-Family dwelling developments, the minimum private street easement or outlot width shall be no less than 50 feet wide.

Private Street and Roadway Signage options:

Private street and roadway signs shall be installed by the developer. The standard City signage of white on green is reserved for use on any public street. Signage for private streets and roadways shall be white on blue. In addition to the street name, the private street shall have the words PRIVATE STREET under the street name with letters at least 50% the size of the private street's name.

Public street sign example (white on green):



Private street sign example (white on blue):



If the developer chooses to do decorative street signs the white on blue requirement may be waived by the City Council, the sign shall still have the words PRIVATE STREET under the street name with letters at least 50% the size of the private street's name

Private decorative street sign example:



EXHIBIT "F"

City of Norwalk Zoning Code Bulk Regulations - DRAFT 01-18-2015

Zoning District		Principal Building Use Type	Minimum Lot Area	Minimum Lot Width ¹	Minimum Lot Street Frontage	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Minimum Principal Building Separation	Rear Yard Setback	Maximum Building Height	Minimum Open Space	Max Dwelling Units Per Acre	Accessory Structures (allowed in side and rear yard only) ¹³	Accessory Structure Max Height	Principal and Accessory Structure Separation
A-R	Agricultural Reserve District	All Uses	30 acres	660 ft	40 ft	75 ft	50 ft	100 ft	20 ft	100 ft	50 ft	50%		Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
RE-1	Single-Family Rural Estate District	Dwellings	40,000 sq. ft.	125 ft	40 ft	50 ft	20 ft	40 ft		50 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
		Other Uses	80,000 sq. ft.	200 ft	40 ft	75 ft	50 ft	100 ft	20 ft	50 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
R-1	Single-Family Residential District															
	R-1 (60)	Dwellings	7,500 sq. ft.	60 ft	40 ft	30 ft	7 ft	15 ft		35 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
	R-1 (70)	Dwellings	8,750 sq. ft.	70 ft	40 ft	30 ft	7 ft	17 ft		35 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
	R-1 (80)	Dwellings	10,000 sq. ft.	80 ft	40 ft	35 ft	8 ft	20 ft		35 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
	R-1 (90)	Dwellings	11,250 sq. ft.	90 ft	40 ft	35 ft	10 ft	22 ft		35 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
	R-1 (100)	Dwellings	15,000 sq. ft.	100 ft	40 ft	40 ft	12 ft	25 ft		40 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
		Other Uses	80,000 sq. ft.	200 ft	40 ft	50 ft	50 ft	100 ft	20 ft	50 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
R-F	Founders Single-Family Residential District	Dwellings	7,500 sq. ft.	60 ft	40 ft	25 ft ¹⁴	7 ft	15 ft		25 ft	35 ft	30%		3 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
		Other Uses	80,000 sq. ft.	200 ft	40 ft	50 ft	50 ft	100 ft	20 ft	50 ft	35 ft	30%		3 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹
R-2	One and Two-Family Residential District															
		Single-Family	8,125 sq. ft.	65 ft	40 ft	25 ft	7 ft	15 ft		35 ft	35 ft	30%		5 ft side & 5 ft rear yard setback ¹²	15 ft ¹⁰	10 ft ¹¹

Zoning District		Principal Building Use Type	Minimum Lot Area	Minimum Lot Width ¹	Minimum Lot Street Frontage	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Minimum Principal Building Separation	Rear Yard Setback	Maximum Building Height	Minimum Open Space	Max Dwelling Units Per Acre	Accessory Structures (allowed in side and rear yard only) ¹³	Accessory Structure Max Height	Principal and Accessory Structure Separation
		Apartments & Other Uses	80,000 sq. ft.	200 ft	40 ft	35 ft + 10 ft per building story	25 ft + 10 ft per building story	50 ft	10 ft per building story	35 ft + 10 ft per building story	35 ft ³	30%	16	Principal Building Setbacks ¹²	15 ft ¹⁰	20 ft ¹¹
R-5	Mobile Home Park District															
		Mobile Home Park ⁴	400,000 sq. ft. & 6,000 sq. ft per unit	50 ft	40 ft	30 ft ⁴	10 ft ⁴	20 ft	20 ft	10 ft ⁴	35 ft	30%	min 50 units	Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
		Other Uses	80,000 sq. ft.	200 ft	40 ft	50 ft	25 ft	50 ft		50 ft	35 ft	30%		Principal Building Setbacks ¹²	15 ft ¹⁰	20 ft ¹¹
C-O	Commercial Office District	All Uses	20,000 sq. ft.	100 ft	40 ft	30 ft	10 ft	20 ft		35 ft	35 ft	25%		Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
C-1	Neighborhood Commercial District	All Uses (including outdoor seating and display areas)	20,000 sq. ft.	100 ft	40 ft	30 ft	10 ft ⁵	20 ft ⁵	0 ft	35 ft	50 ft	25%	n/a	Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
C-2	Community Commercial District													Principal Building Setbacks ¹²		
		All Uses	80,000 sq. ft.	200 ft	40 ft	50 ft	10 & 20 ft ⁵	35 ft		50 ft	50 ft ³	25%	n/a	Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
		All Uses (if part of a complex)	20,000 sq. ft.	100 ft	40 ft	30 ft	10 & 20 ft ⁵	20 ft		35 ft	50 ft ³	25%		Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
C-3	Highway Service Commercial District	All Uses	20,000 sq. ft.	100 ft	40 ft	30 ft	10 ft ⁵	20 ft ⁵			50 ft ³	20%		Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
C-4	Old Town Business District	All Uses	None	None	40 ft	0 ft ⁶	0 ft ⁷	0 ft ⁷		0 ft ⁷	45 ft	20%		Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹
TC	Town Center Commercial District	All Uses	80,000 sq. ft.	200 ft	40 ft	0 ft ⁶	0 ft ⁸	0 ft ⁸		0 ft ⁸	50 ft (3 stories)	25%	16	Principal Building Setbacks ¹²	15 ft ¹⁰	10 ft ¹¹

EXHIBIT "G"

SECTION 17.10.010

A-R ZONING DISTRICT REGULATIONS

AGRICULTURAL RESERVE DISTRICT

Sub-Sections:

- 17.10.010.0 A-R Zoning District Regulations (Agricultural Reserve District)
- 17.10.010.1 Statement of Intent
- 17.10.010.2 Principal Permitted Uses
- 17.10.010.3 Permitted Accessory Uses
- 17.10.010.4 Special Uses
- 17.10.010.5 Height Regulations
- 17.10.010.6 Bulk Regulations
- 17.10.010.7 Open Space and Landscaping Requirements
- 17.10.010.8 Off-Street Parking and Loading
- 17.10.010.9 Buffer Requirements
- 17.10.010.10 Architectural Standards
- 17.10.010.11 Sign Regulations
- 17.10.010.12 Site Plan Requirements

17.10.010.0 A-R Zoning District Regulations (Agricultural Reserve District). The regulations set forth in this section, or elsewhere in this Title as applicable, shall apply in the A-R Agricultural Reserve District. (ORD. 06-06)

17.10.010.1 Statement of Intent. The A-R District is intended to provide for the protection and preservation of agricultural land until such time as urban services are available to the area and the land is ready for development. This district recognizes the need to establish controls over certain existing agricultural areas in order to prevent the establishment of scattered small-lot subdivisions that the City is unable to provide urban services to or are not expected to be developed into urban uses in the immediate future. (ORD. 06-06)

17.10.010.2 Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the A-R District.

- A. Agriculture and the usual agricultural buildings and structures, but not including commercial livestock feed lots, livestock confinement operations, and poultry farms.
- B. Specialty farming, including truck farming, tree farms, orchards, vineyards and aquaculture.
- C. Single-family detached dwelling.
- D. Nurseries, greenhouses, and truck gardens provided no retail sales takes place on the premises except as herein permitted.
- E. Horse riding, training, husbandry and associated stables, facilities and grounds.
- F. Kennels for the raising, breeding, and boarding of dogs or other small animals, providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.

17.10.010.3 Permitted Accessory Uses. The following accessory uses may exist as part of or in accessory to the permitted use:

- A. Private garages or carports used in conjunction with a dwelling, provided only one detached garage is permitted.
- B. Private swimming pools and tennis courts.
- C. Private greenhouses not operated for commercial purposes.
- D. Temporary roadside stand for the display and sale of agricultural products produced on the property with the condition that an area for parking is provided off the public street.
- E. Indoor and outdoor storage of equipment, vehicles, or materials associated with a business or the employment of the owner or lessee of the site of the principal permitted use but not associated with the principal permitted use. The indoor storage area shall be limited to an area not greater than one (1) percent of the lot area up to a maximum of 12,500 square feet and the outdoor storage area shall also be limited to an area not greater than one (1) percent of the lot area up to a maximum of 12,500 square feet.
- F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

17.10.010.4 Special Uses. The following uses may be permitted in the A-R District subject to approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. One accessory living quarter.
- B. Cemeteries, including mausoleums and crematoriums which are part of the cemetery.
- C. Churches, chapels, temples, and similar places of worship.
- D. Public and parochial schools (elementary and secondary), colleges, and universities.
- E. Recreation areas and centers, including country clubs, swimming pools, golf courses, golf driving ranges but not including race tracks, miniature golf courses, drive-in theaters, and similar commercial uses.
- F. Publicly owned parks, playgrounds, golf courses, and recreation areas.
- G. The display and sale of products associated with and supportive of the principal permitted use of an orchard or vineyard, including accessory buildings and facilities.

17.10.010.5 Height Regulations. No building shall exceed fifty (50) feet in height, unless a greater height is permitted for a special use. There shall be no height restriction for grain bins and silos as part of an existing agricultural, farm enterprise. (ALL ABOVE IN ORD. 06-06)

17.10.010.6 Bulk Regulations. The following minimum requirements shall be observed in the A-R, Agricultural Reserve District:

<u>Use</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Setback</u>	<u>Side Yard Setback, Least Width on Any One Side</u>	<u>Sum of Both Side Yard Setbacks</u>	<u>Rear Yard Depths</u>
All uses*	30 Acres	660 feet	75 feet	50 feet	100 feet	75 feet

* Minimum Principal Building separation shall be 20 feet. All Accessory Structures shall comply with the Principal Building setbacks.

17.10.010.7 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.010.8 Off-Street Parking and Loading. See Chapter 17.40.

17.10.010.9 Buffer Requirements. See Chapter 17.50.

17.10.010.10 Architectural Standards. See Chapter 17.60.

17.10.010.11 Sign Regulations. See Chapter 17.70.

17.10.010.12 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.020

RE-1 ZONING DISTRICT REGULATIONS

SINGLE-FAMILY RURAL ESTATES DISTRICT

Sub-Sections:

17.10.020.0	RE-1 Zoning District Regulations (Single-Family Rural Estates District)
17.10.020.1	Statement of Intent
17.10.020.2	Principal Permitted Uses
17.10.020.3	Permitted Accessory Uses
17.10.020.4	Special Uses
17.10.020.5	Maximum Height Regulations
17.10.020.6	Bulk Regulations
17.10.020.7	Bulk Regulations for Accessory Structures
17.10.020.8	Open Space and Landscaping Requirements
17.10.020.9	Off-Street Parking and Loading
17.10.020.10	Buffer Requirements
17.10.020.11	Architectural Standards
17.10.020.12	Sign Regulations
17.10.020.13	Site Plan Requirements

17.10.020.0 RE-1 Zoning District Regulations (Single-Family Rural Estates District). The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in the RE-1 Single-Family Rural Estates Zoning District.

17.10.020.1 Statement of Intent. The RE-1 Zoning District is intended and designed to preserve existing single-family residential neighborhoods and to promote new single-family residential neighborhoods with large estate lots that are rural in character. This district is also intended for areas where sanitary sewer service is not planned for in the future.

17.10.020.2 Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the RE-1 Zoning District.

- A. Any use permitted in the R-1 Zoning District, provided such use shall comply with the minimum requirements of the RE-1 Zoning District.

17.10.020.3 Permitted Accessory Uses. The following uses may exist as part of or in accessory to the principal permitted and special uses:

- A. All accessory uses permitted in the R-1 Zoning Districts, provided such use shall comply with the minimum requirements of the RE-1 Zoning District.
- B. Private stable, provided such building shall be located not less than fifty (50) feet from the principal building of the lot under ownership; and such building shall not be located less than one hundred (100) feet from an existing dwelling not located on the lot under ownership, or fifty (50) feet from the lot boundary, whichever is greater.
- C. One (1) horse for each one-(1) acre of land in excess of the minimum required lot area. No horse shall be permitted for the minimum lot area.
- D. Private kennels provided such building and fenced ground area shall be located not less than two hundred (200) feet from all property lines.

17.10.020.4 Special Uses. The following use may be permitted in the RE-1 Single-Family Rural Estates Districts subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

A. All special uses permitted in and as limited in the R-1 Single-Family Residential District.

17.10.020.5 Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.020.6 Bulk Regulations. The following minimum requirements shall be observed for permitted uses in the RE-1 Single-Family Rural Estates Districts:

Single-Family Dwellings & Other Uses	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Dwellings	40,000 sf	125 feet	50 feet	20 feet	40 feet	50 feet
Other Uses*	80,000 sf	200 feet	75 feet	50 feet	100 feet	50 feet

* Minimum Principal Building separation for Other Uses shall be 20 feet.

17.10.020.7 Bulk Regulations for accessory structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,500 square feet shall be subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in gross building floor area.

17.10.020.8 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.020.9 Off-Street Parking and Loading. See Chapter 17.40.

17.10.020.10 Buffer Requirements. See Chapter 17.50.

17.10.020.11 Architectural Standards. See Chapter 17.60.

17.10.020.12 Sign Regulations. See Chapter 17.70.

17.10.020.13 Site Plan Requirements. See Chapter

SECTION 17.10.030

R-1 ZONING DISTRICT REGULATIONS

SINGLE-FAMILY RESIDENTIAL DISTRICTS

Sub-Sections:

17.10.030.0	R-1 Zoning District Regulations (Single-Family Residential Districts)
17.10.030.1	Statement of Intent
17.10.030.2	Principal Permitted Uses
17.10.030.3	Permitted Accessory Uses
17.10.030.4	Special Uses
17.10.030.5	Maximum Height Regulations
17.10.030.6	Bulk Regulations
17.10.030.7	Bulk Regulations for Accessory Structures
17.10.030.8	Open Space and Landscaping Requirements
17.10.030.9	Off-Street Parking and Loading
17.10.030.10	Buffer Requirements
17.10.030.11	Architectural Standards
17.10.030.12	Sign Regulations
17.10.030.13	Site Plan Requirements

17.10.030.0 R-1 Zoning District Regulations (Single-Family Residential Districts). The regulations set forth in this section or elsewhere in this ordinance, which are applicable, shall apply in all R-1 Single-Family Residential Zoning Districts, including the R-1 (60), R-1 (70), R-1 (80), R-1 (90), and R-1 (100) Zoning Districts.

17.10.030.1 Statement of Intent. The R-1 Zoning Districts are intended and designed to preserve existing single-family residential neighborhoods, and to promote new single-family residential neighborhoods with a desired diversity of single-family housing sizes and costs.

17.10.030.2 Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-1 Zoning Districts of R-1 (60), R-1 (70), R-1 (80), R-1 (90), and R-1 (100).

- A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth.
- B. Parks, playgrounds, golf courses, and recreation areas.
- C. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
- D. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization.
(ORD. 02-04)
- E. Public and parochial elementary, junior high, and middle schools.
- F. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.

- G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

17.10.030.3 Permitted Accessory Uses. The following uses may exist as part of or in accessory to the permitted use:

- A. Normal accessory buildings and structures for a dwelling, religious place of worship, and school similar to and including one private garage or carport, swimming pools, one storage building, children's playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts. Accessory structures for non-residential uses are subject to review by the City for compliance with architectural standards specified within section 17.60.020(B).

Whenever multiple accessory structures for non-residential uses are proposed with the principal use, the accessory structures are subject to site plan review by the Planning and Zoning Commission and City Council which may include compliance with architectural requirements of subsection 17.10.030.7 for cumulative accessory floor area upon a recommendation from the Planning and Zoning Commission. (ORD. 02-04)

- B. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.
- C. Normal accessory buildings and structures associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.
- D. Private flower and vegetable gardening for non-commercial gain.
- E. Private greenhouses and horticultural nurseries not exceeding three hundred (300) square feet for non-commercial gain.
- F. Child Care Home and Child Development Home (see Home Occupations, Section 17.04.300 through 17.04.304, for specific rules and regulations).
- G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per dwelling unit.
- H. Home occupations permitted and limited by Section 17.04.290 of this ordinance.
- I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- J. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

17.10.030.4 Special Uses. The following use may be permitted in the R-1 Single-Family Residential Districts subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. Cemeteries, including mausoleums, and crematoriums which are part of the cemetery.
- B. High schools, colleges and universities, and accessory facilities, both public and privately owned (this does not include bus storage and maintenance facilities).

- C. Any non-residential principal permitted use which exceeds the maximum height for a building.

17.10.030.5 Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.030.6 Bulk Regulations. The following minimum requirements shall be observed for single-family dwellings in each of the following R-1 Single-Family Residential Districts and, other uses in any of the R-1 Districts:

Single-Family Dwellings & Other Uses	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
R-1(60)^	7,500 sf	60 feet	30 feet	7 feet	15 feet	35 feet
R-1(70)^	8,750 sf	70 feet	30 feet	7 feet	17 feet	35 feet
R-1(80)^	10,000 sf	80 feet	35 feet	8 feet	20 feet	35 feet
R-1(90)^	11,250 sf	90 feet	35 feet	10 feet	22 feet	35 feet
R-1(100)^	15,000 sf	100 feet	40 feet	12 feet	25 feet	40 feet
Other Uses*	80,000 sf	200 feet	50 feet	50 feet	100 feet	50 feet

* Minimum Principal Building separation for Other Uses shall be 20 feet.

^Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

17.10.030.7 Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,000 square feet shall be subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing. In no instance shall the accessory structure exceed the principle structure in building area or gross floor area.

17.10.030.8 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.030.9 Off-Street Parking and Loading. See Chapter 17.40.

17.10.030.10 Buffer Requirements. See Chapter 17.50.

17.10.030.11 Architectural Standards. See Chapter 17.60.

17.10.030.12 Sign Regulations. See Chapter 17.70.

17.10.030.143 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.035

R-F ZONING DISTRICT REGULATIONS

FOUNDERS SINGLE-FAMILY RESIDENTIAL DISTRICT

Sub-Sections:

- 17.10.035.0 R-F Zoning District Regulations (Founders Single-Family Residential District)
- 17.10.035.1 Statement of Intent
- 17.10.035.2 Principal Permitted Uses
- 17.10.035.3 Permitted Accessory Uses
- 17.10.035.4 Special Uses
- 17.10.035.5 Maximum Height Regulations
- 17.10.035.6 Bulk Regulations
- 17.10.035.7 Bulk Regulations for Accessory Structures
- 17.10.035.8 Open Space and Landscaping Requirements
- 17.10.035.9 Off-Street Parking and Loading
- 17.10.035.10 Buffer Requirements
- 17.10.035.11 Architectural Standards
- 17.10.035.12 Sign Regulations
- 17.10.035.13 Site Plan Requirements

17.10.035.0 R-F Zoning District Regulations (Founders Single-Family Residential District). The regulations set forth in this section or elsewhere in this ordinance, which are applicable, shall apply to the R-F Single-Family Town Center Residential Zoning District.

17.10.035.1 Statement of Intent. The R-F Zoning District is intended and designed to preserve and maintain the existing single-family residential neighborhoods in the original town areas with a desired diversity of single-family housing sizes and costs.

17.10.035.2 Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-F Zoning District.

- A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than 1 car garage that is a minimum 10 feet in width and 20 feet in depth.
- B. Parks, playgrounds, golf courses, and recreation areas.
- C. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
- D. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization.
(ORD. 02-04)
- E. Public and parochial elementary, junior high, and middle schools.
- F. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.
- G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless

such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

17.10.035.3 Permitted Accessory Uses. The following uses may exist as part of or in accessory to the permitted use:

- A. Normal accessory buildings and structures for a dwelling, religious place of worship, and school similar to and including one private garage or carport, swimming pools, one storage building, children's playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts. Accessory structures for non-residential uses are subject to review by the City for compliance with architectural standards specified within section 17.60.020(B).

Whenever multiple accessory structures for non-residential uses are proposed with the principal use, the accessory structures are subject to site plan review by the Planning and Zoning Commission and City Council which may include compliance with architectural requirements of subsection 17.10.030.7 for cumulative accessory floor area upon a recommendation from the Planning and Zoning Commission. (ORD. 02-04)

- B. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.
- C. Normal accessory buildings and structures associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.
- D. Private flower and vegetable gardening for non-commercial gain.
- E. Private greenhouses and horticultural nurseries not exceeding three hundred (300) square feet for non-commercial gain.
- F. Child Care Home and Child Development Home (see Home Occupations, Section 17.04.300 through 17.04.304, for specific rules and regulations).
- G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per dwelling unit.
- H. Home occupations permitted and limited by Section 17.04.290 of this ordinance.
- I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- J. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

17.10.035.4 Special Uses. The following use may be permitted in the R-1 Single-Family Residential Districts subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. Cemeteries, including mausoleums, and crematoriums which are part of the cemetery.
- B. High schools, colleges and universities, and accessory facilities, both public and privately owned (this does not include bus storage and maintenance facilities).

- C. Any non-residential principal permitted use which exceeds the maximum height for a building.

17.10.035.5 Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.035.6 Bulk Regulations. The following minimum requirements shall be observed for single-family dwellings in each of the following R-1 Single-Family Residential Districts and, other uses in any of the R-1 Districts:

Single-Family Dwellings & Other Uses	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
R-F*	7,500 sf	60 feet	25 feet	7 feet	15 feet	25 feet
Other Uses^	80,000 sf	200 feet	50 feet	50 feet	100 feet	50 feet

* Single-Family Dwellings on corner lots may have one of the front yard setbacks reduced to 10 feet provided the other front yard setback of 25 feet is maintained or provided. Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the 25 foot front yard setback.

^ Minimum Principal Building separation for Other Uses shall be 20 feet.

17.10.035.7 Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,000 square feet shall be subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing. In no instance shall the accessory structure exceed the principle structure in building area or gross floor area.

17.10.035.8 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.035.9 Off-Street Parking and Loading. See Chapter 17.40.

17.10.035.10 Buffer Requirements. See Chapter 17.50.

17.10.035.11 Architectural Standards. See Chapter 17.60.

17.10.035.12 Sign Regulations. See Chapter 17.70.

17.10.035.143 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.040

R-2 DISTRICT REGULATIONS

ONE AND TWO-FAMILY RESIDENTIAL DISTRICT

Sub-Sections:

17.10.040.0	R-2 District Regulations (One and Two-Family Residential District)
17.10.040.1	Statement of Intent
17.10.040.2	Principal Permitted Uses
17.10.040.3	Permitted Accessory Uses
17.10.040.4	Special Uses
17.10.040.5	Maximum Height Regulations
17.10.040.6	Bulk Regulations
17.10.040.7	Open Space and Landscaping Requirements
17.10.040.8	Off-Street Parking and Loading
17.10.040.9	Buffer Requirements
17.10.040.10	Architectural Standards
17.10.040.11	Sign Regulations
17.10.040.12	Site Plan Requirements

17.10.040.0 R-2 District Regulations (One and Two-Family Residential District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-2, One and Two-Family Residential District.

17.10.040.1 Statement of Intent. The R-2 Zoning District is intended and designed to preserve certain medium density residential areas now developed with one-family and two-family dwellings, and permit additional areas to develop with one and two-family dwellings.

17.10.040.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-2 District.

- A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth.
- B. Two-family dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
- C. One and Two-Family Dwellings – Rowhouse / Townhomes. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in depth for each dwelling unit.
- D. Parks, playgrounds, golf courses, and recreation areas.
- F. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
- G. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization.
(ORD. 02-04)

- H. Public and parochial elementary, junior high, and middle schools.
- I. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.
- J. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

17.10.040.3 Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted and special uses:

- A. All accessory uses permitted in and as limited in the R-1 Zoning Districts.

17.10.040.4 Special Uses. The following uses may be permitted in the R-2 One- and Two-Family Residential District subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. All special uses permitted in and as limited in the R-1 Single-Family Residential District.

17.10.040.5 Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.040.6 Bulk Regulations. The following minimum requirements shall be observed for the R-2, One and Two-Family Residential District:

Principal Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Single – Family ¹	8,125 sf	65 feet	25 feet	7 feet	15 feet	35 feet
Two-Family ¹	12,500 sf	100 feet	25 feet	10 feet	20 feet	35 feet
One and Two-Family Rowhouse/ Townhouses ¹	*	*	*	*	*	*
Other Uses [^]	80,000 sf	200 feet	50 feet	50 feet	100 feet	50 feet

¹Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

[^] Minimum Principal Building separation for Other Uses shall be 20 feet.

* One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, with two attached dwelling units, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-2 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section

17.04.340, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.

17.10.040.7 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.040.8 Off-Street Parking and Loading. See Chapter 17.40.

17.10.040.9 Buffer Requirements. See Chapter 17.50.

17.10.040.10 Architectural Standards. See Chapter 17.60.

17.10.040.11 Sign Regulations. See Chapter 17.70.

17.10.040.12 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.050

R-3 DISTRICT REGULATIONS

MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sub-sections:

- 17.10.050.0 R-3 District Regulations (Medium Density Multiple-Family Residential District)
- 17.10.050.1 Statement of Intent
- 17.10.050.2 Principal Permitted Uses
- 17.10.050.3 Permitted Accessory Uses
- 17.10.050.4 Special Uses
- 17.10.050.5 Maximum Height Regulations
- 17.10.050.6 Bulk Regulations
- 17.10.050.7 Open Space and Landscaping Requirements
- 17.10.050.8 Off-Street Parking and Loading
- 17.10.050.9 Buffer Requirements
- 17.10.050.10 Architectural Standards
- 17.10.050.11 Sign Regulations
- 17.10.050.12 Site Plan Requirements

17.10.050.0 R-3 District Regulations (Medium Density Multiple-Family Residential District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-3 Medium Density Multiple-Family Residential District.

17.10.050.1 Statement of Intent. The R-3 Zoning District is intended and designed for medium density residential areas of the city now developed with multiple-family dwellings and to permit additional areas to develop with medium density multiple-family dwellings.

17.10.050.2 Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the R-3 Zoning District.

- A. Two-family dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
- B. One and Two-Family Dwellings – Rowhouse / Townhomes, not exceeding five (5) dwelling units per acre of lot area excluding public street right-of-way. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
- C. Multiple-Family Dwellings - Rowhouse / Townhomes, not exceeding twelve (12) dwelling units per acre of lot area excluding public street right-of-way, and no greater than eight (8) dwelling units in a row or 8 units back-to-back per building. All multi-family dwelling buildings shall contain no fewer than 3 separate dwelling units and all units shall be horizontally attached only.

All multiple-family dwellings shall have no less than one garage space for each unit. The garage space may be attached or detached and shall be a minimum 10 feet in width and 20 feet in depth. The number of garage spaces required for each dwelling unit shall be for the exclusive use of the occupants of each dwelling unit. Garage spaces may not be transferred for use by another tenant or separate individual or entity.

- D. Parks, playgrounds, golf courses, and recreation areas.

- E. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
- F. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.
- G. Child Care Center, Day Nursery or Nursery School licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from any adjoining RE-1, R-1, or R-2 District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.
- H. Churches, chapels, temples, synagogues, and similar places of worship.
- I. Public and parochial schools (elementary and secondary), colleges and universities.
- J. Cemeteries, including mausoleums and crematoriums.
- K. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.
- L. Museums and libraries not operated for profit.
- M. Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.

17.10.050.3 Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses.

- A. All accessory uses permitted in and as limited in the R-2 Zoning District, provided such use shall comply with the minimum requirements of the R-3 Zoning District.
- B. Management and sales offices associated and accessory to a multiple-family residential dwelling complex.
- C. Recreation and service centers when provided as part of a multiple-family townhouse complex, and limited primarily for use by residents and their guests.

17.10.050.4 Special Uses. The following use may be permitted in the R-3 Medium Density Multiple-Family Residential District subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. All special uses permitted in and as limited in the R-2 One- and Two-Family Residential District.

17.10.050.5 Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.050.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the R-3 Medium Density Multiple-Family Dwelling District:

Principal Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Child Care Center [^]	40,000 sf	150 feet	35 feet	25 feet	50 feet	35 feet
Rowhouses / Townhouses ¹	*	*	*	*	*	*
Other Uses [^]	80,000 sf	200 feet	35 feet [~]	50 feet [~]	100 feet	35 feet [~]

¹Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

[^] Minimum Principal Building separation for Child Care Center and Other Uses shall be 20 feet. All Accessory Structures shall comply with the Principal Building setbacks.

[~] An additional 10 ft of setback required for each building story

* One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-3 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section 17.04.340, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.

* Multiple-Family Rowhouses / Townhouses - a rowhouse or townhouse, wherein the owner of the dwelling unit which is attached to 2 or more row dwellings owns the lot beneath the dwelling unit, shall be permitted in the R-3 District, provided the lot for one dwelling has a minimum lot area of 3,125 square feet per dwelling unit, minimum width of twenty (20) feet and no minimum setback from a townhouse lot line required. Subject to the requirements of City Code Section 17.04.340, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network, and is master planned with a private, common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of dwellings shall not be greater than 660 feet in length for a dead-end cul-de-sac and 1,320 feet for a through street which shall be intended to serve only dwellings within the complex. The tract of land encompassing the townhouse lots and common areas shall have public street frontage with a minimum width of 200 feet, a minimum area of two (2) acres, maximum density of twelve (12)

dwellings per acre, minimum separation of 15 feet side to side and 30 ft. back to back or back to side between residential buildings, minimum separation of 25 feet between a residential building and common private roadways and a minimum setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, Site Plans, and approval of Homeowners Association documents by the City, which establishes provisions for maintenance of common areas.

17.10.050.7 Open Space and Landscaping Requirements. See Chapter 17.30

17.10.050.8 Off-Street Parking and Loading. See Chapter 17.40.

17.10.050.9 Buffer Requirements. See Chapter 17.50.

17.10.050.10 Architectural Standards. See Chapter 17.60.

17.10.050.11 Sign Regulations. See Chapter 17.70.

17.10.050.12 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.060

R-4 DISTRICT REGULATIONS

HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sub-sections:

17.10.060.0	R-4 District Regulations (High Density Multiple-Family Residential District)
17.10.060.1	Statement of Intent
17.10.060.2	Principal Permitted Uses
17.10.060.3	Permitted Accessory Uses
17.10.060.4	Special Uses
17.10.060.5	Maximum Height Regulations
17.10.060.6	Bulk Regulations
17.10.060.7	Open Space and Landscaping Requirements
17.10.060.8	Off-Street Parking and Loading
17.10.060.9	Buffer Requirements
17.10.060.10	Architectural Standards
17.10.060.11	Sign Regulations
17.10.060.12	Site Plan Requirements

17.10.060.0 R-4 District Regulations (High Density Multiple-Family Residential District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-4 High Density Multiple-Family Residential District.

17.10.060.1 Statement of Intent. The R-4 Zoning District is intended and designed for high density residential areas of the city now developed with multiple-family dwellings, and to permit additional areas to develop with high density multiple-family dwellings.

17.10.060.2 Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the R-4 Zoning District.

- A. Two-family dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
- B. One and Two-Family Dwellings – Rowhouse / Townhomes, not exceeding 5 dwelling units per acre of lot area excluding public street right-of-way. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
- C. Multiple-Family Dwellings - Rowhouse / Townhomes, not exceeding twelve (12) dwelling units per acre of lot area excluding public street right-of-way and no greater than eight (8) dwelling units in a row or 8 units back-to-back per building. All multi-family dwelling buildings shall contain no fewer than 3 separate dwelling units and all units shall be horizontally attached only.

All multiple-family dwellings shall have no less than one garage space for each unit. The garage space may be attached or detached and shall be a minimum 10 feet in width and 20 feet in depth. The number of garage spaces required for each dwelling unit shall be for the exclusive use of the occupants of each dwelling unit. Garage spaces may not be transferred for use by another tenant or separate individual or entity.

- D. Multiple-Family Dwelling – Apartments, with no less than 3 dwelling units attached vertically and not exceeding eighteen (18) dwelling units per acre of lot area excluding public street right-of-way.
- E. Parks, playgrounds, golf courses, and recreation areas.
- F. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
- G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.
- H. Child Care Center, Day Nursery or Nursery School licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from any adjoining RE-1, R-1, or R-2 District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.
- I. Churches, chapels, temples, synagogues, and similar places of worship.
- J. Public and parochial schools (elementary and secondary), colleges and universities.
- K. Cemeteries, including mausoleums and crematoriums.
- L. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.
- M. Museums and libraries not operated for profit.
- N. Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.
- O. Assisted Living Residential Facilities, Boarding House, Nursing or Convalescent Home, Dormitories, or other group quarters, not exceeding eighteen (18) dwelling units per acre of lot area exclusive of public street right-of-way, or for those facilities which do not provide separate living quarters defined as dwelling units within this ordinance, a maximum of thirty-six (36) beds or residents per acre of lot area exclusive of public street right-of-way.

17.10.060.3 Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted and special uses.

- A. All accessory uses permitted in and as limited in the R-3 Zoning District provided such use shall comply with the minimum requirements of the R-4 Zoning District.
- B. Retail establishments and refreshment stands accessory to the principal building or complex of principal buildings; provided; however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal

courtyard, nor shall any identification signage, display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building or complex.

17.10.060.4 Special Uses. The following use may be permitted in the R-4 High Density Multiple-Family Residential District subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 17.90 after notice and public hearing.

- A. All special uses permitted in and as limited in the R-3 Medium Density Multiple-Family Residential District.

17.10.060.5 Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, at the required front, side and rear yard building lines, except one (1) foot may be added to the building's height for each additional one (1) foot that the building or portion thereof is set back from the minimum required setbacks. However, in no instance shall a building exceed a height of one hundred twenty-five (125) feet. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.060.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the R-4 High Density Multiple-Family Residential District:

Multiple-Family Dwellings & Other Uses	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Child Care Center*	40,000 sf	150 feet	35 feet	25 feet	50 feet	35 feet
Rowhouses / Townhouses ¹	*	*	*	*	*	*
Multiple-Family Dwelling - Apartments and Other Uses [^]	80,000 sf	200 feet	35 feet [~]	25 feet [~]	50 feet	35 feet [~]

¹Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

[^] Minimum Principal Building separation for Child Care Center and Other Uses shall be 20 feet. The minimum Principal Building separation for Multiple-Family Dwellings shall be 10 feet per each building story in height. All Accessory Structures shall comply with the Principal Building setbacks.

[~] An additional 10 ft of setback required for each building story

* One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-4 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section 17.04.340, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width

and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.

* Multiple-Family Rowhouses / Townhouses - a rowhouse or townhouse, wherein the owner of the dwelling unit which is part of two or more row dwellings owns the lot beneath the dwelling unit, shall be permitted in the R-3 District, provided the lot for one dwelling has a minimum lot area of 3,125 square feet per dwelling unit, minimum width of twenty (20) feet and no minimum setback from a townhouse lot line required. Subject to the requirements of City Code Section 17.04.340, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network, and is master planned with a private, common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of dwellings shall not be greater than 660 feet in length for a dead-end cul-de-sac and 1,320 feet for a through street which shall be intended to serve only dwellings within the complex. The tract of land encompassing the townhouse lots and common areas shall have public street frontage with a minimum width of 200 feet, a minimum area of two (2) acres, maximum density of twelve (12) dwellings per acre, minimum separation of 15 feet side to side and 30 ft. back to back or back to side between residential buildings, minimum separation of 25 feet between a residential building and common private roadways and a minimum setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, Site Plans, and approval of Homeowners Association documents by the City, which establishes provisions for maintenance of common areas.

17.10.060.7 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.060.8 Off-Street Parking and Loading. See Chapter 17.40.

17.10.060.9 Buffer Requirements. See Chapter 17.50.

17.10.060.10 Architectural Standards. See Chapter 17.60.

17.10.060.11 Sign Regulations. See Chapter 17.70.

17.10.060.12 Site Plan Requirements. See Chapter 17.80.

EXHIBIT "H"

OFF-STREET PARKING REQUIREMENTS FOR MULTI-FAMILY RESIDENTIAL

17.40.030 Off-Street Parking Requirements.

- A. In all zoning districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule.

Drive-thrus: All food and beverage service drive-thrus shall provide a minimum of 11 vehicle queuing spaces per drive-thru, 5 of which must be located ahead of the ordering station if separate from the pick-up window. All other drive-thru and pick-up windows shall have a minimum of 4 vehicle queuing spaces. Queuing spaces shall be a minimum of 12 feet wide and 20 feet long and must be located within any driveway or parking lot drive aisle and cannot block any designated parking spaces.

Dwellings, residential:

- a. Single Family and Two Family Dwellings, and One and Two Family Dwellings – Rowhouse/Towhome, and mobile home parks - two (2) parking spaces for each dwelling unit, exclusive of private garages.
- b. Multi-Family Dwellings - two (2) parking spaces for each 1 to 2-bedroom dwelling unit and two and one-half (2.5) parking spaces for each 3 or greater bedroom dwelling unit. One (1) garage parking space may be counted as a parking space in fulfillment of the parking requirements.

EXHIBIT "I"

CHAPTER 17.50

BUFFER REQUIREMENTS

Sections:

17.50.000	Buffer Requirements
17.50.010	Statement of Intent
17.50.020	Conditions for Requiring a Buffer
17.50.030	Buffer Standards
17.50.040	Table of Buffer Requirements
17.50.050	Buffer Wall Standards
17.50.060	Burden of Provision of Buffer
17.50.070	Reduction of Buffer Requirements
17.50.080	Waiver of Buffer Requirements

17.50.000 Buffer Requirements. The requirements set forth in this Chapter shall apply to any development or redevelopment of property within the City of Norwalk.

17.50.010 Statement of Intent. The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one zoning district or use to another contrasting zoning district or use in recognition of neighbor's rights, to promote the coordination of neighborhood efforts and compatibility of neighborhood elements, and to protect the value of buildings and property.

17.50.020 Conditions for Requiring a Buffer. The following conditions shall require a buffer:

- A. Buffers shall be required as shown on the Table of Buffer Requirements where different zoning classifications abut. A buffer required by the table shall be provided by the proposed development when it is located in a zoning district listed in the left-most column of the table and the development abuts a zoning district listed across the top of the table
- B. Where a proposed development is located adjacent to a Planned Unit Development (PUD) District, a buffer shall be required based on the existing uses in the area adjacent to the proposed development or the most intense uses permitted by the PUD District if the area adjacent to the proposed development is vacant. The buffer required shall be based on the Table of Buffer Requirements using the zoning district in which the existing or proposed uses permitted in the PUD District are first permitted.

17.50.030 Buffer Standards. Buffer standards are stated in terms of the width of the buffer and the number of plant units required per one hundred (100) linear feet. The width of each buffer shall, at a minimum, meet the standard buffer width. The City Council, with recommendation from the Planning and Zoning Commission, may allow the described narrower buffer widths.

The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given buffer is determined given a change in width of that yard. The number of plant materials required shall be rounded up when a fraction is calculated. The type and quantity of plant materials required by each buffer, and each buffer option, are specified in this section. These standards are minimum requirements. More plantings, wider buffers, or higher structures may be provided.

Buffer 1: The standard buffer shall be a thirty (30) foot wide landscaped buffer. A three (3) foot berm is required.

Required plantings per 100 linear feet of buffer:

- 2 Canopy Trees
- 2 Understory Trees
- 5 Evergreen Trees
- 16 Shrubs

Buffer Width	Planting Multiplier
0’*	Buffer Wall
15’*	1.4
20’*	1.2
30’	1.0
40’	0.8
50’	0.6
*P&Z & Council approval needed	

Buffer 2: The standard buffer shall be a fifty (50) wide foot landscaped buffer. A three (3) foot berm is required.

Required plantings per 100 linear feet of buffer:

- 4 Canopy Trees
- 3 Understory Trees
- 4 Evergreen Trees
- 24 Shrubs

Buffer Width	Planting Multiplier
0’*	Buffer Wall
30’*	1.4
40’*	1.2
50’	1.0
60’	0.8
70’	0.6
*P&Z & Council approval needed	

Buffer 3: The standard buffer shall be a fifty (50) wide foot landscaped buffer. A three (3) foot berm is required.

Required plantings per 100 linear feet of buffer:

- 5 Canopy Trees
- 4 Understory Trees
- 5 Evergreen Trees
- 34 Shrubs

Buffer Width	Planting Multiplier
0’*	Buffer Wall
30’*	1.4
40’*	1.2
50’	1.0
60’	0.8
70’	0.6
*P&Z & Council approval needed	

Buffer 4: The standard buffer shall be a seventy-five (75) wide foot landscaped buffer. A six (6) berm is required or a six (6) foot solid masonry/brick wall shall be provided along the property line.

Required plantings per 100 linear feet of buffer:

- 6 Canopy Trees
- 5 Understory Trees
- 6 Evergreen Trees
- 38 Shrubs

Buffer Width	Planting Multiplier
50’*	1.5
75’	1.0
125’	0.75
*P&Z & Council approval needed	

17.50.040 Table of Buffer Requirements

Proposed development	Adjacent Zoning District															
	A-R	RE-1	R-1	R-2	R-3	R-4	R-5	C-O	C-1	C-2	C-3	C-4	TC	PC	IC	M-1
A-R	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RE-1	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-1	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-2	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-3	1	1	1	1	X	X	X	X	X	X	X	X	X	X	1	1
R-4	2	2	2	2	2	X	X	X	X	X	X	X	X	X	1	1
R-5	2	2	2	2	2	2	X	X	X	X	X	X	X	X	1	1
C-O	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-1	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-2	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-3	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-4	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
TC	1	1	1	1	1	1	1	X	X	X	X	X	X	X	X	X
PC	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
IC	4	4	4	4	4	4	4	3	3	3	3	3	3	3	X	X
M-1	4	4	4	4	4	4	4	3	3	3	3	3	3	3	X	X

X = no buffer required

1 = buffer shall meet requirements of a Buffer 1

2 = buffer shall meet requirements of a Buffer 2

3 = buffer shall meet requirements of a Buffer 3

4 = buffer shall meet requirements of a Buffer 4

17.50.050 Buffer Wall Standards. A buffer wall may be permitted with specific approval by the Planning and Zoning Commission and City Council, when it can be shown that a traditional landscaped buffer is not feasible. A buffer wall shall be a minimum of six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality.

17.50.060 Burden of Provision of Buffer. The burden of provision and selection of the buffer shall be as follows:

- A. Where two different zoning districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal or redevelopment, etc., that portion of such property being renewed or redeveloped, etc., shall be considered vacant land subject to the requirements herein.
- B. Where one of two different zoning districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.
- C. Where both zoning districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the more intense use.

17.50.070 Reduction of Buffer Requirements. Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the required buffer width may be reduced, according to the buffer standards tables, with the exception that a buffer wall will still require City approval.

17.50.080 Waiver of Buffer Requirements. Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council upon receipt of a recommendation from the Planning and Zoning Commission, provided such waiver does not permit the exposure of undesirable characteristics of land use to the adjoining zoning district.

EXHIBIT "J"

CHAPTER 17.60

ARCHITECTURAL STANDARDS

Sections:

- 17.60.000 Architectural Standards
- 17.60.010 Statement of Intent
- 17.60.020 Architectural Performance Standards by Zoning District and Use

17.60.000 Architectural Standards. The requirements, guidelines, and standards set forth in this Chapter shall apply to any development or redevelopment of property within the zoning districts listed and within the City of Norwalk. Single-family and two-family dwellings are exempted from this chapter, except that all single-family and two-family dwellings, including manufactured homes and factory-built homes, and accessory structures including detached garages and sheds over 120 square feet in size, shall be residential in character and must incorporate class 1, class 2, class 3, or class 4 materials on 100% of their façade area.

17.60.010 Statement of Intent. In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive as well as economically prosperous and the manner in which a use is accomplished is as important as the use itself.

It is the intent of these architectural standards to establish basic parameters for building design that when followed have the effect of producing structures that preserve and enhance building and property values, are long-lasting, resistant to deterioration, and maintain their visual appeal over time. It is further the intent of these standards to establish and promote a community image of permanence, quality, authenticity, and consistency through building design. It is not the intent of these standards to unduly restrict design freedom or apply a particular architectural style to all structures.

17.60.020 Architectural Performance Standards by Zoning District and Use. As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses listed within this Chapter (with the exception of single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval by the City Council upon receipt of a recommendation from the Planning and Zoning Commission.

- A. Submission Requirements: The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:
1. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
 2. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
 3. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
 4. Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan.
 5. In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions

and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.

6. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
7. Exterior building and finish material samples and color pallets.
8. Other information as required.

B. General requirements:

1. Nothing in this chapter shall be construed to limit the City's ability to approve designs and exterior materials different than those described herein as part of a planned unit development (PUD).
2. All buildings and additions thereto shall be subject to the standards of this chapter according to land use classes and zoning districts as described herein.
3. Buildings shall be subject to the following requirements for the application of exterior finish materials and other design elements:
 - a. For the purpose of this chapter, materials shall be divided into class 1, class 2, class 3 and class 4 categories as follows:

Class 1 materials

- Fired clay brick laid up in a masonry wall system
- Natural stone laid up in a masonry wall system
- Glass
- Copper panels
- Other comparable or superior materials

Class 2 materials

- Integrally-colored, specialty concrete block such as textured, burnished block or split-face block, or concrete brick
- Thin veneer brick (adhered)
- Manufactured or cast stone (adhered)
- Textured architectural concrete panels
- Masonry stucco
- Other comparable or superior materials

Class 3 materials

- Water-managed Exterior Insulation and Finish System (EIFS)
- Fiber-cement board or panels, irrespective of form
- Decorative opaque panels designed as exterior building finish
- Ornamental metal
- Other comparable or superior materials

Class 4 materials

- Vinyl siding or panels, irrespective of form or thickness
- Standard Exterior Insulation and Finish System (EIFS)
- Smooth or scored concrete block
- Smooth concrete tip-up panels
- Ceramic
- Glass block

- Wood
 - Other comparable or superior materials
- b. Buildings shall incorporate classes 1, 2, 3, and 4 exterior finish materials in the following manner:
- i. Primary materials shall be those covering at least 5% of a building's façade area.
 - ii. Façade area shall be the total exterior wall area of all vertical or near-vertical faces of a building four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.
 - iii. The mix of selected exterior finish materials shall be distributed throughout the exterior of a building unless the City agrees that consolidating certain materials on more visible locations provides the most positive architectural appeal to the general public.
 - iv. Expansions of less than fifty 50% of the floor area of the existing building may use the same or superior materials as the existing structure.
 - v. A distinctly different color of fired clay brick may be considered as an additional class I material. However, minor blended color variations shall not be considered as a separate material.
 - vi. Brick and stone exterior finishes shall not be painted.
 - vii. No EIFS shall be permitted within the lower three (3) feet of any building wall façade.
- c. No façade shall have a length exceeding forty (40) feet uninterrupted by one or more of the following features:
- i. Projections or recessions in the wall plane at least two (2) feet in depth.
 - ii. Change in material texture or masonry pattern.
 - iii. Patterns of columns, piers, ribs or pilasters, or equivalent elements that subdivide the wall.
 - iv. Change in fenestration pattern.
- d. For all office and retail buildings, at least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30% glass fenestrations (windows and full glass doors) on the first level.
- e. All retail buildings, whether single or multi-tenant, greater than 50,000 sq. ft. in gross floor area, shall incorporate class 1 materials on no less than 80% of the façade area of all building facades that face or have frontage along a public street.

- f. All buildings shall be proportioned and designed so as to have a visual top, middle, and base.
- g. Screening: The following peripheral features of buildings shall be screened from view from any adjoining residential properties and all public street rights-of-way:
 - i. Rooftop equipment.
 - ii. Roof access ladders and walkways.
 - iii. HVAC equipment.
 - iv. Utility meters.
 - v. Utility conduits, pipes, and cables.
 - vi. Outdoor storage areas.
 - vii. Loading areas, berths, or docks.
 - viii. Areas and equipment for trash and/or recycling collection or compaction.

Screening shall be integral and consistent with the overall design of the building, utilizing the same materials and proportions of materials wherever practical. Metal cabinets used to enclose and protect rooftop mechanical equipment shall not substitute as screening.

All trash and recycling dumpsters and bins must be enclosed on all sides with no less than a fence or masonry screen wall and include opaque gates.

Buildings and sites shall be designed and oriented to screen all loading docks, overhead doors, and loading areas from public view from any adjoining residential properties, park and school sites, and public street rights-of-way.

- h. Lighting: ~~Except in the case of single family and two family dwellings, a~~ All exterior building and site lighting shall be downcast in nature and exterior light fixtures must possess sharp, cut-off qualities to prevent off-site glare. Lighting levels from a site cannot exceed one (1) foot-candle at the property line.
- i. Fuel Pump Island Canopies: The following standards shall apply to all fuel pump island canopies. Canopies may be attached to the principal structure or stand-alone. Attached canopies shall meet the building setback requirements of the primary structure. Detached canopies shall have a minimum front yard setback of fifteen (15) feet. The maximum canopy heights shall be twenty (20) feet and must provide no less than fourteen (14) feet of clearance under the canopy. All under canopy lights shall be flush mounted. All columns shall be wrapped in brick or stone. Canopies shall contain no more than one color.
- j. Vehicle Drive-Thru and Drive-In Facilities: The following standards shall apply to all vehicle drive-thru and drive-in facilities. Drive-thru structures and components shall be incorporated into the overall design of the building; window service and menu boards shall be screened from view of public streets. With the exception of free-standing ATMs, stand-alone drive-thru canopies shall be prohibited.

C. Requirements by Building Type and Zoning District:

1. One and Two-Family Dwellings - Rowhouse/Townhomes, and Multiple-Family Dwellings – Rowhouse/Townhomes in All Zoning Districts. All Rowhouse/Townhomes, whether one-family, two family, or multiple-family must incorporate at least three (3) primary class 1, class 2, class 3, or class 4 materials.

Appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Each dwelling unit shall have its own functional porch, patio, or deck.

The wall façade of each dwelling individual unit must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.

2. Multiple-Family Dwellings - Apartments. Multiple-family buildings/apartments must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 40% of the façade area. Class 3 and class 4 materials in aggregate shall not exceed 60% of the façade area. Class 4 materials shall not exceed 10% of the façade area.

Appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Shutters, if used, must be in proportion to the area of adjoining windows. All soffits and overhangs shall project no less than 12 inches. Asphalt shingles, if used, must be laminate style.

Each dwelling unit shall have its own functional balcony (or defined patio area for first floor units). Elevated open walkways along the exterior of the building are prohibited. The main common building entry shall be covered by a projection from the façade or shall be recessed.

3. Non-Residential Uses in the R, C-O, and C-1 Zoning Districts. Any building used for a permitted non-residential use in an “R” District, or a permitted use in a C-O or C-1 District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 80% of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 20% of the façade area. Class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

4. All Uses within the C-2 Zoning District. Any building within the C-2 Zoning District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 75% of the façade area. Class 3 materials shall not exceed 25% of the façade area, and class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

5. All Uses within the TC Zoning District. Any building constructed in the TC District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at

least 85% of the façade area. Class 3 materials in aggregate shall not exceed 15% of the façade area. Class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

6. All Uses within the C-3 District. Any building constructed in the C-3 District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 50% of the façade area. Class 3 and class 4 materials in aggregate shall not exceed 50% of the façade area. Class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

7. All Uses within the C-4 District. Any building constructed in the C-4 District must incorporate at least three (3) primary class 1 or class 2 materials, together composing at least 85% of the façade area. Class 3 materials in aggregate shall not exceed 15% of the façade area. Class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

All screen or buffer walls shall be constructed of fired clay brick with mortar joints and a veneer depth of no less than three (3) inches.

8. All Uses Within the PC and IC Zoning Districts. Any building constructed in the PC or IC Districts must use at least three (3) primary class 1 or class 2 materials, together composing at least 75% of the façade area. Class 3 materials shall not exceed 25% of the façade area, and class 4 materials shall not exceed 10% of the façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

9. All Uses within the M Zoning District. The street-facing façade(s) of any building constructed in the M-District must use at least two (2) primary class 1 or class 2 materials together composing at least 20% of the street-facing façade area. Class 3 materials shall not exceed 80% of the street-facing façade area, and class 4 materials shall not exceed 10% of the street-facing façade area.

Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.