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## CHAPTER 165

### ZONING REGULATIONS

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#### **165.01 TITLE, PURPOSE, JURISDICTION AND ESTABLISHMENT OF DISTRICTS AND MAP.**

1. Title and Statement of Purpose. The ordinance codified in this chapter is entitled "An ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts, and other open spaces; to establish minimum lot areas; and regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size and number of signs, to divide the City into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa," and may be known and cited as "The Zoning Ordinance of the City of Indianola, Iowa."

The purpose of this chapter is to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan.

2. Jurisdiction. These regulations apply to development of any parcel of land located within the corporate limits of the City of Indianola or outside the corporate limits of the city as provided by law. No building permit or certificate of occupancy shall be issued for any parcel of land or development after the effective date of this Chapter that is not in conformance with the provisions of the Zoning Ordinance. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the Zoning Ordinance.

3. Interpretation of Standards. In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be minimum requirements. Where the Zoning 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 the Zoning Ordinance shall control. 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 centerline of streets, highways, or alleys shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Director of Community Development shall interpret the district boundaries.

4. Establishment of Districts. The City is hereby divided into districts which are designated as follows:

- Agricultural / Open Space Zoning District (A-1)
- Single-Family Residential Detached Zoning District (R-1)
- Single-Family Residential Attached Zoning District (R-2)
- Multi-Family Residential Zoning District (R-3)
- Manufactured Home Park Zoning District (R-4)
- Neighborhood Commercial Zoning District (C-1)
- Highway Commercial Zoning District (C-2)
- Downtown Mixed-Use Zoning District (C-3)
- Limited Industrial Zoning District (M-1)
- General Industrial Zoning District (M-2)
- Planned Unit Development (PUD)

The locations and boundaries of these districts are shown on the official zoning map.

5. Adoption of Zoning Map. The official zoning map, and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter. The official zoning map shall be identified by the signature of the Mayor and attested to by the Clerk. The official zoning map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City. <sup>1</sup>

Notes

<sup>1</sup> † (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

#### **165.02 PROCEDURES, AMENDMENT, AND ENFORCEMENT.**

1. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by the Zoning Ordinance for the district in which the building or land is located.

2. Building Permit and Site Plan Required. No building, structure, foundation, tower, fence, or wall shall be constructed or erected without prior approval and receipt of a building permit from the City. No building permit and no certificate of occupancy shall be issued until a Site Plan or Special Use Permit has been approval as provided herein this Chapter. Approval of a Site Plan is required as follows for all uses in accordance with the procedures and requirements of Section 165.06 herein this ordinance. A record of applications and site plans shall be kept in the office of the Zoning Administrator.

3. Administration and Enforcement.

A. Zoning Administrator. There is hereby created the position of Zoning Administrator, who shall be named by the City Manager. The Zoning Administrator shall administer and enforce the provisions of the Zoning Ordinance and shall have the following powers and duties in connection therewith:

- (1) To issue all permits and certificates required by the Zoning Ordinance.
- (2) To notify in writing the person responsible for any violations of any of the provisions of the Zoning Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
- (3) To order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or take any other action authorized by the Zoning Ordinance to ensure compliance with or to prevent violation of its provisions.

The City Manager may delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the City or may combine the powers and duties of this office with any other office or position.

B. Board of Adjustment. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Mayor subject to confirmation by the Council for staggered terms of five years. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute. Vacancies will occur in said Board on the death, resignation, or failure to meet residency requirements of any member of said board. If any member fails

to attend at least 75% of the official meetings in one year an automatic vacancy will exist on said board. A member may have only one excused absence per year. The excused absence shall only be granted by the Chairperson of the Board. When a vacancy occurs, the vacancy will then be filled in the same manner as the original appointment for the remainder of the unexpired term.

(1) 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 the absence of the Chairperson, the acting Chairperson may administer oaths, subpoena witnesses 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 or 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 City Clerk and shall be a public record. The presence of three (3) members is necessary to constitute a quorum.

(2) Appeals: Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning Administrator and with the Board 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 the Zoning Administrator, that by reason of the facts stated in the certificate, a stay would, in the Administrator's 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 parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the City Clerk the fee as established by resolution of the City Council.

(3) Power and Duties: The Board shall have the following powers and duties:

a. Appeals - To hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the Zoning Administrator in enforcement of the Zoning Ordinance.

b. Variances - To grant a variance from the terms of the Zoning Ordinance when a property owner can show that the owner's property was acquired in good faith and where 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 situation, the strict application of the terms of the Zoning Ordinance actually prohibits the use of such 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 the Zoning Ordinance would result in unnecessary hardship; provided, however, all variations granted under this clause shall be in harmony with the general purpose and intent of the Zoning Ordinance. Furthermore, the following findings shall be made in order to grant a variance:

i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

ii. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

iii. That the special conditions and circumstances do not result from the actions of the applicant;

iv. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of any such conditions and safeguards 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 the Zoning Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Zoning Ordinance in said district.

If relevant and applicable, the Board may prescribe a time limit within which the action for which the variance is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the variance. If no time limit is set by the Board and if relevant to the variance, then the granted variances shall become void eighteen months after the date of the Board approval unless a building permit has been issued for the construction provided for by the variance. In the event the building permit for the construction provided for by the variance expires or is canceled, then the variance approval shall become void.

c. Special Use Permits - To review and consider approval of a Special Use Permit for a Special Use as identified Permitted and Special Uses Table contained in Section 165.05 of the Zoning Regulations. The following shall be required:

i. Special Use Permit Application - A site plan (including number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Special Use Permit Application fee as established by resolution of the City Council.

ii. Special Use Permit Procedure - The Special Use Permit Application shall be reviewed by the Zoning

Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.

iii. Special Use Permit Review by Board of Adjustment - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Board a copy of the Special Use Permit Application along with a written recommendation as to the application's conformity with the rules and regulations of the city.

iv. The Board shall subsequently hold a duly noticed public hearing as prescribed by their rules of procedures, and the noticing requirements contained herein, and review the Application for conformity with the zoning regulations and standards. The Board may approve, approve with conditions, or deny the Special Use Permit Application.

v. Findings for Approval - In order to approve a Special Use Permit, the Board shall make the following findings:

1 - The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;

2 - The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;

3 - The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;

4 - The proposed use and site improvements shall not unduly increase traffic congestion;

5 - The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;

6 - The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,

7 - The issuance of the Special Use Permit will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.

vi. Expiration of Special Use Permit Approval - All Special Use Permit approvals shall expire and terminate 24-months after the date of the Board approval unless a building permit has been issued for the construction provided for in the related site plan. In the event the building permit for the construction provided for in the related site plan expires or is canceled, then such site plan approval shall thereupon terminate.

d. Public Hearing Noticing. Notice of each Board of Adjustment public hearing shall be mailed by first class mail 10 days prior to the meeting to all property owners within 200 feet of the boundary of the property requesting a Variance or Special Use Permit.

e. Decisions of the Board.

i. In exercising the above powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as it believes proper, and to that end shall have all of the powers of the Zoning Administrator. The concurring vote of three (3) of the 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 on which it is required to pass under this chapter.

ii. No act of the Board shall become effective until after the decision of the Board has been filed. Such decision may be contained within the minutes of the Board.

iii. Each variance granted by the Board shall contain a date upon which it shall be effective.

iv. Every appeal, variance, or Special Use Permit granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

v. Any taxpayer, or any officer, department, board or bureau of the City, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, pursuant to Iowa Code 17A.19, 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.

4. Certificate of Occupancy. 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 a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of the Zoning Ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of the Zoning Ordinance. Nothing in this section shall prevent the continuance of a nonconforming use as authorized in the Zoning Ordinance, unless discontinuance is necessary for the safety of life or property.

A. Construction Compliance Certificate. Subsequent to the adoption of this chapter a construction compliance certificate shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed,

or structurally altered to increase the exterior dimensions, height, or floor area, or remodeled to increase the exterior dimensions, height, or floor area, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The construction compliance certificate shall state that the proposed construction complies with all provisions of this chapter, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this chapter. A construction compliance certificate issued under this section shall lapse six months from the date of its issuance unless construction has begun within that period and shall also lapse if construction is stopped after it is initiated for a period of time in excess of 120 days. In the event that a construction compliance certificate lapses for either of the above reasons, a new certificate shall be required before construction can resume. This amendment shall apply to all outstanding building permits at the time of its adoption so that if construction is not commenced within six months after the date of this amendment, the rights under the building permit shall lapse.

B. Multiple-Dwelling Construction Compliance Certificates. Requests for construction of multiple-dwelling compliance certificates shall be examined by the Fire Chief who shall make a recommendation for approval or disapproval to the Zoning Administrator who shall finally either approve or disapprove the request.

C. Occupancy Compliance Certificate. Subsequent to the effective date of this chapter, no change in the use or occupancy of land nor any change in use or occupancy in an existing building, other than for single-family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single-family dwelling until an occupancy compliance certificate has been issued by the Administrative Officer. Every occupancy compliance certificate shall state that the new occupancy complies with all provisions of this chapter and no subsequent modifications shall be made to the occupancy, use, or method of operation that would be in violation of this chapter. No single-, two-, or multiple-family dwelling or other structure designed for human use or occupancy shall be occupied nor shall any occupancy compliance certificate be issued for any of the foregoing until and unless all improvements and installations required by Chapter 170 of this Code of Ordinances have been made and accepted by the City.

D. Application for Compliance Certificates. Applications for compliance certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the Administrative Officer, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this chapter.

5. Amendments. The City Council may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Council. The procedures for amendment are as follows:

A. Request by Petition. Whenever any person desires that any amendment, or change be made in the Zoning Ordinance, including the text and/or map, as to any property covered by the Zoning Ordinance, and there is 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 owners of fifty percent (50%) 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 owners of fifty percent (50%) of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred (200) feet, it is the duty of the Council to receive and refer the request to the Zoning Commission for its review and consideration at a duly noticed public meeting in accordance to the Commission's rules of procedures and the noticing requirements contained herein. The findings and recommendations of the Zoning Commission shall then be forwarded to the City Council for consideration and action.

B. City Council Referral. The owner of a property may submit a written request to the Zoning Administrator for their property to be rezoned. If the requested rezoning is not consistent with the adopted Comprehensive Plan, the property owner may further request the Comprehensive Plan be amended as part of the requested rezoning. The Zoning Administrator will then present this request to the City Council, who, at their discretion, may adopt a motion to refer the request to the Zoning Commission for consideration at a duly noticed public meeting in accordance with their procedures and the noticing requirements contained herein. The findings and recommendations of the Zoning Commission shall then be forwarded to the City Council for consideration and action. The City Council may further by motion forward their own request to the Zoning Commission to review and consider an amendment to the adopted Comprehensive Plan, the rezoning of a given property or properties, or amendments to the zoning regulations.

C. Zoning Commission Disapproval or Protest Petition. In case the proposed amendment, supplement or change is disapproved by the Zoning Commission, or a protest is presented duly signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the Council. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established has been denied by the Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of filing of the first petition.

D. Public Hearing Noticing. Not less than seven nor more than 20 days' notice of the time and place of the City Council hearing to consider any proposed amendment or change in the Zoning Ordinance or zoning district boundaries shall be published in a newspaper having general circulation in the City. The Commission shall not make any recommendation to the Council on an amendment to any zoning district boundaries until a sign 18 inches by 24 inches indicating the amendment

requested has been prepared and posted by the City in a visible location on the premises for a period of 10 days. Notice of the Commission meeting shall be mailed by first class mail 10

E. Filing Fees. Before any action is taken as provided in this section, the owner or owners of the property requesting the proposed change in the district regulations or district boundaries shall pay to the City Clerk the fee as established by resolution of the City Council.

6. Applications and Fees. The Zoning Administrator shall establish and provide the application form and information required for all applications as may be necessary and required by this ordinance. The fees for all applications shall be as established by resolution of the City Council.

7. Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Zoning Ordinance shall, upon conviction, be fined for each offense up to the maximum amount as allowed by the Code of Iowa. Each day that a violation is permitted to exist constitutes a separate offense.

### **165.03 DEFINITIONS.**

The following terms are defined for the purposes of this chapter:

1. 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 be taller than, encompass more floor area or use a greater part of the lot than the principal permitted use or as further limited within this Zoning Regulations. A prohibited principal use is also a prohibited accessory use in the same district.

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

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

4. Agriculture: The use of land for agricultural purposes, including those forms of row- crop farming, horticulture, floriculture, forestry, groves, orchards, and viticulture and limited animal husbandry, apiculture, dairying, poultry husbandry, ranching as specified herein appropriate for operation in an urban and urbanizing area, and also those necessary accessory uses for packing, treating or storing the produce. The operation of the accessory uses shall be subordinate to that of the normal agricultural activities. This definition does not include any animal feeding operations, confined animal feeding operations, open feedlots, and similar operations containing 12 or more animals. Furthermore, this definition does not include any processing of animal products.

5. 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.

6. Animal shelter: A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity, including (but not limited to) a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

7. Antenna: 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. (Also see "satellite dish antenna" and "communications tower.")

8. 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 (3) or more families living independently of each other and doing their own cooking in the building. Said buildings have dwelling units that are both vertically and horizontally attached to one another. (See "Dwelling, multiple-family.")

9. 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.

10. Automobile sales and storage lot: An open, off-street area where 100 or more new and used operable motor vehicles are stored or offered or displayed for sale or advertising purposes. No motor vehicle may be sold or stored in any location other than an automobile sales and storage lot.

11. Automobile service center: Any building or premises where at least fifty percent (50%) of the business is derived from retail sales of auto parts and accessories. Major work, including (but not limited to) engine and transmission overhauls and/or changes, shall not be permitted.

12. Bar: Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. (This definition includes and may also be referred to as a "Cocktail Lounge," "Tavern," or "Saloon.")

13. Basement: The lower part of a building having more than one-half (½) of its height between its floor and the floor of the story above it below the adjacent ground elevation.

14. Bed and Breakfast Inn: An owner-occupied dwelling unit that contains no more than five (5) guest rooms where

lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.

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

16. **Boarding house or rooming house:** A building other than a hotel or motel where, for compensation, lodging, or lodging and meals, are provided for three (3) or more persons.

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

18. **Brewery, micro:** A business that brews beers, ales, and/or similar beverages on-site for distribution, retail or wholesale, on or off-premises and produces no more than 10,000 barrels of beer or ale annually. A microbrewery may include a tasting room for consumption on-premises as defined in Iowa Code Section 123.3(16).

19. **Buffer:** 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. (Also see "screening.")

20. **Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

21. **Building, height of:** The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the highest gable of a pitch or hip roof.

22. **Building line:** The line parallel to the front lot line over which no portion of any building, except an overhang or chimney, may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

23. **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.

24. **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 the Zoning Regulations, a carport attached to a principal building is considered as part of the principal building and subject to all yard requirements herein.

25. **Child:** A person under 18-years of age.

26. **Child Care Center:** A facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home. (See Chapter 237A.1 of the State Code of Iowa.)

27. **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.

28. **Child Care Home:** A private residence where child care is provided to five (5) or fewer children at any one time and that is not registered with the State of Iowa. (See Chapter 237A.3 of the State Code of Iowa.)

29. **Child Development Home:** A private residence, officially registered by the State of Iowa as a "Child Development Home," to provide child day care to six or more children at any one time following the categories and regulations as defined by the Iowa Department of Human Services (DHS) on July 1, 2017. (See Chapter 237A.3A of the State Code of Iowa.)

30. **Church or place of religious worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other typical ancillary activities. The term "church" does not carry a secular connotation and includes buildings in which the religious services of any denomination are held. This does not include a dwelling.

31. **Clinic, medical or dental:** A building or buildings in which physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

32. **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.

33. Comprehensive Plan: The Comprehensive Plan for the City of Indianola, 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.

34. Commission: Means the Planning and Zoning Commission of Indianola, Iowa.

35. Communications tower: A structure that is intended for transmitting or receiving television, radio, short-wave, citizens band or telephone communications. (See Chapter 161 for definitions related to Communication Towers and Equipment.)

36. 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.

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

38. Convenience store: Any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.

39. Cul-de-sac: A local street, one end of which is closed and consists of a circular turnaround.

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

A. Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.

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

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

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

42. Density, net: The number of dwelling units per net acre of land being developed not including public streets and open spaces.

43. Department store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space of 10,000 square feet or more.

44. Display lot: The lot area that is for display of sellable durables that are the primary durables of the business.

45. Dock: any elevated protrusion intended or used for purposes of loading and unloading goods, merchandise, cargo, or other tangible goods.

46. Drive-in or Drive-thru Facility: An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru vehicle stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. For the purposes of the Zoning Regulations, automotive and truck washes and automotive and truck fuel sales facilities will not be categorized as drive-thru facilities.

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

48. 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, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Indianola Building Code for site-built housing.

49. Dwelling, accessory: A separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.

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

51. Dwelling, row: Three (3) or more horizontally attached dwelling units in a continuous row. (See "Dwelling, townhouse.")

52. Dwelling, single-family, detached: A detached dwelling erected on its own lot and designed for or occupied by one family only, with the minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.

53. Dwelling, single-family, semi-detached: A dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such dwelling on one side only by a wall located on the lot line and which has yards on the remaining sides (commonly referred to as a duplex). Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.

54. Dwelling, townhouse: A dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building. (See "Dwelling, row.")

55. Dwelling, two-family: A dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, and erected on one lot. Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.

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

57. 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.

58. Elder group home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")

59. 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 the Zoning Regulations, factory-built homes include manufactured homes and modular homes.

60. Family: One (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses. The definition of Family may include licensed group care facilities or family homes as may be otherwise permitted.

61. Family home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.

62. Farming: Defined as the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.

63. Farm Support Housing: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.

64. Fireworks retail sales facility: A retail sales facility for the sale of first-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(c) and/or second-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(e).

65. Fitness center: 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, and occupying a space of 10,000 square feet or more.

66. 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.

67. Flood elevation: The elevation floodwaters reached at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

68. 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.

69. 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 and providing the City with the necessary

information for adopting a flood plain management program and establishing actuarial flood insurance rates.

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

71. 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, flood proofing and flood plain management regulations.

72. Flood proofing: 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.

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

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

75. Floor area: (See Sec 407 UBC as adopted.)

76. Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies and other surgical procedures; (iii) the storage of caskets, urns, and other related funeral supplies; (iv) the storage of funeral vehicles; and (v) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

77. Garage, private: A detached, accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building specifically designed for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature, and to which there is legal vehicular access from a public right-of-way.

78. Gas station 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, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the 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, clutch, transmission, 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.

79. Golf car: A small self-propelled vehicle designed to carry golfers and their golf equipment around a golf course (sometimes erroneously referred to as a 'golf cart').

80. Group care facility: (See "Family home.")

81. 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, and occupying a space less than 10,000 square feet.

82. Home occupation: 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 and complies with all city code requirements. (See Section 165.05, Section 5-D, Home Occupations, for regulations.)

83. Home owner's or property owner's 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.

84. Hookah Lounge: An establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Hookah Lounge or Bar.

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

86. Hotel, extended stay or apartment hotel: A building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or month basis for compensation.

87. Junk yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed,

disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations. No disassembled vehicle will be allowed to be stored or kept in any location in the City other than a junk yard.

88. Kennel: Any establishment where dogs, cats, or other similar animals or pets are boarded for compensation or are bred or raised for commercial purposes or sale.

89. Landscape: The design and development of land for human use and enjoyment. It is concerned with the beauty of natural surroundings as well as practical ways to use land and the objects on it.

90. 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.

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

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

93. Lot: For the purpose of the Zoning Regulations, 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, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portion of lots of record; or of portions of lots of record; and (iv) 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 the Zoning Regulations.

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

A. Common lot line – A side lot line that is shared between attached structures.

B. Front lot line - The line which adjoins a public street or private street.

C. Rear lot line - The boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.

D. Side lot line - Any lot line not a front lot line or a rear lot line.

E. Street side lot line of a corner lot – For a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.

F. 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 is the horizontal distance between the midpoints at the front lot line and rear lot lines.

G. 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.

95. 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 the Zoning Regulations, an existing contract of purchase at the time of the effective date of the Zoning Regulations also constitutes a lot of record.

96. Lot types: As follows:

A. Corner lot - A lot located at the intersection of two or more streets and having the street right-of-way abut the front lot lines of the lot.

B. Double frontage or through lot - A lot, other than a corner lot, with frontage on more than one street or public thoroughfare which do not intersect one another.

C. Interior lot - A lot, other than a corner lot, having frontage on but one street or public thoroughfare.

D. Outlot – An unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a home owner's association, property owner's association, or similar private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.

E. Postage-stamp lot – A small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not

have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.

97. Low-speed vehicle: A four-wheeled motor vehicle that has a gross vehicle weight rating of less than 3,000 pounds and a top speed of 25 miles per hour (mph) that allows them to travel on public roads.

98. Manufactured home: A factory-built, single-family structure not less than 40 feet wide, which 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 to a permanent site, and which does not have any permanently attached wheels or axles to its body or frame. A mobile home is not a manufactured home unless it has been converted to real property 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.

99. Manufactured home park: Any site, lot, field or tract of land upon which two or more manufactured homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available – also referred to as a “manufactured home community.” The manufactured home park or manufactured home community shall meet the requirements of any zoning regulations that are in effect.

100. 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 of gratuity.

101. Massage therapy establishment: Any establishment having a fixed place of business wherein any of the treatments, techniques, or methods of treatment referred to as “massage therapy” are administered, practiced, used, given, advertised or applied by persons licensed by the State of Iowa under the provisions of Chapter 152C of the Code of Iowa, when performing massage services as part of the profession for which licensed.

102. Medical cannabidiol: Means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa* L. or *Cannabis indica* or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the State of Iowa Medical Cannabidiol Board, approved by the State of Iowa Board of Medicine, and adopted by the State of Iowa Department of Public Health.

103. Medical cannabidiol dispensary: Means a business that dispenses medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol dispensary.

104. Medical cannabidiol manufacturer: Means a manufacturer of medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol manufacturer.

105. Mini-storage or self-storage: A building or group of buildings, 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.

106. Mini-warehouse or self-storage facility: (See “Mini-storage or self-storage.”)

107. Mixed-use building: A multi-story commercial building that includes office and/or retail uses on the first floor or lower levels of the building and multiple family dwellings above the first floor or on the upper levels of the building.

108. Mobile home: Factory-built housing 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 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 435.26 of the Code of Iowa. Nothing in the Zoning Regulations shall be construed as permitting a mobile home in other than an approved mobile home park.

109. 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.

110. Mobile home subdivision: A subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate and having public streets, utilities and other public facilities installations approved by the City Council in accordance with the subdivision regulations of the City of Indianola, Iowa.

111. Mobile home space: A plot of ground within a mobile home park designated for the accommodation of one mobile home.

112. Multi-family residential: (See “Dwelling, multiple-family.”)

113. Nonconforming structure: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Regulations, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

114. Nonconforming use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Regulations, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

115. 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.

116. Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

117. Off-street parking area: Any area containing parking spaces, driveways or access drives devoted to the parking of motor vehicles whether free or for compensation.

118. 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 plantings, 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.

119. Park: Any public or private land reserved for active and passive recreation, to include such facilities as 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.

120. Parking space: A permanently surfaced area plus necessary maneuvering space for the parking of a motor vehicle as defined in Chapter 169 of the Zoning Code. Space for maneuvering, incidental to parking or unpacking, shall not encroach upon any public right-of-way.

121. Paving, HMA: A surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.

122. Paving, PCC: A surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.

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

124. Pet store or pet shop: A store at which one can purchase supplies for pets.

125. Phase: An area of the Master Plan that is not less than five (5) acres.

126. 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.

127. Planned Unit Development (PUD): Any development in which the proposed land uses, transportation elements, building densities, arrangements and types are set out in a unified plan. A PUD may consist of mixed residential, commercial, limited industrial and public land uses.

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

129. Principal building: A building in which the principal use of the lot on which the building is located is conducted.

130. Principal use: The main use of land or structures as distinguished from an accessory use.

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

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

133. Residential Animal Raising: The keeping of animals on a non-commercial, non-profit basis. Restrictions on this type of use include no more than three (3) large animals per acre (e.g. horses, sheep and cattle, etc.); no more than twenty-five (25) small fowl or animals per acre (e.g. chickens, rabbits, ducks, ferrets, etc.); and no more than ten (10) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).

134. Restaurant: an establishment that prepares and serves food and beverages to persons for immediate consumption.

Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.

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

B. Drive-in restaurant - A restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This definition includes coffee shops, ice cream parlors, and any other business that serves food or drinks to patrons in a motor vehicle.

C. Carry-out restaurant - 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.

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

136. 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.

137. Screening: 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. (Also see "buffer.")

138. Short-Term Rental: Any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb. This definition does not include Bed and Breakfast Inns, Boarding or Rooming Houses, and Extended Stay Hotels or Apartment Hotels.

139. Sign: (See Signage, Section 165.10, for sign definitions.)

140. Single Family Attached Residential (See "Dwelling, row," "Dwelling, single-family, semi-detached," Dwelling, townhouse," and "Dwelling, two-family.")

141. Single Family Detached Residential (See "Dwelling, single-family.")

142. Site improvements: Includes 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 freestanding signs.

143. 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. (For detailed requirements of a site plan see Chapter 166.)

144. Smoking Lounge: An establishment where patrons can purchase and consume tobacco products on site or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Cigarette, Vape, or Vapor Lounge or Bar.

145. Start of construction: 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.

146. 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 topmost 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 basement is more than five (5) feet above grade, such basement shall be considered a story.

147. Street line: The right-of-way line of a street.

148. Street, public: Any thoroughfare or public way not less than twenty-six (26) feet in width, which has been dedicated to the public or deeded to the City for street purposes; and also any such public way as may be created after enactment of the Zoning Regulations, provided it is fifty (50) feet or more in width.

149. 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.

150. 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, mobile homes, billboards, poster panels, factories, sheds, cabins, factory-built homes, satellite dish antenna, storage tanks, towers, and other similar uses.

151. 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 does not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.

152. 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.

153. Substantial improvement: Any reconstruction, rehabilitation, additions, 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: (i) 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 (ii) any alteration that will not preclude the structure's continued designation as a "historic structure."

154. Supervised group residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance- abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.

155. Tavern: (See "Bar.")

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

157. Tiny Home: A single-family detached residential dwelling that is not less than the minimum sq. ft. in total livable floor area as required by the City's adopted building code regulations. The dwellings are either constructed on site (site-built) or modular (factory-built) and set on a permanent masonry foundation. This definition does not include manufactured homes.

158. Tobacco Store: A retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products, including nicotine products and supplies such as electronic cigarettes and other devices capable of providing an inhalable dose of nicotine, for off premise consumption and where 50% or more of total gross sales are derived from the sale of tobacco and nicotine products or a combination of tobacco products and alcohol. These establishments may also be known or referred to as an E-Cigarette, E-Hookah, Vape or Vapor Store or Shop.

159. 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 homeowner's association (council of co- owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

160. Trail: A walkway or bikeway designated with a surfaced pathway for travel by means other than by motorized vehicles.

161. Trailer park: (See "Mobile home park.")

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

163. Variance: A modification of the specific regulations of the Zoning Regulations granted by resolution of the Board of Adjustment in accordance with the terms of the Zoning Regulations 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.

164. Variety store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space less than 10,000 square feet.

165. Video store: Any establishment whose primary business is the rental or sale of commercial films or videos.

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

167. 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, fences, walls, signs, poles, posts, 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 the Zoning Regulations.

A. Yard, front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.

B. Yard, rear - A yard extending across the full width of the lot and measured between the rear lot line and the building.

C. Yard, side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building line. For corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

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

169. Zoning Administrator: (See Chapter 166 for definition.)

#### **165.04 GENERAL PROVISIONS.**

##### **1. General Provisions.**

A. Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

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

(3) Boundaries indicated as approximately following township lines or section lines shall be construed as following township lines or section lines.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.

(6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Administrator shall interpret the district boundaries.

B. Zoning Districts Dividing Property. Where one lot or parcel is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification and for the purpose of applying the regulations of the Zoning Ordinance, each portion shall be considered as if in separate and different ownership.

C. Future Annexation of Territory. All territory which may hereafter be annexed to the City shall be considered as lying in the A-1 Zoning District until such classification shall have been changed by amendment in accordance with the provisions of the Zoning Regulations.

D. Street Frontage Required. Except as may permitted elsewhere within the Zoning Regulations and Subdivision Regulations, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts at least twenty (20) feet on at least one public street, or unless it has an exclusive unobstructed private street easement of access or right-of-way of at least twenty (20) feet wide to a public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide shall be provided for two (2) or more such single-family dwellings, or for one or more two-family or multi-family dwellings.

E. Visibility at Intersection. On a corner lot in any district, except the Downtown Mixed Use Zoning District (C-3), no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines. For purposes of this section, a split rail fence, chain link fence, or any other fence which consists of vision blocking material over twenty-five percent (25%) or less of its total surface area is not considered as obstructing vision.

##### **F. Lot and Yard Regulations**

(1) Corner Lots. For corner lots, the front yard regulation shall apply to each street side of the corner lot. The Zoning Administrator shall designate the rear yard of a lot which shall generally be that portion of yard opposite the narrow street side.

(2) Through Lots. The Zoning Administrator shall designate the front yard of a through lot (also known as a double frontage lot) which shall generally be the yard adjacent to the local street or lower street hierarchy classification designation. The front yard regulations shall apply to each street side of a through lot.

(3) Postage-Stamp Lot. Structures built within a postage-stamp lot shall be setback no less five (5) feet from all lot lines, excluding shared walls located along a common lot line, and shall otherwise meet all other building setback requirements for the zoning district in which it is located. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via an adjoining outlot or association held parcel.

(4) Front Yard. In all residential districts, there shall be a minimum front yard required as stated in the yard requirement of that particular district.

(5) Required Yard Cannot Be Reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum required by the Zoning Ordinance. No part of a yard, open space, off-street parking or loading space provided about any building or structure shall be included as part of a yard, open space, off-street parking or loading space required for another building, structure, or use.

(6) Projecting Overhang or Structure. The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, bay windows, or other similar architectural features, except for gutters and downspouts, may not project or extend more than three (3) feet into a required yard, provided no part of a building is closer than 5 ft to a lot line.

(7) Yard Encroachments.

a. Carports, cantilevered projections, chimneys, accessory buildings, and structures may not project into any required yard.

b. Air conditioning units, heat pumps, or other such similar devices may encroach into the required side yard.

c. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard.

d. Front stoops, stairs, open decks and unenclosed porches may encroach up to 6 ft into the required front yard setback.

e. Stoops, stairs, and open decks, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback.

f. Uncovered patios, brick or stone pavers, concrete slab structures, or other paved surfaces constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards, except that no such patio or paved area shall encroach closer than two (2) feet of the property line nor extend more than ten feet (10') beyond either side of a driveway.

G. Height Regulation Exception. The height limitations contained in the schedules of district regulations do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for human occupancy.

H. Use of Public Right-of-Way. No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Provided, however, tables, chairs and displays associated with the adjoining business shall be allowed in the C-3 zoning (Downtown Mixed-Use Zoning District) subject to the following:

(1) Permitted on all sidewalks provided there remains a free walking path with a minimum walking surface of five (5) feet in width.

(2) Allowed during business hours only, unless specifically authorized by the City of Indianola as part of an approved sidewalk agreement.

(3) Provide proof of public liability insurance for such sign in the amount of \$100,000.00.

2. Accessory Buildings and Structures.

A. Intent. Principal uses specified as permitted uses or special uses for a district shall be deemed to include accessory buildings and uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. These accessory buildings and structures include: free standing garages for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs. It is the intent of these standards herein this section to establish the basic regulations for accessory buildings and structures.

B. General Provisions. No accessory structure shall be constructed upon a lot until the construction of the main or principal building has been commenced, and no accessory structure shall be used if the main or principal building has been unused for a period of six (6) months or longer. Accessory buildings shall not be used for dwelling purposes, except for approved accessory dwellings as defined in this chapter.

C. Applicability. The following regulations shall apply to all accessory buildings and structures for agricultural uses, single-family dwellings, two-family dwellings, townhouse or row dwellings, and manufactured home parks. Accessory buildings and structures for all other uses shall comply with the regulations and standards as established for principal structures.

D. Location and Setbacks. The following location and setback requirements shall apply to all accessory buildings and structures:

(1) Accessory buildings and structures shall only be erected to the rear of any principal building. No accessory structure shall be located between any principal building and any street. A detached, private garage may be constructed along the side of a principal building provided that said garage is no closer than ten (10) feet from the principal building and does not extend past the front face of the principal building.

(2) Accessory buildings and structures shall not be erected within any required buffer or easement.

(3) When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory building or structure shall be located within either of these front yards.

(4) When located on a double frontage or through lot, the Zoning Administrator shall determine which street frontage

serves as the rear yard, which shall generally be the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided.

(5) No accessory building or structure shall be located closer than ten (10) feet from the street right-of-way line of the street located along the designated rear yard as determined by the Zoning Administrator, except that when any vehicle entrance to an accessory building faces the street, said accessory building shall be setback at least twenty (20) feet from the alley line.

(6) Accessory buildings and structures shall maintain a minimum distance of five (5) feet from any lot lines, alley lines and any adjoining lots, except that when any vehicle entrance to an accessory building faces the alley, said accessory building shall be setback at least twenty (20) feet from the alley line.

(7) Accessory buildings and structures shall maintain a minimum distance of ten (10) feet from any principal structure. Otherwise, said accessory building or structure must meet the setback standards required of the principal structure.

(8) All setbacks and building separations shall be measured from the closest building wall face. Horizontal projection including roof-overhangs may not extend into any required setback.

#### E. Area and Height Limit.

(1) Accessory buildings and structures shall be limited to a maximum of two (2) total buildings, including a garage, of which all total accessory buildings shall not occupy more than ten (10) percent of the total lot area nor exceed a total square footage of 1,800 square feet. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.

(2) Accessory buildings and structures shall not be taller nor encompass more floor area than the principal structure that is located on the same and shall in no case more than one and one-half (1.5) stories in height and shall not exceed a height of 24-feet.

F. Building Design. Accessory buildings shall match the architectural style and design of the principal structure. The exterior building materials (siding and roofing materials) shall also be similar and of identical quality as that found on the principal structure.

G. Exempt Structures. Accessory structures of eighty (80) square feet or less, no taller than twelve (12) feet, and of a movable design, plus ground mounted play structures no taller than ten (10) feet with a footprint of no more than 400 square feet, shall be exempt from permit requirements. These structures must conform to all setback requirements. The square footage of these structures shall be included in the maximum cumulative area requirements of this Chapter.

3. Antennas, Satellite Dish Antennas, and Towers (Not Including Wireless Telecommunications Facilities). The following standards shall apply to all antennas, satellite dish antennas, and towers that are not part of a wireless telecommunications facility:

A. Freestanding antennas, satellite dish antennas, and towers uses shall comply with the height restrictions and setback requirements for accessory buildings and structures.

B. Antennas, satellite dish antennas, and towers attached to a principal building or structure shall comply with the height restrictions and setback required of that principal building or structure for the zoning district in which it is located.

C. No satellite dish antenna, radio or TV antenna, or related tower use shall be permitted within any front or side yard or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the antenna or satellite dish antenna within the confines of the rear yard and obtain a signal.

D. No satellite dish antenna with a dish diameter greater than three (3) feet or height greater than fifteen (15) feet shall be permitted in any residential zoning district. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.

#### 4. Fences and Walls.

##### A. Residential Districts.

(1) In all residential zoning district, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Fences and walls are permitted in the front yard with a maximum height of forty-eight (48) inches. All fences and retaining walls within a front yard shall be a minimum of two (2) feet from any property line abutting frontage to a public street and shall be subject to the restrictions and standards herein this section. All fences located between the front property line and the front yard building setback, shall be designed with a minimum open space of forty percent (40%). Retaining walls shall be the only type of wall allowed within a residential front yard.

(2) Any yard abutting a public street shall be considered a front yard. Residential corner lots contain two (2) front yards, and any fence extending into either front yard shall be a maximum of forty-eight (48) inches in height and shall be subject to all other requirements for front yard fences.

(3) On through lots or double frontage lots, a privacy type fence not exceeding six (6) feet in height may be placed within the designated rear yard, as determined by the Zoning Administrator, provided it is a minimum of ten (10) feet from

the street right-of-way line.

- (4) Fences and walls shall be built wholly on the owner's property.

B. Industrial and Commercial Districts.

(1) In industrial zoning districts, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard.

(2) Fences within a commercial district, within the front yard of an industrial district, or exceeding eight (8) feet in height in industrial districts, may be permitted by special exception of the Board of Adjustment or by City Council approval as part of a site plan application.

(3) As part of a sidewalk use agreement or any other outdoor seating area, fences not exceeding four (4) feet in height are permitted, and shall be constructed of wrought iron, aluminum, wood, polyvinyl chloride (PVC).

- (4) Fences and walls shall be built wholly on the owner's property.

C. Decorative Features. In all districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve (12) inches.

D. Swimming Pool Enclosures. Barriers constructed for the purpose of enclosing a swimming pool, shall also be subject to the requirements of this chapter.

E. Fence Frames. The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence and facing towards the property on which the fence is erected.

F. Retaining Walls.

- (1) Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height.

(2) Retaining walls which are six (6) or more feet in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the Zoning Administrator.

G. Materials and Maintenance.

- (1) Allowed Materials.

a. Fences are to be constructed of customarily used materials such as chain-link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.

b. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; metal siding or panels not originally designed or intended as fencing material; bamboo; reed; or plywood sheathing. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.

c. An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of this chapter. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.

d. Walls and Retaining Walls. Walls and retaining walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc., and shall not be painted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

(2) Prohibited Materials. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge or other similar materials shall be prohibited.

(3) Construction and Maintenance. All fences shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning Administrator after ten (10) days' notice to the owner of the fence, may order the removal of any fence that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

H. Measuring Fence or Wall Height. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:

(1) In a yard abutting a street, the total effective fence or wall height above the finished grade shall be measured on the side nearest the street. Notwithstanding, if a property or premises is lower than an adjacent street, then the height of the fence or wall shall be determined by a measurement from the street grade at a ninety degree (90°) angle from the fence or wall; provided the total vertical measurement from the ground beneath the fence or wall to the top of the fence or wall shall not exceed eight feet (8').

(2) In any other required yard, the total effective fence or wall height above the finished grade shall be measured on the side nearest the adjacent property.

(3) On a property line, the fence or wall height shall be measured from the finished grade of the side of the adjacent property.

(4) Swales and other earth depressions up to six feet (6') wide shall not be used when measuring the fence or wall height.

(5) Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall, except in the case of a fence or wall constructed within an industrial zoning district or as otherwise may be required by the City for the purposes of screening.

#### I. Overland Flowage Easements.

(1) Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow.

(2) Permitted fence material includes chain-link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.

(3) All fencing shall be elevated a minimum of three (3) inches through the swale part of the easement to allow water flowage.

#### J. Exceptions to Fence Requirements.

##### (1) Agricultural Purposes.

a. In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of ten (10) feet, provided it is used to contain livestock or to protect crops and plantings.

b. In agriculture districts, an electrified fence may be allowed subject to a minimum setback of ten (10) feet for the purpose of containing livestock.

(2) Industrial Districts. In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground.

(3) Recreational Purposes. Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator.

(4) Governmental Properties. Fences associated with governmental (federal, state, county, city) facilities and properties.

(5) Temporary Fences. Temporary or seasonal fences, e.g., snow fence, garden fence, are exempt from permitting requirements providing they are not more than four (4) feet in height. Snow fence shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fence shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this Chapter.

(6) Temporary Construction Fence. Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.

(7) Existing Fence. Repair of existing, legal but nonconforming fences shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence. Complete replacement of an existing fence requires compliance with the terms of this Chapter. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence.

#### 5. Nonconformities.

A. Nonconforming Uses. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment

on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted the single-family dwelling and customary accessory buildings may be erected as a variance on a single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding that such fails to meet the requirements for area or width or both that are generally applicable in the district where it is located. Yard dimensions and other requirements not involving area or width shall conform to the regulations for the district in which the lot is located. Such variance of area or width shall be permitted only after approval by the Board of Adjustment.

C. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

(3) If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, 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:

(1) No such structure may be enlarged or altered in a way which increases its nonconformity.

(2) Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter, unless the following exception is met:

a. Except for the provisions in Section 161.22, an exception will be given to single-family detached residential uses in nonresidential districts, where the residential building or detached accessory structure is damaged by catastrophe or act of God. Reconstruction of the structure or building shall be permitted provided that there is no increase in the number of dwelling units. The reconstruction of the building or structure shall not increase in the degree of nonconformity and shall be within the same building line as the original structure, as determined by the Zoning Administrator. The reconstruction of the building or structure shall meet all other pertinent codes and regulations existing at the time of reconstruction. Reconstruction must begin within one hundred eighty (180) days from the date of damage, or the use will be deemed discontinued, abandoned, or vacated. At the desecration of the Zoning Administrator, an extension may be granted to the one hundred eighty (180) days if there is evidence that efforts are being made to reconstruct the structure, but unavoidable delays beyond the owners' control are occurring. This exception will not be granted when nonaccidental causes, intentional acts by the owner, lessee, or other person such as arson, or by circumstances of neglect where the building runs down or becomes dilapidated are in evidence.

**(Ord. 1695 - Mar. 22 Supp.)**

E. Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(3) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

(4) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, thereafter, shall not be used except in conformance with the regulations of the district in which it is located.

(6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **165.05 ZONING DISTRICT REGULATIONS.**

##### 1. Regulations by Zoning District.

###### A. Agricultural / Open Space Zoning District (A-1).

(1) Statement of Intent: The A-1 zoning district is intended to provide for the continued use of agricultural land uses in those portions of the City where they are appropriate and allow limited creation of new residential uses that are consistent with these agricultural uses.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: Every single-family residential and other residential and non-residential structures, except for ag-related structures, constructed after the date of this ordinance shall comply with the design standards contained within Section 165.09.

(8) Signage: (See Section 165.10.)

###### B. Single-Family Residential Detached Zoning District (R-1).

(1) Statement of Intent: The R-1 zoning district is intended accommodate single-family residential dwellings on building lots of various sizes and certain non-residential uses common within single-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: Every single-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Section 165.09.

(8) Signage: (See Section 165.10.)

###### C. Single-Family Residential Attached Zoning District (R-2).

(1) Statement of Intent: The R-2 zoning district is intended accommodate single-family attached residential dwellings including duplex and two-family dwellings, townhomes, and rowhouses and certain non-residential uses common within single-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: Every single-family dwelling, two-family dwelling, townhouse dwelling or row dwelling, and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Section 165.09.

(8) Signage: (See Section 165.10.)

D. Multi-Family Residential Zoning District (R-3).

(1) Statement of Intent: The R-3 zoning district is intended accommodate single-family attached residential dwellings and multi-family dwellings including rowhouses, townhomes, and apartments and certain non-residential uses common within multi-family residential areas.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: Every single-family dwelling (semi-detached and two-family), townhouse dwelling, row dwelling, multi-family dwelling (apartment), and other residential and non-residential structures constructed after the date of this ordinance shall comply with the design standards contained within Section 165.09.)

(8) Signage: (See Section 165.10.)

E. Manufactured Home Park Zoning District (R-4).

(1) Statement of Intent: The R-4 zoning district is intended accommodate the development of manufactured and mobile home parks (herein after referred to as manufactured home parks). For the purposes of this section, the term manufactured home shall also refer to mobile home.

(2) Bulk Regulations:

a. The minimum proposed area for a manufactured home park shall have at least 10 acres of gross development area. The maximum density allowed for the gross development area shall be seven manufactured homes units per acre.

b. All manufactured home parks perimeter yard requirements shall not be less than 30 feet. No structures shall be permitted within this yard.

c. No part of any manufactured home or other structure shall be closer to any public street upon which the park adjoins than 50 feet; however, interior park drives may be located within the setback area.

d. The minimum width for manufactured home platted lot or manufactured home space as designated on a site plan shall be 40 feet.

e. Front Yard Setback: Minimum 15 feet, measured from the edge of the surfaces private drive to the closest point of the lower face of the manufactured home.

f. Side Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.

g. Rear Yard Setback: Minimum 20-foot separation at the nearest point between any manufactured home.

h. Maximum Height for All Structures: 20 feet.

i. Detached Accessory Structures to the Manufacture Home (Including Garages and Sheds): Shall not be located within the front yard setback and shall maintain a minimum 10 feet separation at the nearest point between any manufactured home and any other structure. Sheds 64 square feet in size and less do not need to comply with this minimum separation requirement.

j. Uncovered and open decks, patios, and stairs may encroach the front, side, and rear yard setback areas.

k. Structures Ancillary to the Manufactured Home Park (Including Storm Shelters, Equipment Buildings, Pool Houses, and Community Buildings)

i. Setbacks: No ancillary structure shall be located closer than 50 feet from the perimeter of the manufactured home park.

ii. No ancillary structure shall be located closer than 20 feet to another structure.

iii. Maximum Building Height: 35 feet.

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Fences and Walls: (See Section 165.04.)

(5) Site Plan Required: Each petition for a change to the R-4 zoning classification submitted to the City shall be

accompanied by a manufactured home park site plan. Said site plan shall show each manufactured home space, or platted lot, the water, electrical and sewer lines serving each manufactured home space, the location of water hydrants, community shelter building or buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping. The plan shall be considered by the Planning and Zoning Commission and the City Council, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance and the General Provisions contained hereinbelow. All changes to the R-4 classification shall be made in accordance with the provisions of Chapter 165 of this Zoning Ordinance.

(6) General Provisions: The manufactured home park shall conform to the following requirements.

a. Drainage. The park shall be located in a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

b. Signs. One permanent identification sign shall be required at any main entrance to a manufactured home park.

c. Streets. The entrance road connecting the park driveways with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back to back of curbs. All interior driveways shall be not less than twenty-five (25) feet in width, measured back to back of curbs. All streets and driveways, including driveways to and within individual manufactured home spaces, shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Gravel or unpaved streets, driveways, and parking areas shall not be permitted.

d. Skirting. Skirtings of a permanent type material and construction shall be installed within thirty (30) days from the date the manufactured home is set and leveled. The skirting shall enclose the open space between the bottom of a manufactured home floor and the grade level of the manufactured home lot. This skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured home and to preserve the appearance of the manufactured home park.

e. Parking Spaces Required for Each Manufactured Home. Each manufactured home shall be provided a minimum of 2 paved parking spaces.

f. Walkways. Walkways not less than six (6) feet wide shall be provided from the manufactured home spaces and community buildings to the roadways and public streets. The walkways shall be all-weather surfaced of concrete, well-marked in the daytime and lighted at night.

g. Electrical Service. Electrical service shall be provided for each manufactured home space.

h. City Services. Each manufactured home space shall be connected to City services and water mains, fire hydrants, and sanitary sewer lines shall be installed in accordance to City regulation.

i. Refuse Disposal. The owner of the park shall be responsible for the provision of adequate refuse collection containers and regular refuse disposal. Disposal shall occur no less than once per week.

j. Identifying Number. Each manufactured home space shall be provided with a uniform identifying number of at least three-inch numbers readily visible from the drive immediately in front of said space and uniformly placed at the front of the space.

k. Community Building: For the purposes of this section, a "Community Building" means a building serving as the shelter facility for the manufactured home park residents in the event of inclement weather. Each manufactured home park shall provide a community building as defined herein. The community building shall be:

i. Well lighted at all times of the day or night.

ii. Well ventilated with screened openings.

iii. Constructed of such moisture-proof material as shall permit repeated cleaning and washing.

iv. Maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit year-round.

v. Constructed in compliance with all applicable codes to house residents in the event of threatening weather conditions and sized to adequately accommodate all residents of the manufactured home park with a minimum of thirty (30) square feet of floor area provided for each manufactured home planned.

vi. The floors of the community building shall be of water impervious material and shall slope to a floor drain connected with the sewage system.

vii. The community building and the grounds of the manufactured home park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a menace.

(7) Subdivision Requirements: Every manufactured home park authorized under the provisions of this chapter shall fully comply with the subdivision requirements of the City, and all improvements shall be completed as required under said subdivision regulations.

(8) Building Design Standards: Every non-residential structure constructed after the date of this ordinance shall comply with the design standards contained within Section 165.09.

(9) Signage: (See Section 165.10.)

F. Neighborhood Commercial Zoning District (C-1).

(1) Statement of Intent: The C-1 zoning district is intended for smaller, neighborhood scale retail and office uses located close to residential areas and are intended to serve the daily retail needs for the residents.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: (See Section 165.10.)

(8) Signage: (See Section 165.10.)

G. Highway Commercial Zoning District (C-2).

(1) Statement of Intent: The C-2 zoning district is intended to be located along major highways with more auto-oriented uses with the intent of providing commercial products and services to the local, regional, and general motoring public.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: (See Section 165.10.)

(8) Signage: (See Section 165.10.)

H. Downtown Mixed-Use Zoning District (C-3).

(1) Statement of Intent: The C-3 zoning district is intended to preserve and promote the Downtown area with pedestrian oriented, walkable environment with retail, office and upper-story residential uses.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.) In order to promote the economic vitality and attractiveness of all properties located within the C-3 zoning district, the ground floor of any building shall not be used for storage nor remain vacant for an extended period of time due to the neglect of the property owner or building tenant to actively maintain and market the property for use.

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: (See Section 165.10.)

(8) Signage: (See Section 165.10.)

I. Limited Industrial Zoning District (M-1).

(1) Statement of Intent: The M-1 zoning district is intended for a mixed of certain retail service, office, light manufacturing, and warehouse and distribution uses with limited outdoor storage.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: (See Section 165.10.)

(8) Signage: (See Section 165.10.)

(9) Outdoor Storage: Licensed and operable trailers, trucks, power equipment, and shipping containers plus limited storage of other equipment and bulk materials is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

J. General Industrial Zoning District (M-2).

(1) Statement of Intent: The M-2 zoning district is intended for industrial, manufacturing, and warehouse and distribution uses with or without outdoor storage.

(2) Bulk Regulations: (See Residential Zoning Districts Building Bulk and Density Regulations Table.)

(3) Permitted Uses: (See Permitted and Special Uses Table.)

(4) Accessory Structures and Buildings and Fences and Walls: (See Section 165.04.)

(5) Off-Street Parking Regulations: (See Section 165.07.)

(6) Open Space, Landscaping and Buffering Regulations: (See Section 165.08.)

(7) Building Design Standards: (See Section 165.10.)

(8) Signage: (See Section 165.10.)

(9) Outdoor Storage: Outdoor storage is permitted subject to the requirements contained herein this Chapter. No junk, garbage, or debris shall be stored outside.

K. Planned Unit Development (PUD).

(1) Intent: The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation facilities, building densities, arrangements, and types are set out in a unified Master Plan in order to provide greater flexibility of land use, development densities, and building locations than other zoning districts may allow.

The PUD District is intended to maximize benefits from the use of open spaces, preserve natural areas and existing tree cover, protect steep slopes, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the general health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a single use or a mix of residential, commercial, and limited industrial uses, provided such PUD is compatible with the Future Land Use Map and Comprehensive Plan of the City. It is not the intent of the PUD district to be utilized to reduce or provide relief from an existing zoning regulation or requirement.

(2) Procedures:

a. Application: The owner or owners of a parcel of land within the zoning jurisdiction of the City may submit to the Zoning Administrator an application accompanied by a PUD Master Plan requesting a rezoning to the PUD Zoning District. The application form, Master Plan (including number of copies), proposed development rules and regulations, design guidelines, and other submittal details and requirements shall be as determined by the Zoning Administrator as necessary to review the request. The required application fee shall be as determined by resolution of the City Council.

b. Review Process: The PUD Application shall be reviewed by the Zoning Administrator for completeness. Applications deemed incomplete shall be returned to the applicant with a list of the missing or incomplete items. Applications deemed complete shall be distributed by the Zoning Administrator to other City departments and agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent City codes, regulations, standards, and policies.

c. Subsequent to review by the Zoning Administrator and other City departments and agencies, the Zoning Administrator shall submit to all members of the Planning and Zoning Commission a copy of the PUD Application along with a written recommendation as to the request's conformity with the rules and regulations of the City and may include a recommendation for approval, approval with conditions, or denial of the application.

d. The Planning and Zoning Commission shall subsequently hold a public meeting for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards and may confer with the applicant on changes to their requested as may be deemed advisable. The Planning and Zoning Commission shall consider the following as part of their deliberation:

i. Compatibility with the Future Land Use Map and the Comprehensive Plan.

ii. Land uses, building sizes and densities, and number of dwelling units.

iii. Building types, functions, architecture, and building placement and setbacks.

iv. Provisions for open space, landscaping, buffers, pedestrian circulation, and storm water management.

v. Preservation and protection of natural features, drainageways, steep slopes, and existing tree cover.

vi. Provisions for adequate public infrastructure including sanitary sewer and water service, storm water run-off, public parks, and public safety services.

vii. Traffic circulation and congestions including access to and from the site.

viii. General relationship to and impact on the surrounding area and neighboring properties.

After completion of its deliberation, the Planning and Zoning Commission may adopt a recommendation for approval or denial of the PUD Master Plan and associated development rules, regulations, and guidelines as submitted. The Planning and Zoning Commission may also request the developer agree to certain conditions or agree to make certain modifications, alterations, adjustments, or amendments to the proposed Master Plan and associated rules, regulations, and guidelines in order to secure a recommendation of approval from the Planning and Zoning Commission.

The Planning and Zoning Commission shall forward its recommendation to the City Council within 60 days of the receipt of a PUD Application deemed complete by the Zoning Administrator. If the Planning and Zoning Commission does not act within the 60 days as prescribed above, the PUD Application shall be deemed to have received a recommendation of approval by the Planning and Zoning Commission unless the applicant agrees to an extension of time.

Within 60 days of receiving a recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing for a rezoning as prescribed by their rules of procedures and the Zoning Ordinance and review the PUD Application for conformity with the zoning regulations and standards. During this hearing, the City Council may confer with the applicant on changes to their request as may be deemed advisable in order to secure the approval by the City Council. The City Council may approve, approve with conditions or modifications as agreed to by the applicant, or deny the application. If the City Council fails to act within the herein prescribed 60- day period, the PUD Application shall be deemed to have been denied, unless both the applicant and the City Council agree to an extension of time.

Whenever any PUD Application has been denied by the City Council, no new application covering the same property, or the same property and additional property, shall be filed with or considered by the City Council until one year has elapsed from the date of the filing of the first application.

e. Recording of the Master Plan and Associated Regulations and Guidelines: The ordinance providing for the rezoning of the property to the PUD Zoning District and the associated Master Plan, Regulations, and Guidelines as approved by the City Council shall be recorded at the Office of the Warren County Recorder and shall be binding on the property owners, their heirs, successors, or assigns. No phase of the PUD shall be started, and no building permits shall be issued until all documents have been recorded.

f. Modifications: Any application by the property owner or owners for modification to an approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Planning and Zoning 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 of the site without a public hearing by the Planning and Zoning Commission and City Council as required for a rezoning. A public hearing may be held by the Planning and Zoning Commission or City Council on any requested modification. All modifications and adjustments shall be recorded at the Office of the Warren County Recorder.

g. Platting and Development: Prior to development within the PUD, applications for Preliminary and Final Plats, Site Plans, and Building Permits that are in conformance with the provisions of the PUD shall be submit for review in accordance with the City's regulations. At the applicant's own risk, Preliminary Plats, Final Plats, and Sites Plans may be submitted and reviewed concurrently with the PUD Application process.

2. Residential Zoning Districts Building Bulk And Density Regulations. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each building type constructed within the residential zoning districts established herein.

RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple- Family Dwelling (Apartment)	Non- Residential Structure in a Residential Zoning District
RESIDENTIAL ZONING DISTRICTS BUILDING BULK AND DENSITY REGULATIONS TABLE						
BULK AND DENSITY REGULATION BY BUILDING TYPE	BUILDING TYPE					
	A-1 Zoned Single Family Dwelling	Single Family Dwelling (Detached and Semi-Detached)	Two Family Dwelling	Townhouse or Row Dwelling	Multiple- Family Dwelling (Apartment)	Non- Residential Structure in a Residential Zoning District
Min. Lot Size	15 acres	7,200 sq ft	8,400 sq ft	n/a	n/a	40,000 sq ft
Min. Lot Width <sup>1</sup>	300 ft	60 ft	70 ft	24 ft.	80ft	100 ft

<b>Min. Lot Street Frontage<sup>2</sup></b>	20 ft	20 ft	20 ft	20 ft	20 ft	40 ft
<b>Front Yard Setback<sup>3</sup></b>	40 ft	30 ft	25 ft	25 ft	30 ft.	35 ft.
<b>Side Yard Setback<sup>4</sup></b>	10 ft	8 ft min one side, 18 ft total sum of both side yards	10 ft <sup>6</sup>	8 ft. <sup>6</sup>	30 ft	30 ft
<b>Rear Yard Setback<sup>5</sup></b>	35 ft	35 ft	30 ft	30 ft	30 ft	35 ft
<b>Min. Separation Between Principal Buildings</b>	n/a	n/a	n/a	16 ft side to side, 46 ft back to back or back to side	30 ft	20 ft
<b>Min. Setback from Private Street or Common Private Roadway</b>	n/a	n/a	20 ft from back of curb or street sidewalk whichever is closest	20 ft from back of curb or street sidewalk whichever is closest	n/a	n/a
<b>Min. Setback from the Perimeter of the Development</b>	n/a	n/a	30 ft	30 ft	30 ft	30 ft
<b>Max. Building Height</b>	35 ft	35 ft	35 ft	35 ft	50 ft	40 ft
<b>Min. Open Space</b>	n/a	20%	20%	25%	25%	25%
<b>Max. Dwelling Units Per Acre</b>	0.067	n/a	n/a	8	20	n/a

<sup>1</sup> Measured at the front yard building setback line

<sup>2</sup> Postage Stamp Lots: Direct street frontage not required; All yard setbacks for postage stamp lots shall be 5 ft, excluding shared walls located along a common lot line

<sup>3</sup> Front stoops, stairs, decks and porches may encroach up to 6 ft into the required front yard setback

<sup>4</sup> Horizontally projecting roof overhangs and other similar building projections may extend up to 3 ft into a required side yard setback provided no part of a building is closer than 5 ft to a lot line

<sup>5</sup> Stoops, stairs, decks, and patios, not enclosed or covered by a roof, may encroach up to 20 ft into the required rear setback

<sup>6</sup> Zero feet from common lot lines of attached structures

3. Non-Residential Bulk and Density Regulations. The following table details the minimum lot sizes, building setbacks, building size and height limitations, minimum open space, and maximum density requirements for each non-residential zoning district.

NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE					
BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS				
	C-1	C-2	C-3	M-1	M-2
NON-RESIDENTIAL BULK AND DENSITY REGULATIONS TABLE					
BULK AND DENSITY REGULATION BY ZONING DISTRICT	ZONING DISTRICTS				
	C-1	C-2	C-3	M-1	M-2
<b>Min. Lot Size</b>	n/a	n/a	n/a	n/a	n/a







Cemetery, mausoleum, columbarium	P	P	P	P		P	P		P	P
Cremation services										S
Funeral Home including funeral services and retail sales with no outdoor display or storage			S	S		P	P	P	P	P
Retail sales with outdoor displays and storage							P		P	P
Lodging										
Bed & breakfast inn	P	S	S	P		P	P	P		
Boarding or rooming house				S						
Extended stay or apartment hotel							S	S		
Hotel or motel							P	P		
Campground	P							S	S	
Short-term rental	P	P	P	P	P			P		
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use						P	P	P		
Mini warehouse or self-storage facility										
In-door only									P	P
Out-door storage including vehicle, boat, camper, recreational vehicle										P
Motor vehicle and motor equipment-oriented businesses										
Automobile service center (auto parts sales)							P		P	
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout							P		P	P
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane							P		P	P
Electric vehicle charging stations (not ancillary to a principal use)						P	P	P	P	P
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)							P		P	P
Automobile sales, rental, storage lot, and off- street parking							P		P	P
Automobile, truck and equipment auction facilities									P	P
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance							P		P	P
Light equipment sales, rental, or repair service							P		P	P
Heavy equipment sales, rental or repair service										P
Truck Stop, not including trailer washout										P
Commercial parking lots and parking structures (not ancillary to a principal use)							P	S	P	P





Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction (no crushing of rock, ore)	S									S
Wireless telecommunications facility										
Tower	S	S	S	S	S	S	S	S	S	S
Co-located	S	S	S	S	S	S	S	S	S	S
Commercial broadcast antennas, towers, and satellite dishes	S	S	S	S	S	S	S	S	S	S

5. Standards For All Zoning Districts.

A. Small Wind Energy Conversion Systems

(1) Intent. The intent of this section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The City finds these regulations are necessary to ensure that Small Wind Energy Conversion Systems are appropriately designed, sited and installed.

(2) Definitions. The following terms are defined for this section:

- a. "Height, total system" means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
- b. "Lot" (or parcel) means any legally established lot or parcel which contains or could contain a permitted or special use as provided by Chapter 165 of this Code of Ordinances.
- c. "Off grid" means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
- d. "Shadow flicker" means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
- e. "Small Wind Energy Conversion System (SWECS)" means a wind energy conversion system which has a nameplate rated capacity of up to 15 kilowatts for residential uses and districts and up to 100 kilowatts for commercial and industrial districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.
- f. "Small Wind Energy Conversion System, free standing" means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non- monopole style towers shall not meet this definition.
- g. "Small Wind Energy Conversion System, horizontal axis" means a small wind energy conversion system that has blades which rotate through a horizontal plane.
- h. "Small Wind Energy Conversion System, building mounted" means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building. These systems are prohibited by this chapter.
- i. "Small Wind Energy Conversion System, vertical axis" means a small wind energy conversion system that has blades which rotate through a vertical plane.
- j. "Tower" means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.
- k. "Wind Energy Conversion System (WECS)" means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.
- l. "Wind turbine generator" means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

(3) General Regulations.

a. Special Use Permit. A Small Wind Energy Conversion System (SWECS) shall be allowed only as an accessory use to a permitted principal use and with approval of a special use permit from the Board of Adjustment.

b. Zoning. SWECS may be allowed in any zoning district subject to the provisions contained herein and elsewhere within this City Code.

c. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City, unless a special use permit has been obtained from the Board of Adjustment. The special use permit may be revoked by resolution of the Board of Adjustment any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Board of Adjustment. The owner/operator of the SWECS must also obtain any other permits required by other federal, state and local agencies/departments prior to constructing the system. Application for SWECS shall be made on forms provided by the City. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.

d. Number of Systems per Zoning Lot. No more than one freestanding SWECS may be placed on any parcel or lot. Additional freestanding SWECS are prohibited.

e. Tower. Only monopole towers shall be permitted for freestanding SWECS. Lattice, guyed or towers of any other type shall not be considered to be in compliance with this chapter.

f. Color. Freestanding SWECS shall be a neutral color such as white, sky blue or light gray. Other colors may be allowed at the discretion of the Board of Adjustment. The surface shall be non-reflective.

g. Lighting. No lights shall be installed on the tower, unless required to meet FAA regulations.

h. Signage. No signage or advertising of any kind shall be permitted on the tower or any associated structures.

i. Climbing Apparatus. The tower must be designed to prevent climbing within the first 10 feet.

j. Maintenance. Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this chapter or elsewhere within this City Code.

k. Displacement of Parking Prohibited. The location of the SWECS shall not result in the net loss of required parking as specified elsewhere in the City Zoning Code.

l. Utility Notification. The City shall notify the utility of receipt of an application to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this notification requirement.

m. Interconnection. The SWECS, if not off-grid, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board. No permit of any kind shall be issued until the City has been provided with a copy of an executed interconnection agreement. Off-grid systems shall be exempt from this requirement.

n. Restriction on Use of Electricity Generated. A SWECS shall be used exclusively to supply electrical power to the owner for on site consumption, except that excess electrical power generated by the SWECS and not presently needed for use by the owner may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as may be subsequently amended.

o. Noise. A SWECS shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in this City Code.

p. Shadow Flicker. No SWECS shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.

q. Safety Controls. Each SWECS shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.

r. Shut Off. A clearly marked and easily accessible shut off for the wind turbine will be required as determined by the Community Development Director.

s. Electromagnetic Interference. All SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a SWECS may be revoked if electromagnetic interference from the SWECS becomes evident.

t. Wind Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The SWECS owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the SWECS.

u. Engineer Certification. Applications for any SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the SWECS showing compliance with the applicable regulations and certified by an Iowa licensed professional engineer shall also be submitted.

v. Installation. Installation must be done according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.

w. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The SWECS owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The SWECS owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the Zoning Administrator shall notify the SWECS owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

x. Right of Entrance. As a condition of approval of a special use permit an applicant seeking to install SWECS shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the SWECS pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

y. Feasibility Study. It is highly recommended that a feasibility study be made of any site prior to installing a wind turbine. The feasibility study should include measuring actual wind speeds at the proposed turbine site for at least three months.

#### (4) Bulk Regulations.

a. Setbacks. The minimum distance between any freestanding SWECS and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.

b. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.

i. For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.

ii. For lots of more than three and fewer than five acres, the maximum height shall be 80 feet.

iii. For lots more than five acres, the maximum height shall be 100 feet.

#### c. Minimum Lot Size.

i. The minimum lot size for a freestanding SWECS within C- 1, C-2, C-4, M-1 and M-2 shall be one acre.

ii. The minimum lot size for a freestanding SWECS within A- 1 and all residential zoning classifications shall be three acres.

d. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within 30 feet of the ground. No portion of a vertical axis SWECS shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.

#### e. Location.

i. No part of a SWECS shall be located within or over drainage, utility or other established easements.

ii. A SWECS shall be located entirely in the rear yard.

iii. A SWECS shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.

iv. No SWECS shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.

v. Building mounted SWECS shall be prohibited.

### B. Solar Energy Systems.

(1) Intent. The intent of this section is to establish provisions for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity, namely solar energy, and to provide standards for the construction and use of solar energy systems. The City finds these regulations are necessary to ensure that Solar Energy Systems are appropriately designed, sited and installed.

(2) Definitions. The following terms are defined for this section:

a. "Building-integrated Solar Energy Systems" means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

b. "Ground-mounted" means a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems are accessory to the principal use.

c. "Roof-mount" means a solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.

d. "Solar Access" means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

e. "Solar Carport" means a solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

f. "Solar Mounting Devices" means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(3) Restrictions. Except as provided in this article, no solar energy system or solar collection device shall be erected, constructed, altered or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this chapter.

(4) General Regulations.

a. Building-integrated solar energy systems and roof-mounted and building-mounted solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.

b. Ground-mounted solar energy systems shall require approval of a Special Use Permit from the Board of Adjustment.

(5) Standards. All solar energy systems or solar collection devices shall meet the following standards and conditions:

a. Height – Solar energy systems must meet the following height requirements:

i. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

ii. Ground-mounted or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

iii. Solar carports in non-residential districts shall not exceed 20 feet in height.

b. Setback - Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.

i. Roof-mounted or Building-mounted Solar Energy Systems - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side- yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building- integrated systems and are regulated as awnings.

ii. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

c. Visibility – Solar energy systems shall be designed to minimize visual impacts from the public street right-of-way.

i. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of- way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

ii. Aesthetic restrictions - Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right- of-way other than an alley, or if the system meets the following standards.

(a) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.

(b) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

iii. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

d. Lot Coverage – Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.

i. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under

the collector is maintained in vegetation and not compacted.

ii. Ground-mounted systems shall not count toward accessory structure limitations.

e. All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.

f. All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.

(6) Building Permit Required. No solar energy system or solar collection device shall be constructed, erected, added to, or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot or parcel of land unless the owner, contractor or agent of either shall first have received approval of a site plan or Special Use Permit, as may be required, and applied for and received from the Building Official a permit therefore as provided for in this section.

(7) Application for Permit. Any application for the building permit required hereunder shall show that the proposed construction meets the requirements set forth in this section. Should any submittal in the opinion of the Building Official contain design elements that are substantially unique and outside the normal configuration of typical solar array components, design or system requirements, the application for permit shall be forwarded to the Board of Adjustment for action.

(8) Issuance of Permit. Any building permit issued pursuant to the provisions of this article for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the Building Official has determined the proposed construction meets the requirements of this section, the building code regulations, and that the design of the solar system or solar collection device is in general conformity with the style and design of surrounding structures.

(9) Solar Access Easements. The enactment of this chapter does not constitute the granting of an easement by the City. The solar owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient sunlight as may or may not be necessary to operate the system.

(10) Removal. If the solar energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The solar energy system owner/operator shall remove the abandoned system at their expense. Removal of the system includes all panels, mounting devices, and appurtenant equipment and structures from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter for photovoltaic systems or a thermometer for a solar collector system. The solar energy system owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the solar energy system if requested. If removal of structures and appurtenant facilities is required, the Zoning Administrator shall notify the solar energy system owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

(11) Right of Entrance. As a condition of approval of a special use permit for a ground-mounted solar energy system, the applicant seeking to install the solar energy system shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the solar energy system pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

C. Accessory Dwelling Units. All accessory dwellings shall comply with the following:

(1) No more than a total of two (2) dwelling units (principal and accessory) are allowed on a single lot or parcel.

(2) An accessory dwelling may be contained within, attached to, or detached and separate from the principal dwelling and must be located wholly within the same lot or parcel of the principal dwelling.

(3) The lot or parcel, principal dwelling, and accessory dwelling shall all be under the same ownership and the owner must live on the property either in the principal dwelling or the accessory dwelling as their principal place of residency.

(4) The total gross floor area of the accessory dwelling cannot exceed the lesser of eight hundred square feet (800 sq. ft.) or eighty-percent (80%) of the total gross floor area of the principal dwelling.

(5) The accessory dwelling shall have no more than one (1) bedroom and shall have its own bathroom and kitchen.

(6) The accessory dwelling shall comply with the building setback and bulk regulations for a principal building as applicable for the zoning district in which its lot or parcel is located.

(7) The exterior design and appearance of the accessory dwelling, attached or detached, must match and be consistent with the design, features, exterior building materials, and level of finish of the principal dwelling building and shall otherwise comply with the requirements of the architectural design standards found in the City's zoning code regulations.

(8) The accessory dwelling may have its own entrance or share an entrance with the principal dwelling but cannot have its own separate entrance on the same façade as the front or street-facing entrance of the principal dwelling.

(9) The accessory dwelling must share utility connections with the principal dwelling.

(10) The principal dwelling shall have no less than two (2) off-street parking spaces and one (1) additional off-street parking space shall be provided for the accessory dwelling. Tandem style parking spaces (where access to a given space may be blocked by the designated parking space of another vehicle) shall not count towards meeting the parking requirements of this section. Unless specifically approved by the Board of Adjustment, accessory dwelling units shall not have a driveway separate from that of the principal dwelling.

(11) All accessory dwellings require approval of a Special Use Permit from the Board of Adjustment in accordance with the procedures outlined within the city code. To approve a request for a Special Use Permit, after a public hearing, the Board of Adjustment shall consider and make favorable findings regarding the following requirements. Failure to make favorable findings for any or all of these requirements shall be cause to deny the request.

- a. The size, location, layout, and appearance of the principal dwelling and the proposed accessory dwelling do not negatively impact the adjoining properties and surrounding neighborhood.
- b. Adequate provisions for parking have been made for both the accessory dwelling and the principal dwelling.
- c. The property is appropriately zoned for an accessory dwelling and all city code requirements have been satisfied.

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

(1) Home sewing or tailoring.

(2) Writing or editing, studios for painting, sculpting, ceramics, music, photography, or other similar arts.

(3) Office for architects, engineers, realtors, accountants, or similar occupations and office related activities requiring a limited number of trips to the home.

(4) Home office for persons engaged in marketing, distributing, and selling make-up, household goods, firearms (in accordance with all Federal, State, and local regulations), clothing, and similar materials, provided all product sales (including product demonstrations and sales meetings) do not occur on-site and that product distribution is conducted either off-site or by mail, delivery.

(5) Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for selling a product off-premise, by mail or delivery.

(6) Tutoring to no more than four (4) students at any one time.

(7) Home-cooking, preserving and baking for selling a product off-premise, by mail or delivery.

(8) Computer programming, repair, internet services and similar occupations.

(9) Mail order business where products are shipped directly from an off-site supplier to the customer.

(10) In-home Child Care Home or Child Development Home, provided the following requirements are met:

a. All Child Care Homes and Child Development Homes shall be registered and/or licensed, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.

b. Child Development Homes registered as either a Category A, Category B, or Category C as defined by the DHS shall be permitted.

c. All Child Care Homes and Child Development Homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

d. No in-home child care service shall be allowed that does not meet items A through C above.

(11) State licensed massage therapists having no age requirement for admittance and otherwise in compliance with the requirements city code.

(12) In-home beauty salon or barber.

(13) Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Zoning Administrator.

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

a. Not more than one (1) person who is not a resident on the premises shall be employed and at least one resident of the premises shall be the primary operator of the home occupation.

b. Home occupations are limited to one operation per dwelling unit, and rental property must have landlord approval prior to operation.

c. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

d. No home occupation shall be apparent to adjoining residences and from any public street.

e. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.

f. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation and at no time shall any parking generated by the home occupation take place on-street.

g. Commercial signage shall be limited to one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling.

h. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation, with the exception of a child care home or a child development home. The home occupation shall be conducted entirely within the principal dwelling unit.

i. 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.

j. No home occupation shall be noxious, offensive, or hazardous due to 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.

k. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.

l. Home occupations may have no more eight (8) on-site product pick-ups by customers in a one-day period. This shall not be the primary method by which products are delivered to customers. Pick-up times shall be by appointment only and shall be limited to between the hours of 7:00 am and 7:00 pm. Customers may not enter the home occupation property for the purposes of viewing items for sale.

m. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

#### E. Outdoor Sales and Displays for Commercial and Retail Businesses.

##### (1) Outdoor Displays and Sales and Outdoor Food and Beverage Service Areas for Permanent Businesses:

a. Appropriately zoned, retail properties may define limited areas within their site for permanent and/or intermittent outdoor display and sales (i.e., pumpkins, plants, lawn and garden goods), including outdoor seating areas for food and beverage service, subject to the provisions contained herein.

b. All outdoor display and sales and food and beverage service areas must be clearly defined and detailed on a site plan (or sketch plan if proposed for an existing site) and obtain approval as part of a site plan process or otherwise obtain site plan approval from the City. All other City Code requirements for seasonal and temporary uses must be met.

c. Said areas shall be hard surfaced and not exceed five percent (5%) of the total site area, cannot not be located upon any parking stalls or drive aisles, and must be situated immediately adjacent to the retail establishment or tenant space which shall have exclusive use of said areas. Off-site businesses/non-tenants shall not be allowed to utilize these areas.

d. Outdoor display areas shall be located no closer than 10 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.

e. The layout of any outdoor display, sales, and seating areas shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.

f. Outdoor food and beverage service areas are required to have a permanent barrier or fence, that is a minimum three feet (3') tall, enclosing the outdoor seating area. The permanent barrier or fence shall be architecturally consistent and appropriate with the level of finish and appearance of the adjacent retail building.

g. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code.

##### (2) Seasonal Garden Centers and Seasonal Outdoor Displays for Permanent Businesses:

a. Seasonal garden centers, selling outdoor lawn and garden goods and supplies, the sale of agricultural products, and Christmas tree sales, may be permitted within appropriately zoned retail properties subject to the provisions contained herein.

b. All proposed seasonal garden centers, temporary agricultural product sales, and other seasonal outdoor displays must be clearly defined and detailed on a sketch plan and obtain approval from the Zoning Administrator. Information to be shown on the sketch plan includes details of product display and storage areas, all proposed tents, fencing, barriers, and other structures as well as proposed modifications to the site circulation and parking areas.

c. Garden centers and outdoor display areas shall be located on a surface paved with PCC or HMA in accordance with City Code and no more than twenty percent (20%) of the parking lot or the total parking available on an individual site

may be utilized for a seasonal garden center or seasonal outdoor display. No main drive aisles, as determined by the City, shall be blocked or closed. The layout shall be designed so to not create a traffic hazard or congestion and shall allow for the safe and unimpeded flow of pedestrian traffic, including exiting from the building. A minimum five feet (5') of clearance shall be maintained along all sidewalks and walking paths/pedestrian routes.

d. Garden centers and outdoor display areas shall be located no closer than 15 feet from any property line or street right-of-way and may not be located within any street or driveway vision triangle, required buffer, or required open space area.

e. No detached or freestanding signage shall be permitted except as may be allowed by the City's Sign Code. All other City Code requirements for seasonal and temporary uses must be met including obtaining an annual permit and the limitation of the dates of the installation and operation as contained herein.

f. Fireworks sales are only permitted in the C-1, C-2, C-3, M-1, and M-2 zoning districts.

**(Ord. 1699 – Dec. 22 Supp.)**

(3) Public Sidewalk Usage (C-3 Zoning District Only): Businesses located within the C-3 zoning district may place tables, chairs and displays associated with the adjoining business subject to the provisions of Section 165.04, Section H of this code.

F. Outdoor Storage. The outdoor storage of any materials, goods, shipping containers, construction equipment, trucks or trailers over 30 feet in length, inoperable vehicles, inoperable trucks, other inoperable equipment, parts, containers, pallets, construction equipment, debris, or other materials is prohibited in all zoning districts except where expressly permitted by the Zoning Regulations. When permitted, outdoor storage is subject to site plan review and approval and shall comply with the following standards:

(1) Must be located on a surface paved with PCC or HMA in accordance with City Code. The City Council may, at their full discretion, approve a gravel surface for a storage yard in the M-2 zoning district provided the storage yard is wholly located within the rear yard of the site and mitigation measures are established to prevent dust and gravel from leaving the site.

(2) Shall comply with the Open Space, Landscaping and Buffering requirements of the Zoning Code.

(3) Shall be screened from view from all adjoining public street rights-of-way and all adjoining residentially developed or zoned properties, schools and similar sensitive uses and properties.

(4) Shall be enclosed by an opaque fence no less than six (6) feet in height, eight (8) feet for an industrially zoned property.

G. Loading Docks, Delivery and Service Overhead Doors. In all zoning districts, with the exception of the M-1 and M-2 zoning districts, loading docks and overhead doors for delivery, distribution and service, including vehicle repair service bay doors, shall not face a public street. This requirement may be waived by the City Council upon review of a site plan.

H. Trash and Recycling Collection. The following trash and recycling collection standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

(1) Provisions Required. All buildings and dwellings shall have adequate provisions for the collection of trash, grease, and recyclable materials with sufficient numbers and locations of collection containers as determined by the Zoning Administrator, at their sole discretion.

(2) Screening of Collection Containers. All outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be opaquely screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed of permanent materials such as textured block, split faced concrete block, brick or stone. Colors shall be compatible with the dominant architectural materials of buildings on site and shall be integral to a building on site whenever possible. The enclosure shall be located out of public view and constructed to visibly screen the views from the adjoining properties.

I. Equipment Screening. The following equipment screening standards shall apply to all sites excluding agricultural uses, single-family dwellings, two-family dwellings, and townhouse dwellings:

(1) All ground mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be screened from view from adjacent public streets and residential developed or zoned properties.

(2) Required screening shall be accomplished by one or more of the following: landscaping, screen walls, and building structure.

J. Exterior Lighting. The following exterior lighting standards shall apply to all sites excluding agricultural uses, single-family dwellings, and two-family dwellings:

(1) All site and building lighting shall be LED type (light produced via light emitting diodes) of a soft-white or bright-white light color and quality.

(2) All light fixtures shall be downcast in nature and must possess sharp, cut-off qualities to limit off-site glare. Wall-pack type light fixtures are prohibited.

(3) In all multi-family, office, commercial, and industrial zoning districts, all parking lot, building exterior, and site lighting shall be designed, angled, or shielded so as not to glare or shine onto abutting properties or to cause glare upon the adjoining public rights-of-way.

(4) Buildings and signage may be up-cast or downcast illuminated provided said lighting does not shine or glare off or past the sign or building wall.

(5) Upon the request of the Zoning Administrator, a photometric plan and cut- sheets of all light fixtures shall be provided to the City during the site plan and/or building permit review process to ensure compliance with the regulations of this section.

K. Attached and Free-Standing Drive-Thru Canopies. The following regulations shall apply to all vehicle drive-thru or drive-up canopies, including bank ATM and teller service canopies, fuel pump island canopies, and restaurant drive-thru and drive-up canopies.

(1) Canopies shall meet the building setback requirements for the property on which it is located.

(2) The minimum vertical clearance for all canopies shall be 14 ft.

(3) The maximum height for all free-standing canopies shall be 20 ft.

(4) All structural and supporting columns shall be wrapped in a material consistent with or complementary to the primary building material of the principal building or buildings located on the same site. Canopies clad in any architectural metal panel shall consist of no more than two different colors.

(5) Under-canopy lighting shall be flush mounted.

L. Medical Cannabidiol Dispensaries and Manufacturing Facilities. The following regulations are in response to the State of Iowa's Medical Cannabidiol Act, as adopted on May 12, 2017. Nothing within these regulations herein or elsewhere within the City's zoning ordinance shall be construed as an official endorsement or recognition that medical cannabidiol dispensaries and medical cannabidiol manufacturing facilities are legal uses as it may pertain to federal law. The intent of these regulations is to address the negative secondary impacts these uses may create.

(1) The following regulations shall apply to all medical cannabidiol dispensary facilities.

(2) All facilities shall be licensed by the State of Iowa as a medical cannabidiol dispensary and comply with all State of Iowa rules and regulations for a medical cannabidiol dispensary.

(3) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.

(4) No facility shall be located within 1,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 1,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

(5) No medical cannabidiol dispensary shall be located within 1,000 feet of any other such facility as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.

(6) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.

(7) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.

(8) Vehicle drive-up or drive-thru service is prohibited.

(9) Off-site delivery is prohibited.

(10) No outdoor display of merchandise is allowed, and no outdoor seating shall be permitted.

(11) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.

(12) No facility shall permit any person not directly affiliated with the facility to loiter on the facility premises or property.

(13) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

(14) Signage for a medical cannabidiol dispensary shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol dispensaries.

(15) All medical cannabidiol dispensaries shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.

The following regulations shall apply to all medical cannabidiol manufacturing facilities.

(1) All facilities shall be licensed by the State of Iowa as a medical cannabidiol manufacturing facility and shall comply with all State of Iowa rules and regulations for a medical cannabidiol manufacturer.

(2) Facilities may only be located on a property that is zoned for such a facility as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.

(3) No facility shall be located within 2,000 feet of any public or private elementary, secondary or high schools that is in place at the time of application. No facility shall be located within 2,000 feet of residentially property or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

(4) All operations shall be contained within an enclosed building, and a medical cannabidiol dispensary may not be located within a trailer, tent, temporary structure, or motor vehicle.

(5) No facility shall permit any person to consume medical cannabidiol on the facility premises or property.

(6) There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

(7) Signage for a medical cannabidiol manufacturing facility shall comply with the City's sign code regulations. Temporary signage shall be prohibited for medical cannabidiol manufacturing facilities.

(8) All medical cannabidiol manufacturing facilities shall provide for adequate security including adequate site lighting, a monitored security alarm system with battery back-up power, and a video surveillance system that at all times records all interior areas and the exterior perimeter of the premises.

(9) No medical cannabidiol dispensary or medical cannabidiol manufacturing facility shall occupy a building, begin operation, or otherwise conduct business within the City of Indianola until such time the proposed facility has received approval of a Special Use Permit from the Board of Adjustment.

M. Delayed Deposit Services Businesses and Pawnshops. The following regulations shall apply to all delayed deposit services businesses (commonly known as check cashing, payday lending, or car title loan businesses) and pawnshops.

(1) May only be located on a property that is zoned for such a business as provided in the Permitted and Special Uses Table of this Chapter and for which a Special Use Permit has been approved by the Board of Adjustment.

(2) Shall not be located within 1,000 feet of any public or private elementary, secondary or high schools, residentially property, or residentially zoned property that is in place at the time of application. The distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted to the property line of the protected use.

(3) Shall not be located within 1,000 feet of any other such business as measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted.

(4) The hours of operation shall be no earlier than 8:00 a.m. and no later than 8:00 p.m.

#### N. Manufactured Homes.

(1) Conversion to Real Property. A mobile home or manufactured home that is located outside a manufactured home community or park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

a. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.

b. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

(2) Foundation Requirements. A mobile home or manufactured home located outside of a manufactured home community or home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. Said home shall further comply with the basement requirement for single-family and two-family dwellings.

(3) Single-Family Residential Building Finish and Form. A mobile home or manufactured home located outside of a manufactured home community or home park shall have a pitched roof consistent with the form and style of any single-family homes within 1,000 feet of the lot or parcel on which it is located. The roof and exterior of the mobile home or manufactured home shall be clad with typical residential siding and roofing materials such as horizontal, lap style siding and asphalt shingles.

### 165.06 SITE PLAN REGULATIONS AND PROCEDURES.

1. Site Plan Required. Site plans, as provided herein this section, are required prior to approval of a building permit for the erection, relocation, expansion, or alteration of any structure or for the change in use of any structure or parcel.

2. Site Plan Application. The following site plans are required for all uses:

A. Agricultural Related and Single-Family Dwellings. New agricultural related uses and buildings, single-family dwellings, two-family dwellings, conversion of existing single-family dwellings into two-family dwellings, accessory dwellings

units, and related additions and accessory structures shall require the following:

(1) Sketch Plan. A Sketch Plan Application is required prior to the construction or erection of a new building, building addition, fence, accessory structure, or other permitted structure or improvement.

a. Sketch Plan Application - Each application to the Building Official for a building permit to construct or erect a new building, building addition, fence, accessory structure, or other permitted structure or improvement shall be accompanied by a sketch plan (including required sketch plan details), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements including building setbacks and off-street parking requirements.

b. Sketch Plan Procedure - The Sketch Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Codes as part of the review of the corresponding building permit application.

B. All Other New Uses, Buildings, and Structures. All other new uses, buildings, structures, conversions or changes of use, changes or modifications to building facades, and related additions and accessory structures that are not included in Section A herein above shall require the following:

(1) Major Site Plan. A Major Site Plan Application is required for the development of a property, the construction of a new building or improvement, the redevelopment of an existing property (including a significant change in use), or an amendment or change to a previously approved site plan.

a. Major Site Plan Application - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Major Site Plan Application fee as established by resolution of the City Council.

b. Major Site Plan Review Procedure - The Major Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for completeness. Incomplete applications shall be returned to the applicant with a list of the missing items or details. Applications deemed completed shall be distributed to other city departments and other agencies as necessary for review and comment as to its compliance with all zoning regulations and other pertinent city codes, regulations, and policies.

c. Major Site Plan Review by Zoning Commission - Subsequent to review by the Zoning Administrator and other city departments and agencies, the Zoning Administrator, or their designee, shall submit to all members of the Zoning Commission a copy of the Major Site Plan Application along with a written recommendation as to the plan's conformity with the rules and regulations of the city.

d. The Commission shall subsequently hold a meeting as prescribed by their rules of procedures and review the Major Site Plan Application for conformity with the zoning regulations and standards and may confer with the applicant on changes deemed advisable in such Site Plan.

e. The Commission shall forward its recommendation to the City Council for approval, approval with conditions, or denial of the Major Site Plan Application within 45 days of the receipt of a Major Site Plan Applicant deemed complete by the Zoning Administrator. If the Commission does not act within the 45 days as prescribed above, the Major Site Plan Application shall be deemed to be recommended for approved by the Commission unless the applicant agrees to an extension of time.

f. Findings for Approval – In order for the Commission to make a recommendation for approval of a Major Site Plan, the Commission shall make the following findings:

i. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;

ii. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;

iii. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;

iv. The proposed use and site improvements shall not unduly increase traffic congestion;

v. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;

vi. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,

vii. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.

g. Major Site Plan Review by City Council - The City Council, upon receipt of the recommendation of the Commission, shall either approve, approve with conditions, or disapprove the Major Site Plan Application. In order for the Council to approve a Major Site Plan, the Council shall confirm or make the aforementioned findings in subsection f. herein above.

(2) Minor Site Plan. A Minor Site Plan Application may be submitted to the Zoning Administrator for minor changes to an existing developed site or to an approved site plan, including changes or modifications to the building facades and landscape plan or minor changes in use, provided that all code requirements are met and the following:

The application does not include a new building, building expansion, or building addition of more than 2,000 sq. ft., and does not increase the total building gross floor area of the site by more than 20% of the of the existing building gross floor area. Both the 2,000 sq. ft. and the 20% expansion limits for a Minor Site Plan cannot be exceeded by sequential Minor Site Plans.

The application does not include the expansion or addition of more than 4,000 sq. ft. of paving or impervious area including cumulatively by multiple Minor Site Plans.

The application does not increase the total number of dwelling units.

a. Minor Site Plan Application - A site plan (including required site plan details and number of copies), application form, and any additional information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements shall be submitted to the Zoning Administrator along with the Site Plan Application fee as established by resolution of the City Council.

b. Minor Site Plan Procedure - The Minor Site Plan Application shall be reviewed by the Zoning Administrator, or their designee, for compliance with all applicable City Code. In order for the Zoning Administrator to approve a Minor Site Plan, the Zoning Administrator shall make the following findings:

- i. The proposed use, site improvements, and site plan comply with the minimum requirements of the zoning district in which it is proposed to be located;
- ii. The property is of adequate size to accommodate the proposed use and site improvements including setbacks, open space, stormwater management, and off-street parking;
- iii. The proposed use and site improvements will not unduly impact the health, safety, and general welfare of persons residing or working in adjoining property or surrounding area;
- iv. The proposed use and site improvements shall not unduly increase traffic congestion;
- v. The proposed use and site improvements will not unduly burden public utilities or increase risk to flooding;
- vi. The proposed use and site improvements are compatible with the surrounding neighborhood and shall not diminish or impair established property values in adjoining or surrounding property; and,
- vii. The proposed use and site improvements will not endanger, jeopardize or harm the health, safety or welfare of the properties and the community.

c. Any application which exceeds the prescribed limitations outlined in this section shall require a Major Site Plan Application and review by the Zoning Administrator as prescribed in Subsection a hereinabove.

#### C. General Provisions.

(1) Nothing contained herein shall be construed to allow the Zoning Administrator to vary the provisions of any statute, ordinance, City policy, or previous directives of the City Council.

(2) The Zoning Administrator shall have the discretion to refer any Minor Site Plan Application to the Zoning Commission and City Council for its review and action.

(3) Whenever any Major or Minor Site Plan application has been denied by the applicable review authority, no new Major or Minor Site Plan application covering the same property for a similar use or site improvements shall be submitted or considered by the applicable review authority until one year shall have elapsed from the date of filing of the first application, unless the new application is substantially different from the first application, as determined at the sole discretion of the Zoning Administrator.

(4) The approval or denial of any site plan that is subject to the review and approval of a Special Use Permit by the Board of Adjustment shall be at the sole discretion of the Board of Adjustment under their authority to approve or deny any Special Use Permit application as provided for in Section 165.02 of this code.

3. Site Plan Expiration. Expiration of Site Plan approval. All site plan approvals shall expire and terminate 24-months after the date of approval unless a building permit has been issued for the construction provided for in the site plan. This shall apply to all site plans approved after the date of adoption of this ordinance. In the event the building permit for the construction provided for in a site plan expires or is canceled, then such site plan approval shall thereupon terminate.

#### 4. Design Standards.

A. General Design Policies. In addition to the specific design standards herein this chapter, each site plan presented shall comply with the following general design policies. The approval authority, as specified in this chapter, may refuse to grant approval to a site plan even though it complies with the specific design standards if, in the opinion of the relevant approval authority, it does not comply with the general design policies as hereinafter enumerated. Any site plan presented shall be designed in such a way as to insure the orderly and harmonious development of property in such a manner as will safeguard the public's health, safety and general welfare, as hereinafter set out.

(1) The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines for what they were designed nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.

(2) The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers and impairment of natural light and impairment or pollution of air. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.

(3) The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.

(4) To such end as may be necessary and proper to accomplish the standards in Subsections 1, 2 and 3 of this section, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.

(5) The proposed development shall conform to all applicable provisions of the laws of the State of Iowa, and all applicable provisions of this Code of Ordinances.

B. Storm Water Management, Grading, and Paving Design Standards. On approval of a site plan by the relevant review authority as specified in this chapter, building permits may be issued, as long as all other requirements of the City, State and County are met, and construction may commence. In order for the relevant review authority to approve a site plan application, the following specific design standards must be met:

(1) Storm Water Management Required.

a. Site plans must provide for adequate routing of all storm water run-off including but not limited to downspout discharge, footing drain discharge and parking lot runoff.

b. Storm water may not be directed out driveways into the City right-of-way, except where permitted by the City. Storm water shall be collected and piped to a storm sewer where a storm sewer is available within 300 feet from the property line. The storm sewer system's pipes and intakes shall be capable of conveying runoff from a five-year recurrence interval storm from the site and tributary upstream areas.

c. Storm water runoff calculations shall be made utilizing the Soil Conservation Service methods as presented in Technical Release No. 55, Urban Hydrology for Small Watersheds, Soil Conservation Service, U.S. Department of Agriculture. The Zoning Administrator may waive this requirement, provided the area to be developed is less than 10,000 square feet.

d. Existing overland drainage courses must be maintained and improved to provide capacity to convey the runoff from a 100-year recurrence interval storm across the site. Storm water runoff shall be computed on the basis of a fully developed drainage basin, using the method prescribed in Paragraph B of this subsection. No reduction in the required overland drainage course capacity will be made due to use of storm sewers or storm water detention facilities. Easements for the overland drainage course must be prepared by the developer and conveyed to the City.

e. Storm water detention is required for all sites larger than one acre in size, unless it is determined by the Zoning Administrator to be unnecessary or impractical. The maximum allowable discharge rate from the storm water detention facility will be limited to that from a five-year return frequency storm after development of the site or to the proportionate capacity of existing downstream sewers and drainageways during a five-year storm which was utilized by the runoff from the site prior to the development, whichever discharge rate is less. Storm water runoff and storm water detention facilities shall be determined using the method prescribed in this subsection. The discharge rate shall be controlled at the detention facilities outlets and not in the storm sewer size serving the site.

(2) Storm Water Management Plans. Unless otherwise not required as determined by the Zoning Administrator, a storm water management plan in compliance with this section shall be included as part of the site plan application. This storm water management plan shall include storm water calculations certified by an engineer, architect or landscape architect registered in the State of Iowa and familiar with such calculations. This plan shall further follow recognized best practices for storm water management including those outlined in the Iowa Stormwater Management Manual as prepared by the Iowa Department of Natural Resources.

(3) Grading. To help alleviate erosion and maintenance problems, ground slope should not exceed 4:1. However, the approval authority may approve a maximum ground slope of 3:1 for special reasons.

(4) Paving Standards. Parking lots and access drives shall be hard-surfaced, limited to a maximum slope of six percent in a direction perpendicular to the car. Driveways shall not exceed a 10 percent slope. Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral six-inch Portland cement concrete (PCC) curb shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water.

a. Where Portland cement concrete pavement is used, the pavement shall comply with the materials and be

constructed in such a manner as to provide an equivalent finished product as specified in the most current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, utilizing a "Class C Concrete" mix Class 2 or 3 durability coarse aggregate.

b. Where asphaltic cement concrete pavement is used, the pavement shall comply with the materials and be constructed in such a manner as to provide an equivalent finished product as specified in the Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation. The pavement shall utilize nonrecycled virgin material which shall include Type B base and Type A surface courses and which shall comply with the most current Iowa Department of Transportation job-mix formula.

c. Where asphaltic cement concrete is placed on a crushed stone base, the base shall comply with an approved Iowa Department of Transportation Class A or B crushed stone base material and gradation.

d. All hard-surfacing shall be constructed on a prepared uniform subgrade compacted to 95 percent of maximum density (Standard Proctor Density).

e. The parking lot and driveway design shall meet or exceed the following minimum paving thickness requirements:

	Full Depth Asphaltic Cement Concrete	Asphaltic Cement Concrete Over Crushed Stone Base				
Parking Lot	Type B Base	Type A Surface	Crushed Stone	Type B Base	Type A Surface	Portland Cement Concrete
Parking Lots	3 inches	2 inches	6 inches	0 inches	3 inches	4 inches
50 Stalls or Less						
Parking Lots More than 50 Stalls Except Loading Dock or Drive Areas with Bus or Truck Traffic	3 inches	3 inches	6 inches	0 inches	4 inches	5 inches
Loading Dock Area	NOT ACCEPTABLE	NOT ACCEPTABLE	7 inches			
Driveway Areas with Bus or Truck Traffic	6 inches	2 ½ inches	6 inches	3 inches	3 inches	6 inches

(5) Equivalent Residential Unit (ERU). Site plans shall calculate the ERU for each site. Less than or equal to 3,400 square feet of impervious surface area shall be one (1) ERU, and each additional 340 square feet of impervious area shall be an additional 0.1 ERU.

5. Private Utilities. All private underground utility lines and pipes installed after the date of this ordinance shall include a tracer line to facilitate above-ground locating.

6. Condominium Conversions.

A. Conversion to Condominium. In order to protect the health, safety, and welfare of the building occupants and to ensure compliance with the City of Indianola's rules and regulations, all conversions to a Condominium or to a Multiple Housing Cooperative are required to comply with the Zoning Regulations and Building and Fire Codes adopted by the City of Indianola.

The conversion of any building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy for the building(s) and parcel or lot, requiring both site plan review and approval and review and approval of a new certificate of occupancy.

B. Application. Any person or entity seeking to establish a horizontal property regime or multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code 499B or by establishing a multiple housing cooperative pursuant to Iowa Code 499A shall establish and document compliance with the following, by filing a minor site plan application and a request of a new certificate of occupancy and obtaining subsequent approvals from the Zoning Administrator and Building Official:

(1) That all materials, manner and means of construction in the proposed building meet current building codes for new residential construction including current fire, building, plumbing, electrical, mechanical, energy conservation, and post construction storm water management codes.

(2) That the building and site meet all requirements of the zoning ordinance that would be required for new residential construction.

(3) That the building and site meet all requirements for handicapped accessibility that would be required for new

residential construction.

(4) That separate utility services, with separate metering, be provided to each dwelling unit that would be required for new residential construction.

C. Recording of Declaration. At least sixty (60) days before a declaration or other instrument establishing a horizontal property regime pursuant to Iowa Code 499B or establishing a multiple housing cooperative pursuant to Iowa Code 499A ("declaration") is to be recorded in the office of the County Recorder, any person or entity shall file a minor site plan application for approval from the Zoning Administrator and Building Official. In addition to the site plan application, the applicant shall file the following:

- (1) A site plan, building plans and code analysis demonstrating compliance with the provisions addressed above.
- (2) A copy of the declaration or other instrument consistent with Iowa Code 499A or 499B.

The declaration shall not be recorded unless a certificate of occupancy for the proposed building has been issued by the City.

**165.07 OFF-STREET PARKING REGULATIONS.**

1. Statement of Intent. It is the intent of this article 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. In all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses 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 may be required to preserve the intent of this ordinance.

2. Off-Street Loading and Parking Spaces Required.

A. Off-Street Loading Spaces.

(1) In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of 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, laundry, dry cleaning or other uses similarly requiring 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 off-street loading space plus one additional such loading space for each 20,000 square feet, or major fraction thereof, of gross floor area, so used, in excess of 10,000 square feet.

(2) Each loading space shall be not less than 12 feet in width and 40 feet in length.

(3) Such space may occupy all or any part of any required rear or side yard, except where adjoining a residentially zoning property, and shall be setback and screened as required within this chapter and elsewhere within the Zoning Regulations.

(4) All loading yards and access drives 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 section.

B. Off-Street Parking Spaces.

(1) All parking and storage of vehicles, trailers, recreational vehicles, campers, boats and similar recreation equipment shall occur only upon paved surfaces designed and constructed per the regulations contained herein this Chapter. Unlicensed or inoperable vehicles and equipment shall not be stored outside unless part of an approved storage area on a property located within the M-1 or M-2 zoning districts. In all zoning districts space for parking and storage of vehicles and trailers shall be provided in accordance with the Off-Street Parking Required Table and the standards contained herein this Chapter. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.

(2) Off-Street Parking Required Table: The following table identifies the minimum number of parking spaces required for the specified use. The intent of these standards is to provide the appropriate number of parking spaces on site for the given use and to accommodate changes in uses over time. No off-street parking shall be required in the C-3 Zoning District. At the discretion of the Zoning Administrator, the City may require the amount of parking required for a site be based on the parking standards contained within the latest edition of the ITE Parking Generation manual or by an alternative parking study and analysis.

OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
OFF-STREET PARKING SPACES REQUIRED	
USE	NUMBER OF PARKING SPACES REQUIRED
<b>RESIDENTIAL USES</b>	
Household Living	

Single family dwelling, detached	2 per dwelling unit
Single family dwelling, semi-detached	2 per dwelling unit
Two family dwelling	2 per dwelling unit
Townhouse dwelling (3+ units)	2 per dwelling unit
Multiple family dwelling	1 per bedroom
Manufactured home park	2 per dwelling unit
Accessory dwelling	2 per dwelling unit
Dwelling units located above the ground floor (mixed use building)	1 per bedroom
Group Living	1 per 4 residents plus 1 per employee at max shift
Family home / Group care facility	"
Elder group home	"
Assisted living residential facility	"
Nursing or convalescent home	"
Supervised group residence	"
<b>PUBLIC AND CIVIC USES</b>	
College, university, or vocational school	1 per 4 student desks or seats at max capacity plus 1 per employee at max shift, additional parking required for stadium/theater type facilities and dorms/student housing
Cultural exhibit, museum, or library	1 per 300 sq. ft. GFA, additional parking required for classroom, meeting space, and theater type facilities
Membership or religions organization, social club or lodge, and other place of public assembly	1 per 4 seats at max capacity in the main assembly area
Public or private elementary, middle, or high school	1 per 4 student desks or seats at max capacity plus 1 per max number of employees concurrently on site
Public or private golf course, golf driving range, country club, swimming pool, and indoor or outdoor recreational facilities and fields	4 spaces per hole or driving range tee, parking required for restaurant and meeting spaces
Public Utilities (not including gas and electrical power distribution stations, storage or maintenance yards or buildings)	1 per employee at max shift
Government buildings and properties	1 per 200 sq. ft. GFA
Hospital	3 per bed
<b>COMMERCIAL USES</b>	
<b>Animal services</b>	
Kennel (including day kenneling)	1 per 400 sq. ft. GFA
Veterinary services (without overnight kenneling)	1 per 200 sq. ft. GFA
Art gallery	1 per 250 sq. ft. GFA
Banks and financial services	1 per 250 sq. ft. GFA plus 3 vehicle queuing spaces per drive-up or ATM lane
Body piercing studio or tattoo studio	1 per 250 sq. ft. GFA
Child Care Center	1 per employee at max shift plus 1 per 10 children
Construction sales and service, contractor office, office for plumber, electrician, HVAC service or similar use	1 per 250 sq. ft. GFA
<b>Eating and drinking establishment</b>	
Restaurant (including fast food restaurants, coffee shops, and ice cream shops)	1 per 150 sq. ft. GFA plus 10 vehicle queuing spaces per drive-up lane
Micro-brewery, micro-distillery, or winery with on-site tasting/sampling and sales	1 per employee at max shift plus 1 per 150 sq. ft. of patron space
Tavern / Bar	1 per 100 sq. ft. GFA
<b>Entertainment</b>	
Movie theater, performance hall, performing arts studio	1 per 4 seats
Indoor: waterpark, miniature golf, bowling, video game arcades, commercial driving range, go-carts, trampoline park, playground play space or similar use	1 per 4 persons at max capacity

Outdoor: drive-in theater, waterpark, miniature golf, commercial driving range, go-carts, trampoline park, playground play space or similar use	1 per 4 persons at max capacity
Funeral and interment services	1 per 250 sq. ft. of office space plus 1 per 4 seats at max capacity
Lodging	1 per bedroom
Bed and breakfast inn	1 per bedroom
Boarding or rooming house	1 per bedroom
Extended stay or apartment hotel	1 per bedroom
Hotel or motel	1 per bedroom
Short-term rental	1 per bedroom
Medical or dental clinic, pediatrician's office, outpatient surgery center, medical testing center, or similar use	1 per 250 sq. ft. GFA
Mini warehouse or self-storage facility	1 per 20 storage units or spaces plus 1 per employee at max shift
Motor vehicle and motor equipment-oriented businesses	
Automobile service center (auto parts sales)	2 per service bay plus 1 per employee at max shift
Automotive washing, car wash (auto, manual, or attended), does not include truck or trailer washing or trailer washout	1 per employee at max shift plus 5 vehicle queuing spaces per wash bay or wash bay lane
Gas station or service station with minor repair and services (brakes, batteries, tires, oil changes), including the dispensing of liquified propane	1 per 250 sq. ft. GFA of retail space plus 2 per service bay plus 1 per employee at max shift
Major motor vehicle repair (painting, body, fender, frame, transmission, engine overhaul)	2 per service bay plus 1 per employee at max shift
Automobile sales, rental, storage lot, and off-street parking	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Automobile, truck and equipment auction facilities	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Recreational vehicle, camper, boat, motorcycle, snowmobile, golf car, and similar sales, lease, and rental and ancillary repair and maintenance	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Light equipment sales, rental, or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Heavy equipment sales, rental or repair service	1 per 250 sq. ft. GFA plus 1 per 2,000 sq. ft. of outdoor display area, plus 1 per employee at max shift
Truck Stop, not including trailer washout	1 per 250 sq. ft. GFA plus 1 per 5,000 sq. ft. of lot area
Personal and consumer service	
Beauty salon, barbershop	1 per 250 sq. ft. GFA
Dry cleaner and laundry service	4 plus 1 per employee at max shift plus
Laundry (self-serve laundromat)	1 per 250 sq. ft. GFA
Fitness center, gym, health spa	1 per 150 sq. ft. GFA
Tailor	1 per 250 sq. ft. GFA
Print shop, copy center, retail shipping store	1 per 250 sq. ft. GFA
Professional Office (corporate, law, engineering, architecture, real estate, insurance, accounting, bookkeeping or similar use)	1 per 250 sq. ft. GFA
Television and radio broadcast studio, offices, and production facilities	1 per 250 sq. ft. GFA
Retail sales (grocery store, pharmacy/drug store, office supplies store, bakery, clothing or department store, and similar retail use)	1 per 250 sq. ft. GFA
Retail sale - intensive uses including multi-tenant commercial centers	1 per 250 sq. ft. GFA
Convenience store with fuel sales	1 per 250 sq. ft. GFA
Sexually oriented business	1 per 250 sq. ft. GFA
Spectator sports	1 per 4 seats at max capacity

Sports and recreation, participant	1 per 4 seats at max capacity
<b>INDUSTRIAL USES</b>	
Animal feedlots, processing of animals or animal by-products	1 per employee at max shift
Electrical power generation (utility scale for off-site use, distribution, or sale)	1 per employee at max shift
Manufacturing, production and industrial services	1 per 1,000 sq. ft. GFA
Repair service	1 per 250 sq. ft. GFA
Research laboratory and testing	1 per 1,000 sq. ft. GFA
Storage of equipment, data and records, electronic data center, furniture and similar	1 per 10,000 sq. ft. GFA or 1 per employee at max shift, whichever is greater
Trucking/freight terminal	"
Wholesale fuel storage, sales, or distribution	"
Warehousing and wholesaling (outdoor storage limited to licensed and operable trailers, trucks, power equipment, and shipping containers)	"
Waste related use	1 per employee at max shift
<b>OTHER USES</b>	
Agricultural uses	1 per employee at max shift
Boarding stables and riding schools	1 per employee at max shift
Gas and electrical power distribution station	1 per employee at max shift
Mining operation, sand and gravel extraction or processing, gas or oil well, or similar mineral or earth resource extraction	1 per employee at max shift
Wireless facility	1 per employee at max shift

(3) Calculating of Parking Required. In computing the number of parking spaces required, the following rules shall govern:

- a. Uses Not Specifically Mentioned. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned, and to which said use is similar, shall apply.
- b. Unknown Uses. Where new buildings are proposed but the owner or developer does not wish to designate the type of use that will occupy the building, the most intensive use possible (recognizing the use imitations of the zoning on the property) shall determine the parking requirements.
- c. Fractional Spaces. Any space 0.5 or more shall be considered a whole space.
- d. Seating Capacity. When the unit of measurement determining the number of required parking spaces is based upon the seating capacity of a structure or use, each 24 inches of pew, bench or other seating shall count as one seat.
- e. Employees. When the unit of measure determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees is present at the structure or use shall be used in the computation.
- f. Two or More Different Uses. If a building contains two or more differing uses, the parking requirement shall be determined by the addition of the parking requirements for each use. This calculation may be modified at the discretion of the Zoning Administrator.

(4) Accessibility parking. Accessibility parking (handicapped parking) shall be provided in accordance with State and Federal law requirements, the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University, and provided spaces shall count towards the total parking requirement.

(5) Gross Floor Area. The term "gross floor area" (GFA) means the area included within the exterior walls of a building or portion thereof, exclusive of vent shaft and courts and any portion of a structure above or below ground used for off- street parking, loading areas, or mechanical equipment.

(6) Off-Site Parking. Off-street parking areas for residential uses shall be provided on the same lot. Non-residential uses may be permitted off-site parking areas at the discretion of the Zoning Administrator.

(7) Garages and Structured Parking. Each parking space within a residential garage that is directly connected to an individual dwelling unit may count towards the fulfillment of the parking space requirement. In all other situations, each parking space within a residential garage or parking structure shall count as 0.5 (one-half) of a parking space for the

purposes of calculating the fulfillment of the parking space requirement.

(8) **Tandem Parking.** Tandem parking spaces, defined as a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway, are not permitted and shall not be counted towards the fulfillment of the parking space requirement except when within the individual driveway of a single-family residence or manufactured home, within the individual driveway that is directly in front of a garage that is connected to an individual townhome or apartment unit, or within a parking facility when an attendant is on duty during the hours when the facility is being used. The minimum required depth of a tandem parking space is 20-feet.

(9) **Alternate Calculations and Deferrals.** At their full discretion, the Zoning Administrator may approve an alternate method for calculating the required parking for a given site including credit for shared parking between off-peak uses and parking shared at multi-tenant retail centers. The Zoning Administrator may further defer the construction of required parking to a date certain, as part of a future phases, or upon determination of need. Deferred parking must be identified upon the site plan and accommodated as part of the site plan design including storm water management.

(10) **Bicycle Parking.** Every building greater than 5,000 square feet in gross floor area that contains a retail or office use shall provide or have access to a shared or common bike parking facility, such as a bike rack or bike lock boxes or an indoor bike storage area.

3. **Parking Area Design Requirements.** Every lot or parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements. At the discretion of the Zoning Administrator, any design standard contained herein may be superseded by the standards contained in the Statewide Urban Design and Specifications (SUDAS) as maintained by the Institute for Transportation at Iowa State University.

A. **Access Drive and Driveways.** An access drives (or driveway) is required to provide access to all off-site parking areas and to any garage.

(1) **Location and Spacing.** All access drives, driveways, driveway approaches shall be located and designed according to the standards as established in this Chapter and elsewhere within City Code.

(2) **Width.** The widths of all driveway approaches shall comply with the standards as established in the City Code. The widths of all access drives and driveways shall comply with the following:

a. **Single Family, Two-Family, and Townhouse or Row Dwellings** where each individual unit directly fronts on a public or private street, all driveways shall be no less than 8-feet wide and no greater than 24-feet wide or the width of the garage opening(s) that face the street. One additional wing-style parking space no greater than 10-feet in width may be added to the edge of a driveway. Driveway tapers, as may be necessary to transition the driveway to meet the maximum allowable driveway width as measured at the right-of-way line, shall begin no less than 10-feet from said right-of-way line. The design of the driveway apron within the public street right-of-way shall be in accordance with the design standards as established by the City.

b. All other access drives and driveways shall be a minimum 24-feet wide for two-way drives and 16-feet wide for one-way drives.

(3) **Parking lot interconnections required.** In order to provide mutually beneficial cross circulation and access, the parking lots for adjoining similar commercial and office uses shall be interconnected unless impractical due to topography or other physical constraints of either site.

(4) **Paving.** All driveways, access drives, and off-street parking and loading areas shall be paved with hot mix asphalt (HMA), Portland cement concrete (PCC), or pavers (including permeable pavement and paver systems). The design and construction of said pavement or pavers shall be of sufficient thickness, reinforcement, and sub-base necessary to provide a durable, dustless surface designed and rated for the traffic it is anticipated to carry. All paved areas 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. No vehicles or trailers shall be parked or storage upon an unpaved surface except as may be permitted within a designated and approved outdoor storage area. See Section 165.06, Section 4 for specific design standards.

(5) **Curbing.** Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral six-inch Portland cement concrete (PCC) curb shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water. Prefabricated curbs or wheel stops are prohibited unless specifically approved by the Zoning Administer at their discretion.

(6) **Sidewalks.** Sidewalks shall be required as necessary to connect parking areas to the building entrances. In addition, at least one sidewalk connection shall be made to the public sidewalk. All sidewalks shall be a minimum 5-feet in width. Sidewalk adjoining parking stalls shall be widened a minimum 2-feet in width as necessary to accommodate vehicle overhang.

(7) **Parking Lot Markings and Traffic Control Signage.** Parking lots, drive aisles, and driveways shall be marked and signed per the standards within the Manual on Uniform Traffic Control Devices (MUTCD). The location of each parking space shall be identified by surface markings or other effective means and shall be maintained so as to be readily visible at all times.

(8) Maintenance Required. All paved areas shall be properly maintained at all times, including pavement markings and traffic control signage, to permit the safe access of the site by customers, visitors, and emergency services.

(9) Parking Lot Dimensional Standards. All parking spaces shall be provided in accordance with the SUDAS design standards and the following requirements. Should a conflict between these standards arise, the more restrictive standard shall be applied.

The standard-size parking space or stall shall be at least 9 feet wide and 19 feet long. The length of the parking stall may be reduced by up to two-feet when overhanging open space or a sidewalk that is not less than 7-feet in width.

Required Parking Stall Dimensions		
Degree of Angle	Stall width	Stall length
0 (Parallel)	10.0 feet	23 feet
30	9.0 feet	34 feet
45	9.0 feet	28 feet
60	9.0 feet	24 feet
90	9.0 feet	19 feet

At the discretion of the Zoning Administrator, alternate parking stall dimensions may be approved for structured parking.

**B. Setbacks.**

(1) No parking or loading area shall be constructed within a required buffer.

(2) Parking is prohibited within the required parking lot setback areas. However, parking is permitted upon the individual driveway of a Single Family, Two-Family, or Townhouse or Row Dwelling, provided no vehicle or trailer overhangs, crosses, or encroaches upon a sidewalk or street right-of-way.

(3) Parking Setback Table. The following table identifies the setback requirements for all parking and loading areas. All setbacks are measured from edge of paving.

OFF-STREET PARKING AND LOADING AREA SETBACK TABLE										
REQUIRED SETBACKS	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
OFF-STREET PARKING AND LOADING AREA SETBACK TABLE										
REQUIRED SETBACKS	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
<b>Front Yard Setback</b>	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	5 ft	15 ft	15 ft
<b>Side Yard Setback<sup>1</sup></b>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft <sup>2</sup>	10 ft	10 ft	10 ft	5 ft	10 ft	10 ft
<b>Rear Yard Setback<sup>3</sup></b>	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
<i><sup>1</sup>No side yard setback required between adjoining parcels that share a driveway or have interconnected parking lots.</i>										
<i><sup>2</sup>Side yard setback is 1 ft for individual driveways of Single Family, Two-Family, and Townhouse or Row Dwellings.</i>										
<i><sup>3</sup>Rear Yard Setback is required from any alley line. A 20 ft setback is required for garages that face an alley.</i>										

**165.08 OPEN SPACE, LANDSCAPING AND BUFFERING.**

1. Statement of Intent. Landscaping and landscaped open spaces provide multiple benefits including energy conservation, increased property values, and an enhanced aesthetic quality throughout the City. Combined, these benefits promote the health and general welfare of the citizens of Indianola. The purpose of this section is to establish minimum standards to achieve the following objectives: preservation of existing vegetation and topsoil; protection of water quality and wildlife habitat; reduction of heat generated from paved surfaces, buffering of incompatible land uses and screening negative site elements; and, enhancement of the overall appearance and natural beauty of the community.

2. Applicability. These regulations shall apply to new development, the redevelopment of existing sites, all site modifications including building additions and expansions, new parking lots and paved area expansions, and the subdivision of land within all zoning districts. The approval authority can approve alternative landscaping standards in order to address special or unique circumstances provided the overall intent of this section is met.

3. Definitions. The following terms are defined for this section:

A. Deciduous Ornamental Tree. A deciduous tree (often an ornamental type tree) that reaches a mature height of less than 30 feet.

B. Deciduous Shade Tree. Defined as a deciduous tree with one vertical stem or trunk which begins branching at a height of six (6) feet or more and has a distinct crown that reaches a mature height of at least 30 feet.

C. Evergreen / Coniferous Tree. Defined as a tree that has needle-shaped or scale like leaves that remain green throughout the year; commonly referred to as pine, fir, and spruce trees. These trees generally reach a mature height of over 25 feet.

D. Invasive Plant Species. A plant reproducing outside its native range and outside cultivation that disrupts naturally occurring native plant communities by altering structure, composition, natural processes or habitat quality. Invasive plants are those plants recognized by the Iowa Department of Natural Resources (Iowa Code; Chapter 317.1A Noxious weeds).

E. No Mow and Low Maintenance Grasses. Defined as cultivated grasses that do not grow taller than 12 inches or require limited mowing to maintain a height of 12 inches or less.

F. Open Space. Any area not covered by a building, structure, parking lot, loading area, driveway, or other similarly paved area. Open space may include sidewalks, trails, pedestrian plazas and patios, and landscaped parking lot islands.

G. Ornamental Grasses. Defined as tall perennial grasses, generally over 24-inches at mature height, that are specifically grown and cultivated for their decorative properties. Most of the commonly used ornamental grasses are non-native, introduced species such as: Feather Reed Grass, Blue Oat Grass, Silvergrass, and Fountain Grass.

H. Prairie Grass Plantings. Native grasses and forbs (flowering plants) found within the native prairie environment typical for the area prior to clearance and cultivation of the land by European settlers. For the purposes of this Chapter, prairie plantings may contain native grasses without forbs to simplify prairie plant installation and maintenance.

I. Turf Grass. A continuous plant coverage consisting of a grass species that is mowed or maintained at an established height of 6 inches or less and can include native and non-native vegetation, e.g., Kentucky Blue Grass, Perennial Ryegrass, Tall Fescue, Fine Fescue, Buffalo Grass.

#### 4. Open Space and Landscaping Required.

A. Open Space. All sites shall provide no less than the minimum amount of landscaping as required for each zoning district.

##### B. Landscaping.

(1) Ground Cover. All area unencumbered by buildings, paving or hard- surfaced, shall be landscaped with turf grass, prairie grass plantings, plant beds, shrubs, and trees. No mow and low maintenance grasses should not be utilized within the street rights-of-way, within parking lots, and within the front yard area of any site and should be restricted to low traffic and low visibility areas or larger areas within a site intended to be preserved and maintained as a more natural area.

(2) Use of Mulch. Except for single-family and two-family dwellings, wood- based mulch shall be used around all plantings and in all plant beds. Large areas of wood mulch that do not contain plantings shall not be permitted except when used around play structures. Inorganic ground cover material, including rock, chip brick, and synthetic turf (unless part of a designated sport field or play surface), is prohibited except along building foundations, around drainage structures, and in other limited applications as may be deemed acceptable by the Zoning Administrator.

(3) Minimum Open Space Landscape Requirements. The following minimum open space plantings shall be required for all sites except for except for single- family and two-family dwellings. Each single-family and two-family dwellings constructed after the adoption of this ordinance shall be required to plant two (2) trees (ornamental or shade) and four (4) shrubs per lot or unit prior to the issuance of an occupancy permit.

a. One (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs shall be planted for every 2,000 square feet of required open space. However, the minimum required landscape for all sites shall be no less than one (1) deciduous shade tree, two (2) deciduous ornamental trees, and two (2) shrubs.

b. This landscaping is in addition to landscaping required for parking lot landscaping and open space plant materials shall not count towards the fulfillment of any other landscaping requirement.

(4) Off-Street Parking, Driveways and Loading Areas. The following standards shall apply to all off-street parking and loading areas with ten (10) or more parking stalls or with more than 2,500 square feet of paved area. Off-street and loading area required plant materials shall not count towards the fulfillment of any other landscaping requirement.

##### a. Parking Lot Design.

i. All rows of parking shall be terminated with a curbed landscaped island that is a minimum nine (9) feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).

ii. No off-street parking or loading area shall be more than 100 feet from a deciduous shade tree located within a landscaped open space area.

iii. Sidewalks that abut the front edge of any parking stall shall be no less than seven (7) feet wide to accommodate a two (2) feet vehicle overhang.

b. Landscaping Required.

- i. All parking lot islands shall be landscaped with a combination of turf grass, prairie grass plantings, plant beds, shrubs, and trees.
- ii. Rock, chip brick, pavers, pavement and similar hard surfacing shall not be permitted within a parking lot island. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation.
- iii. No less than one (1) deciduous shade tree shall be planted within each required landscaped island.

c. Parking Lot Screening.

- i. Whenever an off-street parking area fronts along a public street an average of one (1) deciduous shade tree and two (2) deciduous ornamental trees shall be planted every 50 feet within the parking lot setback area.
- ii. Additionally, a minimum three (3) foot tall vehicle headlight screen shall be installed between the parking lot and the adjoining street. This screen can be constructed with any combination of prairie plantings, shrubs, ornamental grasses, earth berming, and low masonry walls.

5. Buffering.

A. Buffers Required. Buffers are required, as provided in this Chapter, for the following conditions. Properties separated by a public street right-of-way are not considered adjoining for the purposes of this section.

- (1) Between any residentially zoned or developed property and any adjoining commercial, office, or industrial uses.
- (2) Between any single-family residentially zoned or developed property and any multi-family residential use.
- (3) Between any commercial or office zoned or developed property and any industrial use.

(4) Double Frontage Lots. Any proposed single-family residential lot that has both its front and rear lines abutting a street shall have a buffer from the street along its rear yard. No fences or structures shall be permitted within this buffer and the rear yard building setback shall be measured from the buffer yard line.

B. Burden of Providing a Required Buffer. The burden of constructing and maintaining a required buffer shall be determined as follows:

- (1) In the case of a buffer required between two (2) undeveloped properties, the property with the more intensive zoning shall be burdened with the buffer requirements.
- (2) In the case of a buffer required between an undeveloped and a developed property, the property proposing the development shall be burdened with the buffer requirements.
- (3) In the case of a buffer required between a property proposed for redevelopment and a developed property, the property proposed for redevelopment shall be burdened with the buffer requirements.
- (4) Two properties may agree to transfer or share the burden of a required buffer.

C. General Buffer Provisions.

- (1) All building and parking lot setbacks shall be measured from the closest edge any required buffer yard.
- (2) No structures or parking lots or loading areas may be permitted within a required buffer. Fences, sidewalks, and trails may be permitted within a required buffer except that no fence may be constructed within a buffer that fronts along a street.
- (3) Buffer plantings should be in small groupings to appear more natural versus evenly spaced in a line.
- (4) Earth berming required within a buffer may vary and undulate to accommodate drainage and to provide a more nature appearance.

D. Buffer Options. The following buffer options may be utilized to meet the buffering requirements of this chapter, unless an alternate standard is established by the Board of Adjustment as a condition for approval of a Special Use Permit conditional use or by the City Council as a condition of a rezoning or site plan approval to mitigate conditions that may otherwise be detrimental to adjoining residential properties.

(1) 30-Foot Wide Buffer.

a. Minimum Width: 30 feet.

b. Landscape Requirements: For every 25 linear feet of required buffer a minimum of 1-overstory tree, 2-evergreen trees, and 6-shrubs shall be planted.

c. Earth Berming: three (3) foot tall.

(2) 60-Foot Wide Buffer.

a. Minimum Width: 60 feet.

b. Landscape Requirements: For every 25 linear feet of required buffer a minimum of 1-overstory trees, 1-evergreen trees, and 3-shrubs shall be planted.

c. Earth Berming: three (3) foot tall.

(3) Buffer Reduction. Should the burden of a buffer requirement cause a property to become practically undevelopable, at the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced in lieu of the installation of additional landscaping, a minimum six (6) foot tall privacy fence or masonry screen wall, and other measures necessary to mitigate the impact on the property to be buffered.

#### 6. Plant Materials Standards.

A. Plant Materials. All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals.

(1) To reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.

(2) No less than 50% of the plant material on an individual site shall be species native to Iowa.

(3) Ornamental and prairie grass plantings must be appropriate in size, scale, quantity, and type for the location they are being placed so not to appear unkept or encroach walkways and driveways.

(4) Prohibited Trees. The City declares that invasive nonnative species as listed by the most recent publication of the Iowa Department of Natural Resources' (IDNR's) list of invasive plant species are a public nuisance that degrades landscaped and natural areas. The City shall prohibit the planting of any nonnative invasive plant species in all public and private properties. The following trees are prohibited:

a. Ash (all species/cultivars)

b. Black Locust

c. Birch, White/Paper

d. Boxelder

e. Eastern Cottonwood

f. Elm (all species/cultivars except Dutch Elm Disease resistant cultivars)

g. Maple, Silver/Norway/Amur

h. Pear (all species/cultivars)

i. Poplar (all species/cultivars)

j. Russian and Autumn Olive

k. Trees with thorns

(5) Minimum Plant Sizes. All plant sizes shall meet the following size and design requirements:

a. Deciduous Shade Trees – minimum 2.0-inch caliper, measured six (6) inches above the immediate ground level.

b. Deciduous Ornament Trees – minimum 1.5-inch caliper, measured six (6) inches above the immediate ground level.

c. Evergreen / Coniferous Tree – minimum 5-feet in height.

d. Shrubs – minimum three (3) gallon container.

e. Ornamental Grasses – minimum one (1) gallon container.

(6) Plant Locations. All plantings shall comply with the following:

a. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.

b. Trees shall be located no closer than six (6) feet to the back of curb along any street or driveway and no closer than four (4) feet to the edge of any parking lot, sidewalk or walkway.

c. Ornamental and prairie grasses with a mature height of over four (4) feet shall not be permitted within the front yard area of any residential property.

d. Landscaping must meet minimum clearances from all fire hydrants and building sprinkler systems as required by the fire department.

e. Deciduous shade trees should not be placed within any public sanitary sewer, storm sewer or watermain utility easement.

f. No landscaping shall be planted in violation of the City's street intersection vision clearance requirements.

g. A permit must be obtained prior to planting any street tree or landscape material in the public right-of-way and

shall comply with all City clearance and setback requirements.

(7) Plant Substitutions. Substitution of required plant materials may be made as follows:

- a. One (1) deciduous shade tree may be substituted in place of 10 required shrubs.
- b. One (1) deciduous ornamental tree may be substituted in place of five (5) required shrubs.
- c. One (1) evergreen/coniferous tree may be substituted in place of one (1) required deciduous shade tree.
- d. One (1) deciduous shade tree may be substituted in place of two (2) required deciduous ornamental trees.

Deciduous ornamental trees may not be substituted for required deciduous shade trees.

- e. Three (3) ornamental grasses may be substituted for one (1) required shrub.

B. Existing Trees and Tree Preservation Credit. The preservation of existing trees on a site is encouraged when they are in good condition and at least 2-inch caliper in size. Such trees may be counted as part of the required number of trees on a site. A credit of two (2) trees toward the number trees shall be given for each existing tree on a site that is of the type of tree listed in the above sections which is over ten (10) inch caliper in size measured six (6) inches above the immediate ground level. However, this credit may not be applied in reducing the number of required interior parking lot trees, unless the tree is located within the parking lot area.

#### 7. Review and Approval Process.

A. Plan Approval Required. A landscape plan that follows the provisions of this Chapter shall be submitted as part of any application for approval of a Site Plan and as part of any application for approval of a Preliminary Plat that is for a single-family residential subdivision. No building permit shall be issued without an approved landscape plan in accordance with this Chapter.

B. Plan Submittal Requirements. The landscape plan shall be prepared and signed by a licensed landscape architect or other licensed professional with competency in preparing landscape plans. The plan set shall include the following:

- (1) Property boundary and general location of all existing and proposed structures, fences, walls, paved areas, parking lots, utilities, easements, and storm water management facilities.
- (2) Identification of all required Stream Buffers (see Chapter 104)
- (3) Existing and proposed grades.
- (4) Identification of all existing landscaping including whether it is to be preserved or removed.
- (5) Details for the methods by which existing landscaping planned to be preserved will be protected during site construction.
- (6) Identification of all proposed landscaping include plant species and size.
- (7) Identification of all proposed ground cover.
- (8) Width and details for all required buffers including buffer type and plant quantifies.
- (9) Details of all required screening.
- (10) Specifications for soil conditioning and plant installation.
- (11) Summary of the following site details:
  - a. Square footage of the total site area.
  - b. Sum square footage of all impervious areas.
  - c. Square footage of the current and proposed building footprint area and paved areas (not including sidewalks, patios, and pedestrian plaza).
  - d. Required open space calculations and square footage of open space provided.
  - e. Calculation of the require landscaping and summary of landscape provided.
- (12) Other information as required by the Zoning Administrator.
- (13) The Zoning Administrator may waive any of these required elements if determined unnecessary to ensure compliance with this Chapter.

C. Final Approval. Prior to approval of a Final Plat for any single-family residential subdivision and prior to issuance of a Certificate of Occupancy for any building, all landscaping must be installed in accordance with the approved landscape plan. Should any of the required landscaping not be installed prior to a request for Final Plat approval or Certificate of Occupancy, due to weather conditions or time of the year, the Zoning Administrator, at their sole discretion, may accept a cash surety or performance bond as a guarantee of installation and approve the Final Plat or issue a temporary Certificate of Occupancy. The surety amount shall be no less than one and one-half (1½) times the cost of installation.

D. Modifications. The Zoning Administrator may administratively review and approve requests for minor changes to any approved landscape plan, such as changes in plant materials or plant locations, provided those changes comply with the requirements of this Chapter and do not materially alter the appearance of the site.

E. Nonconformities. Existing developed sites seeking approval of a building permit or site plan approval for any site modifications including building additions and paving expansions shall attempt to bring the entire property into full compliance with the requirements of this Chapter. At a minimum, all new buildings, building additions, new parking lots, and new paved areas shall comply with the regulations of this Chapter. No site plan or building permit shall be approved that causes or increases a site's nonconformity with this chapter.

#### 8. Maintenance and Replacement.

A. Maintenance. All property owners shall maintain all landscaping including regular mowing, trimming, and pruning and removal of dead, dying, or diseased plant material and keep the property clear from weeds, debris, and litter. Plant material shall be regularly trimmed and pruned to keep from encroaching sidewalks, walkways, driveway, and parking areas.

B. Replacement. The owner of any lot or parcel for which a landscape plan has been approved under this section shall further be responsible for the replacement of any dead, dying, or diseased plant material to remain in compliance with the approved landscape plan. Should a tree for which a landscape credit was given, die, become diseased, or is otherwise removed, the owner of the property on which the tree is located shall replace the tree at the same ratio at which the credit was originally given. Failure to maintain the landscaping in accordance with this provision shall constitute a violation of the site's site plan and/or building permit approval and certificate of occupancy.

### 165.09 BUILDING DESIGN STANDARDS.

1. Statement of Intent. It is the intent of this section to establish building design standards to enhance the general appearance, maintain and improve the quality of life of residents and visitors, and protect the value of properties within the City of Indianola. Building design and construction of all buildings shall employing good design principals and quality building materials to be long-lasting and in harmony with the neighboring properties and the City. All buildings shall employ recognized architectural styles and design principals on all sides and be proportional, with elements in scale. Building exterior materials shall be applied in an authentic and honest manner reflecting the material's purpose, weight, and typical use in order to convey a sense of strength and durability.

2. Applicability. With the exception of agriculturally related buildings, these regulations shall apply to new development, the redevelopment of existing sites and buildings, and all site and building modifications including building additions and expansions and changes or modifications to building facades. All new buildings, including accessory structures, and additions to existing buildings shall be subject to the standards of this section. However, building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor area of the existing building may use the same or superior exterior building materials and building design that matches that of the existing building.

3. Exceptions. The regulations of this section do apply to changes in building facades but do not apply to building façade maintenance and repair including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials. At the full discretion of the City, deviations from these standards may be granted in order to ensure the building addition is aesthetically compatible with the existing building design and appearance.

#### 4. Definitions. The following terms are defined for this section:

A. Primary Façade. All street-facing façades (i.e., all building façades that face or front along a public or private street including highways), and façades with a building's main customer entrance. Buildings may have more than one primary façade as is the case with buildings located on corner lots and double frontage lots. All other façades shall be "secondary" façades.

B. Street Facing Façade. All building façades that have frontage along or face a public or private street at an angle of 45 degrees or less from the street line. This definition includes those building façades separated from the street by a parking lot or open space. This definition does not include frontage along an internal drive that is not classified as a private street.

C. Major Façade Materials. Exterior finish materials that cover at least 5% of a building's façade area. Any material that covers less than 5% of a building façade area shall not be considered a "major" façade material and will not count towards meeting any requirement for use of multiple class 1, 2, and/or 3 materials. A distinctly different color of fired clay brick (full brick or brick veneer) may be considered as an additional Class 1 or Class 2 material for the purposes of meeting the required minimum number of different major façade materials.

D. Façade Area. The total exterior wall area of all vertical or near-vertical faces of a building wall four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.

E. Accessory Building Standards. Accessory buildings in all non-residential zoning districts, except for temporary and small movable structures including ATMs and donation boxes, shall comply with the building design requirements for the principal building of the lot or parcel on which the accessory building is located. Garages and structured parking shall follow the standards required of the primary building.

5. General Provisions. The following provisions shall not apply to agricultural buildings and single- family and two-family dwellings.

A. Building Facadism. Building facadism, defined as the application of false or fake building façades or elements over an existing building façade or roof, is discouraged. Windows or dormers should be in proportion with and match the adjoining roof pitch and have the appearance of being functional and operational. Hip or mansard roofs that only partially conceal a roof well or low slope roof area are also discouraged. Roof parapets and roof top screen walls must have returns along the sides to conceal the edges. Building towers and other above roof building elements must be multi-sided and finished on all sides.

B. Application of Exterior Building Materials on Primary Facades.

(1) Application of Brick and Stone. Heavy exterior materials, such as any type of brick and stone, shall be applied so as to acknowledge its historic use as a building foundation and structure material. Brick or stone that appears to be unsupported or 'float' within a façade shall not be permitted, e.g., stone applied to a roof dormer.

(2) Painting of Brick and Stone. Brick and stone exterior finishes should not be painted, except as may be determined by the Zoning Administrator, at their full discretion, as appropriate based on the building design and architectural style.

(3) Use of EIFS. EIFS shall not be permitted within ten (10) feet of the finished floor elevation of the façade on which it is located.

(4) Thin Brick and Stone Veneer. Thin brick and stone veneer shall comply with the following:

a. Thin brick and stone veneer shall only be used in applications where the actual brick or stone thickness will not be distinguishable or is otherwise addressed by adjustments in the wall plane to provide the appearance of full depth brick or real stone.

b. 'L' shaped brick corner pieces and full-depth brick caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick.

c. Thin brick and stone veneer shall be continued (returned) a minimum of 12-inches around wall corners to further maintain the appearance of full-depth brick or real stone.

C. Use of Trim on Primary Façades. Except where architecturally unsuitable, appropriately scaled trim shall be included around all window and door openings, building corners, roof lines, and façade material transitions located on primary façades.

D. Shutters. If used, shutters must be in scale with the adjoining opening and be operational or have the appearance of being operational and functional as a true shade or shutter. Each shutter shall be equal to the height, and one-half (1/2) the width of the adjoining opening and shall be paired with a matching shutter on the opposite side of the opening, or alternatively, a single shutter shall be equal to both the height and width of the adjoining opening.

E. Soffits, Overhangs, and Cornices. All building soffits, overhangs, and cornices shall be appropriately scaled with a typical projection of no less than 6 inches, except as may be appropriate based on the architectural style.

F. Building Mounted Equipment Screening (Roof-Top and Exterior-Mounted Mechanical Equipment). All exterior-mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be located out of view or otherwise screened from view from all adjacent public or private streets and residential developed or zoned properties. Screening shall be accomplished via landscaping, walls, and building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls, or similar building materials. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to solar energy panels.

6. Building Exterior Finish Materials. For the purpose of this chapter, exterior building materials shall be divided into the following categories. All materials must be utilized in the application as intended by the manufacturer and follow property installation requirements and standards, including management of water migration and installation of appropriate substrate material. The Zoning Official may reclassify a building material provided below or may categorize a building material not listed below if it finds that the material is similar or of higher quality to the other materials in the same category with regard to durability, quality, and appearance.

BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
<b>Masonry and Stone (Non-load bearing)</b>					
Brick veneer, fired clay	T				Fired clay brick, full-veneer masonry wall system

Brick veneer (thin), fired clay		T			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay			T		Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			T		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			T		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Stone veneer, natural	T				Genuine stone, full-veneer masonry wall system
Stone paneling, natural		T			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system
Stone veneer, synthetic		T			Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic			T		Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)
Terracotta rainscreen panels	T				Fired clay panels with a rainscreen wall anchoring system
Stucco, genuine	T				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Concrete Masonry Units</b>					
Cast stone	T				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished/ground-faced block		T			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block		T			Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			T		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block				T	Concrete modular blocks, plain, flat finish, and with mortared joints
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Concrete</b>					
Architectural quality precast concrete panels	T				Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		T			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			T		Textured or smooth finish, may be painted

Site cast and precast concrete panels			T		Site cast and precast concrete panels, plain, smooth finish, may be painted
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Metal</b>					
Architectural quality, composite metal wall panel systems	T				High quality composite metal panels for decorative surface application, such as <i>Alucobond panel systems</i>
Architectural quality, insulated metal wall panel systems	T				High quality insulated metal panels for decorative surface application with concealed fasteners, such as <i>Centria Formawall Dimension Series</i>
Architectural quality metal wall panel systems, concealed fastening		T			High quality metal panels for decorative surface application with concealed fasteners, such as <i>Firestone Delta</i>
Architectural quality metal wall panel systems, exposed fastening			T		High quality metal panels for decorative surface application with exposed fasteners, such as <i>Firestone Omega</i>
Metal (panels, siding, and trim)				T	Standard metal siding and panels, painted or coated for exterior application
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Glass</b>					
Clear glass (windows, curtain walls, paneling systems)	T				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			T		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				T	Glass with a reflective or mirrored coating or finish
Tinted glass (including color applied)			T		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	T				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Other Materials</b>					
Architectural quality fiber cement wall panels textured to resemble stone or metal		T			The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as <i>Nichiha</i>
Wood (panels and siding)			T		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (panels and siding)			T		Cement panels reinforced with cellulose fibers, such as <i>HardiePlank</i> and <i>HardiePanel</i>
Exterior Insulation and Finish System (EIFS)			T		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)				T	Composite or other synthetic wood types, such as <i>LP SmartSide</i>

Vinyl and PVC (panels, siding, and trim)				T	Exterior siding and trim that is made from a synthetic resin or plastic.
Ceramic			T		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel and skylight systems		T			Polycarbonate panels in a concealed aluminum support system – such as <i>CPI Daylighting UniQuad</i>
Fabric					(not permitted)
	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Definitions</b>
<b>Roofing Materials</b>					
Standing Seam Metal	T				Vertically run or horizontal-Bermuda style metal panels connected within interlocking raised seams
Metal roof panel system		T			High quality metal panels designed for roof application including metal shingles
Metal panel				T	Standard metal roof panels, designed for roof application
Slate	T				Natural stone tiles (or shingles) cut from slate, traditionally applied in an overlapping pattern
Tile	T				Fired clay, ceramic, or concrete roofing tiles applied in an overlaying pattern
Synthetic or composite slate		T			Molded plastic to mimic the appearance of slate tiles
Green roof	T				Low-slope roof covered with roof-top plants in a designed roof-top planting system
Simulated metal roofing		T			Membrane roofing system designed with the appearance of a standing seam metal roof
Membrane or ballast (not visible)		T			Typical roofing materials for low-slope roofs and is not visible from any adjacent public or private street or residential developed or zoned properties
Membrane or ballast (visible)				T	Typical roofing materials for low-slope roofs
Asphalt shingles (laminated or dimensional)		T			Asphalt shingles constructed with a heavy base mat and multiple adhered layers to provide a thicker, dimensional appearance - also known as laminated architectural shingles
Asphalt shingles (3-tab)			T		Asphalt shingles constructed with a single layer of material and 3 cut shingle "tabs"
Wood shake shingles				T	Shingle shakes constructed of rot resistance wood, such as cedar
Glass roofing	T				A roof constructed of glass panels or glass tiles within a glass framing system - also known as a roof glazing system
Fabric				T	Exterior rated fabric designed for application in a canopy or roofing system

7. Standards by Building Use Type.

A. Building Use Types. For the purposes of this chapter, all buildings shall be categorized in the following building use types. Any building type not listed or any question as to the appropriate categorization of a building shall be as determined by the Zoning Administrator. The building design standards shall be regulated by both building use type and the zoning district in which the building is located. Unless otherwise permitted by the Zoning Administrator, all accessory buildings and structures shall comply with the design standards required of the principal building.

- (1) Agricultural Building: Agricultural related buildings in the A-1 zoning district.
- (2) Single-Family and Two-Family Dwellings: Includes accessory dwellings, bed and breakfast Inns, and Group Homes.
- (3) Horizontally Attached Residential: Includes townhouse and row dwellings.
- (4) Vertically Attached Residential: Includes apartments, condos, rooming houses, live-work units, community living, homeless shelter, assisted living, skilled care facilities, and continuing care retirement facilities.
- (5) Non-Residential Building in Residential Zoning District: Includes schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (6) Commercial/Retail Building: Includes single and multi-tenant commercial buildings, day care centers, restaurants, financial institutions, hotels, motels, and recreational and entertainment buildings.
- (7) Office and Civic Building: Includes single and multi-tenant office buildings and, when in non-residential zoning districts, schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (8) Mixed-Use Building: A multi-story building that contains two (2) or more different uses such as residential and retail and/or office uses.
- (9) Industrial Building: A building or structure constructed for an industrial use and located within the A-1, M-1, or M-2 zoning district.

B. Buildings Design Standards by Building Use Type.

- (1) Agricultural Building: No specific standards.
- (2) Single-Family and Two-Family Dwellings: All dwellings including accessory structures shall have roofs with a minimum 4-12 pitch, except as may be appropriate based on its architectural style, and be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.
  - (3) Horizontally Attached Residential:
    - a. All dwellings including accessory structures shall be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.
    - b. Each primary façade shall have no less than three (3) different class 1, class 2, class 3, or class 4 façade materials.
    - c. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio.
    - d. The primary façade of each individual unit dwelling must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.
  - (4) Vertically Attached Residential:
    - a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 40% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 60% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
    - b. All structures shall utilize Class 1 or 2 roofing materials.
    - c. Elevated open walkways along the exterior of the building are prohibited.
    - d. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio or access to a shared roof-top or outdoor amenity space.
    - e. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
      - Projection or recess in the wall plane of at least two (2) feet in depth.
      - Columns, piers, pilasters or other equivalent structural and/or decorative elements.
  - (5) Non-Residential Building in Residential Zoning District:
    - a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 50% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 50%

of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.

b. All structures shall utilize Class 1 or 2 roofing materials.

c. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:

- Projection or recess in the wall plane of at least two (2) feet in depth.
- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(6) Commercial/Retail Building:

a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.

b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 20% clear glass fenestrations (windows and full glass doors) on the first level.

c. All structures shall utilize Class 1 or 2 roofing materials.

d. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:

- Projection or recess in the wall plane of at least two (2) feet in depth.
- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(7) Office and Civic Building:

a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.

b. All structures shall utilize Class 1 or 2 roofing materials.

c. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:

- Projection or recess in the wall plane of at least two (2) feet in depth.
- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(8) Mixed-Use Building:

a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.

b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30% clear glass fenestrations (windows and full glass doors) on the first level.

c. All structures shall utilize Class 1 or 2 roofing materials.

d. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:

- Projection or recess in the wall plane of at least two (2) feet in depth.
- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(9) Industrial Building:

a. Each primary façade shall contain no less than two (2) different class 1, class 2, or class 3 façade materials, together composing at least 80% of the primary façade area. Class 4 façade materials in aggregate shall not exceed 10% of any primary façade area.

b. All structures shall utilize Class 1 or 2 roofing materials.

c. No primary façade shall exceed 100 feet in length without interruption by one or more of the following architectural features:

- Projection or recess in the wall plane of at least two (2) feet in depth.
- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

8. Review and Approval Process.

A. Plan Approval Required. As part of the submittal of a site plan for development (with the exception of agriculturally

related buildings and single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval as part of the site plan application. The determination of compliance with the provisions and requirements of this section shall be at the sole discretion of the Zoning Administrator and the approval body per the procedures as provided in the Zoning Regulations.

B. Plan Submittal Requirements. The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:

- (1) Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
- (2) Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
- (3) Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
- (4) Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan, if required by the Zoning Administrator.
- (5) In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.
- (6) Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
- (7) Exterior building and finish material samples and color pallets, if required by the Zoning Administrator.
- (8) Other information as may be required by the Zoning Administrator. The Zoning Administrator shall further have the discretion to waive any of the above submittal requirements.

#### **165.10 SIGN CODE.**

**1. TITLE.** This chapter shall be known as the "Sign Code" for the City of Indianola, Iowa, and may be cited as such and will be referred to herein as "this chapter." This Sign Code is adopted as part of the City's Zoning Ordinance per Iowa Code Chapter 414. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this chapter.

**2. PURPOSE, INTENT AND SEVERABILITY.** The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. The provisions of this chapter are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. It is the further intent of this chapter to regulate signs by their physical characteristics and not by their message.

If one or more provisions of this chapter is found by a court of jurisdiction to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this chapter. The remaining provisions of this chapter remain in full force and effect.

**3. DEFINITIONS.** As used in this chapter, unless the context otherwise indicates, the following terms have the meanings ascribed herein:

A. "Animated sign" means any sign with actual motion, the appearance or illusion of motion, or light or color changes by mechanical or electrical means.

B. "Air-Activated Graphics" means a sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

C. "Awning" means any structure made of cloth type materials or metal with a metal frame attached to a building and projecting over a thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

D. "Bag sign" is a sign designed to temporarily cover an existing monument sign or pole sign.

E. "Balloon sign" is a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method. Also known as Inflatable Devices. See also the definition for air-activated graphics.

F. "Banner sign" is a sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, or wall, that is attached to the ground by secure attachments to stakes, poles, or similar devices and secured or mounted so as to limit movement of the sign caused by movement of the atmosphere. Banners do not include those signs which are defined as flags in this chapter.

G. "Billboard" means any structure, regardless of material used in the construction of the same, that is erected, maintained, or used for public display of poster, painted signs, wall signs, whether the structure is placed on the wall itself, pictures, or other pictorial reading matter.

H. "Blade sign" is a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure. May also be known as a "feather sign."

I. "Building sign" means 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 definition includes walls signs, awning signs, canopy signs, fascia signs, parapet signs, painted signs and window signs as may be defined herein this chapter. Internally illuminated color panels, strips, or bands and neon lighting shall be considered building signs.

J. "Business" means a place where different types of trade, commerce, etc., is carried on, usually under the ownership of one person, company or partnership.

K. "Canopy" means any structure, other than an awning, made of cloth type materials or metal with metal frames attached to a building, projecting over a thoroughfare, and carried by a frame supported by the ground or sidewalk.

L. "Canopy sign" is a building sign attached to or in any way incorporated with the face or underside of a canopy, marquee, or any other similar building projection, and which does not extend beyond the projection more than six inches.

M. "Changeable message sign" means a sign that has the capability of sign copy being changed manually or mechanically.

N. "Clear vision area" means the driveway clear vision area as defined within Chapter 135.14 of the City Code and the street intersection visibility area as defined in Chapter 165.04 of the City Code.

O. "Commercial sign" means any sign not defined herein as a "non-commercial sign"

P. "Corporate flag" means a flag, other than a government flag, that contains a logo, corporate name, or other identification.

Q. "Directional sign" means any sign oriented internally intended to convey messages to internal users of a site and generally not intended to convey messages to persons off-site or from an adjoining street. Examples include directional or wayfinding signs, traffic directions and signs that provide parking instructions, security warning signs, business directories, or similar communications that are accessory to the use of the site and any building located thereon.

R. "Directory sign" means a permanent diagrammed representation located near the entrance of a complex which shows the location and address of the unit designations within a complex.

S. "Electronic message center" means a sign that is electronically or electrically controlled that displays a message center or reader board composed of a series of lights that may be changed through electronic means including LED or LCD displays.

T. "Erect" means to build, construct, attach, hang, place, suspend, or affix, and also includes the painting of wall signs.

U. "Feather sign" see "blade sign."

V. "Flag" means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, or logos.

W. "Free standing signs," including pole and ground monument signs, as regulated by this chapter, 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.

X. "Facing or surface" means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign. The square footage of a sign, wherever the same is required to be computed for the purposes of this chapter, shall be determined by computing the square footage of the facing or surface of such sign.

Y. "Free standing signs" means any sign supported by uprights or braces placed into the ground and not attached to any building and includes pole signs, ground signs, and monument signs.

Z. "Government flag" means any fabric, banner or bunting containing words, numbers, colors, patterns or symbols, used as a symbol of a government or political subdivision, including flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction.

AA. "Government sign" means any type of sign that is constructed, placed or maintained by or at the direction of the federal, state, county, or local government. Examples include traffic control and safety signs and devices, public notices and informational signs, all public parks and public facilities signs, and directional and identification signs such as tourist oriented directional signs approved and placed by the Iowa Department of Transportation, memorial plaques, signs of historical interest, signs designating hospitals, libraries, public parks, schools, colleges, airports, and other institutions or places of public interest or concern.

BB. "Ground sign," see "free standing sign."

CC. "Identification sign" means a 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.

DD. "Illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

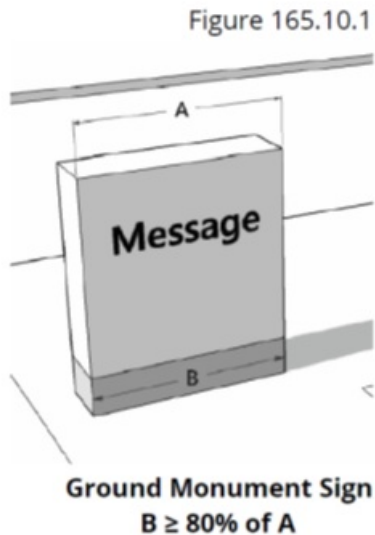
EE. "Incombustible material" means any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

FF. "Logo" means a stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.

GG. "Marquee" means any hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

HH. "Mobile sign" means a sign affixed to an automobile, truck, trailer or other vehicle.

II. "Monument ground sign" means a free standing sign which is anchored to the ground similar to a ground sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top with the base of the sign being a minimum of 80% of the width of the widest component of the sign. Said signs may be doubled signed, perpendicular or parallel to the adjoining roadway but in no case shall consist of more than 2 sign faces.



JJ. "Non-commercial sign" means any sign containing an ideological, political issue, religious or other message not related to the promotion of a commercial or business activity. All signs not defined as a "non-commercial sign" shall be defined as a "commercial signs."

KK. "Off-premises sign" means a commercial sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located. This definition does not include non-commercial signs.

LL. "On-premises sign" means a sign installed, erected, constructed, or hung on a site or property that is appurtenant to the use of, products or services being sold on, work being performed on, or the sale, lease, or rental of the land or buildings on which the sign is located.

MM. "Other advertising structure" means any marquee, canopy or awning as further defined herein.

NN. "Panel sign" means a sign consisting of a frame covered by a translucent material which may be internally illuminated. The entire sign structure is one unit and the copy is not intended to include three-dimensional individual letters.

OO. "Permanent sign" means a sign constructed of durable materials and attached to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a temporary basis.

PP. "Pole sign" means a freestanding 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.

QQ. "Political issue sign" means a sign announcing, promoting (for or against), or drawing attention to any personal or political issue or candidate(s) seeking public political office.

RR. "Portable sign" means a freestanding sign not permanently anchored or secured to the ground or any building or wall, which may be moved from place to place, including, but not limited to, signs design to be transported by means of wheels, and is not expressly permitted under this chapter as a temporary sign.

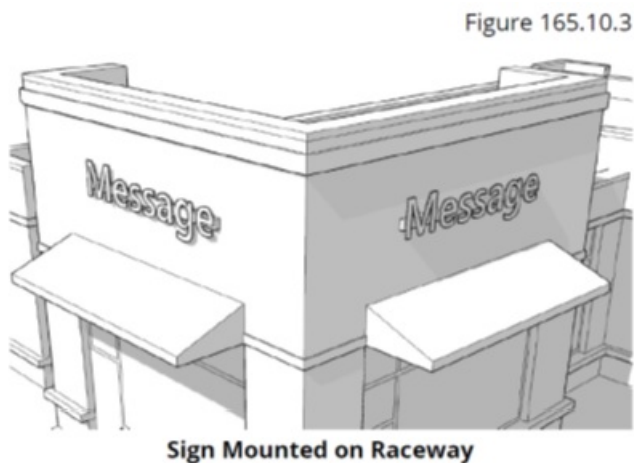
SS. "Projected-image sign" means a sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.

TT. "Projecting sign" means any sign which is attached to a building or other structure and extends more than 12 inches beyond the building.



UU. "Public school district sign" means any type of sign that is constructed or placed by a public school district on property owned or leased by that public school district.

VV. "Raceway" means an enclosed channel designed expressly for holding wires, cables, or bus bars on which a sign is mounted.



WW. "Raceway, pan style" is a sign raceway that is shaped and contoured to follow the outline of the sign to which is mounted to the raceway.

XX. "Roof sign" means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

YY. "Sidewalk sign" means free standing portable sign. Typically designed as either A or T framed and to be used on daily basis and during business hours.

ZZ. "Sign" means any and every advertising sign, identification sign, freestanding sign, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning and canopy and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.

AAA. "Sign area" means 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 using one of the formulas in Section 10 of this chapter.

BBB. "Sign copy" means words, letters, logos figures, symbols, illustrations, or patterns that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself.

CCC. "Structural trim" means the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

DDD. "Temporary sign" means any portable sign, inflatable signs, bag or banner covering a permanent sign, or other sign, banner, pennant, valance or advertising display constructed of Vinyl, cloth, canvass, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

EEE. "Trailer sign" means any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

FFF. "Vehicle sign" means 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.

GGG. "Wall sign" means any flat sign of solid face construction which is placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

HHH. "Window sign" means a sign posted, painted, placed, adhered, or affixed in or on a window or door, or a sign that is located on the interior of a structure that is exposed to public view from the exterior of the structure through a window or glass door.

III. "Work of art" means any mural painting or decoration, inscription, mosaic, painted glass, base-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on any lot or parcel or wall of any building or structure. A work of art shall not incorporate logos, advertisements, or other commercial speech nor shall a work of art contain images, letters, symbols or other representations designed to identify or market any commercial activities contained upon the site on which it is located.

Figure 165.10.4



#### 4. GENERAL REQUIREMENTS.

- A. No sign shall be allowed except as permitted by this chapter.
- B. No sign shall be located within the clear vision area of a driveway or street intersection as defined in City Code. 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. No person shall install, erect, construct, hang, or alter any sign within the City without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this chapter.
- D. No person shall replace the sign copy or sign face without first obtaining from the City a Sign Permit, unless such sign is otherwise exempt under this chapter.
- E. Signs 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.
- F. Any permanent or temporary commercial sign allowed in this chapter may be utilized as a non-commercial or political issue sign subject to the regulations contained herein.
- G. Strength of Signs. All signs and other advertising structures shall be designed and constructed to withstand a wind load and dead load as required in the Building Code or other ordinances of the City.
- H. Sign Maintenance: All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City.
- I. Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any overhead electrical power, telephone, fiber optic, or cable wires or supports thereof.

J. Safe Ingress and Egress: No sign or part thereof shall be erected or maintained to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

K. Illumination: All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets.

L. Free-Standing Sign Height Computation: The height of free-standing signs (including all temporary and permanent signs) shall be computed to be the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to mean the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

M. Free-Standing Sign Setback Measurement: The sign setback for free-standing signs (including all temporary and permanent signs) shall be measured from the nearest edge of the sign.

**5. PROHIBITED SIGNS.** The following signs shall not be permitted, erected or maintained on any property within the City, unless located within the confines of a building, or not visible from outside the premises of the lot in which the sign is located.

A. Air-Activated Graphics and Signs with Moving Parts. 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.

B. Animated Signs.

C. Balloon Signs.

D. Banners. Banners, pennants, spinners, and streamers, except as specified in this chapter as a permitted temporary sign.

E. Billboards.

F. Flashing or Glaring Lights. Flashing 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.

G. Mobile signs attached to or painted on an inoperable or unlicensed vehicle, truck, or trailer.

H. Moving Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights. Except for a special event approved by the City Council per the City's special event procedures.

I. Off-Premise Signs, except a permitted temporary sign, as specified in this chapter, may be off-premise.

J. Pole Signs.

K. Portable Sign.

L. Projected-Image Signs.

M. Roof Signs.

N. String Lights. String lights used in connection with commercial premises from November 1 to January 15 on a temporary basis.

O. Discontinued Use. Signs on a property that is vacant or un-occupied for a period of more than six (6) months.

P. Hazardous Sign. Any sign or sign structure which:

(1) Is structurally unsafe;

(2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;

(3) constitute an obstruction so as to prevent free ingress or egress through any door, window or fire escape;

(4) Is not kept in good repair; or,

(5) Is capable of causing electrical shocks to persons likely to come in contact with it.

Q. Obscene Matter. Signs that display obscene matters in violation of Iowa Code 728.

R. Signs Projecting over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to City or other governmental entity unless specifically permitted by said entity.

S. Temporary Signs. All temporary signs except those that are specifically allowed by this chapter.

T. Interference with Traffic. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street or alley in such a manner as to obstruct free and clear vision, or 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 which makes use of the words STOP, LOOK, DRIVE-IN, DANGER or any other word, phrase, symbol or

character in such a manner as to interfere with, mislead or confuse traffic.

U. Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this chapter.

**6. EXEMPTIONS TO SIGN PERMIT REQUIREMENT.** The following signs shall not require a sign permit.

A. Government signs, government flags, and public school district signs as defined herein this chapter, are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

B. Signs located within the confines of a building, except those that are defined as window signs.

C. Building addresses on buildings and signs as required by the City are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

D. Directory signs as required by the City Fire Department for emergency identification are exempt from the Sign Regulations, the Sign Design Standards, and the Sign Permits and Fees requirement.

E. Works of art that meet the definition as provided herein this chapter.

F. Temporary Signs, to the extent that they meet the standards herein this chapter, are exempt from the Sign Permits and Fees requirement.

**7. SIGN TYPES.** For the purposes of this chapter, the following sign types as defined herein are placed into the following categories.

A. Permanent Signs. Permanent signs may be commercial or non-commercial signs as defined herein this chapter. Permanent, commercial signs must meet the definition of an on-premise sign. Permanent, commercial signs shall not include off-premise signs. Permanent signs are limited to the following sign types as defined and further regulated herein this chapter:

- (1) Building Signs
- (2) Ground Signs
- (3) Directional Signs
- (4) Drive-Thru Facility Signs
- (5) Signs Affixed to Automated Teller Machines (ATM)
- (6) Corporate Flags

B. Temporary Signs. Temporary signs may be commercial or non-commercial signs as defined herein this chapter. Temporary, commercial signs may be on-premise or off-premise signs. Temporary signs are limited to the following sign types as defined and further regulated herein this chapter:

- (1) Free-standing signs
- (2) Sidewalk signs
- (3) Blade signs and flags
- (4) Banner signs attached to a building wall or window or covering and affixed to an existing building sign
- (5) Bag signs covering and affixed to an existing monument ground sign

**8. SIGN REGULATIONS.**

A. Permanent signs permitted by zoning district.

PERMANENT SIGNS										
BUILDING SIGNS	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
PERMANENT SIGNS										
BUILDING SIGNS	ZONING DISTRICT									
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-3	M-1	M-2
Number of Signs Permitted	1 sign per principal building facing a public street for all permitted multi-family residential and non-residential uses.					Building signs may be located on any side of a building so long as the total sign area does not exceed the total allowed for the building (or building floor, in the case of the C-3 District). The area of all wall, awning, and window signs shall be included in the total building signage area calculation.				

Projecting Signs Permitted	Not permitted.					1 per building entrance. Maximum 24 sq. ft. per sign face.	Not permitted.				
Maximum Sign Area	48 sq. ft.					10% of the total sq. ft. of the wall area of a principal building facing a public street. No more than two sides of a building facing a street shall be used to calculate the allowable signage.  The sign area of all building signs (including wall, awning, and window signs) shall be calculated using sign area Formula A as defined herein this chapter.					
						In the C-3 District, the total sign area shall exceed 10% of the wall area of the building floor on which the sign(s) is/are located.					
<b>GROUND SIGNS</b>	<b>ZONING DISTRICT</b>										
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>	
Number of Signs Permitted	2 signs per public or private street entrance for single family residential subdivisions. 1 per public street frontage for each lot of record for all permitted multi-family residential and non-residential uses.					1 per public street frontage for each lot of record. For lots with 500 ft or more of frontage, 1 sign shall be allowed for each 250 ft of frontage.					
Maximum Sign Height	8 ft.					25 ft.					
Maximum Sign Width	8 ft.					20 ft.					
Maximum Sign Area	48 sq. ft. calculated using sign area Formula B as defined herein this chapter.					150 sq. ft. calculated using sign area Formula B as defined herein this chapter.					
Minimum Sign Setback Requirements	10 ft. from all property lines.					Minimum setback from all property lines is equal to the sign height, but no less than 5 ft, and 200 ft. from any ground sign located on the same lot.					
<b>DIRECTIONAL SIGNS</b>	<b>ZONING DISTRICT</b>										
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>	
Number of Signs Permitted	5 per each lot of record for all permitted multi-family residential and non-residential uses.					5 per each lot or record.					
Maximum Sign Height	3 ft.										
Maximum Sign Area	9 sq. ft. calculated using sign area Formula B as defined herein this chapter.										
Sign Setback	10 ft. from all property lines.										
<b>DRIVE-THRU FACILITY SIGNS</b>	<b>ZONING DISTRICT</b>										
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>	
Number of Signs Permitted	For sites with a permitted drive-thru facility, 2 drive-thru facility signs, as provided herein, shall be permitted for each drive-thru lane. Signs may be free-standing (one-sided only) or building/wall mounted.										
Maximum Sign Height	8 ft.										
Maximum Sign Area	Each sign shall be no greater than 36 sq. ft. using sign area Formula B as defined herein this chapter.										
Minimum Sign Setback and Placement Requirements	25 ft front yard and 10 ft from all property lines. Must be within 10 ft of the drive-thru lane.										
<b>SIGNS ON ATMS</b>	<b>ZONING DISTRICT</b>										
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>	

Maximum Sign Area						Sign copy may be adhered or placed upon any surface of a permitted ATM or ATM kiosk; however, the total area of all signage shall not exceed 48 sq. ft.				
<b>CORPORATE FLAGS</b>	<b>ZONING DISTRICT</b>									
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
Number Permitted	Not Permitted.					1 per lot of record or 1 per principal building.				
Maximum Height						30 ft.				
Maximum Flag Size						15 sq. ft.				
Minimum Pole Setback						Minimum setback from all property lines is equal to the pole height, but no less than 5 ft.				
Other Requirements						May only be displayed concurrent with the display of 1 or more government flag(s) attached either on a shared pole or separate pole located in close proximity to the pole(s) displaying the government flag(s).				

B. Temporary signs permitted by zoning district.

TEMPORARY SIGNS										
<b>COMMERCIAL SIGNS</b>	<b>ZONING DISTRICT</b>									
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
TEMPORARY SIGNS										
<b>COMMERCIAL SIGNS</b>	<b>ZONING DISTRICT</b>									
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
Number of Signs Permitted	1 sign per public street frontage for each lot of record.					1 sign per public street frontage for each lot of record plus 1 per building or individual business. Each building or individual business may also display 1 "A-frame" or 1 "blade sign" during the hours in which the business is open.				
Maximum Sign Area	32 sq. ft. for permitted multi-family residential and non-residential uses and 8 sq. ft. for all other uses. Sign area shall be calculated by using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.				
Maximum Free Standing Sign Height	6 ft.					8 ft.				
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.									
<b>NON-COMMERCIAL SIGNS</b>	<b>ZONING DISTRICT</b>									
	<b>A-1</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>M-1</b>	<b>M-2</b>
Maximum Sign Area	8 sq. ft. using sign area Formula B as defined herein this chapter.					32 sq. ft. using sign area Formula B as defined herein this chapter.				
Maximum Free Standing Sign Setback Requirement	5 ft. from all property lines.									

## 9. SIGN DESIGN STANDARDS.

A. Permanent Signs. The following regulations are established for all permanent signs as may be permitted by this article.

### (1) Building Sign Regulations.

a. Prior to installation of any building signage, all multi-tenant buildings and multi-building commercial centers shall provide a signage plan detailing how and where signage will be allocated to each individual tenant space. This plan shall be adhered to unless an alternate plan is provided to the City by the building owner. In the case of commercial condominium or horizontal property regime, each owner shall be allocated an amount of signage proportional to the size of their unit.

b. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.

c. All building signs, including projecting signs but not including awning and window signs, shall consist of solid individual letters and symbols that have a three-dimensional appearance with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.

d. Signs with exposed neon or exposed florescent tubes or light bulbs are prohibited.

e. Painted signs, including any lettering, graphics, images, and logos, are prohibited except as may be permitted on awnings and windows.

f. Signs in any A-1, R-1, R-2, R-3, or R-4 zoning district shall not be internally illuminated.

g. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.

h. No individual letter or symbol shall exceed six (6) feet in height and six (6) feet in width. All letters and symbols should be individually attached to the building wall. Raceways are prohibited. In any situation where it is not physically practical to mount a wall sign without a raceway, a pan-style raceway may be authorized at the discretion of the Zoning Administrator.

i. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the building wall.

### (2) Projecting Signs, where permitted, shall further comply with the following standards:

a. Application. Projecting signs as regulated by this article shall include any sign, other than a building sign, which projects from, and is supported by a wall of a building or structure.

b. Construction. Every projecting sign, including the frame, braces and supports thereof, shall meet the compliance of the building code regulations of the City.

c. Sign Width (Thickness). The thickness measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.

d. Height of Signs. No part of any projecting sign shall be less than ten (10) feet above ground level, except as provided in subsection (e) of this section, and shall not extend above the roof line.

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 six (6) 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 or Road Right-of-Way. It is unlawful for any projecting sign to be located over public property or road right-of-way unless approval is granted by the City Council or agency that owns or controls said public property or right-of-way.

### (3) Ground Sign Regulations.

a. Ground signs shall be restricted to monument grounds signs. Pole signs are prohibited.

b. All sign structures shall be architecturally designed and incorporate design details, materials, and colors of the associated building.

c. All ground signs shall consist of solid individual letters and symbols that have a three-dimensional appearance

with a minimum dimensional depth of one (1) inch. The dimensional depth may be achieved by individual dimension letters or symbols, cut out, push through, engraved, embossed, pin mounted with stand-offs, or alternative acceptable to the Zoning Administrator. Said individual letters and symbols shall be made of anodized aluminum or similar materials or should consist of individual illuminated self-contained letters and symbols made of anodized aluminum or similar materials with translucent plastic faces.

- d. Signs with exposed neon or exposed florescent tubes or light bulbs are prohibited.
- e. Painted signs, including any lettering, graphics, images, and logos, are prohibited.
- f. Signs in any A-1, R-1, R-2, R-3, or R-4 zoning district shall not be internally illuminated.
- g. Panel signs are prohibited; however, a panel type sign of an individual logo or graphic may be permitted as part of a building sign provided the panel area does not exceed six (6) feet in height and six (6) feet in width and is designed as if it were an individual illuminated self-contained letter or symbol.
- h. No individual letter or symbol shall exceed six (6) feet in height and six (6) feet in width. All letters and symbols should be individually attached to the ground sign. Raceways are prohibited. Signs may be mounted on a uniform backing that is of no more than one (1) color and that projects no more than four (4) inches from the surface of the ground sign.
- i. Permitted ground signs may include a changeable message sign that is double-sided (back-to-back) and no larger than 48 sq. ft. in size per sign face.
- j. Signs within any non-residential zoning district may include an electronic message center sign that is double-sided (back-to-back) and no larger 32 sq. ft. in size, per sign face, and subject to the design regulations herein this article. Electronic message centers are further regulated as follows:
  - i. Electronic message center messages and images may not include video, animation, scroll, or flash and shall not display full-motion graphics in a series of frames to give the illusion of motion or video.
  - ii. The images and messages displayed on an electronic message center must have a minimum dwell time of at least 10-seconds before changing to the next image or message. The transition or change from one message to another must be instantaneous and involve no animation or special effects.
  - iii. Electronic message centers shall be integral to and a part of an approved monument sign.
  - iv. An approved monument sign may have more than one individual electronic display provided the total area of all such displays does not exceed 32 sq. ft. of the total sign copy area.
  - v. The brightness of any electronic message center shall not exceed a maximum illumination of 5,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 250 candelas per square meter (nits) between dusk and dawn, as measured from the brightest element on the sign's face. Electronic message centers must be equipped with a light detector or photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

#### **(4) Temporary Sign Regulations**

- a. The following types of temporary signs may be permitted in accordance with the regulations herein this chapter. All other temporary sign types not listed herein below are prohibited.
  - i. Free-standing signs including sidewalk signs, flags, and blade signs.
  - ii. Banner signs attached to a building wall or window or covering and affixed to an existing building sign.
  - iii. Bag signs covering and affixed to an existing monument ground sign.
- b. Prohibited Within Public Street Right-of-Way and Public Property. No temporary sign shall be placed within a public street right-of-way nor on public property. Temporary sidewalk signs, as provided in this Chapter, may be permitted on the public sidewalk within the Downtown Mixed-Use Zoning District (C-3), subject to the following conditions:
  - i. Signs are permitted on all sidewalks provided there remains a free walking path with a minimum walking surface of five feet in width.
  - ii. Signs shall not exceed nine (9) square feet in area.
  - iii. Signs shall not exceed five (5) feet in height.
  - iv. Signs are allowing during business hours only.
- c. Time Limit. No temporary sign shall be in place for a period greater than six (6) months unless removed and replaced with a new sign.

**10. SIGN AREA CALCULATION.** The area of a sign shall be as determined by the Zoning Administrator using actual dimensions where practical or approximate dimensions when irregularity of a sign shape warrants. The area of each sign type is to be measured with either Formula A or Formula B as noted below. The application of either Formula A or Formula B is established by sign type as defined elsewhere in this article.

- A. Formula A. The sign area is the sum of the area of two (2) contiguous rectangles, squares or circles that enclose the

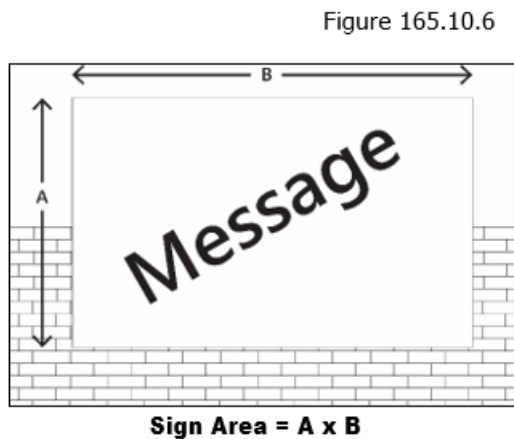
extreme points or edges of all copy, logos and symbols of said sign.

Figure 165.10.5



B. Formula B. The sign area is the area of one rectangle, square or circle that encloses the extreme points or edges of all areas where copy may be placed on a sign. This area does not include structural or architectural features of the sign where copy will not be located.

Figure 165.10.6



**11. ENFORCEMENT AUTHORITY.** The Zoning Administrator is hereby authorized and directed to enforce all the provisions of this chapter.

**12. PERMIT REQUIRED.** Except those signs as expressly exempted by Section 6 of this Chapter, it is unlawful for any person to erect, repair, alter, relocate or maintain within the City any sign or other advertising structure as defined in this chapter, without first obtaining an erection permit from the Community Development Department, and making payment of the fee required herein. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code of the City.

**13. APPLICATION FOR SIGN PERMIT.** Application for sign erection permits shall be made upon forms as determined by the Zoning Administrator and shall contain or have attached thereto the following information unless any such information is deemed unnecessary by the Zoning Administrator:

- A. Application fee as established by resolution of the City Council.
- B. Name, address and telephone number of the applicant and building and/or property owner.
- C. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- D. Position of the sign or other advertising structure in relation to nearby buildings or structures.
- E. Site plan, sign elevations, details, and specifications and method of construction and attachment to the building or in the ground.
- F. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter and all other laws and ordinances of the City.
- G. Name of person, firm, corporation or association erecting the structure.
- H. Written consent of the owner of the building, structure or land to which or on which the structure is to be erected if different from the applicant.
- I. Such other information as the Zoning Administrator shall require to show full compliance with this chapter and all other laws and ordinances of the City.

**14. APPROVAL OF ELECTRICAL WIRING.** The application for a permit for erection of a sign or other advertising

structure in which electrical wiring and connections are to be used shall be submitted to the Zoning Administrator. The Zoning Administrator shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the City, and the Zoning Administrator shall approve such permit if the said plans and specifications comply with said code, or disapprove the application if noncompliance with such code is found.

**15. LICENSED SIGN CONTRACTOR.** All permanent, free standing and building signs shall be constructed by a professional sign contractor licensed to conduct business within the City of Indianola. The licensing application and insurance requirements shall be as determined by the Zoning Administrator. The licensing fee shall be established by resolution of the City Council.

**16. PERMIT ISSUANCE; EXPIRATION.** It is the duty of the Zoning Administrator, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if all the requirements of this chapter and all other laws and ordinances of the City are complied with, the Zoning Administrator shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, the said permit shall become null and void.

**17. REVOCABILITY OF PERMIT.** All rights and privileges acquired under the provisions of this chapter, or any amendment thereto, are mere permits revocable by the Council, and all sign permits shall contain this provision. In the event that by action of the Council any permit is revoked, it shall be unlawful thereafter to permit such sign to continue to remain on the premises, and it is the duty of the owner, agent, or person in possession of said premises, and each of them, to remove such sign forthwith.

**18. RIGHT OF ENTRY.** Subject to constitutional limitations and upon presentation of proper credentials, the Zoning Administrator or any duly authorized representatives may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon the Zoning Administrator by this chapter.

**19. INSPECTION.** All signs for which a permit is required by this chapter or any ordinance of the City shall be subject to inspection by the Zoning Administrator. Footing inspections will be required for all ground signs. Electric signs shall be inspected before erection.

**20. UNSAFE OR UNLAWFUL SIGNS.** If the Zoning Administrator finds that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the Zoning Administrator shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign 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 is located. The Zoning Administrator shall recommend to the City Manager the revocation of the permit covering such sign or other structure regulated herein, and thereupon said permit may be revoked by order of the Council. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. Existing signs shall comply with the provisions of this section.

**21. NONCONFORMING SIGNS.**

A. Intent: It is the intent of this chapter to allow existing legal, nonconforming signs to continue to be maintained and used until they are removed under the terms of this chapter, while encouraging legal, nonconforming signs to be brought into conformity. Every sign or other advertising structure lawfully in existence on December 31, 2022, but which is prohibited by the terms and conditions of this chapter, shall not be altered or moved except in compliance with this chapter.

B. Modification: A legal nonconforming sign or sign structure shall be brought into conformity with this chapter if it is altered, reconstructed, replaced, expanded, or relocated. A change in sign copy, or the replacement of a sign face, is not an alteration or replacement for purposes of this section, but conditions may be placed on the approval to bring the sign closer to compliance with the intent of the provisions of this chapter.

C. Maintenance: Legal nonconforming signs must be maintained in good condition. Maintenance required by this subsection shall include replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state, and it is not a change or modification for purposes of subsection D1 of this section.

D. Removal: Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

(1) Fifty percent (50%) or more of the entire sign structure of a legal nonconforming sign is damaged, destroyed, or for any reason or by any means taken down; or

(2) The condition of the legal nonconforming sign or legal nonconforming sign structure has deteriorated without maintenance as required by this section; or the legal nonconforming sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event; and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty percent (50%) of the cost of reconstruction of the sign structure; or

(3) The use of the legal nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of thirty (30) consecutive days or more. An intent to abandon is not required as the basis for removal under this subsection.

E. Sign Permit Application: For any new sign permit applications filed under this chapter, the City may review all signs

