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**CITY OF NORWALK ZONING ORDINANCE**

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Title 17

ZONING

Chapters:

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- 17.04 General Provisions
- 17.10 Zoning District Regulations
- 17.20 Overlay Zoning District Regulations
- 17.30 Open Space and Landscaping Requirements
- 17.40 Off-Street Parking and Loading
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CHAPTER 17.01      EFFECTIVE DATE

17.01.000 Effective Date. Title 17 as amended with passage and adoption on September 4, 1997, shall become in full force and effective from and after January 1, 1998, after its publication, as required by law. Title 17 as it exists on September 4, 1997, shall remain in effect and be enforced through December 31, 1997.

CHAPTER 17.04      GENERAL PROVISIONS

Sections:

- 17.04.010 Title
- 17.04.020 Purpose
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- 17.04.350 Sidewalks
- 17.04.360 Mailboxes and Structures in Public Street Rights-of-way

17.04.010 Title. This Title shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Norwalk, Iowa and may be referred to herein as this ordinance, adopted pursuant to Chapter 414, 1997, Code of Iowa.

17.04.020 Purpose. The purpose of this ordinance shall be to promote the public health, safety, morals, order, convenience, prosperity and general welfare; to conserve and protect the value of property throughout the city and to encourage the most appropriate use of land; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

17.04.030 Interpretation of Standards. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control.

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.

1. 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.
2. 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.
3. 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.
4. 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."
5. Adult Business: Any business or establishment where a "specified sexual activity" or a "specified anatomical area" is displayed.
6. 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."
7. 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.

8. 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."
9. 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.
10. 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."

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")

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.

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, 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.

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: (Also see Day Care Home) 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.

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.

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.

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.

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 5,000 square feet.

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.

Day Care Home: A private residence where care, protection and supervision are provided, for a fee, at least twice a week to less than seven (7) children at one time.

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.

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 streets and open spaces.

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 land fills or junk yards.

Duplex: (See Dwelling, Two-Family)

Drive-in Facility: An establishment that, by design of physical facilities or by service or packaging procedures, permits customers to receive a service or obtain a product while remaining in a motor vehicle or to be entertained while remaining in a motor vehicle.

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: 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, Multiple Family: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

Dwelling, Row: Any one (1) of two (2) or more horizontally attached dwelling units in a continuous row.

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 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: An individual or two or more persons related by blood or marriage or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.

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.

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.

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.

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.

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.

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 or land, any land containing, or any housing, designed for the care of, or arranged for the care of actually containing four (4) or more dogs, six (6) months of age or older, belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets. (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:

1. Front: The lot line which adjoins a public street right of way.
2. 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 case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which:
  - a. Is parallel to the front lot line or its cord.
  - b. Intersects the two (2) other lot lines at points most distant from the front lot line.
3. Side: Any lot line not a front lot line or a rear lot line.

Lot Measurements:

1. Area. The gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.
2. 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.

3. 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:

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.

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.

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.

Interior Lot: A lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.

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.

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.

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.

- e. 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.

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.

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: 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.

Occluding 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, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

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.

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: A building in which the principal use of the lot on which the building 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.

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.

1. **Dine-in:** A restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.

2. **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.

3. **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.

**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.

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, Free Standing Wall: A sign incorporated in or on the face of a wall which is permitted by existing city ordinance; and not the wall of a building.~~

~~Sign, Ground: An on-premise statuary, memorial or work of art or an on-premise free standing sign, other than a pole sign, that is supported in or upon the ground with a supporting column that has a perimeter which is not less than 50% of the sign perimeter. (ORD. 02-04)~~

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 ~~one thousand two hundred (1,200)~~ **six hundred (600)** feet of the centerline of ~~Interstate 35/80~~ **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.

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, latticing, 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.

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.

17.04.050 Zoning Districts. In order to classify, regulate and restrict land use; regulate and restrict the location of trades and industries; regulate and restrict the location of buildings designed for specified uses; regulate and restrict the height, bulk, architecture and construction of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City of Norwalk, Iowa, is hereby divided into the following zoning districts. The use, height, area, and construction regulations are uniform in each zoning district, and said districts shall be known as:

### **ZONING DISTRICTS**

A-R	Agricultural Reserve District
RE-1	Single-Family Rural Estates District
R-1(60)	Single-Family Residential District
R-1(70)	Single-Family Residential District
R-1(80)	Single-Family Residential District
R-1(90)	Single-Family Residential District
R-1(100)	Single-Family Residential District
R-2	One and Two-Family Residential District
R-3	Medium Density Multiple-Family Residential District
R-4	High Density Multiple-Family Residential District
R-5	Mobile Home Park District
C-O	Commercial Office District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Highway Service Commercial District
C-4	Old Town Business District
TC	Town Center Commercial District
PC	Professional Commerce Park District
IC	Industrial Commerce Park District
M-1	General Industrial District
PUD	Planned Unit Development District
CD	Conservation District

### **OVERLAY ZONING DISTRICTS**

FW	Floodway Overlay Zoning District
FF	Floodway Fringe Overlay Zoning District

FP	General Flood Plain Overlay Zoning District
AZ	Approach Zone Overlay Zoning District
CZ	Conical Zone Overlay Zoning District
HZ	Horizontal Zone Overlay Zoning District
TZ	Transitional Zone Overlay Zoning District

17.04.060 Zoning District Boundaries and Official Zoning Map. The boundaries of the Zoning Districts are indicated upon the Official Zoning Map of the City of Norwalk, Iowa, which is made a part of this ordinance by reference. The Official Zoning Map and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein; the original of which is properly attested to and is on file in the Office of the City Clerk, of the City of Norwalk, Iowa.

The City Council may from time to time amend the Official Zoning Map or adopt a new Official Zoning Map, which shall supersede the prior Map, in the event the Official Zoning Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending this zoning ordinance or any subsequent amendment thereof.

The district boundaries are either lot lines or the centerlines of streets and alleys, unless otherwise shown. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
- D. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- E. Boundaries indicated, as following railroad lines shall be construed to be the centerline of the railroad right-of-way;
- F. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;
- G. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

17.04.070 Zoning District Regulations Compliance Required. Except as hereinafter specified within sections 17.04.120, 17.04.130, 17.04.140, 17.04.150, 17.04.160 and 17.04.170, no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or site improved, or land subdivided, which does not

comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

17.04.080 Enforcement by Zoning Administrator. There is hereby created the position of Zoning Administrator who shall be appointed by the Mayor subject to confirmation by the City Council. The Zoning Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties, in connection therewith:

- A. The Zoning Administrator shall issue all permits and certificates required and authorized by this ordinance.
- B. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, or signs; or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of this ordinance. The Council may, by resolution approved by a majority vote of the entire Council, delegate the powers and duties of the office of Zoning Administrator to any officer or employee of the City or may combine the powers and duties of the Zoning Administrator with any other office or position.

17.04.090 Confirmation of Zoning Compliance. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until there is a Confirmation of Compliance with Zoning Regulations issued by the Zoning Administrator, stating that the use of the building and the site improvements comply with the provisions of this ordinance.

Any change of site improvements not conforming to the current and approved site plan for the property or change of use shall not be made on any land, in any building or part thereof, existing or hereafter erected or structurally altered, without a Zoning Certificate being issued by the Zoning Administrator. No Certificate of Occupancy shall be issued unless the uses, buildings and site improvements are in conformity with provisions of this ordinance.

No building or premises shall be occupied until a Certificate of Occupancy has been issued. Application for building permits and Certificates of Occupancy shall be signed by the Zoning Administrator to confirm zoning compliance and conformity to the provisions of this ordinance.

Nothing in this section shall prevent the continuance of a non-conforming use, building or site improvements as herein authorized, unless a discontinuance is necessary for the safety of life or property.

17.04.100 Zoning Districts Dividing Property. Where one (1) parcel of property has two (2) or more portions covered by different zoning districts, each of these portions shall comply with the regulations of its respective zoning district.

17.04.110 Annexation of Territory. ~~All property which may hereafter be annexed into the City of Norwalk, Iowa, shall be zoned in accordance with the Land Use Plan of the City's Comprehensive Plan, or if property is annexed into the City and is not located within the expansion boundary of the Land Use Plan, it shall be considered as lying in the A-R Agricultural~~

~~Reserve District until the zoning classification for such property is changed by amendment in accordance with the provisions of this ordinance.~~

All property that may hereafter be annexed into the City shall be zoned A-R, Agricultural Reserve District unless otherwise designated by the City Council in accordance with the City of Norwalk Comprehensive Plan. (ORD. 06-06)

17.04.120 Continuing an Existing Use or Structure. The lawful use of land or structures existing on the beginning date of enforcement of this ordinance, January 1, 1998, or at the date of a subsequent amendment to this ordinance may be continued, even though such use or structure may not conform with the regulations of this ordinance, or amendment thereto, for the district in which it is located. Any use or structure in existence on January 1, 1998, which was not a lawful "non-conforming" use or structure under the previous Zoning Ordinance, shall not be authorized to continue as a nonconforming use or structure pursuant to this ordinance, or amendments thereto, and shall be considered an unlawful use or structure.

17.04.130 Non-Conforming Use of Land. The lawful use of land upon which no structure is erected or located which becomes non-conforming under the terms of this ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on January 1, 1998, or at the time of an amendment of this ordinance which makes the use non-conforming.
- B. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use on January 1, 1998, or at the time of an amendment of this ordinance which makes the use non-conforming.
- C. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

17.04.140 Non-Conforming Use of Structures. The lawful use of a structure, and adjacent land which is part of the plot upon which the structure is located, which becomes non-conforming under the terms of this ordinance as adopted or amended, may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Any existing structure in a R District devoted entirely, or in part, to a use not permitted by this ordinance, or any amendment thereto, in the district in which it is located, except when required by law, shall not be enlarged, extended, reconstructed, relocated on the site, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
- B. Any existing structure, in any district other than a R District, which is devoted to a use made non-conforming by this ordinance, or any amendment thereto, may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, width, yard, height, and parking requirements of the district in which it is located, provided such structural alteration or enlargement shall be limited to structures on land owned, of record, by the owner of the land devoted to the non-conforming use prior to January 1, 1998, or at the time of an amendment of this ordinance which makes the use or structure non-conforming. Such structural

alteration or enlargement shall not authorize the substitution of a non-conforming use that is less restrictive than the one to which the structure was devoted on January 1, 1998, or at the time of an amendment of this ordinance which makes the use or the structure non-conforming.

- C. Any non-conforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use on January 1, 1998, or at the time of an amendment of this ordinance which makes the use non-conforming. No such use shall be extended to occupy any land outside such structure.
- D. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature permitted within the same or a more restricted zoning district classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;
- E. In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land;
- F. Any structure devoted to a use made non-conforming by this ordinance that is destroyed or has damage by any means to an extent of sixty(60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such event. If the structure is less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as prior to the event, provided a building permit is issued by the City within one (1) year of such event, and is built of like materials, or materials conforming to architectural standards for the zoning district in which the structure or building is located.

17.04.150 Non-Conforming Structures and Site Improvements. If a structure exists on January 1, 1998, or at the time of an amendment of this ordinance which makes such structure non-conforming, and does not comply with the terms of this ordinance and any amendment thereto by reason of restrictions on area, lot coverage, height, setbacks, architecture, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such building or structure may be enlarged or altered in a way which increases its non-conformity;
- B. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

However, such structure may be rebuilt with the same building line as the original structure if all of the following apply:

1. The structure was a one or two-family residential structure
2. The structure was located, at the time of destruction, in a R-1 or R-2 district. (ORD. 04-04)

- C. If the site improvements on an existing building site does not conform to the requirements of this ordinance, the use of the site cannot be expanded or new structure constructed, unless the site improvements are brought into conformance with this ordinance.
- D. A lawful non-conforming building which exists on or before January 1, 1998, may be altered or enlarged up to 100 percent of its existing size as of January 1, 1998, in accordance with the zoning regulations and standards which existed prior to January 1, 1998, provided such structural alteration or enlargement shall be limited to structures on land owned, of record, by the owner of the land devoted to the non-conforming structure prior to January 1, 1998. Any enlargement or alteration greater than 100 percent of the building size as of January 1, 1998, shall require compliance with this ordinance.

17.04.160 Required Repairs and Unauthorized Non-Conformities.

- A. Nothing in this ordinance shall be deemed to prevent the restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided such repair does not constitute a substantial improvement.
- B. Any use of land, use of a structure, or structure, in existence on January 1, 1998, which was an unlawful non-conformity under any previous zoning ordinance or similar regulations shall not be considered "grandfathered," and shall not be authorized to continue its non-conforming status pursuant to this ordinance or amendments thereto.

17.04.170 Permits Previously Issued. Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any structure or part thereof, for which approvals and required permits have been granted prior to January 1, 1998, or prior to an amendment to this ordinance which makes the structure non-conforming, the construction of which in conformance with such plans shall have been started prior to January 1, 1998, or prior to an amendment to this ordinance which makes the structure non-conforming, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

17.04.180 Amendments. The City Council may, from time to time, on its own action, upon request by the owner of a parcel of land, or on petition, initiate the process to change the zoning of the property and after public notice and hearings as provided by law, and after recommendation by the Planning and Zoning Commission, change the zoning boundaries and classifications shown on the Official Zoning Map, or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.

- A. Procedures. Whenever any person, firm or corporation desires that any amendment, or change be made in the Official Zoning Map, as to any property covered by this ordinance, there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owner(s) of fifty (50) percent or more of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owner(s) of fifty (50) percent or more of the area of all real

estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof; intervening streets and alleys shall not be included in computing such two hundred (200) feet. It shall be the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the City Clerk.

In lieu of a petition, a property owner may submit a written request to the City Council to initiate the rezoning of the owner's property. The Council may initiate a rezoning, if it is determined the rezoning is compatible with the Comprehensive Plan, or for other reasonable cause.

Prior to voting or holding a public hearing upon the petition or request for rezoning, the City Council shall refer the rezoning proposal to the Planning and Zoning Commission requesting its comments and recommendations. The Planning and Zoning Commission after public hearing, shall advise the City Council of its recommendations and the vote thereon.

In case the proposed amendment, supplement, or change be disapproved by the Planning and Zoning Commission, or a protest be presented duly signed by the owner(s) of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereof, extending the depth of one (1) lot or not to exceed two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all members of the Council. A protest, if filed, must be filed before or at the public hearing held by the City Council. Whenever any petition or request for amendment, or change of the zoning districts shall have been denied by the City Council, then no new petition or request for the same zoning change covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of filing of the first petition or request.

- B. ~~Notice Requirement. Whenever any amendment or change is petitioned to be made in the Official Zoning Map, as to any property covered by this ordinance, the City shall publish notice as required by the State Code of Iowa, and notify all owner(s) of property within the affected boundaries and all owner(s) of property within two hundred (200) feet of the boundaries thereof; intervening streets and alleys shall not be included in computing such two hundred (200) feet. The notice of time and place of the public hearing shall be published in accordance with state law and all property owners are to be sent notices ten (10) days prior to any public hearing by the Planning and Zoning Commission and City Council on the proposed zoning change.~~

~~If the proposed amendment, change or alteration has a similar impact on all of the property within the district, set back regulations, square footage requirement, accessory uses, or other bulk regulations within a district; or adds, deletes, or changes an entire district, notice by publication, only, shall be required.~~

~~For all rezoning of property by petition or owners request, the owner of the property shall be required to post a sign which is 4'x8' in size with letters of not less than six (6) inches in height stating notice of rezoning and the zoning district designations proposed to be changed and telephone number and address of the~~

~~City Zoning Administrator. A sign shall be placed on each public street right-of-way and shall not be greater than fifty (50) feet from the street right-of-way.~~

Notice Requirement. Whenever any amendment or change is petitioned to be made in the Official Zoning map, as to any property covered by this ordinance, the City shall publish notice as required by the State Code of Iowa, and notify all owners(s) of property within the affected boundaries and all owner(s) of property within two hundred (200) feet. The notice of time and place of the public hearing shall be published in accordance with state law and all property owners are to be sent notices in accordance with state law prior to any public hearing by the Planning and Zoning Commission and the City Council on the proposed zoning change.

If the proposed amendment, change or alteration has a similar impact on all of the property within the district, set back regulations, square footage requirement, accessory uses, or other bulk regulations within a district; or adds, deletes, or changes an entire district, notice by publication, only shall be required.

For all rezoning of property by petition or owners request, the owner of the property shall be required to post a sign which is 4'X4' in size with letters of not less than four (4) inches in height stating notice of rezoning and zoning district designations proposed to be changed and telephone number and address of the City Zoning Administrator. A sign shall be placed on each public street right-of-way and shall not be greater than thirty (30) feet from the street right-of-way. (ORD. 02-04)

- C. Filing Fees. Before any action shall be taken as provided in this section, the owner(s) of the land for which a change in the zoning has been initiated by petition or Council action in response to a request by the owner of the land shall pay to the City a filing fee to cover the costs of the procedure. Under no conditions shall said fee or any part thereof be refunded for failure of said amendment to be enacted into law. The amount of the fee for all rezoning of land subject to a filing fee shall be \$200.00 plus \$5.00 per acre or fraction thereof. Cost of mailing public notices sent to property owners shall be paid by the petitioner.

#### 17.04.190 Board of Adjustment.

- A. Board Created. The Board of Adjustment, hereafter called Board, previously created shall continue to consist of five (5) members. The terms of office of each member of the Board shall be staggered and for five (5) years. Each member shall be appointed by the Mayor subject to confirmation by the City Council.
- B. Meetings. The meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent, and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and City Clerk, and shall be a

public record. The presence of three (3) members shall be necessary to constitute a quorum.

- C. Appeals. Appeals to the Board may be made by any person aggrieved by any officer, department, board, or Commission of the City of Norwalk pertaining to the enforcement of this zoning ordinance. Such appeal shall be made within ten (10) days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him or her, that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the petitioner and adjoining property owner, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee to be credited to the general fund of the City of Norwalk in accordance with the following schedule:

1. Appeal or variance.....\$75.00.
2. Special use permits, all districts .....\$100.00.

- D. Powers and Duties. The Board shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in enforcement of this ordinance.
2. To grant a variation from the terms of this ordinance when a property owner can show that their property by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional site conditions, the strict application of the terms of this ordinance actually prohibits the use of their property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this section shall be in harmony with the general purpose and intent of this ordinance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

3. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas.
  - a. To permit erection and use of a building or the use of the premises or vary the height, yard, or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
  - b. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.
4. To issue permits and decide such matters as may be required by other Chapters or Sections of this ordinance.

E. Decisions of the Board of Adjustment. In exercising the powers and duties of the Board enumerated in this section, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as it believes proper. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this section; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and vote of each member participating therein, has been filed. Such resolution shall be filed in the office of the Board and City Clerk, recorded at the Office of the County Recorder, and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by written testimony and evidence submitted in connection therewith. The City Council may review appeals, variances, exceptions or other requests granted by the Board before their effective date and may remand a decision to grant an appeal, variance, exception or other request to the Board for further study. Upon Council action to remand a decision by the Board, the effective date of the decision shall be delayed for thirty (30) days from the date of the remand.

Any taxpayer or any officer, department, board, or bureau of the City of Norwalk; or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board, in accordance with the Code of Iowa.

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 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, ornamental features and roof overhang projecting not to exceed twenty-four (24) inches. Also uncovered steps, patios and decks may extend into any yard, and 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.

17.04.210 Street Frontage Required. Except as herein provided, no lot shall contain any building used for residential purposes unless such lot abuts for at least forty (40) feet on a public street. In situations of hardship, the Board of Adjustment may grant a variance from the minimum forty (40) feet street frontage requirement, if an exclusive unobstructed private easement of access or private right-of-way of at least forty (40) feet wide to a street is provided for no more than one (1) single family detached dwelling, and if a common easement of access or right-of-way of at least sixty (60) feet wide is provided for two (2) single family dwellings. The lot across which an easement of access is located, shall have adequate dimensions and area, exclusive of the easement area, to meet minimum bulk regulations for the Zoning District in which the lot is located. The subdivision of land into "flag lots" shall not be permitted, except by variance, if it is determined the property being subdivided can not be included as part of adjoining vacant land to create a subdivision in compliance with the minimum standards of this ordinance and the City's subdivision ordinance.

Where more than two (2) single family or two (2) two-family dwellings could be served now or in the future from a private easement of access or right-of-way, there shall be a public street including public utility extensions provided in accordance with the Norwalk Subdivision Ordinance prior to development.

17.04.220 Corner Lots. For corner lots, platted after the effective date of this ordinance, each street frontage shall meet the minimum required front yard setback for the Zoning District in which it is located, and the minimum required lot width shall be increased by an amount not less than twenty (20) feet so as to allow for the additional required front yard setback, i.e. for a minimum required lot width of sixty (60) feet, the minimum width of a corner lot shall be not less than eighty (80) feet.

On corner lots platted and of record at the time of the effective date of this Ordinance, the same regulations shall apply except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot to less than twenty (20) feet nor to prohibit the erection of an accessory building.

17.04.230 Front Yard. In any R District, there shall be a minimum front yard setback required as stated in the yard requirements in the bulk regulations for that particular zoning district; provided, however, that in no case shall the front yard setback be less than the smallest front yard setback as platted or of an existing dwelling in the same block; whichever is lesser, located within two hundred (200) feet of either side lot line; provided, however, this regulation shall not be interpreted as to require a greater setback than double the minimum required front yard setback for the zoning district in which it is located. This regulation shall not be interpreted as to permit a setback which is less than the minimum required front yard for the zoning district in which it is located.

On any lot in any district, the depth of a front yard abutting a major collector or arterial street shall be measured from the planned right-of-way line based on the City's Comprehensive Plan and subdivision ordinance to accommodate future street widening.

17.04.240 Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the City Council and on record in the Offices of the County Recorder and County Auditor shows a minimum setback line along any frontage for the purpose of creating a front yard, or other building setback line, the building line thus shown shall apply along such frontage in place of any other yard line required in this ordinance unless specific yard requirements in this Ordinance require a greater setback.

17.04.250 Required Yard, Open Space, Parking, or Loading Space Cannot be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No part of a yard or other open space, or off-street parking or loading space provided for any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use. The right to use any property by way of easement (expressed, implied, or by prescription), permit or other similar type of conveyance or permission that will not ultimately vest title in fee simple, except those for public utility purposes, shall not be included as part of any yard or lot for the purpose of complying with yard setback provisions of this ordinance.

17.04.255 Existing Two-family Dwellings Reclassified District R-1. Existing two-family dwellings which lawfully existed in District R-2 and were amended to District R-1 with the amendment to this ordinance on September 4, 1997, shall be considered a lawful conforming use. Any expansion or alteration of the two-family structures shall adhere to the bulk regulations for District R-1. (ORD. 04-04)

17.04.260 Number of Principal Structures Allowed Per Lot. Not more than one (1) principal structure on any lot of record or legally described tract of land shall be allowed as of January 1, 1998, or for any lot which has been created by platting or replatting since such date in any district zoned RE-1, R-1, and R-2. Multiple occupancy of a lot by more than one (1) principal building in all other districts shall be permitted, only if approved as a complex, or as part of an approved site plan or planned unit development.

17.04.270 Accessory Buildings and Garages. No accessory building, structure, or fence which exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter

- A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used if the main building has been unused for a period of six (6) months or longer.
- B. No accessory building shall be erected in any required yard other than a rear and side yard, except as provided hereinafter. Accessory buildings shall be at least five (5) feet from the rear yard lot line and three (3) feet from the side yard lot lines. On a corner lot or double frontage lot, the setback regulations for each street frontage shall apply. There shall be at least ten (10) feet of separation from a principal building and any other separate building or structure on the same lot, and at least five (5) feet from any alley line, except that, when any vehicle entrance to an accessory building faces the alley, said accessory building shall be at least twenty (20) feet from the alley line.
- C. Accessory buildings, except buildings housing animals or fowl, may be erected as part of the principle building or may be connected thereto by a breezeway or similar structure, provided, an accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed fifteen (15) feet in height.
- D. No satellite dish antenna, antenna, or tower shall be permitted within the front or side yards. No satellite dish antenna with a dish diameter greater than twelve (12) feet, or height greater than fifteen (15) feet shall be permitted in RE-1, R-1, or R-2 Districts, except by Special Use Permit. Satellite dish antennas shall be screened as practical from adjoining residential uses with a six (6) foot high fence or landscaping.
- E. An accessory structure which is constructed underground (such as an emergency shelter, garage, wine cellar, etc.) may be beneath the ground surface of any yard area; providing said structure shall comply with the following requirements:
  - 1. No portion of the structure shall be located less than three (3) feet, measured horizontally, from any lot line from which a minimum surface yard area is required.
  - 2. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.

3. No portion of the finished surface area above the surrounding ground elevation may exceed a two (2) foot height increase above the normal finished elevation of any required yard area.
4. Ingress-Egress to the underground structure shall be located within the allowable surface buildable area of the lot and shall not be located in any required yard area.

17.04.280 Fences, Walls and Vision Clearance.

- A. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

- B. In any district other than the "M" Districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of side and rear yards, and a fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.
  1. In any district where a fence or wall is required by a section or chapter of this ordinance, the Subdivision Ordinance, or other ordinance, to serve as a screening wall, buffer wall, sound barrier, or other separating or protective wall, the restrictions of this section, except paragraph A, shall yield to the requirements of the specific ordinance.
  2. Fences and walls on a corner lot shall comply with the vision clearance requirements of Paragraph A above.
  3. Single-faced fences erected in residential zoning districts shall have their unfinished side (side with exposed posts) facing toward the property on which the fence is erected Single-faced fences erected in non-residential zoning districts which abut a residential zoning district shall have their finished side facing toward the residential district.
  4. Fences and walls shall not exceed a height of ten (10) feet in the M-Districts. Barbed or electrified wire shall be prohibited within any R-District, if the property is not being used for agricultural purposes.

17.04.290 Swimming Pools.

- A. Swimming pools shall be allowed as an accessory use in all zoning districts unless otherwise specifically prohibited in this ordinance.

- B. ~~All swimming pools located in "R" districts shall be located in the side or rear yard, and shall observe setback requirements for principal buildings in the zoning district in which such pool is located.~~ All swimming pools located in "R" districts shall be located in the side or rear yard and shall observe a ten (10) foot setback from any principal structure, accessory structure and property lines. (Ord. 09-04)
- C. All swimming pools shall meet the structural enclosure and security requirements of the City's building code.

17.04.300 Home Occupations. Subject to the limitations set forth by this ordinance, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Zoning Administrator pursuant to the provisions of this ordinance. The regulations of this ordinance are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities can be carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

- A. Use Limitations. 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:
1. Not more than one (1) person who is not a resident on the premises shall be employed.
  2. No more than twenty-five (25) percent or four hundred (400) square feet of the dwelling unit, whichever is less, shall be devoted to the home occupation.
  3. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
  4. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.
  5. The home occupation shall be conducted entirely within the principal dwelling unit or no more than four hundred (400) square feet of floor area in a permitted building accessory thereto, and in no event shall such use be apparent to adjoining residences and from any public street.
  6. There shall be no outdoor storage of equipment or materials used in the home occupation.
  7. Not more than one (1) vehicle used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
  8. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.

9. 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 shall be used.
10. No home occupation shall be permitted which is 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.
11. 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.
12. There shall be no off-premise signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.

B. Home Occupations Permitted. Customary home occupations include, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set forth in this section.

1. Providing instruction to not more than four (4) students at a time.
2. Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents, and real estate agents.
3. Office facilities for ministers, priests, and rabbis.
4. Office facilities for salesmen, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
5. Studio of an artist, photographer, craftsman, writer, or composer.
6. Any use which is found by the Zoning Administrator to be a use similar to one of the above named uses and in his/her opinions, conforms to the intent of this section.

~~17.04.310 Prohibited Lights. Flashing or pulsing lights, moving lights, strobe lights or rotating beacons shall be prohibited out-of-doors or visible from the out-of-doors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights or authorized by the City Council for a temporary period for a special occasion. Any lighting used for illumination out-of-doors shall be arranged as to divert the light away from adjoining residences in any residential district and away from public streets.~~

Flashing or pulsing lights, moving lights, strobe lights or rotating beacons, spotlights, and floodlights shall be prohibited out-of-doors or visible from the out-of-doors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights or authorized by the City Council for a temporary period for a special occasion. Any lighting used for illumination out-of-doors shall be arranged as to divert the light away from adjoining residences in any residential district and away from public streets. Tilting of fixtures upward (such as shoebox fixtures that are designed to illuminate 90 degrees downward) is hereby prohibited.

(ORD. 02-04)

17.04.320 Adult Entertainment Facilities.

17.04.320.1 Purpose. It is recognized that adult entertainment facilities have certain objectionable side effects which render these adult facilities incompatible with residential and family-oriented uses when the adult facilities are located directly adjacent to or near such uses. This section seeks to ensure that residential and family-oriented uses and adult entertainment facilities will be located in separate and compatible locations. It is a subject of legitimate concern for the City to preserve the quality of life, preserve the City's neighborhoods, and to meet effectively the increasing encroachments of urbanization upon the quality of life within the City.

17.04.320.2 Location of Adult Entertainment Facilities. No person, whether as principal or agent, clerk, or employee, either for himself, herself, or any other person, or as an officer of any corporation or otherwise shall place, maintain, own, or operate any adult entertainment facility in the City of Norwalk which is prohibited by any city, state, or federal law. Adult entertainment facilities which are not prohibited by any city, state, or federal law shall be permitted only in accordance with the following restrictions:

- A. Prohibited locations:
1. In any zoning district, except the M-1 District, subject to approval of a special use permit.
  2. In any residential area in the city, including upon any sidewalk abutting upon such residential area.
  3. Within one thousand (1,000) feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan for residential use.
  4. Within one thousand (1,000) feet of any parcel of real property upon which is located any of the following facilities:
    - a. An elementary school, junior high school, or senior high school.
    - b. A church which conducts religious programs.
    - c. A part or recreational facilities operated, maintained, or improved by the City, Warren County, Warren County Conservation Board, any private residential association, benefited recreation district, or the State of Iowa.
    - d. Federal, state, county, city, or any other governmental offices.
    - e. A supermarket or convenience market primarily engaged in the sale of food.
    - f. A restaurant, fast food, or food establishment catering to family trade.

- g. Any other retail or rental establishment catering to family trade.
- 5. Within two thousand (2,000) feet of any other adult entertainment facility. "Adult newsrack" for the purpose of this section means a single coin-operated device, and not a machine with double or triple dispensing capacity.
- B. Measurement of Distance. The distance between an adult entertainment facility and any other use of land described herein shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business or use.
- C. Viewing Area.
  - 1. It is unlawful to maintain, operate, or manage or permit to be maintained, operated, or managed, any adult theater or arcade in which the viewing areas are not visible from a continuous main aisle, or are obscured by a curtain, door, wall, or other enclosure. For purposes of this section, "viewing area" means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show, or film.
  - 2. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.
  - 3. It is unlawful to create, maintain, or permit to be maintained, any holes or other openings between any two (2) booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.
  - 4. The opening to the viewing area shall be from the main aisle.
- D. Adult Newsracks. Adult newsracks shall not be located in an area which is accessible to the general public. Any newsrack shall also be continually monitored to ensure inaccessibility by minors.

17.04.320.3 Identification of Newsracks. The owners of adult newsracks shall have their name, address, and telephone number clearly visible on each newsrack located within the city. If the identification is not clearly visible, that shall be grounds for immediate impounding of the newsrack by the City.

17.04.320.4 Impounding of Adult Newsracks.

- A. Impoundment:
  - 1. An adult newsrack found in violation of this chapter may be impounded by the Zoning Administrator, any police officer or any other code enforcement officer of the City immediately, if deemed necessary by the officer, or after the following actions have occurred:
    - a. A notice of violation has been affixed to the adult newsrack stating the section of this chapter which has been violated, and stating

- that the adult newsrack will be impounded if the violation is not abated within seven (7) days.
- b. A notice of violation has been sent by certified mail, return receipt requested, to the owner of the adult newsrack as identified on the newsrack, if readable, stating the part of this ordinance which has been violated, and stating that the adult newsrack will be impounded if the violation is not abated within seven (7) days.
  - c. The violation has not been abated within seven (7) days of the posting of the notice of violation or the mailing of the certified letter, whichever occurs later.
2. Whenever an adult newsrack is impounded, notice of the impoundment will be provided to the owner by certified mail if proper identification is provided on the newsrack as required. That notice will provide fourteen (14) days for the owner to claim the newsrack and all of its contents. If the owner does not claim the newsrack within fourteen (14) days of delivery of the notice or thirty (30) days of impoundment, the City shall dispose of the newsrack and its contents.

~~17.04.330 Temporary Uses. Notwithstanding other provisions of this ordinance, the City Council may without notice, or public hearing authorize the operation of a charitable or other non-profit sponsored carnival for a period not to exceed seven (7) days.~~

~~No person, firm or corporation shall place or erect any trailer, mobile home, building, shed or office on any lot for use in connection with the construction of any commercial, industrial or residential building or buildings without first obtaining a permit from the Zoning Administrator and payment of a permit fee of \$50.00 to the City. Any person, firm or corporation requesting such permit must state the type of trailer, mobile home, building, shed or office to be placed or erected upon the lot, the nature or purpose of use thereof and the length of time that it will remain on the lot. A temporary permit granted by the Zoning Administrator shall not exceed one (1) year from the date of issuance thereof except with the express consent of the City Council. Any temporary trailer, mobile home, building, shed or office herein permitted shall conform to the zoning setback requirements for the site on which it is placed.~~

~~A Certificate of Occupancy for a principal building or structure shall be withheld from issuance, if the temporary trailer, mobile home, building, shed or office used in connection with the construction of any commercial, industrial or residential building or buildings is not removed from the construction site or lot.~~

~~Upon issuance of an Certificate of Occupancy for a permanent structure, no temporary facilities shall be used for sales, leasing, storage or promotion.~~

Notwithstanding other provisions of this ordinance, the City Council may without notice, or public hearing authorize the operation of charitable or other non-profit sponsored carnival for the period not to exceed (7) days.

No person, firm or corporation shall place or erect any trailer, mobile home, building, shed or office on any lot for use in connection with the construction of any commercial, industrial or residential building or buildings, or for conducting retail or concession activity for part-time or seasonal use, or while the permanent building is constructed on site without first obtaining a permit from the Zoning Administrator and payment of a permit fee of \$50.00 to the City. Any person, firm or corporation requesting such permit must state the type of trailer, mobile home,

building, shed or office to be placed or erected upon the lot. A temporary permit granted by the Zoning Administrator shall not exceed one (1) year from the date of issuance thereof except with the express consent of the City Council. If an extension is granted, the City Council may require that the property owner and the city enter into an agreement that would cover the details and timeframe of the use and removal of the temporary structure. Any temporary trailer, mobile home, building, shed or office herein permitted shall conform to the zoning setback requirements.

A Certificate of Occupancy for a principal building or structure shall be withheld from issuance, if the temporary trailer, mobile home, building, shed or office used in connection with the construction of any commercial, industrial or residential building or buildings is not removed from construction site or lot.

Upon issuance of an Certificate of Occupancy for a permanent structure, no temporary facilities shall be used for sales, leasing, storage or promotion. (ORD. 02-04)

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 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.

17.04.350 Sidewalks. The installation of sidewalks shall be required as part of the development of any land within the city to permit pedestrian movement through the city and to connect residential areas to schools, places of work, shopping, recreation, parks, trails, and other activities. Notwithstanding other provisions of this ordinance and the City of Norwalk's subdivision regulations, public sidewalks shall be required on both sides of all public streets and within private property as determined necessary by the Commission and the Council as part of a site plan review to permit pedestrian movement from within the development to the public sidewalk system. For subdivisions proposed within the RE-1 Single-Family Rural Estate District, the City Council, upon receipt of a recommendation from the Planning and Zoning Commission, may waive the requirement for sidewalks along local streets and cul-de-sacs, and along streets with rural cross-section design which do not permit the installation of public sidewalks, provided, however, alternative locations for sidewalks or trails are planned which provide pedestrian movement through the development and surrounding area.

17.04.360 Mailboxes and Structures in Public Street Rights-of-Way. The construction or installation of any structure, except mailboxes, public sidewalks and driveway approaches by any person, other than an employee or agent of the city, county, or state government having jurisdiction shall not be permitted within the public street right-of-way, unless authorized by the City Council. Mailboxes located within the right-of-way of higher-permitted-speed arterial or major collector streets, as designated by the City's Comprehensive Plan, shall have support structures which are constructed to readily break or bend without creating significant damage to a vehicle or a danger to its passenger(s) upon impact with the mailbox.

Mailboxes with a single 4-inch x 4-inch or 4 ½-inch diameter wooden post or a metal post with a size no greater than a 2-inch diameter standard-strength steel pipe and buried no more than 24 inches into the ground will be acceptable as a mailbox support within the right-of-way of an arterial or major collector streets. A metal post shall not be fitted with an anchor plate, but it

may have an anti-twist device that extends no more than 10 inches below the ground surface. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Mailbox supports shall not be set in concrete, and shall not be constructed of brick, concrete, stone, or masonry of any type in the public right-of-way of arterial or major collector streets.

Mailboxes within the right of way of any public street shall be located on the non-parking side of the roadway. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually 4.0 feet above the roadway surface. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance of 6 to 8 inches, and support structure 12 inches or more. On residential streets without curbs or all-weather shoulders, the roadside face of the mailbox shall be set back 6 to 8 inches and support structure 12 inches or more behind the edge of pavement or graveled surface. On paved roads with driveable all-weather shoulders, the mailboxes shall be set back 6 to 8 inches and support structure 12 inches or more from the edge of the shoulder. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. Mailboxes shall maintain a minimum setback of 25 feet from the radius of an intersecting street.

## CHAPTER 17.10

### ZONING DISTRICT REGULATIONS

**17.10.000 Zoning District Regulations.** Chapter 17.10 sets forth the regulations for individual zoning districts with the intent to classify, regulate, and restrict land use; regulate and restrict the location of trades and industries; regulate and restrict the location of buildings designed for specified uses; regulate and restrict the height, bulk, architecture, and construction of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings. The city is hereby divided into the following zoning districts whose boundaries are indicated upon the official Zoning Map of the City of Norwalk, Iowa, which is made a part of this ordinance by reference. The use, height, area, and construction regulations are uniform in each zoning district, and said districts shall be known as:

#### ZONING DISTRICTS

A-R	Agricultural Reserve District
RE-1	Single-Family Rural Estates District
R-1 (60)	Single-Family Residential District
R-1 (70)	Single-Family Residential District
R-1 (80)	Single-Family Residential District
R-1 (90)	Single-Family Residential District
R-1 (100)	Single-Family Residential District
R-2	One and Two-Family Residential District
R-3	Medium Density Multiple-Family Residential District
R-4	High Density Multiple-Family Residential District
R-5	Mobile Home Park District
C-O	Commercial Office District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Highway Service Commercial District
C-4	Old Town Business District
TC	Town Center Commercial District
PC	Professional Commerce Park District
IC	Industrial Commerce Park District
M-1	General Industrial District
PUD	Planned Unit Development District
CD	Conservation District

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 ordinance, which are applicable shall apply in the A-R 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 within the incorporated area of the city. 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 as part of a subdivision, and are not expected to be developed into urban uses in the immediate future.~~ **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, and riding stables, 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. ~~Any building or structure hereafter erected or structurally altered may be erected to any height not in conflict with existing ordinances of the City of Norwalk.~~ 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

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

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 17.80.

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 or building site. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes.
- 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.~~ 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 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.~~  
 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. Day care home.
- 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

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 17.10.040

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. Any use permitted in the R-1 Zoning District, provided such use shall comply with the minimum requirements of the R-2 Zoning District.
- B. Two-family dwellings.

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
One-Family	8,125 sf	65 feet	30 feet	7 feet	15 feet	35 feet
Two-Family	12,500 sf	100 feet	30 feet	10 feet	20 feet	35 feet
Two-Family Townhouses	*	*	*	*	*	*
Other Uses	80,000 sf	200 feet	50 feet	50 feet	100 feet	50 feet

\* Two-Family Townhouse - a 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. 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 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. Any principal permitted use in the R-2, One and Two-Family Residential District, except one-family dwellings, and such use shall comply with the minimum requirements of the R-2 District.
- B. Multiple-Family Dwellings not exceeding ten (10) dwelling units per acre of lot area excluding public street right-of-way, provided apartment buildings have no greater than fifteen (15) dwelling units per building, and row dwellings no greater than eight (8) dwelling units per building.
- C. Day 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.

- D. Churches, chapels, temples, synagogues, and similar places of worship.
- E. Public and parochial schools (elementary and secondary), colleges and universities.
- F. Cemeteries, including mausoleums and crematoriums.
- G. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.
- H. Museums and libraries not operated for profit.
- I. 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 apartment, condominium, or 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
Day Care Center	40,000 sf	150 feet	35 feet	25 feet	50 feet	35 feet
Multiple-Family Townhouses	*	*	*	*	*	*

Other Uses      80,000 sf      200 feet      35 feet      50 feet      100 feet      35 feet

\* Multiple-Family Townhouses -a townhouse, wherein the owner of the dwelling unit which is part of a row dwelling 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 1400 square feet per dwelling unit, minimum width of twenty (20) feet and no minimum setback from a townhouse lot line required. 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 ten (10) dwellings per acre, minimum separation of 15 feet 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. Any principal permitted use in the R-3, Medium Density Multiple-Family Residential District, provided all uses except two-family dwellings, row dwellings and townhouses, shall comply with the minimum requirements of the R-4 District. Two-family dwellings, row dwellings and townhouses shall comply with the minimum standards of the R-3 District.
- B. Multiple-Family Dwellings, except two-family dwellings, townhouses, and row dwellings, not exceeding sixteen (16) dwelling units per acre of lot area excluding public street right-of-way.
- C. Assisted Living Residential Facilities, Boarding House, Nursing or Convalescent Home, Dormitories, or other group quarters, not exceeding sixteen (16) 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-two (32) 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
Day Care Cntr	40,000 sf	150 feet	35 feet	25 feet	50 feet	35 feet
Multiple-Family Dwellings and Other Uses	80,000 sf	200 feet	35 feet	25 feet	50 feet	35 feet

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.

SECTION 17.10.070

R-5 DISTRICT REGULATIONS

MOBILE HOME PARK DISTRICT

Sub-sections:

- 17.10.070.0 R-5 District Regulations (Mobile Home Park District)
- 17.10.070.1 Statement of Intent
- 17.10.070.2 Principal Permitted Uses
- 17.10.070.3 Permitted Accessory Uses
- 17.10.070.4 Special Uses
- 17.10.070.5 Maximum Height Regulations
- 17.10.070.6 Bulk Regulations
- 17.10.070.7 Open Space and Landscaping Requirements
- 17.10.070.8 Off-Street Parking and Loading
- 17.10.070.9 Buffer Requirements
- 17.10.070.10 Architectural Standards
- 17.10.070.11 Sign Regulations
- 17.10.070.12 Site Plan Requirements

17.10.070.0 R-5 District Regulations (Mobile Home Park District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-5, Mobile Home Park District.

17.10.070.1 Statement of Intent. The R-5 District is intended and designed for medium density residential areas of the city which permits development of mobile home parks, and by reason of their design and location, will be compatible with adjoining and nearby land uses.

17.10.070.2 Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the R-5 District.

- A. Any principal permitted use in the R-3, Medium-Density Multiple-Family Residential District, and such uses shall comply with the minimum requirements of the R-3 District.
- B. Mobile Home Parks, in accordance with the provisions of this sub-section and master planned as a complex with a minimum of fifty (50) mobile homes required.

17.10.070.3 Permitted Accessory Uses. The following uses are permitted as part of, or in accessory to the principal permitted uses, provided accessory buildings shall not occupy more than five (5) percent of the gross site area of a mobile home park.

- A. All accessory uses permitted in and as limited in the R-3 Zoning District.
- B. Recreation buildings and facilities including club house, game courts, swimming pools, and play fields, limited to use by residents and their guests.

- C. Management and sales offices associated and accessory to a mobile home park complex, provided that display areas for sale of mobile homes shall not be greater than five percent (5%) of the site area, and shall comply with the Bulk Regulations set forth in Subsection 17.10.070.6.
- D. Service buildings that allow placement of vending equipment or laundry facilities limited to use by residents and their guests.
- E. Storm shelter facilities shall be required as part of a mobile home park, and shall be in compliance with all applicable codes to house residents in the event of threatening weather conditions (see Subsection 17.10.070.12).

17.10.070.4 Special Uses. The following uses may be permitted in the R-5 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. All special uses permitted in and as limited in the R-3 Medium-Density Multiple-Family Residential District.

17.10.070.5 Maximum Height Regulations. All uses which are permitted in the R-3 Medium-Density Multiple-Family Residential District shall comply with the maximum height regulations of the R-3 Zoning District. No building within a mobile home park shall exceed thirty-five (35) feet in height and no accessory garage or storage building shall exceed fifteen (15) feet in height.

17.10.070.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the R-5 District, except uses permitted in the R-3 District shall comply with R-3 District Bulk Regulations:

Principal Use	Lot Area Sq. Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback Least Width on any One Side (Feet)	Sum of Both Side Yard Setbacks (Feet)	Rear Yard Setback (Feet)
Mobile Home Park	400,000	300	*	*	*	*
Other Uses	80,000	200	50	25	50	50

\* The minimum area of a site or lot permitted for occupancy by an individual mobile home within a mobile home park shall be six thousand (6,000) square feet and shall have a minimum dimension of fifty (50) feet by one hundred twenty (120) feet. Mobile homes shall be located on each lot so there is a minimum twenty (20) foot clearance between each mobile home, five (5) feet of open space between the mobile home and any detached accessory building or walkway, and ten (10) feet of setback between the mobile home and the rear and side lot boundaries. All mobile homes shall maintain a minimum setback of seventy-five (75) feet from a public street right of way, thirty (30) feet from a private street, and thirty-five (35) feet from the boundary of the mobile home park. Accessory buildings shall not be located in the front yard of a mobile home, or between the mobile home and a public or private street.

17.10.070.7 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.070.9 Buffer Requirements. See Chapter 17.50. In addition to the requirements of Chapter 17.50, mobile home parks shall be screened from public street view and any other "R" District, with a landscape buffer, which may be incorporated as part of the yard setback.

17.10.070.10 Architectural Standards. See Chapter 17.60. In addition to the requirements of Chapter 17.60, all parts of a mobile home, including building additions, shall be skirted within thirty (30) days after occupancy with skirting material standardized by restrictive covenants established for the mobile home park and approved by the City at the time of site plan review. The developer shall submit to the City for approval, covenants establishing standards for maintenance and construction of skirting and building additions (steps, decks, porches, etc.) which require adequate structural integrity, compatible appearance, and standards to keep property clean and in good repair. Skirting shall be of a permanent type material enclosing the open space between the bottom of the mobile home's floor and the ground or pad elevation, and structurally sufficient to withstand high winds.

Tie-down and anchors shall be provided on every mobile home stand. Each anchor or tie-down shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as required by any other applicable codes.

17.10.070.11 Sign Regulations. See Chapter 17.70.

17.10.070.12 Site Plan Requirements. See Chapter 17.80. Site plans shall be submitted for approval of a mobile home park, and shall address all requirements as set forth in Chapter 17.80, including the proposed location of mobile home pads (spaces), architectural standards, buffers, and development staging. A storm shelter or shelters shall be shown on the site plan, constructed as part of a mobile home park, and shall have adequate occupancy to accommodate all residents of the mobile home park with a minimum of thirty (30) square feet of floor area provided for each mobile home planned. All internal streets, storm drainage facilities, sanitary sewers, and water mains and appurtenances, both public or privately owned, shall comply with City of Norwalk standard specifications for public improvements. Traffic control and directional signage shall be shown on the site plan, installed, and maintained in a manner acceptable to the City.

SECTION 17.10.080

C-O DISTRICT REGULATIONS

COMMERCIAL OFFICE DISTRICT

Sub-sections:

- 17.10.080.0 C-O District Regulations (Commercial Office District)
- 17.10.080.1 Statement of Intent
- 17.10.080.2 Principal Permitted Uses
- 17.10.080.3 Permitted Accessory Uses
- 17.10.080.4 Maximum Height Regulations
- 17.10.080.5 Bulk Regulations
- 17.10.080.6 Open Space and Landscaping Requirements
- 17.10.080.7 Off-Street Parking and Loading
- 17.10.080.8 Buffer Requirements
- 17.10.080.9 Architectural Standards
- 17.10.080.10 Sign Regulations
- 17.10.080.11 Site Plan Requirements

17.10.080.0 C-O District Regulations (Commercial Office District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-O Commercial Office District.

17.10.080.1 Statement of Intent. The C-O District is intended to serve both neighborhoods and the community with the development of professional, semi-professional, and public service buildings and office buildings.

17.10.080.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-O District.

A. Professional and semi-professional office buildings for the following:

- 1. Abstract title
- 2. Accountants and Bookkeeping
- 3. Actuaries
- 4. Advertising (no shops)
- 5. Adjusters (insurance)
- 6. Aerial survey and photography
- 7. Appraisers - no sale or rental of any type of merchandise or equipment
- 8. Architects
- 9. Attorneys
- 10. Auditors
- 11. ~~Banks and financial institutions (no drive-in facilities or free-standing ATM machines)~~  
**Banks and financial institutions**  
(ORD. 02-04)
- 12. Business analysts - counselors or brokers
- 13. Building contractors, office only (no shops or storage)

14. Chiropractors
  15. Consulates
  16. Counseling, child guidance and family service
  17. Court reporter and public stenographers
  18. Credit reporting
  19. Dentists
  20. Detective agencies and investigating services
  21. Drafting and plan services
  22. Engineers, professional
  23. Insurance and bonds
  24. Manufacturer's agents
  25. Market research
  26. Medical doctors and practitioners
  27. Model agencies or schools
  28. Mortgage brokers
  29. Notary public
  30. Opticians
  31. Optometrists
  32. Podiatrists
  33. Public libraries
  34. Public relations
  35. Radio and television production and broadcast studios
  36. Real estate
  37. Real estate management
  38. Secretarial services
  39. Shoppers information services
  40. Social service bureaus
  41. Stock broker exchanges, investment services
  42. Tax consultants
  43. Telephone answering services
  44. Theater ticket agencies
  45. Travel agencies
  46. Zoning consultants
- B. Clinics or group medical centers, including dental clinics, but not including animal clinics.
- C. Day care center, day nursery or nursery school, licensed in 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 other principal building on any other lot in an R District; and provided there is established and well maintained in connection therewith a completely fenced play lot of no fewer 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.
- D. Public and parochial schools (elementary and secondary), colleges and universities.
- E. Professional business training school, whose functions are wholly contained within the structures, or otherwise effectively conceals its functions from visual, olfactory, or auditory observation outside the premises.

- F. Health and athletic fitness centers and clubs with all indoor facilities.
- G. Church, chapel, temple, synagogue and similar place of worship, and associated residence of clergy or ordained official of the religious organizations.
- H. Funeral homes and mortuaries.
- I. Buildings and uses owned by a county, city and county, city 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.
- J. Museums and libraries not operated for profit.
- K. Swimming, athletic, and tennis clubs or country clubs and similar public and privately owned uses with outdoor facilities, by Special Use Permit.
- L. Any use which is found by the Zoning Administrator to be similar to one of the above named uses and, in his/her opinion, conforms to the intent of this subsection.

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

- A. Retail establishments and refreshment stands accessory to 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.
- B. Storage areas incidental to the principal use, but not to exceed a floor area which is equal to twenty-five (25) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building.
- C. Temporary use of buildings or trailers for uses incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work.

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

17.10.080.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the C-O Commercial Office District:

	Side Yard		
Front	Setback	Sum of Both	Rear

<u>Principal Use</u>	<u>Lot Area (Sq Ft)</u>	<u>Lot Width (Feet)</u>	<u>Yard Setback (Feet)</u>	<u>Least Width on any One Side (Feet)</u>	<u>Side Yard Setbacks (Feet)</u>	<u>Yard Setback (Feet)</u>
All uses	20,000	100	30	10	20	35

17.10.080.6 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.080.8 Buffer Requirements. See Chapter 17.50.

17.10.080.9 Architectural Standards. See Chapter 17.60.

17.10.080.10 Sign Regulations. See Chapter 17.70.

17.10.080.11 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.090

C-1 DISTRICT REGULATIONS

NEIGHBORHOOD COMMERCIAL DISTRICT

Sub-sections:

- 17.10.090.0 C-1 District Regulations (Neighborhood Commercial District)
- 17.10.090.1 Statement of Intent
- 17.10.090.2 Principal Permitted Uses
- 17.10.090.3 Permitted Accessory Uses
- 17.10.090.4 Maximum Height Regulations
- 17.10.090.5 Bulk Regulations
- 17.10.090.6 Open Space and Landscaping Requirements
- 17.10.090.7 Off-Street Parking and Loading
- 17.10.090.8 Buffer Requirements
- 17.10.090.9 Architectural Standards
- 17.10.090.10 Sign Regulations
- 17.10.090.11 Site Plan Requirements

17.10.090.0 C-1 District Regulations (Neighborhood Commercial District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-1 Neighborhood Commercial District.

17.10.090.1 Statement of Intent. The C-1 District is intended to provide commercial and retail uses to serve the most immediate shopping needs of the nearby residents and employment within a neighborhood with a trade area radius of approximately one (1) mile depending on the density of the residential and employment population of the neighborhood.

17.10.090.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-1 District.

- A. Any principal permitted use in the C-0 Zoning District, provided such use shall comply with the minimum requirements of the C-1 Zoning District.
- B. The following neighborhood retail commercial and service establishments and uses:
  - 1. Apparel (specialty) shops
  - 2. Bakeries (retail), including baking for sale on premises
  - 3. Beauty shops and barber shops, but not including schools
  - 4. Book stores and stationery stores
  - 5. Camera and photographic supply stores, including photo finishing services for the general public
  - 6. Candy, nut, and confectionery stores
  - 7. Coffee shops
  - 8. Coin operated laundries and dry cleaning establishment using nonflammable solvents

9. Convenience store; provided fuel sales facilities have a minimum separation of one thousand (1,000) feet between similar businesses with fuel sales and there is no vehicle washing or repair on site
10. Dairy product and ice cream stores and parlors; retail over-the counter sales only
11. Drug stores
12. Florists, including potted house plants
13. Gift, novelty, and souvenir shops
14. Hobby and game shops
15. Home accessories, such as glassware and linens
16. Home video equipment and movie rentals
17. Jewelry stores
18. Liquor stores
19. Meat and seafood specialty shops
20. News dealers and newsstands
21. Optical goods and hearing aids
22. Restaurants and cafes, provided there is no drive-through or drive-in facility
23. Retail coin, philatelist, and autograph shops
24. Sewing, needlework, and piece goods stores
25. Shoe repair shop, shoe shining
26. Tobacco stores
27. Tailor shops, including clothing alteration and repair shops
28. Watch, clock and jewelry repair
29. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

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

- A. Any accessory use permitted in the C-0 Zoning District providing such use shall comply with the minimum requirements of the C-2 Zoning District.
- B. The display of merchandise outside the building may be permitted when specifically approved by the City Council.

17.10.090.4 Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.090.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the C-1 Neighborhood Commercial District:

Principal Use	Lot Area (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard	Sum of Both Side Yard Setbacks (Feet)	Rear
				Setback Least Width on any One Side (Feet)		Yard Setback (Feet)
All uses	20,000	100	30	10 A	20 B	35

- A. If a building is planned to be attached or closely located to adjacent buildings in the same complex and part of a shopping center, the side, or sides, which are to

be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback, if construction complies with building and fire codes.

- B. Outside restaurant seating and outside display areas shall not occupy any portion of required yard areas, open space, or parking areas, and shall be screened from public streets and adjacent property view.

17.10.090.6 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.090.8 Buffer Requirements. See Chapter 17.50.

17.10.090.9 Architectural Standards. See Chapter 17.60.

17.10.090.10 Sign Regulations. See Chapter 17.70

17.10.090.11 Site Plan Requirements. See Chapter 17.80

SECTION 17.10.100

C-2 DISTRICT REGULATIONS

COMMUNITY COMMERCIAL DISTRICT

Sub-sections:

- 17.10.100.0 C-2 District Regulations (Community Commercial District)
- 17.10.100.1 Statement of Intent
- 17.10.100.2 Principal Permitted Uses
- 17.10.100.3 Permitted Accessory Uses
- 17.10.100.4 Special Uses
- 17.10.100.5 Maximum Height Regulations
- 17.10.100.6 Bulk Regulations
- 17.10.100.7 Open Space and Landscaping Requirements
- 17.10.100.8 Off-Street Parking and Loading
- 17.10.100.9 Buffer Requirements
- 17.10.100.10 Architectural Standards
- 17.10.100.11 Sign Regulations
- 17.10.100.12 Site Plan Requirements

17.10.100.0 C-2 District Regulations (Community Commercial District). The regulations set forth in this section, or elsewhere in this ordinance which are applicable, shall apply in the C-2 Community Commercial District.

17.10.100.1 Statement of Intent. The C-2 District is intended to provide a wide range of commercial and retail uses and services for residents of the community and outside the community, and has performance standards that encourage quality of building design, site design, and construction aesthetically compatible with the desired character of the area.

17.10.100.2 Principal Permitted Uses. The use of structures or land listed in this section shall be permitted in the C-2 District.

- A. Any principal permitted use in the C-1 Zoning District, provided such use shall comply with the minimum requirements of the C-2 Zoning District.
- B. The following retail commercial and service establishments and uses:
  - 1. Antique stores, but not including refinishing or refurbishing.
  - 2. Artists' and architectural supply
  - 3. Automobile parts store; no repair work on site permitted.
  - 4. Banks, savings and loans and other financial institutions with drive-in facilities and free-standing ATM machines permitted
  - 5. Bars and night clubs
  - 6. Billiard parlors and pool halls
  - 7. Bowling alleys
  - 8. Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs
  - 9. Commercial art galleries

10. Computers, typewriters, copiers, and similar office equipment retail sales and service
11. Convenience stores
12. Construction Contractor's Office, with up to 90 percent of the building devoted to interior storage of materials, tools, and equipment. No external storage of materials, tools, or equipment shall be permitted
13. Department or variety stores
14. Electrical repair shops
15. Floor covering stores, primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors
16. Formal wear and costume rental
17. Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit
18. Grocery and food stores
19. Hardware stores
20. Hospitals
21. Hot tub or sauna sales, but not including swimming pools
22. Hotels and motels
23. Household appliance stores
24. Household furniture, retail sales but not including cabinets
25. Household improvement products stores, i.e., paint, glass and wallpaper stores, retail sales to the general public only
26. Ice and roller skating rinks, indoor only
27. Interior decorations, including retail sales of draperies and curtains
28. Luggage and leather goods
29. Music or dance schools or studios, including children's or amateur instruction and exercise classes, but not including ballrooms or dance halls
30. Office furniture, and supplies, retail sales only
31. Pet shops, but not including boarding or outdoor kennels
32. Postal service (local substation of United States) or private parcel post delivery service
33. Radio, television, and music stores
34. Restaurants, drive-in facilities permitted
35. Sporting goods stores and bicycle shops, but not including sales of motorized vehicles
36. Swimming, athletic, and tennis clubs or country clubs, and similar public and privately owned uses with outdoor facilities
37. Theaters; does not include drive-in theaters
38. Toy stores
39. Veterinarian clinics for household pets on an out-patient basis only; no overnight boarding or lodging except by special use permit
40. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

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

- A. Any accessory use permitted in the C-1 Zoning District providing such use shall comply with the minimum requirements of the C-2 Zoning District.

17.10.100.4 Special Uses. The following uses may be permitted in the C-2 Community Commercial 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. Rescue missions and shelters.
- B. The following establishments of enterprises involving large assemblages of people or automobiles:
  - 1. Temporary or seasonal amusement enterprises including carnivals and circuses
  - 2. Commercial sport or recreational enterprises, including nonprofit amphitheatres, convention halls and auditoriums

17.10.100.5 Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height at the required front, side and rear yard building lines, except one (1) foot may be added to the building height for each additional one (1) foot that the building or portion thereof is set back from the minimum required set backs. However, no building shall exceed a height 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.

17.10.100.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the C-2 Community Commercial District:

Principal	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
<u>Use</u>	<u>(Sq Ft)</u>	<u>(Feet)</u>	<u>(Feet)</u>	<u>(Feet)</u>	<u>(Feet)</u>	<u>(Feet)</u>
All uses	80,000	200	50	10 A. 20 B.	<del>20 B.</del> 35	50
All uses (if part of complex)	20,000 C. (ORD. 01-09)	100 C.	30 C.	10 A. 20 B.	20 C.	35 C.

- A. Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City, with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan, parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.
- B. If a building is planned to be attached or closely located to adjacent buildings and part of a shopping center, the side, or sides, which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback, if construction complies with building and fire codes.

- C. The less restrictive bulk regulations may be used only when the subject parcel proposed for development is part of a larger commercial complex or where access with other parcels is prearranged or coordinated with the City. (ORD. 01-09)

17.10.100.7 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.100.9 Buffer Requirements. See Chapter 17.50.

17.10.100.10 Architectural Standards. See Chapter 17.60.

17.10.100.11 Sign Regulations. See Chapter 17.70.

17.10.100.12 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.110

C-3 DISTRICT REGULATIONS

HIGHWAY SERVICE COMMERCIAL DISTRICT

Sub-sections:

- 17.10.110.0 C-3 District Regulations (Highway Service Commercial District)
- 17.10.110.1 Statement of Intent
- 17.10.110.2 Principal Permitted Uses
- 17.10.110.3 Permitted Accessory Uses
- 17.10.110.4 Maximum Height Regulations
- 17.10.110.5 Bulk Regulations
- 17.10.110.6 Open Space and Landscaping Requirements
- 17.10.110.7 Off-Street Parking and Loading
- 17.10.110.8 Buffer Requirements
- 17.10.110.9 Architectural Standards
- 17.10.110.10 Sign Regulations
- 17.10.110.11 Site Plan Requirements

17.10.110.0 C-3 District Regulations (Highway Service Commercial District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-3 Highway Service Commercial District.

17.10.110.1 Statement of Intent. The C-3 District is designed to provide for a wide range of highway service commercial uses, including highway and other retail uses not permitted in other C Districts in the city. It is intended that this district be located along major streets and not close to residential areas.

17.10.110.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-3 District.

- A. Any principal permitted use in the C-2 Zoning District, provided such use shall comply with the minimum requirements of the C-3 Zoning District.
- B. The following retail, commercial, and service establishments and uses:
  - 1. Amusement Parks, and outdoor stadiums and arenas.
  - 2. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including all repair work in connection with personal or customers' vehicles
  - 3. Carpenter and cabinetmaking shops
  - 4. Car Washes, including self-service
  - 5. Gas Stations or Service Stations
  - 6. Lumber yards, retail only
  - 7. Monument sales yards
  - 8. Public auction buildings or rooms. (Does not include animal, vehicle auctions.)
  - 9. Mini-Warehouse

10. Transportation terminal or truck stops, including minor repairs as accessory use
11. Small repair shop, including but not limited to bicycle, motorcycle, lawn mower, and garden tractor repair. All activities must be confined inside the building(s), including storage of parts and machines.
12. Any use which is found by the Zoning Administrator to be a use similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

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

- A. Any accessory use permitted in the C-2 Zoning District providing such use shall comply with the minimum requirements of the C-3 Zoning District.

17.10.110.4 Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height, at the required front, side and rear yard building lines, except one (1) foot may be added to the building height for each additional one (1) foot that the building or portion thereof is set back from the minimum required set backs, provided, however, that in no instance shall the 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.

17.10.110.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the C-3 General Commercial District:

Principal Use	Lot Area (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard	Sum of Both Side Yard Setbacks (Feet)	Rear
				Setback Least Width on any One Side (Feet)		Yard Setback (Feet)
All uses	20,000	100	30	10A	20A	35

- A. If a building is planned to be attached or closely located to an adjacent buildings and part of a shopping center, the side, or sides, which are to be attached or located closely to the adjacent building shall be permitted to have a zero (0) side yard setback if the building and fire codes are complied with.

17.10.110.6 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.110.8 Buffer Requirements. See Chapter 17.50.

17.10.110.9 Architectural Standards. See Chapter 17.60.

17.10.110.10 Sign Regulations. See Chapter 17.70.

17.10.110.11 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.120

C-4 DISTRICT REGULATIONS

OLD TOWN BUSINESS DISTRICT

Sub-sections:

- 17.10.120.0 C-4 District Regulations (Old Town Business District)
- 17.10.120.1 Statement of Intent
- 17.10.120.2 Principal Permitted Uses
- 17.10.120.3 Permitted Accessory Uses
- 17.10.120.4 Maximum Height Regulations
- 17.10.120.5 Bulk Regulations
- 17.10.120.6 Open Space and Landscaping Requirements
- 17.10.120.7 Off-Street Parking and Loading
- 17.10.120.8 Buffer Requirements
- 17.10.120.9 Architectural Standards
- 17.10.120.10 Sign Regulations
- 17.10.120.11 Site Plan Requirements

17.10.120.0 C-4 District Regulations (Old Town Business District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-4 Old Town Business District.

17.10.120.1 Statement of Intent. The C-4 District is intended to recognize the existing uses and bulk standards characteristic of the original central business district of Norwalk, and to preserve the original central business district concept with its original character.

17.10.120.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-4 District.

- A. Residential dwellings not exceeding sixteen (16) dwelling units per acre of total lot area, in addition to any other permitted use which may be located on the first floor of a building. Dwelling units shall not be located on the first floor of a building in order to preserve the first floor area for permitted non-residential uses.
- B. Any principal permitted use in the C-1 Zoning District, provided no fuel sales facilities are permitted, and all uses shall comply with the minimum requirements of the C-4 Zoning District.
- C. The following retail commercial and service establishments and uses:
  - 1. Antique stores, but not including refinishing or refurbishing.
  - 2. Artists' and architectural supply
  - 3. Automobile parts store; no repair work on site permitted.
  - 4. Banks, savings and loans and other financial institutions with drive-in facilities permitted
  - 5. Bars and night clubs
  - 6. Billiard parlors and pool halls

7. Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs
8. Commercial art galleries
9. Computers, typewriters, copiers, and similar office equipment retail sales and service
10. Department or variety stores
11. Electrical repair shops
12. Floor covering stores, primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors
13. Formal wear and costume rental
14. Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit
15. Grocery and food stores
16. Hardware stores
17. Hot tub or sauna sales, but not including swimming pools
18. Hotels and motels
19. Household appliance stores
20. Household furniture, retail sales but not including cabinets
21. Household improvement products stores, i.e., paint, glass and wallpaper stores, retail sales to the general public only
22. Interior decorations, including retail sales of draperies and curtains
23. Luggage and leather goods
24. Music or dance schools or studios, including instruction and exercise classes, but not including ballrooms or dance halls
25. Office furniture, and supplies, retail sales only
26. Pet shops, but not including boarding or outdoor kennels
27. Postal service (local substation of United States) or private parcel post delivery service
28. Radio, television, and music stores
29. ~~Sporting goods stores and bicycle shops, but not including sales of motorized vehicles~~ **Sporting goods stores and bicycle shops** (ORD 06-07)
30. Theaters; does not include drive-in theaters
31. Toy stores
32. Veterinarian clinics for household pets on an out-patient basis only; no overnight boarding or lodging except by special use permit
33. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.
34. **Small Engine Repair, automobile body shops, and machine shops, not including large multi-axle trucks, farm implements or equipment, or heavy machinery or equipment. All activities must be confined inside the building including storage of parts, automobiles, and machines.** (ORD. 03-02)

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

- A Any accessory use permitted in the C-1 Zoning District provided such use shall comply with the minimum requirements of the C-4 Zoning District.

- B. Sales of new motorcycles and motorized bicycles, as defined by Iowa Code Chapter 321, as amended. Sale is limited to no more than twenty-five (25%) percent of the floor area used by the principal permitted use. Outdoor display of more than three such vehicles, off street testing, and repair of vehicles is prohibited. (ORD 06-07)

17.10.120.4 Maximum Height Regulations. No principal building shall exceed forty-five (45) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.120.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the C-4 Old Town Business District:

Principal Use	Lot Area (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard	Sum of Both Side Yard Setbacks (Feet)	Rear
				Setback Least Width on any One Side (Feet)		Yard Setback (Feet)
All uses	None	None	A.	B.	B.	B.

A. The front yard setback shall be established based on the planned right-of-way and street paving width for the street on which the buildings shall front. Buildings may have a zero (0) setback from the street right-of-way, but shall maintain a minimum setback of thirty-eight (38) feet from the centerline of any street, or sixteen (16) feet from the back of the street's curb, whichever is greater. However, existing uses may be expanded up to the setback of existing building frontage, provided the land on which the existing building is located and the land on which the building is planned to be expanded is under common ownership at the time of the passage of this ordinance. Replacement of existing buildings or expansion of existing buildings to accommodate a new use or a use which is different than that use which is located within the existing building shall comply with the front yard setback requirement herein set forth. Front yard setback requirements shall apply to all street frontages.

B. No setback is required, except if adjoining an RE-1, R-1, or R-2 zoning district, in which case not less than twenty-five (25) feet; and if adjoining R-3, R-4, or R-5 Zoning Districts not less than ten (10) feet.

17.10.120.6 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.120.7 Off-Street Parking and Loading. No parking area or access drive shall be located between a building and public street right-of-way. Public parking within close proximity of property planned for development or redevelopment may be used in fulfillment of off-street parking requirements if such public parking allocation is part of a Master Plan for the Old Town Business District. See Chapter 17.40 for additional requirements.

17.10.120.8 Buffer Requirements. See Chapter 17.50.

17.10.120.9 Architectural Standards. See Chapter 17.60.

17.10.120.10 Sign Regulations. See Chapter 17.70.

17.10.120.11 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.130

TC DISTRICT REGULATIONS

TOWN CENTER COMMERCIAL DISTRICT

Sub-sections:

- 17.10.130.0 TC District Regulations (Town Center Commercial District)
- 17.10.130.1 Statement of Intent
- 17.10.130.2 Principal Permitted Uses
- 17.10.130.3 Permitted Accessory Uses
- 17.10.130.4 Maximum Height Regulations
- 17.10.130.5 Bulk Regulations
- 17.10.130.6 Open Space and Landscaping Requirements
- 17.10.130.7 Off-Street Parking and Loading
- 17.10.130.8 Buffer Requirements
- 17.10.130.9 Architectural Standards
- 17.10.130.10 Sign Regulations
- 17.10.130.11 Site Plan Requirements

17.10.130.0 TC District Regulations (Town Center Commercial District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the TC Town Center Commercial District.

17.10.130.1 Statement of Intent. The TC District is intended to provide a location in the community to establish a new center for business, retail, and municipal government activity within a traditional central business district atmosphere of mixed use development, providing close proximity and association between employment, retail, recreation, municipal government services, and housing uses; to encourage pedestrian travel versus automobile travel, and; to encourage the use of performance standards for building design and materials which will further a desired design concept and compatibility of appearance of buildings in the district.

17.10.130.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the TC District.

- A. Residential dwellings not exceeding sixteen (16) dwelling units per acre of total lot area, in addition to any other permitted use which may be located on the first floor of a building. Dwelling units shall not be located on the first floor of a building in order to preserve the first floor area for non-residential uses.
- B. Any principal permitted use in the C-1 Zoning District, provided no fuel sales facilities are permitted, and all uses shall comply with the minimum requirements of the TC Zoning District.
- C. The following retail commercial and service establishments and uses:
  - 1. Antique stores, but not including refinishing or refurbishing.
  - 2. Artists' and architectural supply
  - 3. Bars and night clubs
  - 4. Billiard parlors and pool halls

5. Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs
6. Commercial art galleries
7. Computers, typewriters, copiers, and similar office equipment retail sales and service
8. Department or variety stores
9. Formal wear and costume rental
10. Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit
11. Hardware stores
12. Hotels or bed and breakfast inns, wherein guest rooms and dwelling units shall not be located on the first floor of a building.
13. Luggage and leather goods
14. Music or dance schools or studios, including instruction and exercise classes, but not including ballrooms, or dance halls
15. Music stores
16. Postal service (local substation of United States) or private parcel post delivery service
17. Sporting goods stores and bicycle shops, but not including sales of motorized vehicles
18. Sidewalk cafes
19. Theaters, including movie theaters.
20. Toy Stores
21. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

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

- A. Any accessory use permitted in the C-1 Zoning District provided such use shall comply with the minimum requirements of the TC Zoning District.

17.10.130.4 Maximum Height Regulations. No principal building shall exceed three (3) stories and fifty (50) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

17.10.130.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the TC Town Center Commercial District:

Principal Use	Lot Area (Sq Ft)	Lot Width (Feet)	Front	Side Yard	Sum of Both Side Yard Setbacks (Feet)	Rear
			Yard Setback (Feet)	Setback Least Width on any One Side (Feet)		Yard Setback (Feet)
All uses	80,000	C. 200	A.	B.	B.	B.

- A. The front yard setback shall be established based on the planned right-of-way and street paving width for the street on which the buildings shall front. Buildings may have a zero (0) setback from the street right-of-way, but shall maintain a minimum setback of thirty-eight (38) feet from the travel lane of the street. Front Yard setback requirements shall apply to all street frontages.

- B. No setback is required, except if adjoining another zoning district, in which case not less than twenty-five (25) feet.
- C. Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City, with restrictions placed upon the property requiring that buildings be compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan, parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

17.10.130.6 Open Space and Landscaping Requirements. See Chapter 17.30.

17.10.130.7 Off-Street Parking and Loading. No parking area, loading area, or access drive shall be located between a building and public street right-of-way. Public parking within close proximity of property planned for development or redevelopment may be used in fulfillment of off-street parking requirements if such public parking allocation is part of a Master Plan for the Town Center Commercial District. See Chapter 17.40 for additional requirements.

17.10.130.8 Buffer Requirements. See Chapter 17.50.

17.10.130.9 Architectural Standards. See Chapter 17.60.

17.10.130.10 Sign Regulations. See Chapter 17.70.

17.10.130.11 Site Plan Requirements. See Chapter 17.80

SECTION 17.10.140

PC DISTRICT REGULATIONS

PROFESSIONAL COMMERCE PARK DISTRICT

Sub-sections:

- 17.10.140.0 PC District Regulations (Professional Commerce Park District)
- 17.10.140.1 Statement of Intent
- 17.10.140.2 Principal Permitted Uses
- 17.10.140.3 Permitted Accessory Uses
- 17.10.140.4 Special Uses
- 17.10.140.5 Maximum Height Regulations
- 17.10.140.6 Bulk Regulations
- 17.10.140.7 Open Space and Landscaping Requirements
- 17.10.140.8 Off-Street Parking and Loading
- 17.10.140.9 Buffer Requirements
- 17.10.140.10 Architectural Standards
- 17.10.140.11 Sign Regulations
- 17.10.140.12 Site Plan Requirements

17.10.140.0 PC District Regulations (Professional Commerce Park District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the PC Professional Commerce Park District.

17.10.140.1 Statement of Intent. The PC District is intended to be an area for accommodating the management, research, design, marketing and production needs of those professional-commerce enterprises which comply with the performance standards of this section, and are in the interest of general community welfare, which recognizes that the Community should be beautiful, as well as financially prosperous, spacious, and efficient. Within the PC District it shall be emphasized that the manner in which a use is accomplished is as important as the use; detracting, detrimental, or other generally unacceptable characteristics, including ugliness of physical properties, shall be discouraged, and contemporary, modern and futuristic design techniques which yield visual attractiveness encouraged.

17.10.140.2 Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the PC District. Any enterprise, regardless of professional - commerce category which cannot wholly enclose its functions within the principal structures or otherwise effectively conceal its functions from public observation shall be prohibited.

- A. Professional and semi-professional office buildings and associated uses as listed in the- CO Zoning District, Subsection 17.10.070.2.
- B. Day Care Center, Day Nursery or Nursery School, licensed by the State of Iowa, and subject to standards for the same use permitted in the C-O District.
- C. Health, Athletic or Fitness Centers or Clubs, with all indoor facilities, or outdoor facilities concealed from general public view.

17.10.140.3 Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses. Any accessory facility or use shall be physically accomplished in an aesthetically compatible manner and shall comply with all restrictions or performance standards applicable to the principal use.

- A. Retail establishments, refreshment stands and employee cafeterias accessory to 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 display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.
- B. Storage or warehousing area incidental to the principal use, but not to exceed a floor area which is equal to fifty (50) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building, and loading areas are screened or concealed from general public view.
- C. Temporary use of buildings or trailers for use incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work.

17.10.140.4 Special Uses. The following uses may be permitted in the PC 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. All special uses shall be accomplished in a manner compatible with performance standards required of principal permitted uses.

- A. Hospitals.
- B. Private Dining Clubs, which are operated for the use and benefit of its members.
- C. Branch facilities of colleges, and schools which specialize in business, commercial and technical training courses.

17.10.140.5 Maximum Height Regulations. There shall be no height regulations in the PC Zoning District, except that no building or structure shall be constructed to a height which may create an air traffic hazard to the approach or departure of an existing airport.

17.10.140.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the PC District:

Principal Use	Lot Area in (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback Least Width on any One Side (Feet)	Sum of Both Side Yard Setbacks (Feet)	Rear Yard Setback (Feet)
All uses	100,000	300	50	50	100	50

- A. Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan and parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

17.10.140.7 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.140.9 Buffer Requirements. See Chapter 17.50.

17.10.140.10 Architectural Standards. See Chapter 17.60.

17.10.140.11 Sign Regulations. See Chapter 17.70.

17.10.140.12 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.150

IC DISTRICT REGULATIONS

INDUSTRIAL COMMERCE PARK DISTRICT

Sub-sections:

- 17.10.150.0 IC District Regulations (Industrial Commerce Park)
- 17.10.150.1 Statement of Intent
- 17.10.150.2 Principal Permitted Uses
- 17.10.150.3 Permitted Accessory Uses
- 17.10.150.4 Maximum Height Regulations
- 17.10.150.5 Bulk Regulations
- 17.10.150.6 Open Space and Landscaping Requirements
- 17.10.150.7 Off-Street Parking and Loading
- 17.10.150.8 Buffer Requirements
- 17.10.150.9 Architectural Standards
- 17.10.150.10 Sign Regulations
- 17.10.150.11 Site Plan Requirements

17.10.150.0 IC District Regulations (Industrial Commerce Park). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the IC Industrial Commerce Park.

17.10.150.1 Statement of Intent. The IC District is intended to provide for the location of limited industrial uses while maintaining strict performance standards encouraging quality construction and site development for the protection of nearby non-industrial districts. The IC District shall be characterized by large lots with landscaped grounds and buildings constructed with materials of structural strength and permanency such as architectural steel, stone, concrete, and brick, versus wood and sheet metal.

17.10.150.2 Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the IC District; provided, however that all manufacturing, assembling, compounding, processing, packaging, and other comparable treatment, including storage of any and all materials and equipment, shall take place within completely enclosed buildings.

- A. Any principal use permitted in the PC Zoning District, provided such use shall comply with the minimum requirements of the IC Zoning District.
- B. Commercial trade schools and business colleges, which specialize in business, commercial and industrial training courses, and are operated for commercial gain.
- C. Compounding and packaging of drugs, pharmaceutical, cosmetics, perfumes, and toiletries.
- D. Distribution centers for finished or prepackaged products.
- E. Laboratories; research, experimental, and testing uses.

- F. Manufacturing, assembling, and packaging of medical instruments, cameras, drafting instruments, and electrical components.
- G. Printing, lithographing, or film processing shops or plants.
- H. Warehouses for storage of merchandise or materials in connection with the uses permitted in this district only.
- I. Enterprises involving large assembly of people or automobiles, such as commercial sport or recreational enterprises, including nonprofit amphitheatres, convention halls and auditoriums.
- J. Other uses that are consistent by type of use, use intensity, physical characteristics, style, size, and purpose with the uses listed above, provided the manner in which any use is accomplished shall demonstrate compatibility of neighborhood uses.

17.10.150.3 Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses. Any accessory building structure or use shall be physically accomplished in an aesthetically compatible manner and shall comply with all restrictions or performance standards applicable to the principal use.

- A. Any accessory uses permitted in the PC Zoning District, provided such use shall comply with minimum requirements of the IC Zoning District.
- B. Accessory shelter for a watchman, caretaker, or gate guard, and not a dwelling.

17.10.150.4 Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height. No accessory structure shall exceed twenty (20) feet in height, unless a greater height is permitted for a special use.

17.10.150.5 Bulk Regulations. The following minimum bulk requirements shall be observed in the IC Industrial Commerce Park District:

Principal Use	Lot Area in (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback Least Width on any One Side (Feet)	Sum of Both Side Yard Setbacks (Feet)	Rear Yard Setback (Feet)
All uses	100,000	300	50	50	100	50

- A. Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan and parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

17.10.150.6 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.150.8 Buffer Requirements. See Chapter 17.50.

17.10.150.9 Architectural Standards. See Chapter 17.60.

17.10.150.10 Sign Regulations. See Chapter 17.70.

17.10.150.11 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.160

M-1 DISTRICT REGULATIONS

GENERAL INDUSTRIAL DISTRICT

Sub-sections:

- 17.10.160.0 M-1 District Regulations (General Industrial District)
- 17.10.160.1 Statement of Intent
- 17.10.160.2 Principal Permitted Uses
- 17.10.160.3 Permitted Accessory Uses
- 17.10.160.4 Special Uses
- 17.10.160.5 Special Use Permit Considerations
- 17.10.160.6 Maximum Height Regulations
- 17.10.160.7 Bulk Regulations
- 17.10.160.8 Open Space and Landscaping Requirements
- 17.10.160.9 Off-Street Parking and Loading
- 17.10.160.10 Buffer Requirements
- 17.10.160.11 Architectural Standards
- 17.10.160.12 Sign Regulations
- 17.10.160.13 Site Plan Requirements

17.10.160.0 M-1 District Regulations (General Industrial District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the M-1 General Industrial District.

17.10.160.1 Statement of Intent. The M-1 District is intended to provide areas of the city suitable for activities and uses of a general industrial nature.

17.10.160.2 Principal Permitted Uses. The use of buildings, structures, or land listed in this section shall be permitted in the M-1 District; provided, however, that all manufacturing, assembling, compounding, processing, packaging, and other comparable treatment, shall take place within completely enclosed buildings. Outside storage will be allowed, provided such storage areas are screened from public streets and adjacent property and not cover more than thirty (30) percent of the lot area.

- A. Any use permitted in the C-3 and IC Zoning Districts, provided such use shall comply with the minimum requirements of the M-1 District.
- B. Assembly of small electrical appliances, photographic equipment, small industrial and electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders, and similar products.
- C. Auction rooms or buildings (does not include animal or vehicle auction buildings or rooms).
- D. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including as incidental to

these major uses all repair work in connection with their own or customers' vehicles.

- E. Buildings and uses owned by a state, county, city or other political subdivision, including equipment storage yards and garages which are operated as a necessary business and industrial service of the community.
- F. Building materials, wholesale and retail sales, including retail lumber yards.
- G. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
  - 1. Bakery foods, candy, dairy products, and food products, except the following:
    - a. Fish and meat processing.
    - b. Cereals.
    - c. Sauerkraut.
    - d. Vinegar.
    - e. Yeast.
    - f. Livestock or pet feeds.
    - g. Flour.
    - h. Rendering or refining of fats and oils.
  - 2. Cameras and other photographic equipment.
  - 3. Electric and neon signs, outdoor advertising signs.
  - 4. Medical, dental, and drafting instruments.
  - 5. Musical instruments, toys, novelties, and rubber and metal hand stamps.
  - 6. Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - 7. Products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, stripes, or wire.
  - 8. Small mechanical or electronic instruments, appliances, and communications devices
- H. Car wash, including self service.
- I. Enameling, lacquering, or japanning.
- J. Meat locker plants (for storage and retail sales only).
- K. Monument sales yards (not manufacturing or construction).

- L. Plumbing and heating shops and service businesses.
- M. Public or private recreational facilities including sales and service buildings.
- N. Rug and carpet cleaning and exterminators, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- O. Schools which specialize in industrial and technical training courses, either public or operated for commercial gain.
- P. Small repair shop, including but not limited to household appliance, bicycle, motorcycle, lawn mower, and garden tractor repair.
- Q. Truck stops, including minor repairs and accessory uses.
- R. Wholesale storage and warehouse establishments.
- S. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion conforms to the intent of the section.

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

- A. Any accessory uses permitted in the IC Zoning District, provided such use shall comply with minimum requirements of the M-1 Zoning District.
- B. Accessory shelters for a watchman, caretaker, or gate guard.

17.10.160.4 Special Uses. The following uses may be permitted in the M-1 General Industrial District in areas compatible with the Comprehensive Plan and 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. Adult Entertainment Facilities which are not prohibited by local, state, or federal law.
- B. Any use permitted in the C-2 Zoning District, provided such use shall comply with minimum requirements of the M-1 Zoning District.
- C. Animal research or veterinary hospital with overnight boarding or lodging of animals on the premises.
- D. Carting, express, hauling, or storage yards.
- E. Concrete mixing, concrete products manufacture.
- F. Gasoline, fuel oil, or their derivatives, underground storage only, not to exceed forty thousand (40,000) gallons, provided storage is located at least two hundred (200) feet from any R district.
- G. Gas storage and cylinder recharging.
- H. Garages for truck, automobile, and farm equipment repairs.

- I. Machine shops.
- J. Manufacture of wood products not involving chemical treatment.
- K. Microwave, radio, telecommunication, television transmitting stations and towers.
- L. Publicly or community owned and operated water and waste water treatment facilities.
- M. Storage and sale of livestock feed, provided dust is effectively controlled. (This does not include agricultural elevators.)
- N. Vehicle auction establishments and impoundment yards.
- O. Welding and metal working shops.

17.10.160.5 Special Use Permit Considerations. In its deliberation on the proposed special use, the Board and Commission shall consider all of the following provisions:

- A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. To this end the Commission and Board may require that appropriate landscaping, walls, fences, or other artificial screens be provided as buffers to minimize the effects of these uses on adjoining or surrounding property.
- B. That such use shall not impair an adequate supply of light and air to surrounding property.
- C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
- D. That such use shall not impair the City utility systems in adjoining or surrounding property; and in such a manner that the City could not adequately serve existing and planned development.
- E. The best practical means known for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, and protection of air and water quality shall be employed.
- F. All heavy industrial uses and structures permitted by Special Use Permit in the M-1 Zoning district shall be located more than two hundred (200) feet from any R District and within areas designated for General Industrial use within the Comprehensive Plan.
- G. That such use shall be in accord and with the intent, purpose and spirit of this ordinance and the Comprehensive Plan of the City.

17.10.160.6 Maximum Height Regulations. No principal building shall exceed sixty-five (65) feet in height. No accessory structure shall exceed twenty (20) feet in height, unless a greater height is permitted for a special use.

17.10.160.7 Bulk Regulations. The following minimum bulk requirements shall be observed in the M-1 General Industrial District:

Principal Use	Lot Area in (Sq.Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback Least Width on any One Side (Feet)	Sum of Both Side Yard Setbacks (Feet)	Rear Yard Setback (Feet)
All uses	20,000	100	50	10*	20	50

\* A thirty (30) foot side yard shall be maintained when abutting an R District, floodway or greenbelt park.

17.10.160.8 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.160.10 Buffer Requirements. See Chapter 17.50.

17.10.160.11 Architectural Standards. See Chapter 17.60.

17.10.160.12 Sign Regulations. See Chapter 17.70.

17.10.160.13 Site Plan Requirements. See Chapter 17.80.

SECTION 17.10.170

PUD DISTRICT REGULATIONS

PLANNED UNIT DEVELOPMENT DISTRICT

Sub-sections:

- 17.10.170.0 PUD District Regulations (Planned Unit Development District)
- 17.10.170.1 Statement of Intent
- 17.10.170.2 Minimum Size, Land Use and Maximum Density
- 17.10.170.3 Master Plan
- 17.10.170.4 Rules, Regulations, and Guidelines for Land Use and Performance
- 17.10.170.5 Process for City Review of Planned Unit Development
- 17.10.170.6 Recordation of Master Plan and Associated Rules, Regulations and Guideline
- 17.10.170.7 Adjustments and Modifications

17.10.170.0 PUD District Regulations (Planned Unit Development District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the PUD Planned Unit Development District.

17.10.170.1 Statement of Intent. The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with a Master Plan and development guidelines and standards in which the land uses, transportation elements, building densities, arrangements, and types are set out in a unified plan, which may provide greater flexibility of land use, transfer of development rights within the PUD, bulk regulations, and building locations than the conventional zoning district may permit. The PUD District is intended to: maximize benefits from the use of open spaces; maximize aesthetics; encourage certain architectural standards for buildings, permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a mix of land uses of residential building types, commercial, and limited industrial, provided such Planned Unit Development is compatible with the Comprehensive Plan of the City.

17.10.170.2 Minimum Size, Land Use and Maximum Density.

- A. A PUD shall consist of at least ten (10) acres, land use types compatible with the Comprehensive Plan of the City, and the density of the PUD shall not be in excess of the density permitted by this Section and compatible with the Comprehensive Plan. A Planned Unit Development may include multiple-family or two-family dwellings in areas designated as R-1 zoning in the Comprehensive Plan, if the proposed land use is compatible with land uses adjoining and outside the PUD, and the dwelling unit density of the PUD is not greater than ten percent (10%) greater than the maximum density permitted by the underlying zoning as set forth in this sub-section. The maximum number of dwelling units (du) permitted in a PUD in areas of the city designated as RE-1, R-1, and R-2 shall be based on the following maximum dwelling unit per acre density by proposed zoning district:

Maximum

<u>Zoning District</u>	<u>Density</u>
RE-1	1.0 du/ac.
R-1(100)	2.0 du/ac.
R-1(90)	2.5 du/ac.
R-1(80)	3.0 du/ac.
R-1(70)	3.5 du/ac.
R-1(60)	4.0 du/ac.
R-2	5.0 du/ac.

17.10.170.3 Master Plan. As part of a proposed Planned Unit Development rezoning of land in the City of Norwalk, a Master Plan shall be prepared and fifteen (15) copies submitted to the City which shows the generalized overall land use plan for development of the area of the proposed PUD and shall include the following information:

- A. A vicinity map of sufficient scale to show site boundaries and the zoning of adjacent properties within 1000 feet.
- B. Dimensions, legal descriptions, acreage, existing zoning, land use, and ownership of the area of the proposed PUD; and existing zoning, land use, and ownership of contiguous properties within two hundred (200) feet. The Master Plan shall be submitted on paper sheets of 24 inches by 36 inches.
- C. The location and delineation of each "parcel" proposed with different land uses and bulk regulations, and a schedule of the proposed land use and bulk regulations for each "parcel" set forth by ordinance.
- D. Existing and proposed location of streets, pedestrian ways, trails, parks, recreation areas, open space, buffers, parking areas, schools, and anticipated traffic generation.
- E. Area and number of dwelling units, and anticipated floor area of non-residential buildings by "parcel."
- F. Existing tree masses, water channels, drainageways, flood hazard areas, and other topographic or environmentally important characteristics.
- G. Proposed privately owned common areas and public ownership areas, including open space, park land, and school sites.
- H. Location of existing or proposed municipal utilities to serve the PUD and adjoining properties, including sanitary sewer, storm sewer and water.
- I. In addition to storm sewer facilities, other required storm water management facilities and requirements shall be shown and/or explained on the Master Plan.
- J. Dimensions of all street right-of-way and paving widths, including all proposed easements.
- K. Staging schedule of development, including anticipated year construction shall be initiated and the phasing of development planned to be implemented.

- L. Landscape areas proposed as part of small-scale PUD proposals to include general location of shrubs, trees and earth berms.
- M. Delineate the traffic impacts that would result from the project and how they can be mitigated.

17.10.170.4 Rules, Regulations and Guidelines for Land Use and Performance. In conjunction with the submittal of Master Plan illustrating the location of each development "parcel", there shall be prepared rules, regulations and guidelines for the development of the PUD, and such matters shall be part of the consideration by the Planning and Zoning Commission and the City Council and incorporated within an ordinance providing for the rezoning of the property to a PUD. The rules, regulations and guidelines shall set forth the permitted land use, bulk regulations, transfer of development rights within the area of the PUD, height requirements, open space and landscaping requirements, architectural standards, sign regulations, buffer requirements, off street parking and loading requirements, and other performance standards as required by the City for each parcel designated within the Master Plan. Any rules, regulations and guidelines set forth within the ordinance and Master Plan approved by the City Council providing for the rezoning shall be binding on the property owner, their heirs, successors or assigns, and shall be recorded at the Office of the County Recorder.

17.10.170.5 Process for City Review of Planned Unit Development. The Zoning Administrator shall review the submitted PUD proposal; may discuss any suggestions or provide additional information to the Developer, and shall file a report together with the applicant's proposal to the Planning and Zoning Commission.

- A. The Planning and Zoning Commission, after receipt of the report from the Zoning Administrator, or other delegated City personnel, and receipt of the PUD proposal, shall consider the presentation and give special attention to the following:
  1. Compatibility with Comprehensive Plan
  2. Land use and density
  3. Building types, functions, architecture, buffers and arrangement
  4. Provision and use of open space and landscaping
  5. Access to and from the site, and traffic circulation
  6. General relationship to surrounding area
- B. The Planning and Zoning Commission may approve or disapprove the PUD Master Plan and associated development rules, regulations and guidelines as submitted, or may require the developer to modify, alter, adjust or amend the proposed Master Plan and associated rules, regulations and guidelines, as the Commission deems necessary, in order to preserve the harmonious intent and purpose of this ordinance and the Comprehensive Plan of the City.
- C. An application for approval of PUD shall be deemed a petition for rezoning to the PUD Zoning District, but prior to an affirmative report from the Commission the applicant shall file the necessary petition as prescribed in Amendments, Section 17.04.180.

- D. Before any report is forwarded to the City Council by the Planning and Zoning Commission pertaining to an application submitted for a PUD, said Commission shall determine if such proposal is compatible with the Comprehensive Plan or if such proposal represents a substantial change to the Comprehensive Plan. The Commission shall hold a public hearing, giving notice as provided by law for a rezoning.
- E. After a complete review by the Planning and Zoning Commission, a written recommendation and report giving reasons as to their action shall be filed with the City Council.
- F. Within a period of sixty (60) days after the City Council has received a report from the Planning and Zoning Commission, together with the proposed Master Plan, and rules, regulations, and guidelines of the PUD development, a public hearing shall be held by the City Council in accordance with the provisions of Section 17.04.180. The City Council shall then approve or deny the application, in accordance with Section 17.04.180.

17.10.170.6 Recording of Master Plan and Associated Rules, Regulations and Guidelines. The ordinance providing for the rezoning of property to the PUD Zoning District and the associated Master Plan, Rules, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the County Recorder and shall be binding on the property owners, their heirs, successors or assigns.

17.10.170.7 Modifications. Any proposed modifications in the approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final. No modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the site without a public hearing as required of a rezoning procedure. A public hearing may be required before the City Council on any modification, if determined by the Council. All modifications and adjustments shall be recorded at the Office of the County Recorder as required of the original rezoning.

SECTION 17.10.180

CD DISTRICT REGULATIONS

CONSERVATION DISTRICT

Sub-sections:

- 17.10.180.0 CD District Regulations (Conservation District)
- 17.10.180.1 Statement of Intent
- 17.10.180.2 Principal Permitted Uses
- 17.10.180.3 Permitted Accessory Uses
- 17.10.180.4 Special Uses
- 17.10.180.5 Maximum Height Regulations
- 17.10.180.6 Bulk Regulations
- 17.10.180.7 Open Space and Landscaping Requirements
- 17.10.180.8 Off-Street Parking and Loading
- 17.10.180.9 Buffer Requirements
- 17.10.180.10 Architectural Standards
- 17.10.180.11 Sign Regulations
- 17.10.180.12 Site Plan Requirements

17.10.180.0 CD District Regulations (Conservation District). The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the CD Conservation District.

17.10.180.1 Statement of Intent. The CD Zoning District is intended to preserve and protect heavily wooded areas, areas of extreme slopes, rivers, stream banks, and flood hazard areas of the City of Norwalk from adverse future development. It is also intended that development of the flood hazard areas be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

17.10.180.2 Principal Permitted Uses. Only the uses of buildings, structures or land listed in this section shall be permitted in the CD District:

- A. Agriculture, including truck gardening, orchards, vineyards, and plant nurseries, but not including livestock feed lots or poultry farms or similar uses; provided no building or dwellings shall be erected thereon.
- B. Forests and forestry preserve uses
- C. Parks, nature areas, playgrounds, golf courses and similar recreational uses.
- D. Picnic areas
- E. Pedestrian and bicycle trails

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

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work, provided the placement of such buildings shall be subject to the issuance of a Flood Plain Development Permit, when located in a flood hazard area.

17.10.180.4 Special Uses. The following uses may be permitted in the CD Conservation 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. Farm buildings and a single family dwelling accessory to the agricultural use
- B. Boat houses and marinas
- C. Club houses, tennis courts, or playground equipment, or other accessory buildings and structures when associated with parks, golf courses or other recreational facilities
- D. Construction of dams, reservoirs, ponds
- E. Relocation of water courses
- F. Quarries or mining operations, including rock crushing plants or processing of materials quarried or mined
- G. Buildings and uses owned by public agencies
- H. Earth filling and excavation activities

17.10.180.5 Maximum Height Regulations. There shall be no height regulations in the CD Zoning District, except as may be restricted as part of the issuance of a special use permit, and that no building or structure shall be constructed to a height which may create an air traffic hazard to the approach or departure of an existing airport.

17.10.180.6 Bulk Regulations. The following minimum bulk requirements shall be observed in the CD Conservation District:

Principal Use	Lot Area in (Sq Ft)	Lot Width (Feet)	Front Yard Setback (Feet)	Side Yard Setback Least Width on any One Side (Feet)	Sum of Both Side Yard Setbacks (Feet)	Rear Yard Setback (Feet)
All uses	80,000	200	50	50	100	50

17.10.180.7 Open Space and Landscaping Requirements. See Chapter 17.30.

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

17.10.180.9 Buffer Requirements. See Chapter 17.50.

17.10.180.10 Architectural Standards. See Chapter 17.60.

17.10.180.11 Sign Regulations. See Chapter 17.70.

17.10.180.12 Site Plan Requirements. See Chapter 17.80.

## CHAPTER 17.20

### OVERLAY ZONING DISTRICT REGULATIONS

17.20.000 Overlay Zoning District Regulations. In addition to the zoning districts listed and their associated regulations set forth in Chapter 17.10, additional regulations and requirements are imposed upon certain areas of the City of Norwalk in which the City desires to protect life and property from losses, hazards and related affects caused by the occupancy and use of flood hazard areas by buildings, structures, or activities which may increase the affects of flooding, and to prevent the creation or establishment of airport hazards and mitigate the impact of airport-generated noise on noise-sensitive land uses. The boundaries of the Overlay Zoning Districts are also indicated upon the Official Zoning Map of the city, which is made part of this ordinance by reference. If the regulations and restrictions for the Overlay Zoning Districts set forth in this Chapter impose greater standards or more restrictive requirements than are required in any other Chapter or Section of this Ordinance, or other Local, State or Federal regulation, the regulations or requirements made under this Chapter shall prevail and govern.

In order to carry out the purpose and intent of this Chapter, the following seven (7) Overlay Zoning Districts are established:

- FW Floodway Overlay Zoning District
- FF Floodway Fringe Overlay Zoning District
- FP General Flood Plain Overlay Zoning District
- AZ Approach Zone Overlay Zoning District
- CZ Conical Zone Overlay Zoning District
- HZ Horizontal Zone Overlay Zoning District
- TZ Transitional Zone Overlay Zoning District

SECTION 17.20.010

FLOOD HAZARD OVERLAY ZONING DISTRICTS

Sub-sections:

- 17.20.010.0 Flood Hazard Overlay Zoning Districts
- 17.20.010.1 Statement of Intent
- 17.20.010.2 Statutory Authorization and Finding of Facts
- 17.20.010.3 General Provisions
- 17.20.010.4 Administration of Flood Hazard Area Overlay Zoning Districts

17.20.010.0 Flood Hazard Overlay Zoning Districts. This section shall apply to all lands within the jurisdiction of the City of Norwalk shown on the Official Zoning Map as shown as being within the boundaries of the FW Floodway, FF Floodway Fringe, and FP General Floodplain and provisions of Sections 17.020.020, 17.020.030 and 17.20.040.

17.20.010.1 Statement of Intent. It is the purpose of this Chapter to promote the public health, safety, and general welfare by minimizing flood losses and secure safety from flooding and to provide the following:

- A. Reserve sufficient flood hazard areas for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
- D. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

17.20.010.2 Statutory Authorization and Findings of Fact.

- A. Statutory Authorization. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and general welfare.
- B. Findings of Fact.
  - 1. The flood hazard areas of the City of Norwalk are subject to periodic inundation which can result in loss of life, property, and health; safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base; all of which adversely affect the health, safety, and general welfare of the community.

2. These losses, hazards, and related effects are caused by (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood and (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.
3. This section relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

#### 17.20.010.3 General Provisions.

- A. Rules for Interpretation of District Boundaries. The boundaries of the district shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the Zoning Administrator shall make the necessary interpretation with the use of available topographic information and projected flood elevations. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence to the Zoning Administrator subject to the right of appeal to the Norwalk Board of Adjustment. The Flood Insurance Study and Flood Insurance Rate Map(s) for the City of Norwalk are made a part of this ordinance.
- B. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter.
- C. Abrogation and Greater Restrictions. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- D. Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- E. Warning and Disclaimer of Liability. The City, by adoption of this ordinance, does not warrant or imply to the public or any individual that compliance with this Chapter will protect the public or any individual from injury, property damage, or death as result of flood, flood heights, or a consequence of water velocity or intensity accompanying any flooding. This section does not create any cause of action, right, or entitlement in the public generally or any individual whether that individual is a person, firm, corporation, or other entity. Neither the City of Norwalk nor any of its officers, officials, or employees shall have any liability to anyone for any claim, injury, property damage, death, or any claim connected therewith based upon any provisions of this section.

17.20.010.4 Administration of Flood Hazard Area Overlay Zoning District Regulations.

- A. Duties and Responsibilities of Zoning Administrator Concerning Flood Hazard Area Overlay Zoning Districts.
1. Duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:
    - a. Review all flood plain development permit applications to insure that the provisions of this section will be satisfied.
    - b. Review all flood plain development permit applications to insure that all necessary permits have been obtained from federal, state, or local governmental agencies.
    - c. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been flood proofed.
    - d. Notify the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.
    - e. Keep a record of all permits, appeals, variances, special use permits and such other transactions and correspondence pertaining to the administration of this chapter.
    - f. Submit an annual report form supplied by the Federal Insurance Administration to the Federal Insurance Administrator concerning the community's participation.
    - g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
    - h. Review subdivision and site plan proposals to insure such proposals are consistent with the purpose of this section and advise the Planning and Zoning Commission and the City Council of potential conflicts.
    - i. Prepare, keep on file, and furnish each applicant a current list of documents and publications currently utilized to determine compliance with this section and governmental agencies that may be used as an aid to interpret that agency's requirements.
- B. Flood Plain Development Permit
1. Permit Required. A Flood Plain Development Permit issued by the Zoning Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or unimproved real

estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation, or drilling operations) including the placement of factory-built homes.

2. Application for Permit. Application for a Flood Plain Development Permit shall be made on forms supplied by the Zoning Administrator and shall include the following information:
  - a. Description of the work to be covered by the permit for which application is to be made.
  - b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address, or similar legal description) that will readily identify and locate the work to be done.
  - c. Identification of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the one hundred (100) year flood.
  - e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
3. Action for Permit Application. The Zoning Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this Chapter and shall approve or disapprove the application. For disapprovals the applicant shall be informed, in writing, of the specific reasons therefore and shall have the right to appeal to the Norwalk Board of Adjustment. The Zoning Administrator shall not issue permits for Uses or Variances except as directed by the Norwalk Board of Adjustment.
4. Construction and Use to be as Provided in Application and Plan. Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and shall be punishable as provided in the City Code. The applicant shall be required to submit certification by professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, and the plans submitted for variance or Zoning Administrator's approval, prior to the building permit, use or occupancy of any structure or land.

C. Board of Adjustment Variances.

1. Variances. The Norwalk Board of Adjustment may authorize upon request in specific cases such variance from the terms of this Chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of this chapter will result in exceptional hardship. Variances granted must meet the following applicable standards:
  - a. No variance shall be granted for any development within the Floodway District which would result in any increase in the one hundred (100) year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - b. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant and (iii) a determination that the granting of the variance will not result in increased flood heights; additional threats to public safety or extraordinary public expense; create nuisances; or cause fraud on or victimization of the public.
  - c. Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
  - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this section, the applicant shall be notified in writing over the signature of the Zoning Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance and (ii) such construction increases risks to life and property.
  - e. All variances approved by the Norwalk Board of Adjustment shall be submitted for approval to the Iowa Department of Natural Resources for approval and such approval of the variance by the Norwalk Board of Adjustment shall not be valid until State approval is obtained.
  - f. After the Norwalk Board of Adjustment has granted approval of a variance, the applicant shall have one (1) year in which to initiate and file for approval with the Iowa Department of Natural Resources.
  - g. After approval by the Iowa Department of Natural Resources of the variance, the applicant must implement the development variance within one (1) year of the variance or the approval of the Norwalk Board of Adjustment is null and void and has no further force and effect.

2. Factors Upon Which the Decision of the Board Shall be Based. In passing upon applications for Special Uses or Requests for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the community.
  - f. The requirements of the facility for a flood plain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - j. The safety of access to the property in time of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
  - l. Such other factors which are relevant to the purpose of this Chapter.
  
3. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Special Uses or Variances as it deems necessary to further the purpose of this Chapter. Such conditions may include, but not necessarily be limited to:
  - a. Modification of waste disposal and water supply facilities.
  - b. Limitation on periods of use and operation.

- c. Imposition of operation controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Chapter.
- e. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Norwalk Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- f. Flood proofing measures may include, but are not necessarily limited to the following:
  - (1) Anchorage to resist flotation and lateral movement.
  - (2) Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
  - (3) Reinforcement of walls to resist water pressures.
  - (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
  - (5) Addition of mass or weight structures to resist flotation.
  - (6) Installation of pumps to lower water levels in structures.
  - (7) Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
  - (8) Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
  - (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
  - (10) Installation of valves or controls or sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures.

- (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

SECTION 17.20.020

FW OVERLAY ZONING DISTRICT REGULATIONS

FLOODWAY OVERLAY ZONING DISTRICT

Sub-sections:

- 17.20.020.0 FW Floodway Overlay Zoning District
- 17.20.020.1 Permitted Uses
- 17.20.020.2 Permitted Accessory Uses
- 17.20.020.3 Special Uses
- 17.20.020.4 Performance Standards

17.20.020.0 FW Floodway Overlay District. The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FW Floodway Overlay District.

17.20.020.1 Principal Permitted Uses. The following uses shall be permitted within the FW Floodway Overlay District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, buildings, factory built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, aquaculture, truck farming, forestry, sod farming, wild crop harvesting, but not including livestock feed lots or poultry farms.
- B. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, fishing areas, hiking, biking and horseback riding trails.
- C. Open space uses such as lawns and gardens.
- D. Such other open-space uses similar in nature to the above uses.

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

- A. Accessory uses customarily incidental to a principal permitted use, provided all restrictions on development in the FW District shall apply to any accessory uses.

17.20.020.3 Special Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon approval of a Special Use Permit and only when adequate Public Liability Insurance is provided. Such uses must also meet the applicable provisions of the Floodway District Performance Standards and the standards and allowed usage of the appropriate underlying zoning district.

- A. Extraction of sands, gravel, and other materials.

- B. Marinas, boat rentals, docks, piers, and wharves.
- C. Utility transmission lines and underground pipelines.
- D. Other uses similar in nature to uses described in this sub-section which are consistent with the provisions and the general spirit and purpose of this sub-section.

17.20.020.4 Performance Standards. All FW Floodway Overlay zoning district uses allowed as a principal permitted use, accessory use or special use, shall meet the following standards:

- A. No use shall be permitted in the FW Floodway Overlay Zoning District that would result in any increase in the one hundred (100) year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All uses within the FW District shall:
  - 1. Be consistent with the need to minimize flood damage.
  - 2. Use construction methods and practices that will minimize flood damage.
  - 3. Use construction materials and utility equipment that are resistant to flood damage.
- C. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
- D. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the FF Floodway Fringe Overlay Zoning District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive, hazardous, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the FW District within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
- H. Any fill allowed in the FW District shall not increase the one hundred (100) year flood profile.

- I. Pipeline crossings of streams or rivers shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

SECTION 17.20.030

FF OVERLAY ZONING DISTRICT REGULATIONS

FLOODWAY FRINGE OVERLAY ZONING DISTRICT

Sub-sections:

- 17.20.030.0 FF Floodway Fringe Overlay Zoning District
- 17.20.030.1 Principal Permitted Uses
- 17.20.030.2 Performance Standards
- 17.20.030.3 Shallow Flooding Areas

17.20.030.0 FF Floodway Fringe Overlay Zoning District. The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FF Floodway Fringe Overlay Zoning District.

17.20.030.1 Principal Permitted Uses. All uses within the Floodway Fringe Overlay Zoning District shall be limited to the extent that they are not prohibited by the underlying zoning district or any other section of this Ordinance and provided they meet applicable performance standards of the Floodway Fringe Overlay Zoning District.

17.20.030.2 Performance Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

- A. No development within the Floodway Fringe Overlay Zoning District shall increase the flood heights or flood profile.
- B. All structures shall (i) be adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.
- C. Non-residential Buildings. All new or substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the one hundred (100) year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood level; and that the structure, below the one hundred (100) year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are flood proofed shall be maintained by the Zoning Administrator.
- D. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor (including basements) elevated or flood proofed a minimum of one (1) foot above the one hundred (100) year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower

than one (1) foot above the one hundred (100) year flood level. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration of the Norwalk Board of Adjustment and issuance of a variance by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding, and be engineered by a registered professional engineer in the State of Iowa.

- E. Fully enclosed areas below the "lowest floor" (not including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must be certified by a registered professional engineer and meet or exceed the following minimum criteria:
  - 1. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided,
  - 2. The bottom of all openings shall be no higher than one (1) foot above grade,
  - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- G. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- H. Utility Systems
  - 1. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.
  - 2. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - 3. New or replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.

4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with flood damaged or impaired system.
- I. Storage of materials and equipment that are flammable, explosive, hazardous, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the one hundred (100) year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- J. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, a protection from a one hundred (100) year flood with a minimum of three (3) foot of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.
- K. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or other drainage facility or system.
- L. The exemption of detached garages, sheds, and similar structures from the one hundred (100) year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the one hundred (100) year flood elevation requirements when:
  1. The structure shall not be used for human habitation.
  2. The structure shall be designed to have low flood damage potential.
  3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
  5. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one (1) foot above the one hundred (100) year flood level.
- M. Factory-built homes:
  1. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.

2. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the one hundred (100) year flood level, and shall comply with Performance Standards of this section for utility systems, including water and sanitary sewer facilities.
- N. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain above flood levels during occurrence of the one hundred (100) year flood.

SECTION 17.20.040

FP OVERLAY ZONING DISTRICT REGULATIONS

GENERAL FLOOD PLAIN OVERLAY ZONING DISTRICT

Sub-Sections:

- 17.20.040.0 FP General Flood Plain Overlay Zoning District
- 17.20.040.1 Principal Permitted Uses
- 17.20.040.2 Permitted Accessory Uses
- 17.20.040.3 Special Uses
- 17.20.040.4 Performance Standards

17.20.040.0 FP General Flood Plain Overlay District. The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FP General Flood Plain Overlay District.

17.20.040.1 Principal Permitted Uses. Principal permitted uses in the Floodway of the FP Overlay Zoning District shall be as they are permitted in the FW Overlay Zoning District and in the Floodway Fringe of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources.

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

- A. Accessory open space uses customarily incidental to a principal permitted use, provided all restrictions required to develop in the FP Overlay Zoning District shall apply to any accessory use.

17.20.040.3 Special Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation, or alteration of a watercourse may be allowed only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Chapter 17.90. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the one hundred (100) year flood level. The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination.

17.20.040.4 Performance Standards.

- A. No development within the FP General Flood Plain Overlay Zoning District shall be permitted where such development increases flood heights or the flood profile.
- B. All uses, or portions thereof, to be located in the Floodway of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources shall meet the applicable provisions and standards of the FW Overlay Zoning District.

- C. All uses, or portions thereof, to be located in the floodway fringe of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the FF Overlay Zoning District and the appropriate underlying zoning district.

SECTION 17.20.050

AIRPORT HAZARD, HEIGHT AND NOISE MITIGATION OVERLAY  
ZONING REGULATIONS

Sub-sections:

- 17.20.050.0 Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations
- 17.20.050.1 Statement of Intent
- 17.20.050.2 Airport Zones and Airspace Height Limitations
- 17.20.050.3 Noise Attenuation
- 17.20.050.4 Use Restrictions
- 17.20.050.5 Non-Conforming Structures, Trees and Uses
- 17.20.050.6 Lighting
- 17.20.050.7 Variances
- 17.20.050.8 Board of Adjustment
- 17.20.050.9 Judicial Review
- 17.20.050.10 Administration
- 17.20.050.11 Conflicting Regulations

17.20.050.0 Airport Hazard, Height and Noise Mitigation Overlay Zoning Regulations. The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in the AZ Approach Zone, CZ Conical Zone, HZ Horizontal Zone, and TZ Transitional Zone Overlay Zoning Districts.

17.20.050.1 Statement of Intent. The Airport Hazard, Height, and Noise Mitigation Overlay Zoning Regulations are intended to prevent the creation or establishment of hazards which may affect the safe operations of the Des Moines International Airport, and to mitigate the effect of noise generated by the approach and departure of aircraft from the Airport upon incompatible noise-sensitive land uses.

17.20.050.2 Airport Zones and Airspace Height Limitations. In order to carry out the provisions of this subsection, there are hereby created and established certain zones, the boundaries of which are depicted as surfaces on the Des Moines International Airport's Airport Layout Plan (ALP) which is currently on file at the Office of the Norwalk City Clerk and at the City of Des Moines Engineering Department under Plan File No. 335-111/113. A structure or tree located in more than one (1) zone of the following zones shall comply with the regulations of the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport Height Zones.

1. Approach Zone - The land lying under the Approach Surface, a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An Approach Surface is applied to each end of each runway based upon the types of approach available or planned for that runway end.)
  - a. The inner edge of the Approach Surface is the same width as the primary surface, and it expands uniformly to a width of:

Non-Precision Instrument Runway (1) 4000 feet for Runway 23.  
Precision Instrument Runway(2) 16,000 feet for all other runways.

b. The Approach Surface extends for a horizontal distance of:

Non-Precision Instrument Runway (1) 10,000 feet at a slope of 34 to 1 for Runway 23.  
Precision Instrument Runway(2) 10,000 feet at a slope of 50 to 1, and then 40,000 feet at a slope of 40 to 1.

No structure or tree shall exceed the Approach Surface to any runway, as depicted on the Des Moines International Airport ALP.

2. Conical Zone - The land lying under the Conical Surface, a surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure or tree shall exceed the Conical Surface in the Conical Zone, as depicted on the Des Moines International Airport ALP.

3. Horizontal Zone - The land lying under the Horizontal Surface, a plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

Swinging arcs of 10,000 feet radii from the State Plane Coordinates at center of each end of the primary surface of all runways and connecting the adjacent arcs by lines tangent to those areas.

4. Transitional Zone - The land lying under the Transitional Surfaces. These surfaces extend outward and upward at right angles to the runway centerline and centerline extended from the sides of the primary surface and from the sides of the approach surfaces at a slope of 7 to 1 until said surfaces intersect the Horizontal or Conical Surfaces. Beyond the limits of the conical surface on all runway approaches except Runway 23 the Transitional Surfaces shall extend outward and upward at a slope of 7 to 1 from the sides of the Approach Surface for a distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline extended.

No structure or tree shall exceed the Transitional Surface, as depicted on the Des Moines International Airport ALP.

5. No structure shall be erected or tree allowed to grow in the City of Norwalk that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected or tree allowed to grow that causes the Minimum Obstruction Clearance Altitude or Minimum En route Altitude to be increased on any Federal Airway in the City of Norwalk.

17.20.050.3 Noise Attenuation. Any residential dwelling, hotel, motel, group quarters, school, hospital, auditorium, place of worship, or other place of public assembly proposed to be constructed within the Approach Zone and within areas of more than 65 dBA, as set forth as the area of noise attenuation on the attached map identified as Exhibit "A", shall be constructed with soundproofing to achieve a noise level reduction of 25 dBA (outdoor to indoor). Construction standards to achieve this degree of sound attenuation are provided in the City of Norwalk Building Code. The development of land within that area of the Approach Zone set forth as the area of noise attenuation on the map identified as Exhibit "A" shall require the submission of a "Noise and Avigation Easement" to the City by the land owner prior to initiation of construction.

17.20.050.4 Use Restrictions. Notwithstanding any other provisions of Subsection 17.20.050.2, no use may be made of land or water within the zones defined in Subsection 17.20.050.2 in such manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare, or other visual hazards which are sufficient to endanger aircraft operating from the airport or in the vicinity thereof. When the Aviation Director believes such a hazard may exist, a determination shall be obtained from the FAA as to the existence of such a hazard.
- C. No operations from any use shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

17.20.050.5 Non-Conforming Structures, Trees and Uses. No pre-existing non-conforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this subchapter was adopted.

17.20.050.6 Lighting.

- A. Notwithstanding the provisions of Subsection 17.20.050.4, the owner of any structure or tree over 200 feet above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.
- B. A property owner shall permit the Des Moines International Airport at its own expense to install, operate, and maintain on such property markers and lights as necessary to indicate to operators of aircraft the presence of an airport hazard.

17.20.050.7 Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his or her property in violation of any section of this subchapter may apply to the Board of Adjustment for a variance from such regulations. No application for a variance to the requirements of this subchapter may be considered by the

Board of Adjustment unless a copy of the application has been submitted to the Aviation Director for his or her opinion as to the aeronautical effects of such a variance. If the Aviation Director responds to the Board of Adjustment in favor of the variance, or if he or she does not respond within fifteen (15) days from receipt of the copy of the application, then the Board shall make its decision to grant or deny the variance based upon a preponderance of the evidence. If the Aviation Director responds in opposition to the variance within fifteen (15) days from receipt of the copy of the application, then the Board may grant the variance only if clear and convincing evidence outweighs the opinion of the Aviation Director.

17.20.050.8 Board of Adjustment. The Board of Adjustment appointed pursuant to Section 17.04.150 shall have and exercise the following powers:

- A. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this subsection.
- B. To hear and decide special exemptions to the terms of this subsection upon which such Board of Adjustment under such regulations may be required to pass.
- C. To hear and decide specific variances.

17.20.050.9 Judicial Review. Any persons aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, in the administration of this subsection, may appeal to a court of record as provided in Sec. 414.15, Code of Iowa.

17.20.050.10 Administration. The Zoning Administration is hereby designated as the administrative agency pursuant to Sec. 329.13 of the Code of Iowa, with the duty to administer the regulations prescribed in this section. Administration and enforcement of this section shall be in accordance with the procedures set forth in Section 17.04.080.

17.20.050.11 Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this subchapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.



CHAPTER 17.30

OPEN SPACE AND LANDSCAPING REQUIREMENTS

Sections:

- 17.30.000 Open Space and Landscaping Requirements
- 17.30.010 Statement of Intent
- 17.30.020 Open Space Required
- 17.30.030 Landscaping Required

17.30.000 Open Space and Landscaping Requirements. The requirements set forth in this Chapter for Open Space and Landscaping, shall apply to any development or redevelopment within the City of Norwalk, Iowa by zoning district as listed within this Chapter.

17.30.010 Statement of Intent. It shall be recognized that the extensive use and excessive congestion of land is detrimental to the general health and welfare of the community. Therefore, the intent of this chapter shall be to require open space which is necessary to provide adequate light and air and the desired qualities and beauty that landscaping provides the city.

17.30.020 Open Space Required. The following open space requirements shall be adhered to for any development within the City of Norwalk:

- A. Each principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than fifteen (15) feet in width except as required in Paragraph "B" of this section.
- B. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same apartment complex site, there shall be provided a minimum open space of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening, from the wall containing the opening to the opposite wall.
- C. Cantilevers and uncovered decks may project from the building wall into the required open space, provided an uncovered deck shall not cover more than 50% of the open space within the front yard. Open stairways may project from the building wall into the required open space not more than seven and one-half (7-1/2) feet. Stairways when located in the required open space shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.
- D. On each lot there shall be provided an open space equal to at least the following percentage of the total lot area for each zoning district listed. Said open space shall be unencumbered with any structure, or off-street parking or roadways, ingress-egress access drives and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used for pedestrian walks, courtyards or plazas.

PERCENTAGE OF

DISTRICTS

OPEN SPACE

R, PC and IC Districts	30%
C-O, C-1, C-2 and TC Districts	25%
C-3, C-4, and M Districts	20%
AR and CD Districts	50%

- E. Any existing use in the C-4 Old Town Business District shall be exempt from this chapter; however, all redevelopment or new development in the C-4 District shall be subject to compliance.

17.30.030 Landscaping Required. Any development in the City of Norwalk, except single-family detached residences shall provide the following minimum number and size of landscape planting based on the minimum required open space for the development. Lots with single-family detached residences shall have one tree of a minimum 8-foot height for deciduous or 6-foot height for evergreen for each five thousand (5,000) square feet of lot area, or portion thereof. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City and not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cotton-bearing poplars, Elm trees prone to Dutch Elm disease, box elder, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

- A. Minimum tree requirements at the time of planting for any development, except single-family detached residences - Two (2) trees or one (1) tree of the following size per 1,500 square feet of open space, whichever is greater:

40 Percent minimum	2" - 2-1/2" caliper diameter deciduous and/or 8-foot height or greater evergreen.
Balance	8-foot height deciduous and/or 6-foot height evergreen.
- B. Minimum shrub requirements at the time of planting for any development, except single-family detached residences - 6 shrubs, or 1 shrub per 1,000 square feet of open space, whichever is greater. Shrubs shall be a minimum of 18" height or minimum one (1) gallon potted.
- C. To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized and mulched. However, all single-family residential lots shall be sodded from the front of the front yard building setback to the street pavement.

## CHAPTER 17.40

### OFF-STREET PARKING AND LOADING

#### Sections:

- 17.40.000 Off-Street Parking and Loading
- 17.40.010 Statement of Intent
- 17.40.020 Off-Street Loading Space Requirements
- 17.40.030 Off-Street Parking Requirements
- 17.40.040 Waiver of Requirements

17.40.000 Off-Street Parking and Loading. The requirements and regulations of this Chapter shall apply to any development or redevelopment of/and within the City of Norwalk.

17.40.010 Statement of Intent. It shall be the intent of this Chapter to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, it shall be recognized that the requirements of this Chapter are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space is justified and may be required to preserve the intent of this Chapter.

#### 17.40.020 Off-Street Loading Space Requirements.

- A. In any zoning district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, office buildings, or other similar commercial or industrial uses which require the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space, and for multiple tenant commercial/retail shopping centers, one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet, provided the total number of loading spaces is not required to be more than the total number of occupying tenants.
  - 1. Each loading space shall not be less than nine (9) feet in width and nineteen (19) feet in length for loading spaces not requiring loading dock access, and twelve (12) feet in width and fifty (50) feet in length for loading dock access for trucks. All loading areas shall be designed in a manner acceptable to the City and provide adequate space for loading access.
  - 2. Such loading area may occupy part of a required yard or court space, except required open space under Chapter 17.30 of this ordinance, and provided the loading area and access roadways meet all setbacks required of off-street parking areas as set forth in this chapter.

3. Loading yards and loading docks shall be located and buffered from general public view, public streets, public buildings, recreation facilities, parks, schools, places of assembly for worship, residential zoning districts and uses, C-O and PC Zoning Districts, and screened from all other adjoining properties where it is determined said loading areas are considered offensive to more restrictive uses.
4. All loading yards and accesses to loading yards and loading docks shall be paved with asphaltic or Portland cement concrete pavement in accordance with surfacing requirements set forth in this chapter.

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.

Automobile sales and service garages - one (1) parking space for each three hundred (300) square footage of gross floor area and one (1) parking space for each person regularly employed on the premises during the maximum working shift. In addition, paved surface area for each automobile on display for sale shall be provided.

Banks, business and professional offices - one (1) parking space for each two hundred fifty (250) square feet of gross floor area up to five thousand (5,000) square feet and one (1) space for each two hundred and seventy-five (275) gross square feet of floor area thereafter, or one (1) parking space for each person regularly employed on the premises during the maximum working shift or the maximum number of employees on the premises during a change of shifts, whichever is greater.

Bowling alley - five (5) spaces for each alley and one (1) space for each four (4) spectator seats.

Churches - one (1) parking space for each three (3) seats (one {1} parking space for each fifty-four (54) inches of pew space) and one (1) parking space for each classroom.

Dance halls, assembly halls - one (1) parking space for each one hundred (100) square feet of floor area devoted to patron use, or one (1) parking space for each four (4) seats of maximum seating capacity, whichever is greater.

Day Nursery Schools and Child Care Centers (including Day Nursery for Elderly) Five (5) parking spaces, or one (1) parking space for each five (5) maximum client capacity, whichever is greater, plus additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center.

Dwellings, residential:

- a. One (1) and two (2) family dwellings - two (2) parking spaces for each dwelling unit, exclusive of private garages.
- b. Multi-family dwellings and mobile home parks - two (2) parking spaces for each dwelling unit. One (1) garage parking space may be counted as a parking space in fulfillment of the parking requirements; provided there is no fewer than one (1) open parking space for each dwelling unit and one not reserved parking space for each ten dwelling units.

Funeral homes, mortuaries - fifteen (15) parking spaces or one (1) parking space for each four (4) seats in the principal auditorium or four (4) parking spaces for each service or viewing room, whichever is greater. In addition, one (1) parking space for each two (2) persons regularly employed on the premises shall be provided.

Furniture, appliance, and other retail stores displaying large and bulky merchandise - five (5) parking spaces or one (1) parking space for each four hundred (400) square feet of patron floor area, whichever is greater. The City may require an additional open space area reserved to accommodate parking needed for a future change to another retail use.

Gas stations, service stations, or convenience stores - three (3) parking spaces, or one (1) parking space for each one hundred and seventy-five (175) gross square feet of floor area, whichever is greater. One vehicle stopping space for each fuel pump may be counted toward fulfillment of the minimum required parking, provided a minimum of three free-standing parking spaces are located on the site.

Golf course - six (6) parking spaces for each golf hole, one (1) parking space for each employee on the premises during the maximum shift, and fifty (50) percent of the parking spaces required for any accessory use (e.g., bars, restaurants) associated with the golf course.

Golf Driving Range - one and one half (1 ½) parking spaces for each driving tee.

Health and athletic fitness centers or clubs - ten (10) parking spaces, plus one (1) parking space for each two hundred (200) gross square feet of floor area and swimming pool area in excess of one thousand (1,000) square feet of floor area, plus four (4) spaces for each tennis court, and fifty (50) percent of the parking spaces required for any accessory use (e.g., restaurant, retail store) associated with the center or club.

Hospitals, sanitariums and nursing homes - one (1) parking space for each four (4) patient beds and one (1) parking space for each person regularly employed on the premises during the maximum working shift or change of shifts, whichever is greater, and one (1) space for each doctor.

Hotels, motels, boarding houses - one (1) parking space for each guest room or suite of rooms offered for transient guest accommodations, one (1) parking space for each two (2) persons regularly employed on the premises during the

maximum working shift, and one (1) parking space per one hundred (100) gross square feet of associated floor area used for accessory uses such as restaurant, tavern, night club, meeting rooms and convention facilities.

Industrial or manufacturing plants - one and one-half (1-1/2) parking spaces for each two (2) employees on the maximum working shift; or one (1) parking space for each five hundred (500) square feet of gross floor area up to ten thousand (10,000) gross square feet devoted to manufacturing use, and then one (1) parking spaces for each seven hundred fifty (750) square feet devoted to manufacturing use thereafter; whichever is greater.

Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments - one (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment. In addition, one (1) parking space must be provided for each person regularly employed or intended to be regularly employed on the premises during the maximum working shift.

Retail stores, super markets, grocery, drug and sundry stores, department stores, etc. One (1) parking space for each two hundred fifty (250) square feet of gross floor area up to two thousand (2,000) square feet, and one (1) parking space for each two hundred (200) square feet of gross floor area thereafter; provided, however, there shall not be fewer than five (5) parking spaces.

Schools and other places of education or instruction

1. Elementary, junior high, middle school, or other places for under driving age students - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each ten (10) student desks or classroom seating capacity.
2. High schools - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each three (3) student desks or classroom seating facilities.
3. Colleges, trade schools and other places of learning - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each three (3) student desks or classroom seating facilities.
4. Accessory sports arenas, stadiums, and auditoriums, etc. - whichever is greater of the parking space required by a, b, and c above or parking space requirements for sports arenas, stadiums, auditoriums, etc. on site, shall be provided.

Shopping centers - multiple tenant shopping centers - One (1) parking space for each two hundred (200) square feet of gross floor area. If a multi-tenant shopping center is occupied by a tenant or tenants which collectively is determined to create a twenty percent (20%) or greater demand for parking by the shopping center in accordance with the schedule within this section, the required parking for said shopping center shall be calculated based upon the

collective parking space requirements of all tenants based upon the schedule herein.

Wholesale establishments or warehouses - one (1) space for each person regularly employed on the premises, and one (1) space for each two thousand (2,000) square feet of floor area.

- B. Change of Use. Any lot with a change of use upon its premise shall provide an adequate number of parking spaces required by the new use in accordance with the standards set forth within this Chapter. For buildings which are designed to accommodate a use permitted in the zoning district which can create a greater demand for parking than the initial use of the property, additional open space can be required by the City Council to accommodate additional parking, if a change of use occurs.
- C. Mixed Uses. For multiple use buildings and/or sites which are not multi-tenant retail shopping centers, space for parking and storage of vehicles shall be provided in accordance with parking requirements of each use.
- D. Uses Not Listed Herein. In case the parking requirement of a building or use is not specifically mentioned herein, the parking space requirements for a use which is listed above and to which said use is similar, shall apply as determined by the Zoning Administrator. If no similar use is listed, the parking space requirements shall be determined based upon other available references or qualified sources of information to adequately determine parking demand.
- E. Parking Area Dimensions. A parking stall reserved for the parking of automobiles shall have a dimension of not less than nine (9) feet in stall width and nineteen (19) feet in depth for 90° parking without front-end overhang over an open space area, plus such additional parking bay stall aisle width based on proven traffic engineering standards acceptable to the City of Norwalk and conforming to the minimum standards for parking lot dimensions set forth herein necessary to afford adequate ingress and egress. Where there is front end overhang over an open space area, the minimum stall depth for a parking space may be reduced two (2) feet. The following dimensions are minimum standards for the design of a parking lot for parking stalls without an overhang over an open space area:

PARKING LOT DIMENSIONS  
MINIMUM STANDARDS

Angle of Parking	A	B	C
	Stall Width	Stall Depth	Minimum Widths (One Way Traffic)
Parallel	23'	10'	12'
30° 9'	18'		12'
45° 9'	20'		13'
60° 9'	21'		18'
75° 9'	21'		22'
90° 9'	19'		24'

Two-way Traffic Parking Bay Aisles and Access Roadways. All two-way traffic parking bay aisles and access roadways shall have a minimum 24' width.

Note: The stall depth is the distance perpendicular to the parking bay aisle from the edge of the aisle to the most distant point of the parking stall, and stall width is the distance between the parking stall lines measured perpendicular to the lines.

Parking Lot Dimension Diagrams

F. Performance Standards - Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

1. Setback Requirements. No part of any parking space shall be closer than fifteen (15) feet to any established public street right-of-way or public street easement, except as hereinafter required for the following uses and zoned districts, and as shall be necessary to provide adequate landscaped screening as required by Part 4 below:

a. Single family and townhouse residences. Parking on driveways for single family and townhouse residences shall not encroach into the public street right-of-way.

b. In the PC and IC Zoning Districts: twenty (20) feet.

Greater setbacks for off-street parking lots from public street right-of-ways may be required by the City for parking lots fronting planned arterial streets and collector streets which are proposed to be widened in the future. No part of any parking space shall be closer than eight (8) feet to an established alley line or five (5) feet from an adjoining lot line, unless the parking space adjoining a lot line is part of a common parking lot of joint usage between adjoining lots or within the driveway of a single family residence. Parking on driveways in all zoned districts shall not be permitted within the public street right-of-way or across public sidewalks. Driveways and associated off-street parking areas for single family residences shall not be located closer than one (1) foot from an adjoining residential lot line, unless such driveway is of joint usage by adjoining residential lot owners. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots.

2. Surfacing Requirements - All off-street parking and loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement in accordance with the specifications as herein set forth. Off-street parking of automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and public street right-of-way, except, however, the storage of a recreational vehicle, a camper, and boat within the rear yard upon an unpaved area shall be permitted.

All off-street parking areas and associated driveways, access roadways and frontage roads, except driveways for single family residences, shall be constructed with permanent attached 6" high Portland Cement Concrete curbing or curbing of alternate height acceptable to the City (prefabricated portable curb stops shall not be considered an acceptable alternate), and shall be so graded and drained as to dispose of all surface

water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

The minimum thickness of pavement of the parking area shall be as follows:

- a. Portland Cement Concrete shall have a minimum thickness of five (5) inches and the subgrade shall have a minimum modulus (k) of one hundred fifty (150). Additional thickness of Portland Cement Concrete may be utilized to create an equivalent subgrade modulus if the existing subgrade modulus is less than one hundred fifty (150).
- b. Asphaltic Cement Concrete shall have a minimum thickness of five and one-half (5-1/2) inches and the subgrade shall have a minimum CBR of five (5). Additional thickness of Asphaltic Cement Concrete may be utilized to create an equivalent CBR if the existing CBR is less than five (5). Pavement shall be designed in accordance with the Asphalt Institute's "Thickness Design Manual" (MS-1).

Material utilized in the subgrade shall be well drained and not susceptible to frost boils. The part of the parking utilized for driveways, access roadways, and frontage roads shall be specifically designed to accommodate the type and load bearing of traffic that will be utilizing the access roadway. The subgrade under the pavement shall be compacted to not less than ninety-five percent (95%) maximum density; moisture content not less than two percent (2%) below optimum or more than three percent (3%) above optimum moisture content.

Driveways for individual single family detached or attached townhouse style residences on private property shall be asphaltic concrete or Portland cement concrete with minimum thickness of four (4) inches with sufficiently compacted and well-drained subgrade base. Driveways shall not be greater than twenty (20) feet in width between the public street roadway and a point on private property which is set back five (5) feet from the street right-of-way. Paved driveways and any associated off-street parking areas within the front yard of a single-family detached residence shall not occupy greater than fifty (50) percent of the area between the building setback line and public right-of-way, and shall not provide greater than one (1) parking space in addition to that provided in the traveled portion of the driveway. Driveways shall be so graded and drained to dispose of surface water to the street or public designated storm water drainage easements or facilities.

3. Lighting - Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets.

4. Landscaping, Screening and Open Space Requirements - It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore, wherever practical and except for single family detached and townhouse style residential parking in driveways, all new parking areas shall be screened as practical from public street view by incorporating natural landscape and topography with the introduction of permanent earth berming of an adequate height, and additional landscape plantings to accomplish this desire. In any case, all parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than five (5) percent of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, unless an alternate ground cover is specifically approved as part of the site plan review by the City.

Landscape islands within the parking area shall not be less than a minimum of eight (8) feet in width from back of curb to back of curb, and a minimum area of two hundred fifty (250) square feet, and no parking space shall be greater than seventy-five (75) feet from a landscaped open space. Parking spaces shall be separated from any adjoining roadway, except the roadway or parking bay aisle providing direct access to the parking space, by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width.

5. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or townhouse dwellings which shall be permitted backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto a major thoroughfare, including all thoroughfares designated as arterial streets or major collector streets on the Major Streets Plan shall be strictly prohibited for all uses.

The number of ingress/egress access points to public streets from off-street parking areas shall be approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, as possible, not impair movement of vehicular traffic on public streets. The permitted number of ingress/egress driveway approaches to public streets for an off-street parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street. As possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, limiting any impairment of vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street.

Single-family residential lots shall be permitted one (1) driveway approach for ingress and egress for each increment of one hundred (100) feet of frontage per street. Landscaped separations between ingress and egress lanes for driveway approaches serving single-family detached residences shall not be less than twenty (20) feet.

6. Handicap Accessible Parking Requirements. Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, state and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and state regulations and comply with the following parking space minimum requirements:

Total Parking in Lot	Required Minimum Number of Handicap Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Access space or aisle adjacent to a handicap accessible parking space shall be a minimum five (5) feet wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight (8) feet wide minimum and shall be designated "van accessible".

7. Satellite Parking Areas: Satellite parking areas shall not be permitted except by special use permit.

17.40.040 Waiver of Requirements. The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this Chapter, provided a recommendation on such change is submitted by the Planning and Zoning Commission, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

## 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	Permissive Buffers
17.50.040	Burden of Provision of Buffer
17.50.050	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 which shall be a landscaped area, wall, or other structure intended to separate and obstruct the view between two adjacent zoning districts, land uses or properties:

- A. The following conditions of adjacent contrasting zoning districts shall require a buffer:
  1. Any R-3, R-4, R-5 District, PC, IC, TC, all C Districts, and all M Districts which abut any R-1 District, R-2 District, or single-family or two-family residence in a PUD District, shall be required to provide a buffer as described in this Chapter.
  2. All M Districts which abut any R-3, R-4, R-5, PC, IC, CO, C-1, C-2, C-4, TC Districts, or PUD District with incompatible uses shall be buffered as required by this Chapter; however, if the use proposed within the M District is a similar use permitted in the adjoining district, the requirement of a buffer may be waived by the City Council after a recommendation from the Planning and Zoning Commission.
- B. Any lot in any zoning district having both its front and rear lot lines abutting a public thoroughfare (a double frontage lot) shall be buffered with a landscape buffer adjoining the thoroughfare from which no access is planned or permitted.
- C. Any storage area, garbage storage, junk storage or loading docks, and loading areas, in any District shall be screened from public street view and adjoining residential property by a buffer. Outdoor storage areas, garbage storage, junk

storage, loading docks, and loading areas shall be permitted only in rear and side yard areas.

17.50.030 Permissive Buffers. Buffers required under the provisions of this Chapter or elsewhere in this ordinance shall be accomplished by any one or approved combination of the following methods:

- A. Buffer Wall: a buffer wall shall not be less than 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; weather resistant wood may be used as a substitute material if designed with adequate structural integrity and permanency and approved by the City Council upon receipt of a recommendation from the Planning and Zoning Commission.
- B. Landscape Buffer: a landscape buffer shall not be less than thirty (30) feet in width, designed and landscaped with earth berm and predominate plantings of evergreen type trees and shrubs so as to assure year-around effectiveness; height of berm and density and height of plantings shall be adequate to serve as a solid and unpenetrable screen. The landscape buffer shall be in addition to the normally required setback.

The earth berming shall be a minimum height of three (3) feet above the top of curb of the adjoining parking lot, if applicable, or public thoroughfare, and shall be designed to not negatively affect the drainage of the surrounding area, and to be aesthetically pleasing to the general public. Berms may be required to be higher if the minimum height is identified during the development review process as being inadequate to provide effective screening and buffering.

In addition to earth berming, the following standards shall be required for landscape plantings at the time of planting:

The equivalent of one (1) overstory tree and two (2) evergreen trees per forty (40) linear feet of the landscape buffer. Deciduous trees shall be a minimum two to two and one-half-inch (2-2½") caliper; evergreen trees shall be a minimum six feet (6') in height and will be equal to one (1) overstory tree. Two (2) ornamental trees or five (5) shrubs may be substituted for one (1) overstory tree, or one (1) evergreen tree. Shrubs shall be a minimum size of 18 inches. Whenever practical, existing trees and shrubs should be preserved and incorporated into the overall design of the landscape buffer and can be included to meet the total number of required trees and shrubs, if it is determined during the development review process that the existing trees will provide the necessary screening and buffering.

In no case shall the substitution of overstory trees and evergreen trees be in excess of fifty percent (50%) of the required number, except in extenuating circumstances, such as under overhead power lines.

17.50.040 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 as the land is improved or developed, except for agricultural uses and unless otherwise specified herein.

17.50.050 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.

## 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.

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 to the preservation and enhancement of property values. It is recognized that the community should be visually attractive, as well as financially prosperous and the manner in which a use is accomplished is as important as the use. The quality of architecture and building construction shall be considered important to the preservation and enhancement of building and property values, prevention of the physical deterioration of buildings and the promotion of the image of the community and the general welfare of its citizens.

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, 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. Documentation to be submitted shall include building elevations showing the building's design and a description of structural and exterior materials to be used. The following standards shall be used by the City to review architectural plans:

- A. Multiple-Family Dwellings in All Districts: The architecture of multiple-family buildings, including exterior colors, shall be acceptable to the City and accomplished in a manner compatible with adjoining residential uses in the neighborhood. Architectural design for multiple-family buildings shall attempt to express a creative presentation of exterior building materials, exterior details and texture, treatment of windows and doors, and use of angles and multiplicity of plans within the wall and roof design to lessen the plainness of appearance which can be characteristic of large residential buildings. Multiple-family buildings with single plane walls and boxy in appearance shall not be considered acceptable, unless the use of exterior materials such as brick provides the elements necessary to enhance the buildings physical appearance and eliminate its plainness of appearance.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings

shall not be designed or oriented to expose loading docks, or loading areas to the public.

- B. Non-Residential Uses in the R, C-O, and C-1 Districts: Any building used for a permitted non-residential use in an "R" District, or a permitted use in a C-O and C-1 District shall be designed and constructed with architecture, use of materials and exterior colors acceptable to the City and compatible with the residential uses within the neighborhood. Buildings located within three hundred (300) feet of an "R" district, except for schools and other public buildings, shall be residential in character, use of material shall be wood and/or brick exterior veneer, and the roof shall be principally of gable, hip style or similar residential design.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential use overhead doors or loading areas to the public.

- C. All Uses Within the C-2, District: Architectural design, use of materials and exterior colors for the construction of any building shall be acceptable to the City. The City recognizes the importance of material strength and permanency in their proportional relationship to the central aesthetic character desired in the C-2 District, and the principal of structural strengths and permanency shall dominate the structural and exterior materials and components. All buildings constructed within the C-2 Zoning District shall have as a primary element of the exterior being fascia glass, brick, concrete panels, textured concrete block, architectural steel or stone panels with all sides of any building within public view compatible in design and use of materials. No wood, masonite, visible asphaltic exterior wall material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential use overhead doors or loading areas to the public.

- D. All Uses Within the TC Zoning District: Architectural design, use of materials and exterior colors for the construction of any building shall be acceptable to the City and encourage architectural standards for building design, materials and colors which will further the harmony of the appearance of buildings in the district to create the charm, atmosphere, visual appearance and image compatible with the Town Center's design theme as set forth in the required Master Plan. Buildings constructed in the TC District shall demonstrate good faith in the doctrines endorsing responsible recognition of neighbors rights, coordination of neighborhood efforts and compatibility of neighborhood elements

with buildings compatible in architectural design, use of materials, and exterior colors. All buildings constructed in the TC district shall use brick as the primary exterior material to tie all buildings in the district into a unified project concept. All screen or buffer walls shall be constructed of brick.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential overhead doors or loading areas to public street view.

- E. All Uses Within the C-3 District: Architectural design, use of materials, and exterior colors for construction of any building shall be reviewed as part of any site plan proposal in the C-3 District and shall be acceptable to the City and recognize the use of materials within buildings in the neighborhood. It is not the purpose of this section to dictate or specify building materials and structural standards, although neighbor's rights and compatibility of neighborhood elements shall be recognized in review of building plans within the C-3 District. No aluminum or steel sheet metal non-architectural exterior wall material shall be permitted, except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, determines said material, when used as a primary element, does not distract from the physical appearance of the building.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential overhead doors or loading areas to public street view.

- F. All Uses Within the C-4 District: Architectural design, use of materials, and exterior colors for construction of any building shall be reviewed as part of any site plan proposal in the C-4 District and shall be acceptable to the City and recognize the use of materials within buildings in the neighborhood. It is not the purpose of this section to dictate or specify building materials and structural standards, although neighbor's rights and compatibility of neighborhood elements shall be recognized in review of building plans within the C-4 District. The City encourages architectural standards for building design, materials and colors which will establish an architectural theme for the C-4 District and create a charm, atmosphere, visual appearance, and image compatible with a Master Plan for the Old Town Business District which is approved by the City.

The City recognizes the importance of material strength and permanency in their proportional relationship to the central aesthetic character desired in the C-4 Zoning District, and the principle of structural strengths and permanency shall dominate the structural and exterior materials and components. All new construction within the C-4 Zoning District shall have as a primary element of the exterior being brick, with all sides of any building within public view compatible in design and use of materials. Alternative exterior materials may be used, if such materials are in compliance with the standards set forth in a Master Plan for the Old Town Business District, which may be approved by the City.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential overhead doors or loading areas to public street view.

- G. All Uses Within the PC, and IC Districts: Architectural design, use of materials and exterior colors for the construction of any building shall be acceptable to the City. The City recognizes the importance of material strength and permanency in their proportional relationship to the central aesthetic character desired in the PC and IC Zoning Districts, and the principal of structural strengths and permanency shall dominate the structural and exterior materials and components. All buildings constructed within the PC and IC Zoning Districts shall have as a primary element of the exterior being fascia glass, brick, concrete panels, textured concrete block, architectural steel or stone panels with all sides of any building within public view compatible in design and use of materials. No wood, masonite, visible asphaltic exterior wall or roof material, aluminum or steel siding, non-architectural sheet metal, non-textured concrete block, stucco or other similar materials shall constitute a portion of any building except as a trim material, unless the City Council, after receiving a recommendation from the Planning and Zoning Commission, shall determine said material when used as a primary element, does not distract from the physical appearance of the building.

Adequate treatment or screening of negative aspects of buildings (loading docks, loading areas, outside storage areas, garbage dumpsters and HVAC mechanical units) from any public street and adjoining properties shall be required. Buildings shall not be designed or oriented to expose loading docks, non-residential use overhead doors or loading areas to the public.

- H. All Uses Within the M-District: Architectural design, use of materials and exterior colors for construction of any building shall be reviewed as part of the site plan proposal in the M Districts and shall be acceptable to the City and recognize the use of materials within buildings in the neighborhood. Although, it is not the purpose of this section to dictate, specify, or restrict the use of building materials and structural standards, the use of appropriate exterior materials and colors to enhance the appearance of a building is encouraged by the City. The exclusive use of sheet metal as an exterior building material shall not be considered acceptable for buildings in close proximity to public streets. Any building with sheet metal exterior material which is visible from a public street, shall not have less than 25% of its walls which face the street of brick, or acceptable alternative. Loading areas, loading docks, storage areas, and garbage dumpsters shall be located, screened or oriented to reduce their exposure to public street view.

CHAPTER 17.70  
SIGN REGULATIONS

Sections:

17.70.000	Sign Regulations
17.70.010	Statement of Intent
17.70.020	General Prohibitions
17.70.030	Prohibited Signs
17.70.040	Exemptions
17.70.050	On-Premise Sign Regulations
17.70.060	Freestanding Identification Signs
17.70.070	Free Standing Bulletin Boards or Directory Signs
17.70.080	Building Signs
17.70.090	Billboards; Off-premise Advertising
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17.70.110	Marquees, Awnings and Canopy Signs
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17.70.130	Temporary Signs
17.70.140	Permits and Fees
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17.70.170	Painting Required
17.70.180	Wind Pressure and Dead Load Requirements
17.70.190	Removal of Obsolete Signs
17.70.200	Maintenance
17.70.210	Signs not to constitute a Traffic Hazard
17.70.220	Signs Extending Over City Property
17.70.230	Non-Conforming Signs
17.70.240	Revocation of Permits
17.70.250	Jurisdiction of Norwalk Board of Adjustment
17.70.260	Jurisdiction of Norwalk Board of Appeals
17.70.270	Violation -- Penalty

17.70.000 Sign Regulations. This Chapter shall be know and may be cited and referred to as the "Sign Ordinance" of the City of Norwalk, Iowa, and shall apply to all properties within the City of Norwalk.

17.70.010 Statement of Intent. In the interest of promoting the general welfare and public safety of the city and recognizing the city should be aesthetically attractive as well as financially prosperous, the City of Norwalk desires to regulate signs in such a way as to establish a compatibility of sign usage with the land use patterns and standards for the zoning district, and to permit such signs which will not, by reason of their size, location, construction or manner of display cause an annoyance or disturbance to citizens, detract from the community's aesthetic attractiveness, create a hazard, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety.

17.70.020 General Prohibitions.

- A. No sign shall be allowed except as permitted by this Chapter.
- B. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.
- C. Sign shall be properly erected or attached to a structure and kept in good repair. Any lettering, logo, design, and other markings placed upon the sign shall be clear, distinct, and readable and maintained in that condition.

17.70.030 Prohibited Signs. The following signs shall not be permitted, erected or maintained on any property within the City of Norwalk, unless located within the confines of a building, or if not visible from outside the premises of the lot in which the sign is located.

- A. Moving or Flashing Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights, except time and temperature display signs which are twelve (12) square feet or less.
- B. Banners. Except as specified in the Temporary Signs Section 17.70.130 of this Chapter, banners, pennants, spinners and streamers of any size, and local, state, or national flags greater than eighty (80) square feet in area, or numerous flags displayed to draw attention to a business and not to celebrate a national holiday.
- C. String Lights. String lights used in connection with commercial premises for commercial purposes, other than Christmas decorations used from November 1st to January 15th on a temporary basis.
- D. Moving Signs. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, or by action of normal wind currents.
- E. Hazardous Sign. Any sign or sign structure which:
  - 1. Is structurally unsafe, or
  - 2. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or
  - 3. Is not kept in good repair, or
  - 4. Is capable of causing electrical shocks to persons likely to come in contact with it.
- F. Traffic Hazard. Signs that constitute a traffic hazard, as noted in Section 17.70.210 of this Chapter.
- G. Obstructions. Signs that constitute an obstruction so as to prevent free ingress or egress through any door, window or fire escape.

- H. Prohibited Attachment. No sign or other advertising structure of any kind shall be attached to a stand-pipe or fire extinguisher.
- I. Obscene Matter. Signs that display obscene, indecent or immoral matter, or illustrate or state specified anatomical areas or specified sexual activities.
- J. Portable Sign. Portable signs except as specified in the Temporary Sign Section 17.70.130 of this Chapter.
- K. Roof Signs. A roof sign erected upon or above a roof or parapet of a building.
- L. Billboards. Billboards, except in accordance with Section 17.70.090 of this Chapter.
- M. Signs Projecting over Public Right-of-Way. It shall be unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to City of Norwalk or other governmental entity unless specifically allowed by Section 17.70.220 of this Chapter.
- N. Discontinued Use. On-premise signs that advertise an activity, business, product, or service no longer offered or conducted on the premises on which the sign is located for a period of more than twelve (12) months after such activity, business, product, or service has ceased being offered or conducted.
- O. High Intensity or Glaring Lights. High intensity lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.
- P. Conflicting Signs. Signs with a format which resembles or conflicts with traffic signs or signals.
- Q. Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this chapter.
- R. Vehicle Signs. Vehicle signs attached to or painted on a vehicle or trailer which is routinely parked within a public street right-of-way or within one hundred (100) feet of a public street right of way and visible from a public street during continuous or repetitive incidents for more than two (2) days or two (2) separate incidents with the intent to advertise or promote the interest of a business on-premise or off-premise.

17.70.040 Exemptions. The following signs shall not require a sign permit.

- A. Real Estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental, or lease of the premises upon which said sign is

located only. Such real estate signs shall not be located on public right-of-way and shall be limited to one sign for each street frontage.

- B. Professional nameplates not exceeding one square foot in area.
- C. Signs located within the confines of a building.
- D. Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institution.
- E. Directory signs denoting only the name and profession of occupants in a commercial building, public institutional building, or dwelling and not exceeding two square feet in area.
- F. Memorial signs or plaques, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible and maintenance free materials, and not exceeding fifty (50) square feet in area.
- G. ~~Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non-advertising signs as may be installed or approved by the City.~~  
Traffic or other municipal signs, legal notices, railroad crossing signs, danger, temporary off-premises signs for new businesses, and such temporary emergency or non-advertising signs as may be installed on public property and/or approved by the City Council. (ORD. 02-04)
- H. ~~Community Identification, information, or directional signs located on public property, which are owned by the City, identifies the name of the city, advertises community events, or identifies or directs traffic to public facilities, or landmark neighborhoods and commercial districts.~~  
Community Identification, information, or directional signs located on public property, which are owned by the City, identifies the name of the city, advertises community events, new businesses or identifies or directs traffic to public facilities, or landmark neighborhoods and commercial districts. (ORD. 02-04)
- I. Political campaign signs of not greater than twelve (12) square feet in an "R" district and thirty two (32) square feet in all other zoning districts shall not be located on public right-of-way and shall not be erected more than forty-five (45) days before the election and shall be removed within seven (7) days following the election of any candidate to the office advertised or determination by ballot of the issue advertised.
- J. The changing of the advertising copy or message on a painted or printed sign, theater marquees and similar signs specifically designed for the use of replaceable copy.
- K. Painting, repainting, or cleaning of an a billboard or sign shall not be considered an erection or alteration which requires a sign permit unless a structural change is made or the area of the sign is enlarged.

- L. Temporary signs permitted in accordance with the requirements of Section 17.70.130 of this chapter.
- M. Signs, referring to construction, lease, or hire, not exceeding thirty-two (32) square feet in area.
- N. Name and address changes on directory signs.
- O. Service signs identifying restrooms, public telephone facilities, first aid stations, emergency shelters and other similar public service facilities.
- P. National, state, or local government flags which are less than eighty (80) square feet in area for each flag.
- Q. To assist with identification of new businesses in developing commercial districts with no direct arterial street frontage, the City Council and their discretion, can order the installation of a temporary sign to be installed by the City on public right-of-way. The purpose of the sign is to allow for the temporary attachment of business placards that direct traffic to new businesses and commercial areas. Approval of the attachment of business placards to the sign must be approved by the City Council and may be allowed up to a period of one (1) year. The design, attachment, and removal of the placards shall be arranged with city staff. (ORD. 02-04)

17.70.050 On-Premise Sign Regulations. The standards and regulations set forth within Sections 17.70.060, 17.70.070, and 17.70.080 shall apply to all On-Premise Signs, which advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign or attraction which carried on, sold, offered, or manufactured in or upon the premises.

17.70.060 Freestanding Identification Signs. ~~There shall be permitted one (1) freestanding identification sign for each street frontage of a lot, or one (1) sign for each three hundred (300) feet of street frontage, whichever is greater. Freestanding identification signs shall include on-premise pole signs, ground signs, or freestanding wall signs as defined within this Ordinance. Freestanding identification signs shall be constructed of materials which are acceptable to the City and compatible with the principal building's exterior wall materials.~~

~~The following type, size, height, and setback for free standing identification signs, shall be permitted within the following zoning districts by use.~~

~~A. A-R, R, C-0, C-1, C-2, C-4, TC, IC, AND PC Zoning Districts:~~

	<u>Type</u>	<u>Maximum Size</u>	<u>Maximum Height</u>	<u>Minimum Setback</u>
1. Residential Subdivisions, and all other permitted uses, except individual one and two family dwellings	Ground Sign or Freestanding wall sign	40 sq. ft.* 30 sq. ft.	7ft.** 10ft. ***	***
2. Identifies the name of a retail shopping center, or office or industrial complex with more than one (1) tenant on a lot of 100,000 sq. ft. or more and minimum 300 ft. of street frontage	Ground Sign or Freestanding Wall Sign	200 sq. ft. 50 sq. ft.	25 ft. 15 ft. ***	***

~~B. C-3 and M-1 Zoning Districts:~~

	Type	Maximum Size	Maximum Height	Minimum Setback
1. All Permitted Uses	Ground Sign,	40 sq. ft.*	7 ft.** 10 ft.	
	or Freestanding wall sign,	20 sq. ft.	***	***
	or pole sign	80 sq. ft.	30 ft. 10 ft.	
2. Identifies the name of a retail shopping center, or office or industrial complex with more than one (1) tenant on a lot of 100,000 sq. ft. or more and minimum 300 ft. of street frontage	Ground Sign	200 sq. ft.	25 ft. 15 ft.	
	or Freestanding wall sign	50 sq. ft.	***	***

\* The sign area may increase four (4) square feet in area for each additional one (1) foot of setback to a maximum area of eighty (80) square feet. The total area of a multiple sided ground sign's exposed facings shall not be greater than twice the maximum sign size permitted at the signs proposed setbacks.

\*\* The sign height may increase one (1) foot in height for each additional one (1) foot of setback to a maximum height of fifteen (15) feet.

\*\*\* The area of a freestanding wall sign shall be determined by the smallest rectangle which encloses the characters or words of a sign which is attached or incorporated into the face of any freestanding wall which is permitted by existing city ordinance.

There shall be permitted one (1) freestanding identification sign for each street frontage of a lot, or one (1) sign for each three hundred (300) feet of street frontage, whichever is greater. Freestanding identification signs shall include on-premise pole signs, ground signs, or freestanding wall signs as defined within this Ordinance. Freestanding identification signs shall be constructed of materials which are acceptable to the City and compatible with the principal building's exterior wall materials.

The following type, size, height, and setback for free standing identification signs, shall be permitted within the following zoning districts by use.

Zoning District	Type of Sign	Maximum Size (sq. ft.)	Maximum Height (ft.)	Minimum Setback (ft.) from Front Setback Line
A-R R	Project Identification Sign*	40(a)	7(b)	10
C-O C-1 C-2 C-3	Monument	80(a)	7(b)	10
	Project Identification Sign(c)	200	25	15
C-4	Monument(d)	80	7	10(e)

TC				
IC PC	Monument	80(a)	7(b)	10
C-3 M-1	Monument	80(a)	7(b)	10
	Pole	80	25	10
	Interstate High Rise	(f)	(f)	(f)

\*Except for individual one and two family dwellings.

(a) The sign area may increase four (4) square feet in area for each additional one (1) foot of setback to a maximum area of eighty (80) square feet. The total area of a multiple sided ground sign's exposed facings shall not be greater than twice the maximum sign size permitted at the signs proposed setbacks.

(b) The sign height may increase one (1) foot in height for each additional one (1) foot of setback to a maximum height of fifteen (15) feet.

(c) Identifies the name of a retail shopping center, or office or industrial complex with more than one (1) tenant on a lot of 100,000 sq. ft. or more and minimum 300 ft. of street frontage.

(d) Within the C-4 or TC district, if an individual or series of buildings that has a (0) foot front yard setback or no parking between the building and street, no freestanding identification sign is permitted due to the use of building signs in close proximity to the street.

(e) May be reduced to the building setback, however must be reviewed and approved at time of site plan submittal.

(f) Permitted only in the C-3 district and within 600 feet of the centerline of Highway 5. An interstate high-rise sign must be approved through the site plan review process and must adhere o regulations of subsection 17. 70.090 B.

(ORD. 02-04)

17.70.070 Freestanding Bulletin Boards or Directory Signs. One (1) freestanding bulletin board or one (1) directory sign shall be permitted within the lot of any permitted use in any zoning district, except within the lots of a one and two family dwellings. Bulletin Boards or Directory Signs shall not be greater than thirty-two (32) square feet and ten (10) feet in height, and less than twenty-five (25) feet from a public street right-of-way.

17.70.080 Building Signs. The following standards and regulations shall be applied to Building Signs as permitted by use and zoning district:

- A. A-R, R, TC, IC, and PC Zoning Districts. Building Signs shall incorporate aesthetic features compatible with the overall character of the zoning district and neighborhoods. All building signs shall be composed of solid individual letters and logos or individual illuminated self-contained letters and logos attached to the building's exterior wall fascia. Panel signs with letters incorporated or painted upon a panel or wall area shall be prohibited.

The following maximum building sign area requirements shall apply to the following uses within the A-R, R, TC, IC, and PC Zoning Districts:

1. Combined building signs not in excess of thirty (30) square feet per apartment complex, and for all other uses, except residential, combined wall signs not exceeding five (5) percent of the total square footage of each wall area of the principal building facing the street frontage.
- B. C-0, C-1, C-2, C-3, and C-4 Zoning Districts. Building Signs shall incorporate aesthetic features compatible with the overall character of the zoning district and neighborhoods. All building signs are encouraged to be composed of solid individual letters and logos or individual illuminated self-contained letters and logos attached to the building's exterior wall fascia. Open-channel neon signs are permitted, provided the neon does not flash, pulsate, or have a moving light. Panel signs with letters incorporated or painted upon a panel may be used on a building for one occupant, and shall be consistent in design. A uniform panel sign system to identify more than one occupant of a multi-tenant building may be permitted if approved by the City Council, upon receiving a recommendation by the Planning and Zoning Commission, and after a determination that the use of a uniform panel sign system maintains the aesthetic quality and character of the development, zoning district and neighborhood. Signs painted upon the building's exterior wall fascia shall be prohibited.

The following maximum building sign area requirements shall apply to the following uses within the C-0, C-1, C-2, C-3, and C-4 Zoning Districts:

1. Combined building signs not in excess of thirty (30) square feet per apartment complex, and for all other uses, except residential, combined wall signs not exceeding five (5) percent of the total square footage of each wall area of the principal building facing the street frontage.
- C. M-1 Zoning District. Building signs in the M-1 Zoning District shall comply with the following area requirements:
1. Combined wall signs shall not exceed five (5) percent of the total square footage of each wall area of the principal building facing the street frontage.

17.70.090 Billboards; Off-premise Advertising. No off-premise sign or billboard shall be permitted within one hundred fifty (150) feet of any dwelling unit, public parkway, public park, or property line of a public or parochial school site, church site, hospital site, cemetery, similar institution or zoning district not permitting billboards or off-premise signs, and three hundred (300) feet of a "R" District.

- A. Permitted Zoning Districts. Billboards which conform with the provisions of this section shall be permitted in the following zoning districts: C-3 and M-1 Districts.
- B. Billboard Setback, Size and Height Requirements. ~~Billboards shall not be placed closer to the street right-of-way than thirty (30) feet, shall not be greater than three hundred (300) square feet in area, and shall not be greater than thirty five (35) feet in height. There shall be a minimum distance of fifteen (15) feet between ground level at the base of the supporting uprights and the bottom of the sign face.~~

**Billboard Setback, Size and Height Requirements.** Billboards which conform with the provisions of this section shall be permitted in the following zoning district: C-3 and within 600 feet of the centerline of Highway 5. (ORD. 02-04)

C. Spacing of Billboards.

1. On federal and state highways, federal and state regulations for spacing and setbacks shall apply, provided, however, if the regulations of this chapter are found more restrictive, the more restrictive requirement shall apply.
2. No billboard shall be established within five hundred (500) feet of any other billboard.

D. Construction and Maintenance. Billboards shall be constructed of structurally sound, permanent and low maintenance metal, with a single pole design that is ground foundation mounted. Billboards shall be properly maintained as required of all signs regulated by this chapter, and a maintenance agreement and bond shall be executed with the City prior to issuance of a permit to allow installation of a billboard.

17.70.100 Projecting Signs.

- A. Application. Projecting signs as regulated by this chapter shall include any sign, other than an awning sign, canopy sign, marquee, or building sign, 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. Projecting signs which extend over public right of way shall be permitted only in the C-4 and TC Districts.
- B. Construction. Every projecting sign, including the frame, braces and supports thereof, shall meet the compliance of the building code of the City of Norwalk, Iowa.
- C. Thickness Limitation. The thickness measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.
- D. Sign Area and Height. Projecting signs shall not exceed twenty-five (25) square feet or the maximum square footage permitted for a building sign, whichever is least. The area allocated to a projecting sign shall be applied toward the maximum area allowed for building signs on buildings as permitted in the the use in that zoning district. The area of a projecting signs shall be measured from the extreme points of the peripheral encasement. No part of any projecting sign shall be less than ten (10) feet above ground level, except as provided in sub-Section 17.70.100.E.
- E. Location. Every projecting sign shall be at least ten (10) feet above any sidewalk area over which it is erected, and a distance not greater than two (2) feet from the wall to which it is attached, measuring from the point of the sign nearest thereto. Every projecting sign to be erected over public or private driveways or

thoroughfares shall be placed not less than fifteen (15) feet above the level of same.

- F. Obstructions and Traffic Hazards. Every projecting sign shall be erected in a manner which does not constitute an obstruction or traffic hazard regulated by this chapter.
- G. Projection over Public Property. It shall be unlawful for any projecting sign to be located over public property or a public easement unless approval is granted by the City Council of the City of Norwalk, Iowa.

17.70.110 Marquees, Awnings and Canopy Signs. The term "sign" herein shall apply to lettering placed upon a marquee, awning, or canopy when projecting from a wall of a building.

- A. Sign Area. The area of the letters or logo encompassing the sign message incorporated upon the marquee, awning or canopy shall be applied toward the maximum building sign area permitted for the use in that zoning district.

17.70.120 Directional Signs.

- A. Application. Directional signs as regulated by this chapter shall include any sign for the purpose of control of all modes of traffic which is located on private property.
- B. Traffic Control. The provisions and regulations of Section 17.70.140 of this chapter shall not apply to directional signs on private property of a traffic control nature including restricted parking, stop, yield, speed, and signs directing traffic flow, provided; however, said signs shall not be greater than eight (8) square feet in area.
- C. Access Identification. Two free standing directional signs intended to identify an access into or out of a lot shall be permitted per access, provided; however, said sign is not greater than ten (10) square feet in area and two and one-half (2-1/2) feet in height. The provisions and regulations of Section 17.70.140 of this chapter shall not apply to access identification signs.

17.70.130 Temporary Signs.

- A. Application. Temporary signs shall include any construction, real estate, political, portable sign, banner, pennant, inflatable signs, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a short period of time only.
- B. Special Permission. Temporary signs except for construction, real estate, or political signs, may be used for special occasions with City Council approval. There shall be no more than two (2) such occasions per year; such occasions shall not exceed ten (10) days. Community festivals or other similar events may be exempted from the provisions of this section with the approval of the City Council.
- C. Construction, Real Estate and Political Signs. Temporary real estate, construction, and political signs less than thirty-two (32) square feet in area shall

be permitted in any zoning district without the issuance of a sign permit, provided no real estate or political sign greater than twelve (12) square feet shall be permitted on a lot occupied by a single family dwelling in a RE-1, R-1, or R-2 district.

17.70.140 Permits and Fees. It shall be unlawful for any person to erect, alter, or relocate within the City of Norwalk any sign or billboard except as specified in Sections 17.70.020 and 17.70.120 without first obtaining a permit from the building department and paying the fee required herein.

- A. Application for Permit. Application for permits shall be made in such form as required by the building department, and shall contain or have attached thereto the following information unless such information shall be deemed unnecessary by the Zoning Administrator.
1. Name, address, and telephone number of the applicant.
  2. Location of building(s), structure(s), or lot to which or upon which the sign or billboard is to be attached or erected.
  3. Position of sign or billboard in relation to nearby buildings, structures, or streets.
  4. One blueprint or drawing of the plans, specifications, and method of construction and attachment to the building or ground.
  5. Copy of stress sheets and calculations showing the sign or billboard is designed for live and dead loads and wind pressure loads in any direction in the amount required by this and all other applicable laws and ordinances.
  6. Name of person, firm, corporation, or association erecting the structure.
  7. Valuation of cost of construction and sign.
  8. Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City of Norwalk.
- B. Permit Fees. Sign permit fees shall be required as follows:
1. Any sign requiring a sign permit: \$25.00 plus \$.50 per square foot.
  2. If the sign is to be electrical, an additional fee of \$25.00 shall be charged.

17.70.150 Inspection. The Zoning Administrator may inspect from time to time as he deems necessary, each sign, billboard or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

17.70.160 Unsafe and Unlawful Signs. If the Zoning Administrator shall find that any sign, billboard or other advertising structure regulated herein is unsafe, insecure, menace to the public, prohibited, or is in violation of the provisions of this chapter, he/she shall promptly give written notice to the permittee thereof or to the owner of premises on which the sign is located. If the permittee or owner fails to remove or alter the sign structure so as to comply with the standards herein set forth within three (3) working days after such notice, such sign, billboard or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permittee or owner of the property upon which it located, however, if the owner of the sign has promptly ordered the necessary parts to repair the sign and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the three (3) work day period then a further extension of time may be granted upon a verified statement that such delay is not the result of any act of the permittee or owner of the premises.

If the Zoning Administrator shall find that any sign, billboard or other advertising structure regulated herein has been constructed or erected in violation of the provisions of this chapter, he shall promptly give written notice to the owner of the premises on which the sign is located. If the owner fails to remove or alter the structure so as to comply with the standards herein set forth within three (3) work days after such notice, such sign or billboard may be removed or altered to comply by the Zoning Administrator at the expense of the owner of the property upon which it is located. The Zoning Administrator may refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed provided such authority is confined to the premises where the violation occurred.

17.70.170 Painting Required. The owner of any sign as defined and regulated by this chapter shall be required to have properly painted all parts and supports of said sign or billboard unless the same are otherwise treated to prevent rust or decay.

17.70.180 Wind Pressure and Dead Load Requirements. All signs, billboards and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, or as further regulated by the building code of the City of Norwalk, Iowa; and shall be constructed to receive dead loads as required in the building code or other ordinances of the City of Norwalk.

17.70.190 Maintenance. All signs, billboards and other advertising structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation and working order. The display surfaces of all signs shall be kept neatly painted or posted at all times. The Zoning Administrator after ten (10) days notice to the sign or billboard owner may order the removal of any signs or billboards that are not maintained in accordance with the provisions of this chapter and the cost assessed against the property where said sign or billboard is located, however, if the owner of the sign or billboard has promptly ordered the necessary parts to repair the sign or other advertising structure and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the ten (10) days period, then a further extension of time may be granted, upon filing a verified statement of that such delay is not a result of any act of the sign or billboard owner.

17.70.200 Signs Not to Constitute Traffic Hazard. No sign, billboard or other advertising structure on private property as regulated by this chapter shall be erected; 1) at or near the intersection of any streets or near a private access to a public street in such a manner as to obstruct free and clear vision; or b) at any location where, by reason of the position, shape or

color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or c) which makes use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse the motoring public.

Notwithstanding, the general requirements set forth in the preceding paragraph, no sign, billboard or other advertising structure shall be located: a) on a corner lot in all districts, in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline elevations of the affected street and within an area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines; or b) in all districts, except "C-4", "TC", and one and two family residential lots, if erected within five (5) feet of a public right-of-way and within twenty-five (25) feet of a private access drive or adjoining building site boundary.

17.70.210 Signs Extending Over City Property. It shall be unlawful for any person to erect or maintain any sign or billboard which extends over public property or a public easement. An exception may be granted by the City Council for a marquee, canopy, awning, projecting sign or projection of a building sign in the " C-4" or "TC" District, if the building setback does not provide sufficient space to accommodate same. The posting of adequate insurance shall also be required to protect the City plus a sign permit.

17.70.220 Non-Conforming Signs. Any sign or billboard in existence at the time of the adoption of this ordinance which does not conform with the provisions of this chapter shall be considered non-conforming, and shall be removed, or altered to be made in compliance with this section prior to January 1, 2013. Any alteration or replacement of a non-conforming sign, shall conform to the requirements and standards of this chapter.

17.70.230 Revocation of Permits. The Zoning Administrator is hereby authorized and empowered to revoke any permits issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

17.70.240 Jurisdiction of Norwalk Board of Adjustment. The Norwalk Board of Adjustment shall have jurisdiction for any requests for variances involving sign location, sign height, or sign size not consistent with this chapter. The Board shall rule on any request in accordance with Section 17.04.190 of this ordinance.

## CHAPTER 17.80

### SITE PLAN REQUIREMENTS

#### Sections:

- 17.80.000 Site Plan Requirements
- 17.80.010 Statement of Intent
- 17.80.020 Submittal and Review Procedure
- 17.80.030 Site Plan Information
- 17.80.040 Design Standards
- 17.80.050 Amendments to Approved Site Plans
- 17.80.060 Expiration of Approval
- 17.80.070 Filing Fees

17.80.000 Site Plan Requirements. The requirement for the submittal of site plans shall apply to any proposed development of property, except for the construction of single-family and two-family homes on existing platted lots, and the subdivision of land in accordance with the City's subdivision ordinance.

17.80.010 Statement of Intent. To assure that commercial, industrial, multiple family residential, and special uses in the City of Norwalk are developed and accomplished in a manner conforming to the requirements, standards, and regulations of these ordinances, a detailed site plan shall be submitted showing the proposed use and development of all commercial, industrial, multi-family residential and special uses for approval by the City Council after review and recommendation by the Planning and Zoning Commission.

17.80.020 Submittal and Review Procedure. Whenever any person, firm, corporation or other entity wishes to build or construct any use or special use in any zoning district upon any tract, lot, or parcel of land within the City of Norwalk, except one- or two-family dwellings on platted lots or buildings within existing farmsteads, a site plan shall be submitted for approval by the City Council after review and recommendation by the Planning and Zoning Commission. The following procedure shall be followed as part of the site plan review process.

- A. All site plans shall be submitted to the Zoning Administrator and shall be drawn at a scale not less than 1"=100'. Seven (7) full-scale copies and two (2) 8½" x 11" reduced copies of the site plan shall be submitted with a Zoning certificate application. Prior to an official submittal of a site plan for review by the Commission, the developer may submit a concept plan for initial review by the Zoning Administrator for comment.
- B. The Zoning Administrator shall refer a copy of the site plan to pertinent City departments for their review and comment regarding the site plan's compliance with the ordinances of the City, its effects upon the City's municipal utilities, public street system and conformance to this zoning ordinance and all other ordinances of the City.
- C. The Zoning Administrator shall also forward an 8½" x 11" copy of the site plan to each member of the Commission. The Commission shall, after receiving a report

from the Zoning Administrator review the site plan for conformity with the regulations and design standards contained in this ordinance , and may confer with the developer on changes deemed advisable in such site plan.

- D. The Commission shall review fully completed site plan applications within forty-five (45) days of the date of submission, and shall forward its recommendation either for approval or disapproval of the site plan to the City Council within forty-five (45) days of the date of action by the Commission.
- E. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.
- F. The Council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development within thirty (30) days.
- G. No building permit for any structure within any district within which a site plan is required shall be issued until the site plan has been approved as provided herein.
- H. Upon final action by the Commission on any site plan, a copy of said site plan with any required corrections, modifications, or changes in accordance with the action of the Commission noted thereon and signed by the Zoning Administrator, shall be filed with the City Clerk.
- I. If the Zoning Administrator finds that any construction or proposed construction of a development on a tract of land for which a site plan has been approved does not substantially comply with the site plan as approved, he shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project, or his successors in interest, shall have provided him with proof satisfactory to him that the site plan will be complied with. The Zoning Administrator or City building official shall not issue a certificate of occupancy for any structure within the development while the building permit for the development has been suspended pursuant to this paragraph or site improvements have not been completed in accordance with the approved site plan. Any person aggrieved by any decision or action of the Zoning Administrator under this paragraph may appeal such action or decision to the Council.

17.80.030 Site Plan Information. The site plan shall show all information needed to enable City staff, Commission and Council to determine if the proposed development meets the requirements of this ordinance and other City Ordinances.

- A. Information Required: The site plan shall include the following information concerning the proposed development
  - 1. Names of the owner of the property, legal description of property, point of compass, scale, and date.
  - 2. Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the

numbers of the adjoining lots therein and the names and addresses of adjoining landowners.

3. If the applicant is other than the legal owner, the applicant's interest shall be stated.
4. Name and address of persons who prepared the site plan.

B. Required Illustrations: The site plan shall clearly set forth the following information concerning any site improvements associated with the proposed development.

1. Property boundary lines, dimensions, and total area of the proposed development.
2. Existing and proposed contour lines of the proposed development and fifty (50) feet beyond the boundaries of the proposed development at intervals of not more than two (2) feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the site plan.
3. Temporary erosion control measures and methods required by the City and any other state or federal requirements.
4. The availability, location, size, and capacity of existing utilities, and of proposed utilities.
5. The proposed building materials, location, size height, shape, use, elevation, building sign type and illustration of all building or structures in the proposed development.
6. The total square footage of building floor area, both individually and collectively in the proposed development.
7. Existing buildings, rights-of-way, public sidewalks, street improvements, railroads, utility easements, drainage courses, streams and wooded areas.
8. The number of dwelling units, offices, etc. as required to determine ordinance compliance.
9. A vicinity sketch showing adjacent existing land uses within two hundred fifty (250) feet of the property.
10. Location, number, dimensions and design of off-street parking in the proposed development, including:
  - a. Driveways, islands, and planters.
  - b. Striping and curbs.

- c. Loading facilities.
  - d. Type and location of lighting.
  - e. Surface treatment.
11. Open spaces, yards, recreational areas, public sidewalks, walkways, driveways, outside lighting, walls, fences, monuments, statues, and other man-made features to be used in the landscape of the proposed development.
  12. Facilities for the collection and disposal of garbage and trash, and screening structures.
  13. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and prospective as well as plan with proposed height and structural material to be used indicated.
  14. Traffic considerations or utility capacities and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

As part of the information require in Section 17.80.030, any project, in either its initial phase or determined cumulatively in all phases such as a master plan, which contains 80 dwelling units or 1000 average daily trips shall submit a traffic analysis which provides necessary information to determine the effect that the project will have upon the surrounding traffic. At a minimum the traffic analysis, which must be prepared by a licensed traffic engineer, shall contain project trip generation, directional distribution of project trips, traffic assignment, and capacity analysis, including identification of congestion and turning-movement conflicts. If congestion conflicts are identified, then solutions to remedy the potential conflicts shall be provided. (ORD. 99-12)

15. Free standing identification sign(s); location, setback, dimensions, height and illustration.
16. Location and type of all plants, grass, trees, or ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size and exact names of plants, shrubs or trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all site plans the following requirements shall be met:
  - a. Implementation - The landscaping plan shall be submitted for approval as part of site plan submittal. The landscaping plan is to show the following information in accordance with the requirements of Section 17.30.030, Landscaping Required:
    - (1) Location of trees and shrubs

- (2) Size and species of trees and shrubs
- (3) Number of each size and species of tree and shrub
- (4) Type of ground cover and form of permanent erosion control
- b. Approval of Landscaping - Landscaping is to be in-place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed. At the developers option and at the time of site plan filing he may submit a list of alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.
- c. Maintenance - All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this Chapter. Landscaping which is not maintained in a manner consistent with this Chapter shall be replaced, as follows:
  - (1) Replacement includes, but is not limited to replacing plants damaged by insects, soil conditions, disease, vehicular traffic, vandalism, and Acts of God;
  - (2) Required landscaping shall be replaced with equivalent vegetation if it is not living within one (1) year of a Certificate of Occupancy;
  - (3) Existing landscaping which was preserved shall be replaced with new landscaping if it is not living within two (2) years of a Certificate of Occupancy;
  - (4) Landscaping as part of a buffer shall be maintained as long as the buffer is required by this ordinance; and
  - (5) Replacement landscaping shall be installed (weather permitting) or proper guarantees provided within thirty (30) days following notification by the Zoning Administrator that a violation of this Chapter has occurred.

17.80.040 Design Standards. The standards of design are intended as minimum requirements so that the general arrangement and layout of the development requiring the site plan may be adjusted to address a variety of site conditions.

- A. All proposed uses for which site plans are required shall conform to the Comprehensive plan of the City of Norwalk; the provisions of this Zoning Ordinance; the Subdivision Ordinance of the City of Norwalk, if applicable, and all other applicable City ordinances and statues and regulations of the State of Iowa.

- B. The proposed development shall have such entrances and exits upon public streets properly spaced and designed as are necessary for safety and the general welfare, and shall have such interior drives as are necessary for free movement of emergency vehicles; and shall have such pedestrian walkways as are necessary for safety and general welfare.
- C. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded area, and other natural features which will lend themselves to proper, harmonious and attractive development of the site.
- D. The proposed development shall be designed with adequate water mains, provisions for sanitary sewerage facilities, storm sewer management facilities and flood control, in accordance with the ordinances and regulations of the City of Norwalk and statutes and regulations of the State of Iowa, and good engineering practice to protect the public health and welfare and not overload any existing public utilities.
- E. The proposed development shall be designed, and the buildings and improvements located in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper, and shall not impair an adequate supply of light and air to adjoining or surrounding property.
- F. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety, and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.
- G. The proposed development and all structures therein shall be designed as required by Chapter 17.60, and in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.

17.80.050 Amendments to Approved Site Plans. An approved site plan placed on file may be amended with respect to location, size, design and conformity of buildings and other improvements, provided that the amended site plan conforms to the general use regulations, performance standards, and provisions of the district in which located. Amended site plans shall be reviewed by the Commission and approved by the Council.

17.80.060 Expiration of Approval. All site plan approvals shall expire and terminate three hundred sixty-five (365) days after the date of Council approval unless a building permit has been issued for the construction provided for in the site plan. The Commission and Council for reasons related to the Zoning Ordinance, the City Comprehensive Plan or for reasons of general City health and welfare may set an expiration and termination date at one hundred eighty (180) days after the date of Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may upon written request by the developer, extend the time for issuance of a building permit for sixty (60) days in addition to the termination date. In the event the building permit for construction provided for in a site plan expires or is canceled, then such site plan approval shall become null and void.

17.80.070 Filing Fees. The party or parties submitting a site plan to the City shall pay to the City a filing fee for said site plan as established by resolution, passed and approved by the Council.

## CHAPTER 17.90

### SPECIAL USE PERMITS

#### Sections:

17.90.000	Special Use Permits
17.90.010	Statement of Intent
17.90.020	Unclassified Use
17.90.030	Required Conditions
17.90.040	Restrictions
17.90.050	Filing Fees

17.90.000 Special Use Permits. The regulations set forth in this chapter or elsewhere in this ordinance which are applicable shall apply to the unclassified and special uses listed in this ordinance.

17.90.010 Statement of Intent. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as permitted in the various zoning districts established by this ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Norwalk Planning and Zoning Commission and the issuance of a special use permit by the Norwalk Board of Adjustment.

17.90.020 Unclassified Uses. The following uses are declared Unclassified, and upon the issuance of a special use permit, may be authorized in any zone in addition to those zones in which the use may be specifically listed as a special use.

- A. Accessory or branch structures and facilities for public utilities and public service uses, including water reservoirs and tanks, pumping stations, telephone exchanges, natural gas transmission and regulating facilities, and electric power and transformer stations, but not including equipment storage yards and garages, etc., which are considered commercial and industrial uses.
- B. Dam or levee.
- C. Parks, playgrounds, and recreation areas intended for public use.
- D. Recreation, refreshment, and service buildings in public parks, playgrounds, and golf courses.
- E. Excavation to create artificial lakes, sand, soil, gravel, rock, or mineral quarries, borrow pits, or mining operations, except in an established residential area.
- F. Satellite dish antennas with greater than a twelve (12)-foot diameter.
- G. Windmills or wind generators of greater than twelve (12) feet in height.
- H. Shooting ranges, including pistol, rifle, skeet and trap ranges, providing these uses are specifically excluded from any R District.

- I. Golf courses and golf driving ranges.
- J. Towers over twenty-five (25) feet in height, not including windmills and wind generators.
- K. Tourist parks and campgrounds.
- L. Any use not permitted by this ordinance as a principal permitted use, accessory use, or special use shall be considered an unclassified use, and permitted only by approval of a special use permit by the Board of Adjustment, provided such use is compatible with the type of uses permitted in the zoning district in which the use is proposed.

17.90.030 Required Conditions.

A. General Conditions.

- 1. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located or by its construction, architecture, or site improvements is not considered compatible with the neighborhood and surrounding use of land and construction.
- 2. A special use permit shall not authorize a use which is in conflict with any ordinance of the City of Norwalk or law of the State of Iowa regulating nuisances, pollution or hazardous occupation.
- 3. The authority for the location of an unclassified or special use through the issuance of a special use permit shall be subject to review and recommendation by the Planning and Zoning Commission to the Board of Adjustment.
- 4. Before issuance of any special use permit for any use, the Board of Adjustment and the Planning and Zoning Commission shall review the conformity of the proposal with the standards of the Comprehensive Plan, and any other applicable City ordinances or regulations. The Board, after review of the Commission recommendations, may approve or disapprove the special use permit as submitted or, before disapproval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to promote the public health, safety, morals, and general welfare.

B. Required Site Plan and Statistical Information. The request for authorization of a Special Use permit shall be accompanied by a site plan in compliance with Chapter 17.80 of this ordinance, as well as, the following information:

- 1. As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various zoning districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and

methods for the abatement of undesirable effects on the public, which maybe peculiar to the use, such as but not limited to the following:

- a. Traffic intensity and control.
  - b. Excessive lighting.
  - c. Noise level.
  - d. Hazardous conditions to spectators, participants, trespassers, or neighboring use.
  - e. Pollution of air, water, or earth.
2. In the event of a special use permit application for a windmill, wind generator, ham radio antenna, radio, personal communication system, cellular telephone, and television transmitters and satellite dish antennas, a site plan shall be submitted to the City that includes: the height of the structure, dimensions of the property, location of the structure on the property, location and approximate height of overhead power or transmission lines, and location of principal and accessory structures on the applicant's property as well as surrounding properties.
- a. Any windmill, wind generator, ham radio antenna, radio, personal communication system, cellular telephone, and television transmitters, satellite dish antennas, or other tower must be located on a lot or property so that if it falls, it will not fall on any neighboring structures which are not owned by the person operating and owning the windmill, wind generator, ham radio antenna, radio and television transmitters, satellite dish antenna, or other tower.
  - b. In the case of ham radio antennas, there shall be proof of a current ham radio license provided to the Zoning Administrator each year from date on which the special permit was granted by the Board. If such license is not up to date or the use is abandoned for a period of six (6) months, then the provisions of Section 17.04.140 shall apply with the two (2) year stipulation not applying as stated in said Section 17.04.140 and the owner of record shall bear the cost of removing the structure.
  - c. Ornamental windmills twelve (12) feet in height or less, or windmills used in pumping water on land being used for agricultural purpose are exempt from this section.
  - d. Any special use permit request for sand, gravel, or mineral quarries shall require the submittal of a reclamation plan setting forth the reuse of the quarry site after the quarry activity is complete. The reclamation plan shall include a proposed Master Plan for reuse and redevelopment of the quarry site, as well as

any water bodies. A performance guarantee may be required by the City.

3. In the event a special permit is granted under the terms of this Chapter, any such change thereafter in the approved use or site plan shall be cause for submittal of the site plan to be considered in the same manner as the original proposal.

#### 17.90.040 Restrictions.

- A. Authorization for a special use permit shall not be granted if the following conditions are not met.
  1. Large outside assemblages of more than one hundred (100) people shall not be located less than three hundred (300) feet from any existing dwelling site, not including temporary assemblages on public property for public events.
  2. Uses shall emit light and noise levels consistent with those found commonly in the district where located.
  3. Uses involving the large assemblages of more than one hundred (100) people shall not be located in the vicinity where the street system is inadequate to provide for the increased traffic.
  4. Exterior lighting shall not be located in a vicinity where such lighting would create a glare and be hazardous to air or ground trafficway and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any "R" District boundary.
- B. The following restrictions shall be complied with:
  1. Accessory or branch structures and facilities for a public utility or public service, windmills, wind generators, satellite dish antennas over twelve (12) feet in diameter, and towers which require a special use permit and are located within an R, C, TC, PC, or IC District shall be screened from public view by a buffer wall or landscape buffer in accordance with Chapter 17.50, if determined by the Planning and Zoning Commission and Board of Adjustment that such use is not compatible with the adjoining uses and zoning.

#### 17.90.050 Filing Fees.

- A. The party or parties submitting an application for a Special Use Permit shall pay to the City a filing fee of \$100.00.