

# **City of Des Moines**

## **Zoning, Planning and Design**

### **CHAPTERS 134 & 135**

**PUBLIC REVIEW DRAFT**



**DRAFT AUGUST 3, 2017**

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## Chapter 134. Zoning

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# 134-1. INTRODUCTORY PROVISIONS

DRAFT

Title

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## 134-1.1 Title

This chapter of the municipal code is known and may be cited and referred to as the “zoning ordinance” of the city.

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## 134-1.2 Authority

This zoning ordinance is adopted under the authority of Iowa Code Section 364.1 and Iowa Code Chapter 414.

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## 134-1.3 Effective Date

The provisions of this zoning ordinance become effective on [INSERT DATE], except as otherwise expressly stated.

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## 134-1.4 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private use and development of properties within the corporate limits of the city, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance, and excluding public right-of-way unless otherwise expressly stated.

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## 134-1.5 Purposes

This zoning ordinance is adopted for the purposes of:

- 1.5.1 Protecting and promoting the public health, safety, morals and general welfare; and
- 1.5.2 Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the city.

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## 134-1.6 Minimum Requirements

- 1.6.1 The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance's stated purposes.
- 1.6.2 In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.
- 1.6.3 References in this zoning ordinance to other governmental regulations do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other government authorities.

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## 134-1.7 Compliance Required

- 1.7.1 All lots created or modified must comply with all applicable provisions of this zoning ordinance.

- 1.7.2 The use of land, buildings and structures must comply with the provisions of this zoning ordinance.

- 1.7.3 Buildings and structures erected, located, moved, reconstructed, extended or structurally altered must comply with the provisions of this zoning ordinance.

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## 134-1.8 Conflicting Provisions

### 1.8.1 STATE OR FEDERAL REGULATIONS

If the provisions of this zoning ordinance are inconsistent with or conflict with state or federal law, including Iowa Code Chapter 8C and the Spectrum Act and/or similar FCC regulations, the applicable state and federal law or regulation govern.

### 1.8.2 OTHER CITY REGULATIONS

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

### 1.8.3 PRIVATE AGREEMENTS AND COVENANTS

The city is not responsible for monitoring or enforcing agreements or covenants among private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern.

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## 134-1.9 Language and Interpretation

### 1.9.1 CONJUNCTIONS

- A. Unless the context otherwise expressly indicates, conjunctions have the following meanings:
- B. “And” indicates that all connected items or provisions apply; and
- C. “Or” indicates that the connected items or provisions may apply singularly or in combination.

### 1.9.2 ILLUSTRATIONS

Illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any figure or illustration, the text governs.

**1.9.3 VERSIONS AND CITATIONS**

All references in this zoning ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, zoning ordinance requirements for compliance are no longer in effect.

**1.9.4 LISTS AND EXAMPLES**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**1.9.5 DELEGATION OF AUTHORITY**

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such delegation.

**1.9.6 PUBLIC OFFICIALS AND AGENCIES**

Unless otherwise expressly stated, all employees, public officials, and boards and commissions to which references are made are those of the city.

**134-1.10 Zoning Map<sup>1</sup>****1.10.1 ESTABLISHMENT**

The location and boundaries of the districts defined in this zoning ordinance must be established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the community development director. This “zoning” geographic coverage layer constitutes the city’s official zoning map.

**1.10.2 MAINTENANCE AND UPDATES**

The community development director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of any ordinance establishing or amending zoning district boundaries.

<sup>1</sup> This section represents a substantially edited version of existing Sec. 134-277 although it is not intended as a substantive change from existing practice...

**1.10.3 BOUNDARIES**

Zoning boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the boundary is deemed to extend to the centerline of abutting streets. When a map is used, boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

**1.10.4 MAP INTERPRETATIONS**

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the community development director is authorized to make an interpretation of the boundaries. The following rules apply to all zoning map interpretations:

- A. Boundaries shown as approximately following the centerlines of streets, highways, alleys or other public rights-of-way must be construed to follow such centerlines.
- B. Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.
- C. Boundaries shown as approximately following city limit lines must be construed as following those lines.
- D. Boundaries shown as approximately following railroad lines must be construed to be midway between the main tracks.
- E. Boundaries shown as approximately following the shoreline or centerline of a river, stream, lake or other watercourse must be construed as following the actual shoreline or centerline of the watercourse. If, after establishment of the boundary, the shoreline or centerline of the watercourse moves as a result of natural processes, the boundary must be construed as moving with the shoreline or centerline of the watercourse.

**1.10.5 ANNEXED LAND**

When land is annexed or otherwise brought into the zoning jurisdiction of the city, it may be classified in the A (Agricultural) district or assigned another zoning classification based on the comprehensive plan, existing land uses, any applicable annexation agreement or other relevant considerations.<sup>2</sup>

<sup>2</sup> This is a change from Sec. 134-278, which appears to

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### 134-1.11 Transitional Provisions

The provisions of this section address the transition to this zoning ordinance from the zoning ordinance in effect immediately before the effective date specified in [134-1.3](#).

#### 1.11.1 APPLICATIONS, PERMITS AND APPROVALS

- A. Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in [134-1.3](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development or structure is commenced but not completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.
- B. Complete applications for variances, exceptions, special permits, conditional uses, site plans, PUDs, and other zoning-related approvals that are pending approval on the effective date specified in [134-1.3](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in [134-1.3](#).
- C. The community development director is authorized to issue permits for construction or development approved before the effective date specified in [134-1.3](#) and for developments pending approval before that effective date even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

#### 1.11.2 VIOLATIONS

The adoption of this zoning ordinance does not affect any pending or future suit, proceeding or prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date

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require that all annexed land be brought in as A-1. The existing provisions addressing nonconforming single-family dwellings will be moved to the "nonconformities" article of the ordinance

specified in [134-1.3](#).

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### 134-1.12 Severability

If one or more provisions of this ordinance, or the application of this ordinance is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, including Iowa Code Chapter 8C and/or the Spectrum Act and similar FCC regulations, such provisions are deemed to be severed from this zoning ordinance. The remaining ordinance provisions remain in full force and effect.



Chapter 134. Zoning  
**ARTICLE 2. DISTRICTS**

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## 134-2.1 Districts Generally

### 2.1.1 PURPOSE

Purpose. In addition to the general purposes of [134-1.5](#), the city is divided into districts as established in this section to apply a specific set of regulations to each category of lots. Further, these different districts are intended:<sup>1</sup>

- A. To achieve a balanced pattern of development, providing for mixed-use development that encourages daily uses within walking or biking distance.
- B. To require high quality development that draws on the distinctive characteristics of the city, neighborhood, and district.
- C. To achieve development that is appropriate in scale and intensity for neighborhoods and districts within the city.
- D. To ensure that a mix of housing types and sizes can be developed to meet the needs of the entire community.
- E. To promote sustainability goals, such as reductions in vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions through a focus on pedestrian-friendly design, transit-supportive development, and a mix of daily uses within a pedestrian-oriented center.
- F. To provide a framework for greater use of public transit and for the development of transit-oriented neighborhoods where appropriate.
- G. To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses.
- H. To ensure that adequate amounts and types of open space are available to all residents within walking distance of their homes and workplaces.
- I. To protect the natural environment, including reducing air and water pollution, and to respond to the threat of climate change.

### 2.1.2 APPLICABILITY

- A. No building, structure or land may be used and no building or structure may be erected or altered, except in conformity with the regulations prescribed in these regulations for the district in which such building, structure or land is located.

<sup>1</sup> Are these more specific purposes necessary if references are made to the comprehensive plan? If so, is the correct location for them?

- B. The provisions of these regulations apply to any use or development of land or buildings that is constructed/commenced, reconstructed/recommenced, relocated, or expanded after the effective date of this ordinance.

## 134-2.2 Establishment of Districts

The following districts are established to regulate the location of distinct mixes of building forms and uses permitted within the city. Refer to [Chapter 134, Article 3](#) for uses and [Chapter 135, Article 1](#) for building types permitted within each district.

### 2.2.1 DOWNTOWN (DX) DISTRICTS

The downtown (DX) districts are established to address the mix of building forms and uses appropriate for each of the different districts within the downtown area.

- A. **DX1 District.** DX1 is intended for the highest intensity of activity in the downtown, where mixed-use buildings include offices, groundfloor storefronts with shopping, services, and restaurants, and residential and lodging.
- B. **DX2 District.** DX2 is intended for the mid-level intensity of activity in downtown, where storefronts, offices, and residences are mixed.
- C. **DXR District.** DXR is intended for the mainly residential neighborhoods of the downtown, surrounding the downtown, and across the rivers from downtown.

### 2.2.2 MIXED-USE (X) DISTRICTS

The X districts establish an appropriate mix of building forms and uses to enhance existing and create new compact, walkable nodes and corridors throughout the city.

- A. **MX1 District.** MX1 is intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.
- B. **MX2 District.** MX2 is intended for mixed-use, regional-scale nodes and corridors within the city, where residents and visitors may access multiple uses by walking.
- C. **MX3 District.** MX3 is intended for mixed-use nodes and corridors within the city, where residents and visitors may access multiple uses by walking and automobile. This district accommodates higher intensity commercial uses at a smaller scale.
- D. **RX1 District.** RX1 is intended for transitional areas between MX districts and N districts, providing

for residential and office buildings at a scale and intensity appropriate for corridors adjacent to low-scale neighborhoods.

- E. RX2 District.** RX2 is intended for transitional areas between MX districts and N districts, providing for residential and office buildings at a scale and intensity higher than RX1.
- F. CX District.** CX is intended for nodes and corridors with larger-scale single-use commercial accommodating higher levels of vehicular traffic than MX districts and more intensive commercial uses, especially with outdoor sales.
- G. EX District.** EX is intended for locations and corridors with a mix of light industrial and heavier commercial uses, accommodating higher levels of vehicular traffic than MX districts a predominance of mid-scale employment uses, such as office, low intensity industrial, and warehouse spaces associated with offices.

### 2.2.3 INDUSTRIAL (I) DISTRICT

The I districts establish a mix of uses and associated site development standards pertaining to manufacturing, warehousing, and other industrial uses.

- A. I1 District.** I1 is intended for general industrial uses, warehousing, and transportation terminals.
- B. I2 District.** I2 is intended for general and higher intensity industrial uses as well as warehousing and transportation terminals.

### 2.2.4 PUBLIC, CIVIC, AND INSTITUTIONAL (P) DISTRICTS

The P districts are established to provide specific locations for public and institutional facilities, including parks and open space.

- A. P1 District.** P1 is intended for open space, including permanent parks and recreation areas.
- B. P2 District.** P2 is intended for civic and institutional facilities, such as religious assembly places, cultural or arts centers, community centers, schools, infrastructure, and other institutional facilities. Infrastructure includes public or private infrastructure, including rail corridors and utility corridors or sites.

### 2.2.5 NEIGHBORHOOD (N) DISTRICTS

The N districts are established to protect the character of existing residential neighborhoods and set the character of new neighborhoods throughout the city.

- A. N1a District.** N1a is intended for large lots for mostly single-household residential houses with a more flexible building form (see building type House A in [135-1.13](#)).
- B. N1b District.** N1b is intended for larger lot, mostly single-household residential houses within a more traditional neighborhood setting (see building type House A in [135-1.13](#)).
- C. N2 District.** N2 is intended for contemporary, mid-size lot single- and 2-household residential within a more flexible building form and located in contemporary neighborhoods (see building type House A in [135-1.13](#)).
- D. N3a District.** N3a is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style (see building type House B in [135-1.14](#)).
- E. N3b District.** N3b is intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s through 1970s typically in the ranch, split-level, or cottage style (see building types House B in [135-1.14](#) and House C in [135-1.15](#)).
- F. N3c District.** N3c is intended to preserve the scale and character of residential neighborhoods developed predominantly in the cottage or worker cottage style (see building type House C in [135-1.15](#)).
- G. N4 District.** N4 is intended to preserve the scale and character of residential neighborhoods developed predominantly with a mix of cottages, constructed mainly of masonry and/or stone (see building type House C in [135-1.15](#)).
- H. N5 District.** [Bungalow/Manor] N5 is intended to preserve the scale and character of neighborhoods developed with a mix of bungalow and 2-story houses, predominantly in the Victorian, Revival, and Arts and Crafts styles (see building type House D in [135-1.16](#)).
- I. NM District.** NM is intended to accommodate mobile home parks in specific locations within the city.

### 2.2.6 NUMBER OF HOUSEHOLD UNITS IN N DISTRICTS

- A. N District Extension -2.** For N districts locations labeled with a "-2" extension, the maximum number of household units permitted per lot is 2 (see [134-3.1.2.D](#)). Refer to the building type regulations in [Chapter 135, Article 1](#) for the permitted building

## 134-2. DISTRICTS

### Establishment of Districts

types and configuration of the units within the building types.

- B. N District Extension -4.** For N districts locations labeled with a “-4” extension, the maximum number of household units permitted per lot is 4 (see [134-3.1.2.D](#)). Refer to the building type regulations in [Chapter 135, Article 1](#) for the permitted building types and configuration of the units within the building types

#### 2.2.7 NEIGHBORHOOD MIX (NX) DISTRICTS

The NX districts are established for residential neighborhoods with an existing mix of residential buildings and uses or with the potential for infill of a mix of residential buildings and uses.

- A. NX1 District.** NX1 is intended for a mix of single- and smaller-scaled multiple-household uses and building forms to preserve the scale and character of the existing neighborhood while allowing for new infill housing.
- B. NX2 District.** NX2 is intended for a mix of single-household houses with appropriately scaled and detailed multiple-household building types in the same neighborhood.
- C. NX2a District.** NX2a is intended for the same form as NX2, but, in addition to the typical residential uses allowed in NX2 includes commercial home occupations per [134-3.9.4](#).
- D. NX3 District.** NX3 is intended for a variety of heights of multiple-household buildings, including taller buildings, located along corridors and on the edges of neighborhoods.

#### 2.2.8 AGRICULTURE (A) AND FLOOD HAZARD DISTRICTS

- A. A District.** A is intended for low density uses in agricultural areas.
- B. F District.** F is intended for flood hazard locations administered per chapter 50.<sup>2</sup>

#### 2.2.9 PUD, PLANNED UNIT DEVELOPMENT (LEGACY) DISTRICT

- A.** No applications to establish new PUD zoning districts or to expand the boundaries of existing PUD zoning districts may be accepted for processing after the effective date specified in [134-1.3](#), except that any PUD rezoning applications that were in process on the effective date specified in [134-1.3](#) may continue

to be processed and may be approved in accordance with the transitional provisions of [134-1.11](#).

- B.** Land classified in a PUD zoning district on the effective date specified in [134-1.3](#) will continue to be classified in a PUD district and governed by the ordinance approving the PUD zoning designation and all applicable conditions of approval and development plans associated with the approved development until the subject PUD is abandoned or the property is rezoned to another (non-PUD) classification.
- C.** All amendments to existing PUDs and final development plans for existing PUDs must be reviewed and approved by the city council after review and recommendation of the plan and zoning commission, following the same general process as a zoning map amendment (see [134-6.3](#)).

<sup>2</sup> Current regulations for FW and U-1 districts in current chapter 134 need to be incorporated either into new chapters 134 and 135 or chapter 50.

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## 134-3.1 Principal Uses

### 3.1.1 TABLE OF ALLOWED USES

Principal uses are allowed in accordance with [Table 3.1-1](#).

### 3.1.2 INTERPRETING THE USE TABLE

**A. Use Classification System.** Uses are listed in the first column of [Table 3.1-1](#). This zoning ordinance classifies uses into categories and subcategories, which are defined in [134-3.2](#). In some cases, specific use types are listed in addition to the use categories and subcategories. The final ("Reference") column of [Table 3.1-1](#) includes a cross-reference to the applicable use definition and any applicable supplemental use regulations.

**B. Permitted Uses.** Uses identified with a ● are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of [Table 3.1-1](#) and with all other applicable regulations of this zoning ordinance.

**C. Conditional Uses.** Uses identified with ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of [134-6.4](#).

**D. Multiple Units.** Uses identified with a "②" or a "④" are permitted only in zoning districts with a map symbol (abbreviation) that includes a "-2" or "-4"

extension, respectively. An N5-4 district, for example, allows up to 4 household units per lot.

**E. Prohibited Uses.** Uses identified with an "-" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [134-3.2](#)) to fall within any defined use category or subcategory are also prohibited.

**F. Reference.** The final ("Reference") column of [Table 3.1-1](#) includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the subject use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval.

**G. Accessory Uses.** Accessory uses are not regulated by [Table 3.1-1](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by conditional use approval, subject to compliance with all applicable accessory use regulations of [134-3.9](#).

**H. Controlled Uses.** The sale of alcoholic liquor, wine and beer is a controlled use and is allowed only in districts identified in [Table 3.1-1](#). Controlled use are subject to the supplemental regulations of [134-3.8.2](#).

**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY		DISTRICTS																	Reference			
Use Subcategory	Specific Use Type	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3		NM	P1	P2
RESIDENTIAL																						
Household Living																						
1 household (per lot)		●	○	○	●	○	○	○	●	●	○	-	-	-	●	●	●	●	●	-	-	<a href="#">134-3.3.1</a>
2 households (per lot)		-	○	○	●	○	○	○	●	●	○	-	-	-	②	●	●	●	-	-	-	<a href="#">134-3.3.1</a>
3 to 4 households (per lot)		-	○	○	●	○	○	○	●	●	○	-	-	-	④	●	●	●	-	-	-	
5 to 8 households (per lot)		-	○	●	●	○	○	○	●	●	○	-	-	-	-	●	●	●	-	-	-	<a href="#">134-3.3.1</a>
9 or more households (per lot)		-	○	●	●	○	○	○	●	●	○	-	-	-	-	-	●	●	-	-	-	<a href="#">134-3.3.1</a>
Mobile home park		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●*	-	-	<a href="#">134-3.3.1</a>
Group Living																						
Assisted living facility		-	○	●	●	●	●	●	●	●	●	-	-	-	-	-	●	●	-	-	-	<a href="#">134-3.3.2</a>
Correctional placement residence		-	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	-	-	○*	○*	-	-	-	<a href="#">134-3.3.2</a>
Family home		●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	●*	●*	●*	●*	●*	-	-	<a href="#">134-3.3.1</a>
Fraternity or sorority		-	○	○	●	○	○	○	●	●	○	-	-	-	-	-	●	●	-	-	-	<a href="#">134-3.3.2</a>
Group residence, supervised		●*	○*	●*	●*	○*	○*	○*	●*	●*	○*	-	-	-	-	-	●*	●*	-	-	-	<a href="#">134-3.3.2</a>
Shelter, temporary		-	○*	●*	●*	○*	○*	○*	●*	●*	○*	-	-	-	-	-	●*	●*	-	-	-	<a href="#">134-3.3.2</a>
Group living not otherwise classified		-	○	○	○	○	○	○	○	○	○	-	-	-	-	-	○	○	-	-	-	<a href="#">134-3.3.2</a>
PUBLIC, CIVIC AND INSTITUTIONAL																						
Airport		-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.1</a>
College or University		-	●	●	●	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	●	<a href="#">134-3.4.2</a>
Fraternal Organization		-	○	○	●	○	○	○	●	●	○	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.3</a>
Hospital		-	●	●	●	-	-	-	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.4</a>
Library or Cultural Exhibit		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-			-	-	●	<a href="#">134-3.4.5</a>
Parks and Recreation		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">134-3.4.6</a>
Postal Service		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.7</a>
Religious Assembly		-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	●	<a href="#">134-3.4.8</a>
Safety Service		●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.9</a>
School		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.4.10</a>
Utilities and Public Service Facilities																						
Minor		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">134-3.4.11</a>
Major		○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	<a href="#">134-3.4.11</a>
COMMERCIAL																						
Adult Entertainment		-	-	-	-	-	●*	-	-	-	-	-	-	○	-	-	-	-	-	-	-	<a href="#">134-3.5.1</a>
Animal Service																						
Boarding		●	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>
Grooming		●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>

**KEY:** ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --prohibited  
 ②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension



# 134-3. USES

## Principal Uses

DRAFT

**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY		DISTRICTS																		Reference			
Use Subcategory	Specific Use Type	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM		P1	P2	
Stable		●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Veterinary		●	●	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.2</a>
Assembly and Entertainment																							
Small		-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	○	<a href="#">134-3.4.3</a>	
Large		-	●	●	●	-	●	●	-	●	●	●	-	-	-	-	○	○	-	-	○	<a href="#">134-3.4.3</a>	
Broadcast or Recording Studio		-	●	●	-	-	●	●	-	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.5.4</a>	
Business or Trade School		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.5</a>	
Commercial Service																							
Consumer Maintenance and Repair		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
Personal Service		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
Studio or Instructional Service		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.6</a>	
Day Care		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.7</a>	
Day Services, Adult		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.8</a>	
Eating and Drinking Places																							
Restaurant		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.9</a>	
Bar		-	○*	○*	○*	-	○*	○*	-	-	○*	○*	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.9</a>	
Financial Service (except as below)		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Check Cashing		-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Pawnshop		-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Delayed Deposit Service		-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Bail Bonds		-	-	-	-	-	-	●	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.10</a>	
Funeral or Mortuary Service		-	-	-	-	-	-	-	●	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.11</a>	
Lodging																							
Bed & Breakfast		○	○	○	○	○	○	○	○	○	○	-	-	-	○	○	○	○	-	-	-	<a href="#">134-3.5.12</a>	
Hotel/Motel		-	●	●	●	-	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.12</a>	
Short-Term Rental		○	○	○	○	○	○	○	○	○	○	-	-	-	○	○	○	○	-	-	-	<a href="#">134-3.5.12</a>	
Office																							
Business or Professional		-	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.5.13</a>	
Medical		-	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	●	<a href="#">134-3.5.13</a>	
Parking, Non-accessory		-	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	●	●	-	-	-	-	-	○*	○*	<a href="#">134-3.5.14</a>	
Retail Sales																							
Limited		-	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	
General		-	●	●	●	-	●	●	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	
Large-Format		-	●	○	-	-	-	-	-	-	●	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>	

**KEY:** ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | --=prohibited  
 ②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension



**TABLE 3.1-1. PRINCIPAL USE TABLE**

USE CATEGORY	DISTRICTS																		Reference		
Use Subcategory	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3	NM		P1	P2
Specific Use Type																					
Fireworks Sales	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.15</a>
Self-service Storage	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.16</a>
Sports & Recreation, Participant																					
Indoor	-	●	●	●	●	●	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.17</a>
Outdoor	-	-	-	●	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.17</a>
Vehicle Sales and Service																					
Fueling Station	-	-	○	○	-	○	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Sales	-	-	-	-	-	-	●	-	-	●	-	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Rental	-	●	●	●	-	●	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Maintenance and Repair, Minor	-	-	-	-	-	-	●*	-	-	●*	●*	●*	●*	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
Vehicle Maintenance and Repair, Major	-	-	-	-	-	-	-	-	-	●*	-	●*	●*	-	-	-	-	-	-	-	<a href="#">134-3.5.18</a>
INDUSTRIAL																					
Fabrication and Production																					
Artisan	●	●*	●*	●	●*	●*	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
Limited	-	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
General	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
Intensive	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	<a href="#">134-3.6.1</a>
Industrial Service	-	-	-	-	-	-	●	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.2</a>
Storage, Distribution and Wholesaling																					
Equipment & Material Storage, Outdoor	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Trucking and Transportation Terminal	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Warehouse	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	●	<a href="#">134-3.6.3</a>
Wholesale sales and distribution	-	-	-	-	-	-	-	-	-	●	●	●	●	-	-	-	-	-	-	-	<a href="#">134-3.6.3</a>
Junk or Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	-	-	-	-	-	-	<a href="#">134-3.6.4</a>
Mining or Mineral Processing	-	-	-	-	-	-	-	-	-	-	-	-	○	-	-	-	-	-	-	-	<a href="#">134-3.6.5</a>
AGRICULTURAL																					
Community Garden	●	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">134-3.7.1</a>
Crop Production	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	<a href="#">134-3.7.2</a>
Nursery or Truck Farm	●	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	<a href="#">134-3.7.3</a>
OTHER																					
Off-Premise Advertising Sign	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<a href="#">134-3.8.1</a>
Wireless Telecom. Service	Forthcoming																				

KEY: ●=permitted by right | ●=permitted on upper floors only | ○=requires conditional use approval | \*supplemental use regulations apply | -=prohibited  
 ②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension

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### 134-3.2 Use Classifications

#### 3.2.1 GENERAL

This section establishes and describes the use classification system used to classify principal uses in this zoning ordinance.

#### 3.2.2 USE CATEGORIES

This zoning ordinance classifies principal land uses into 6 major groupings (described in section [134-3.3](#) through section [134-3.8](#)). These major groupings are referred to as “use categories.” The use categories are as follows:

- A. Residential (see section [134-3.3](#)).
- B. Public, Civic and Institutional (see section [134-3.4](#)).
- C. Commercial (see section [134-3.5](#)).
- D. Industrial (see section [134-3.6](#)).
- E. Agricultural (see section [134-3.7](#)).
- F. Other (see section [134-3.8](#)).

#### 3.2.3 USE SUBCATEGORIES

Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.

#### 3.2.4 SPECIFIC USE TYPES

Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.

#### 3.2.5 DETERMINATION OF USE CATEGORIES AND SUBCATEGORIES

- A. The community development director is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
- B. When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the community development director is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this article. In making

such determinations, the community development director must consider:

1. The types of activities that will occur in conjunction with the use;
  2. The types of equipment and processes to be used;
  3. The existence, number and frequency of residents, customers or employees;
  4. Parking demands associated with the use; and
  5. Other factors deemed relevant to a use determination.
- C. If a use can reasonably be classified in multiple categories, subcategories or specific use types, the community development director is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

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### 134-3.3 Residential Use Category

This category includes uses that provide living accommodations for one or more persons. The residential use subcategories are as follows.

#### 3.3.1 HOUSEHOLD LIVING

Residential occupancy of a dwelling unit by a household or a family home. When dwelling units are rented, tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered a form of lodging.

#### 3.3.2 GROUP LIVING

Residential occupancy of a building or any portion of a building by a group other than a household or family home. Tenancy is arranged on a month-to-month or longer basis. Structures containing group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Examples of group living use types include assisted living facilities, fraternity and sorority houses and temporary shelters.

- A. **Assisted Living Facility.** An assisted living facility is a group living use consisting of individual rooms or dwelling units where meals and assistance with daily living activities are provided to the residents, who are primarily elderly persons. Assisted living facilities must be licensed as a residential care facility,

intermediate care facility or nursing facility under I.C. §135C.1.

### B. Correctional Placement Residence

1. A correctional placement is a group living use occupied by 3 or more persons who have been convicted of public offenses and who have been released to such facility during any period of:
  - a. Probation;
  - b. Work release while serving a sentence in a correctional institution; or
  - c. Assignment to the judicial district department of correctional services after receiving a deferred sentence.
2. Correctional placement residences are subject to the following supplemental use regulations:
  - a. The proposed location must provide residents with adequate access to public transportation.
  - b. A permit for such use is subject to reconsideration by the board or adjustment if at any time the community development director determines that the facility has become detrimental to the neighborhood.
  - c. Each bedroom within the residence must contain (i) beds for no more than 4 residents, (ii) at least 80 square feet of usable floor space per bed, except a minimum of 60 square feet of usable floor space per bed is permitted for those correctional placement residences that are constructed after July 1, 1991 and are owned or leased and administered by the fifth judicial district department of correctional services as part of a community-based correctional program under I.C. ch. 905, and (iii) usable floor space of at least 8 feet in any major dimension. For purposes of calculating usable floor space, any parts of a room having less than 7 feet of ceiling height may not be counted. Rooms in which beds are located may not be used for purposes other than bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - d. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - e. Each such facility must contain areas for dining and recreational purposes. When space is used for multi-purpose dining and recreational purposes, the area must include at least 30 square feet of floor area per resident bed. When space is provided exclusively for dining, the area must include at least 15 square feet of floor area per resident bed. When space is provided to be used exclusively for recreational purposes, the area shall total at least 15 square feet of floor area per resident bed and at least 50% of the required area must be in one room. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - f. Each correctional placement residence must provide supervision 24 hours per day by persons responsible for the care of the residents.
  - g. New correctional placement residences may not be located within 1,320 feet of any existing family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.

### C. Family Home

1. A family home is a community-based residential home licensed as a residential care facility under I.C. Ch. 135C or as a child foster care facility under I.C. ch. 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than 8 persons with a developmental disability or brain injury and any necessary support personnel. A family home includes an elder group home but does not include an individual foster care family home licensed under I.C. ch. 237.
2. New family homes owned and operated by public or private agencies must be dispersed throughout residential districts and may not be located within contiguous city block areas (see

## Residential Use Category

also I.C. [§414.22](#)).

### D. Group Residence, Supervised

1. A residential facility, occupied by 3 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 that hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society. Family homes, hospitals, correctional placement residences, and nursing, convalescent and retirement homes are not included within this definition.
2. Supervised group residences are subject to the following supplemental use regulations:
  - a. Each bedroom within the facility must contain (i) beds for no more than 4 residents, (ii) at least 80 square feet of usable floor space per bed and (iii) usable floor space of at least 8 feet in any major dimension. For purposes of calculating usable floor space, any parts of a room having less than 7 feet of ceiling height may not be counted. Rooms in which beds are located may not be used for purposes other than bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - b. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.
  - c. Each such facility must contain areas for dining and recreational purposes. When space is used for multi-purpose dining and recreational purposes, the area must include at least 30 square feet of floor area per resident bed. When space is provided exclusively for dining, the area must include at least 15 square feet of floor area per resident bed. When space is provided to be

used exclusively for recreational purposes, the area shall total at least 15 square feet of floor area per resident bed and at least 50% of the required area must be in one room. The regulations of this paragraph do not apply to facilities licensed and regulated as health care facilities by the state department of public health.

- d. Each such facility shall provide supervision 24 hours a day by persons responsible for the care of the residents.
- e. New supervised group residences may not be located within 1,320 feet of an existing supervised group residence, family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.
- f. A supervised group residence may not be operated until a permit has been issued by the zoning enforcement officer, based upon a finding that the proposed facility complies with all applicable zoning regulations. If, after issuance of the required permit, evidence comes to the attention of the zoning enforcement officer that operation of such facility may be causing unreasonable and chronic traffic congestion in the streets; unreasonable and chronic noise in the neighborhood; or danger to the health, safety and general welfare of its occupants or of occupants of other property in the neighborhood, the zoning enforcement officer must refer the matter to the zoning board of adjustment. If, after public hearing, the board of adjustment finds that operation of the facility is causing unreasonable and chronic noise in the neighborhood or danger to the health, safety and general welfare of its occupants or of occupants of other property in the neighborhood, the board is authorized to revoke such permit or prescribe appropriate conditions and safeguards to remedy the problems found to exist.

### E. Shelter, Temporary

1. A temporary shelter is a group living use that provides overnight or temporary living accommodations for individuals who do not have access to traditional or permanent housing or who require temporary living accommodations

during periods of emergency or crisis. Temporary shelters may provide other services for residents, including counseling.

2. Temporary shelters are subject to the following supplemental use regulations:
  - a. Temporary shelters must contain at least 70 square feet of usable floor space per occupant. Bathrooms and areas having less than 7 feet of ceiling height may not be counted.
  - b. Each such facility must contain at least one lavatory and one toilet per 10 residents or fraction thereof and one tub or shower per 15 residents or fraction thereof. At least one bathroom with tub or shower, toilet and lavatory must be located on each floor that is occupied by resident bedrooms.
  - c. New temporary shelters may not be located within 1,320 feet of an existing family home, correctional placement residence, or temporary shelter, except when such facilities are separated from by a freeway or river.

### 134-3.4 Public, Civic and Institutional Use Category

This category includes public, quasi-public and private uses that provide unique services that are of benefit to the public at-large. The public, civic and institutional subcategories are as follows.

#### 3.4.1 AIRPORT

Facilities from which FAA-certified aircraft take off, land and operate, including customary accessory uses and structures.

#### 3.4.2 COLLEGE OR UNIVERSITY

Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.

#### 3.4.3 FRATERNAL ORGANIZATION

The use of a building or lot by a not-for-profit, social or business organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests and where the primary activity is a service not carried on as a business enterprise.

#### 3.4.4 HOSPITAL

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

#### 3.4.5 LIBRARY OR CULTURAL EXHIBIT

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency other than the city for study and reading by the general public.

#### 3.4.6 PARKS AND RECREATION

Recreational, social or multi-purpose uses associated with parks and open spaces, including playgrounds, play fields, play courts and other facilities typically associated with public parks and open space areas.

#### 3.4.7 POSTAL SERVICE

Post offices operated by the U.S. Postal Service. Mail sorting and distribution facilities are classified as trucking and transportation terminals.

#### 3.4.8 RELIGIOUS ASSEMBLY

Buildings used for conducting organized religious services. Examples include synagogues, temples, mosques and churches.

#### 3.4.9 SAFETY SERVICE

Establishments that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.

#### 3.4.10 SCHOOL

Public and private schools at the primary, elementary, middle school or high school level that provide basic, compulsory education.

#### 3.4.11 UTILITIES AND PUBLIC SERVICE FACILITIES

- A. **Minor.** Infrastructure services that need to be located in or close to the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include; underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
- B. **Major.** Infrastructure services that typically have substantial visual or operational impacts on nearby areas.



### 134-3.5 Commercial Use Category

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

#### 3.5.1 ADULT ENTERTAINMENT

An adult bookstore, adult motel, adult motion picture arcade, adult motion picture theater or sexual encounter center.

- A. Adult Bookstore.** An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
- B. Adult Motel.** A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas.
- C. Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
- D. Adult Motion Picture Theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas for observation by patrons therein.
- E. Sexual Encounter Center.** A business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.
- F. Supplemental Use Regulations.** Adult entertainment uses are subject to the following supplemental use regulations.

1. Adult entertainment uses may not be established within 750 feet of:
  - a. Another adult entertainment use;
  - b. School, religious assembly, parks and recreation, or day care use;

- c. N or NX district or lot that is restricted to residential use.
2. For purposes of measuring compliance with these separation distance requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.
3. The establishment of an adult entertainment use includes the opening of a new such use, the relocation of such use, the expansion of such a use or the conversion of an existing use to an adult entertainment use.
4. All building entries, windows, and other openings must be constructed, located, covered, or visually screened in to prevent views into the interior of such building from any sidewalk, walkway, street or other public or semipublic area.

#### 3.5.2 ANIMAL SERVICE

Uses that provide goods and services for care of animals, including the following specific use types:

- A. Breeding and Boarding .** Breeding of 4 or more pets or companion animals 6 months in age or older in a location other than their primary residence. Typical examples include dog breeding kennels, kennel services, pet resorts/hotels, pet training centers, and pet day care centers.
- B. Grooming.** Grooming of dogs, cats and similar small household pets, including dog bathing and clipping salons and pet grooming shops.
- C. Stable.** Land or structure in which horses are kept, whether for personal enjoyment or for compensation.
- D. Veterinary.** Animal hospitals and veterinary clinics. Any outdoor boarding or outdoor exercise runways must be located at least 200 feet from N districts (see also section [135-1.19.3](#)).

#### 3.5.3 ASSEMBLY AND ENTERTAINMENT

Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, fairgrounds, theaters, and cinemas..

- A. Event Center.** Civic or community auditoriums, sports stadiums and arenas, convention facilities and multi-purpose venues,.
- B. Small.** Assembly and entertainment, uses including event centers, with a seating or occupant capacity of

no more than 2,000 persons.

- C. Large.** Assembly and entertainment uses, including event centers, with a seating or occupant capacity of more than 2,000 persons.

### 3.5.4 BROADCAST OR RECORDING STUDIO

Uses that provide for audio or video production, recording or radio, television or Internet broadcasting.

### 3.5.5 BUSINESS OR TRADE SCHOOL

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Truck driving schools and other training facilities that involve outdoor work or training activities are classified as industrial services.

### 3.5.6 COMMERCIAL SERVICE

Uses that provide low-impact repair, maintenance and improvement services to individual consumers and small businesses.

#### A. Consumer Maintenance and Repair Service.

Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

- B. Personal Service.** Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing and similar forms of body art.

- C. Studio or Instructional Service.** Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.

### 3.5.7 DAY CARE

Uses providing care and supervision for 8 or more

children away from their primary residence for less than 24 hours per day.

### 3.5.8 DAY SERVICES, ADULT

An organized program providing a variety of health-related care, social services, and other related support services for 16 hours or less in a 24-hour period to 2 or more persons with a functional impairment on a regularly scheduled, contractual basis certified by the State of Iowa.

### 3.5.9 EATING AND DRINKING PLACES

An establishment that serves food or beverages for on- or off-premise consumption as its principal business.

- A. Restaurant.** An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/yogurt shops, donut shops and coffee shops. Any restaurant engaged in the sale of alcoholic liquor, wine or is subject to the regulations of [134-3.8.2.](#)

- B. Bar.** Uses that cater primarily to adults, 21 years of age and older and that sell and serve beer, wine or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, brewpubs, tasting rooms and nightclubs. All such uses are subject to the regulations of [134-3.8.2.](#)

### 3.5.10 FINANCIAL SERVICE

Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see section [134-3.9](#)). Typical examples of financial service use types are banks, credit unions, and the following types of personal credit establishments:

#### A. Check Cashing.

- A use that:
1. Is not a bank or financial lending institution subject to federal or state regulation;
  2. Charges a fee to cash a check or have a check processed; and
  3. Provides such services to the public.

- B. Pawnshop.** A use that is engaged to any extent in any of the following business or activities:

1. The lending of money on the deposit or pledge of personal property, other than choses in action, securities or written evidence of indebtedness;

## Commercial Use Category

2. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price;
3. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment; or
4. The lending of money upon personal property, goods, wares, or merchandise pledged, stored or deposited as collateral security.

**C. Delayed Deposit Service.** A use that for a fee does either of the following:

1. Accepts a check dated after the date it was written.
2. Accepts a check dated on the date it was written and holds the check for a period of time before deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, whether express or implied.

**D. Bail Bonds.** A use that provides surety and pledged money or property as bail for the appearance of persons accused in court.

**E. Supplemental Use Regulations.** Personal credit establishments are subject to the following supplemental use regulations.

1. Personal credit establishments may not be established within 1,320 feet of another personal credit use;
2. Personal credit establishments may not be established within 250 feet of an N district, NX district, or lot restricted to residential use;
3. For purposes of measuring compliance with these separation distance requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.
4. The establishment of a personal credit establishment includes the opening of a new such use, the relocation of such use, the expansion of such a use or the conversion of an existing use to an personal credit use.

5. Drive-in and drive-through service facilities are prohibited for personal credit establishments.

### 3.5.11 FUNERAL AND MORTUARY SERVICE

Uses that provide services related to the death of a human or domestic, household pet, including funeral homes and mortuaries.

### 3.5.12 LODGING

Uses that provide temporary lodging for less than 30 days where rents are charged by the day or by week. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Examples of specific lodging use types include:

- A. Bed and Breakfast.** A small-scale lodging establishment in which the owner/operator offers overnight accommodations and meal service to overnight guests for compensation in a house building type.
- B. Hotel/Motel.** A lodging establishment other than a bed and breakfast and that may provide ancillary facilities and services, customary in a full-service hotel, as further regulated by the Iowa Code.
- C. Short-Term Rental.** The use of a dwelling unit for lodging.

### 3.5.13 OFFICE

Uses in an enclosed building, customarily performed in an office, that focus on providing executive, management, administrative, professional or medical services. Examples of specific use types include:

- A. Business or Professional.** Office uses for companies and non-governmental organizations. Examples include corporate office, law offices, architectural firms, insurance companies and other executive, management or administrative offices for businesses and corporations. Also includes uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products.
- B. Medical.** Office or clinic uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care. Typical uses include offices of physicians, dentists, psychiatrists, psychologists and chiropractors. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, unless otherwise expressly indicated.



## 3.5.14 PARKING, NON-ACCESSORY.

**A. Definition.** A lot that does not contain a permitted building of more than 1,000 square feet, is not used for open space, and is almost exclusively used for the parking of vehicles, whether a surface lot or a parking structure.

**B. Supplemental Use Regulations.** When a conditional use permit is required, a non-accessory parking facility shall meet the following requirements:

1. A corner lot shall not be used solely for parking.
2. Two or more principal parking facilities shall not be located directly adjacent to one another.
3. A parking lot specified for use by the public-at-large is exempt from these requirements.

## 3.5.15 RETAIL SALES

Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies and equipment, provided however, that any retail sales use that derives more than 40% of its gross receipts from the sale of alcoholic liquor, wine, beer or tobacco products is classified as a controlled use and must comply with the supplemental regulations of [134-3.8.2](#).

**A. Limited Retail Sales.** Retail sales establishments occupying no more than 12,000 square feet of floor area. Accessory outdoor display per [134-3.9.5](#) is limited to no more than the gross square footage of the interior space of the associated establishment.

**B. General Retail Sales.** Retail sales establishments occupying more than 12,000 square feet of floor area but no more than 40,000 square feet of floor area.

**C. Large-Format Retail Sales.** Retail sales establishments occupying more than 40,000 square feet of floor area.

**D. Fireworks Sales.** Retail sales of consumer fireworks, as defined in chapter 46 of the municipal code.

1. Such uses are allowed only in those zoning districts where fireworks sales are expressly identified as a permitted use.
2. Fireworks sales shall be permitted only as a principal permitted use, not as an accessory use.
3. All fireworks sales activities must comply with chapter 46 of the municipal code.

## 3.5.16 SELF-SERVICE STORAGE

An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.

## 3.5.17 SPORTS AND RECREATION, PARTICIPANT

Provision of sports or recreation primarily by and for participants. (Spectators are incidental). Examples include bowling alleys, health clubs, skating rinks, bingo halls, casinos, billiard parlors, driving ranges and miniature golf courses, shooting and archery ranges, batting cages, and go-cart tracks.

**A. Indoor.** Participant sports and recreation uses conducted entirely within buildings.

**B. Outdoor.** Participant sports and recreation uses conducted wholly or partially outside of buildings.

## 3.5.18 VEHICLE SALES AND SERVICE

### A. Fuel Station

1. A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses.
2. Fuel stations are subject to the accessory structure regulations in section [135-1.19.3](#).

**B. Vehicle Sales.** Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals (see section [134-3.6.3](#))

**C. Vehicle Rentals.** Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals (see section [134-3.6.3](#))

**D. Vehicle Maintenance and Repair, Minor.** Uses that repair, install or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Minor vehicle maintenance and repair uses are subject to the following supplemental use regulations:

## Industrial Use Category

1. No more than 3 vehicles may be stored outdoors while awaiting repair or pick-up.
2. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
3. All vehicles must be have current license tags.
4. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.

**E. Vehicle Maintenance and Repair, Major.** Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Major vehicle maintenance and repair uses are subject to the following supplemental use regulations:

1. No more than 3 vehicles may be stored outdoors while awaiting repair or pick-up.
2. Vehicles awaiting repair or pick-up may not occupy required parking spaces.
3. Vehicles awaiting repair or pick-up must be screened from view of rights-of-way.
4. All vehicles must be have current license tags.
5. Outdoor storage of junk, debris, tires or vehicle parts is prohibited.

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### 134-3.6 Industrial Use Category

The industrial use category includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities and uses involved in basic industrial processes.

#### 3.6.1 FABRICATION AND PRODUCTION

Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers.

**A. Artisan.** Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site. Where subject to supplemental use regulations, artisan fabrication and production uses must include retail sales of goods produced on-site,

with a sales area of at least 625 square feet, with direct access from the main building entrance.

**B. Limited.** Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, musical instrument manufacturing, newspaper printing and binderies.

**C. General.** Uses that process, fabricate, assemble, or treat materials for the production of large equipment and machines as well as fabrication and production uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck traffic or other external impacts that are detectable beyond the property lines of the subject property. Common examples include dairy products manufacturing, foundries, chrome plating, crematoriums, electroplating, fiberglass manufacturing, flour mills and paper products manufacturing.

**D. Intensive.** Uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete plants, and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.

#### 3.6.2 INDUSTRIAL SERVICE

Uses engaged in the maintenance, repair or servicing of industrial, business or consumer machinery. Examples include janitorial, carpet cleaning, extermination, plumbing, electrical, window cleaning and similar building maintenance services; welding shops; machine shops; heavy truck servicing and repair; publishing and lithography; redemption centers; laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories

and maintenance and repair services that are not otherwise classified..

### 3.6.3 STORAGE, DISTRIBUTION AND WHOLESALING

Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

#### A. Equipment and Materials Storage, Outdoor.

Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

**B. Trucking and Transportation Terminals.** Uses engaged in the sales, rental, dispatching or long-term or short-term storage of large trucks, buses, construction equipment agricultural equipment and similar large vehicles, including parcel service delivery vehicles, taxis and limousines. Also includes uses engaged in the moving of household or office furniture, appliances and equipment from one location to another, including the temporary on-site storage of those items.

**C. Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of “self-service storage” use or a “trucking and transportation terminal.”

**D. Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, flea markets, ice distribution centers, monument sales, portable storage building sales, vending machine sales, auctioneers, and frozen food lockers.

### 3.6.4 JUNK OR SALVAGE YARD

**A.** A building or open area where waste, scrap, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles encompassing either:

1. An area of 200 square feet or more; or
2. Two or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

**B.** Junk or salvage yard uses are subject to the following supplemental use regulations:

1. All driveways, parking lots and areas used for temporary storage of vehicles must be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces approved by the city engineer so as to provide a durable and dustless surface, and must be graded to properly drain all surface water accumulation within the area.
2. All areas outside a completely enclosed building used for the storage of inoperable or unsafe vehicles, junk or salvage materials must be enclosed on all sides by a solid opaque fence and gates at least 8 feet in height and of uniform design and color, so as to effectively screen such areas from public view. If such area abuts an area upon the adjoining property that is also used for the storage of inoperable or unsafe vehicles, junk or salvage materials, no fence or setback is required along the common property line while such adjoining use continues. All fences shall be maintained in good repair.
3. Junk and salvage materials may not be stacked higher than the perimeter fence within 75 feet of the fence and may not be stacked higher than 25 feet anywhere on the site.
4. The dismantling or repair of vehicles shall occur only upon a impermeable surface with adequate provision for the collection and disposal of fluids and wastes.
5. Any junk or salvage yard shall provide a paved area for the receipt and temporary storage of material, which is screened from the adjoining public right-of-way.
6. The best practical control technology shall be employed to minimize any obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance generated by the proposed use, and the best practical means known shall be employed for the disposal of refuse matter.

### 3.6.5 MINING OR MINERAL PROCESSING

The mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil or gas.

## 134-3. USES

### Agricultural Use Category

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#### 134-3.7 Agricultural Use Category

##### 3.7.1 COMMUNITY GARDEN

Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group. Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

- A. Unless permitted in the subject zoning district or approved as a conditional use, on-site sales of community garden products or other items is prohibited.
- B. All equipment must be stored in a completely enclosed building.
- C. The community garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
- D. On-site trash, recyclable and compost containers must be located and maintained as far as practicable from residential dwelling units located on other lots.
- E. A sign must be posted on the subject property identifying the name and phone number of the property owner or the owner's agent. The sign must be at least 4 and no more than 6 square feet in area and be posted so that it is legible from the public right-of-way.
- F. The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than October 31 of each year.
- G. The perimeter of all community gardens must be fenced.
- H. One sign is allowed on lots on which an allowed community garden use is located. Such signs may not exceed 16 square feet in area or 8 feet in height.

##### 3.7.2 CROP PRODUCTION

An area managed and maintained by an individual, group or business entity to grow row crops.

##### 3.7.3 NURSERY OR TRUCK FARM

The propagation and growth of trees or food or non-food crops for wholesale or retail sales and distribution. Does not include on-site retail sales unless such sales are otherwise allowed in the subject zoning district. Typical uses include plant nurseries, the growing of

vegetables and non-food crops primarily for local wholesale and retail sales.

#### 134-3.8 Other Use Category

This category includes uses that do not fit the other use categories.

##### 3.8.1 OFF-PREMISE ADVERTISING SIGN

A sign that identifies or directs attention to a profession, business, service, activity, product or attraction manufactured, sold, offered or conducted at a location other than upon the premises where the sign is located.

##### 3.8.2 CONTROLLED USES (LIQUOR, WINE AND BEER SALES)<sup>1</sup>

- A. The retail sale of alcoholic liquor, wine and beer is permitted only in the zoning districts and subject to the conditions indicated in [Table 3.8-1](#).

**TABLE 3.8-1. CONTROLLED USES**

Use	Liquor Sales		Beer or Wine Sales	
	Districts			
	MX1, MX2, DXR	MX3, CX	MX1, MX2, DXR	MX3, CX
Retail Sales				
Limited	NA	○ 40%/500 1,320	○ 40%/150	○ 40%/150
General	40%/75	40%/75	40%/75	40%/75
Large	40%/75	40%/75	40%/75	40%/75
Fuel Station/C-Store	NA	○ 40%/500 1,320	40%/150	40%/150
Liquor Store	NA	○ 500/ 1,320	NA	○ 150
Tobacco Store	NA	○ 25%/500 1,320	○ 25%/150	○ 25%/150
Restaurant	50%/75	50%/75	50%/75	50%/75
Bar	○	○ 150	○	○ 150

##### Table Notes

○ = Uses identified with a ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of section [134-6.4](#).

**40%** = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of liquor, wine, beer or tobacco products.

<sup>1</sup> Should/do the regulations apply in DX1 and DX2? To event centers? in P districts? Discuss

**50%** = at least 50% of the gross receipts must be derived from the sale of prepared food and food services.

**25%** = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.

**75** = the premises occupied by such use must be separated by at least 75 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**150** = the premises occupied by such use must be separated by at least 150 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**500** = the premises occupied by such use must be separated by at least 500 feet from any church, school, public park or licensed child care facility as defined by I.C. ch. 237A. However, this condition is not applicable in the DX1, DX2, and DXR districts.

**1,320** = the premises occupied by such use must be separated by at least 1,320 feet from any other controlled use engaged in the sale of alcoholic liquor. In the DX1, DX2, and DXR districts, this condition is only applicable to liquor stores.

## B. Conditional Use Approval Criteria

Conditional use approval is required for the use of a premises for the sale of alcoholic liquor, wine or beer, under the circumstances identified in indicated in [Table 3.8-1](#). The board of adjustment is authorized to grant conditional use approval for such uses only when the business, operated in conformance with such reasonable conditions as may be imposed by the board, satisfies the following criteria:

1. The business conforms with the conditions identified in indicated in [Table 3.8-1](#).
2. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.
3. The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.
4. The business will not unduly increase congestion on the streets in the adjoining residential area.
5. The operation of the business will not constitute a nuisance.

**C. General Conditions.** Any conditional use approval granted by the board of adjustment for the use of a premises for the sale of alcoholic liquor, wine and beer is subject to the following general conditions,

together with such additional special conditions as may be reasonably required by the board of adjustment to ensure that the conditional use review approval criteria of paragraph B of this subsection, are satisfied:

1. Any parking area provided for the use of customers of the business must be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site must be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
2. The business shall comply with the noise control regulations of article IV of chapter 42. Outside speakers and amplified sound is prohibited except when used in compliance with a type E sound permit.
3. Any such business must comply with the following requirements:
  - a. Every limited food sales establishment, limited retail sales establishment, gas station/convenience store and tobacco store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either:
    - i. Display alcoholic liquor only in a locked case or behind a counter accessible only to employees;
    - ii. Employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or
    - iii. Have more than one employee on duty at all times the business is open to the public.
  - b. Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
  - c. Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
  - d. Not dispense alcoholic beverages from a drive-through window.
4. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises



## Other Use Category

and adjoining public areas on a daily basis.

5. The conditional use approval is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of the conditional use approval.
  6. If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions of the conditional use approval, the zoning enforcement officer may apply to the board of adjustment to reconsider conditional use approval for such business. A copy of such application and notice of the hearing before the board on such application shall be provided to the owner of such business at least 30 days in advance and shall also be provided to all owners of record of property within 250 feet of the subject property. If the board of adjustment finds that the operation of such business exhibits a pattern of violating the conditions of the conditional use, the board shall have the authority to amend or revoke the conditional use approval.
- D.** Upon reasonable suspicion that any gas station/ convenience store, food sales establishment or retail sales establishment derives more than 40% of its gross receipts from sales, from the sale of alcoholic liquor, wine, beer or tobacco products, the zoning enforcement officer may require that the owner or operator of the business demonstrate within 45 days that during the prior 6 months no more than 40% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products. In such event it shall be presumed that more than 40% of the gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding 6 months.
- E.** Upon reasonable suspicion that any restaurant does not derive at least 50% of its gross receipts from the sale of prepared food and food-related services, the zoning enforcement officer may require that the owner or operator or the restaurant demonstrate within 45 days that during the prior 6 months at least 50% of its gross receipts were derived from the sale of prepared food and food-related services. In such event it shall be presumed that less than 50% of the restaurant's gross receipts are derived from the sale of prepared food and food-related services, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all receipts, and separately identifying the total dollar volume of gross receipts derived from the sale of alcoholic beverages, and from the sale of prepared food and food-related services exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding months.
- F.** Upon reasonable suspicion that any tobacco store derives more than 25% of its gross receipts from sales from the sale of alcoholic liquor, wine or beer, the zoning enforcement officer may require that the owner or operator of the business demonstrate within 45 days that during the prior 6 months no more than 25% of the gross receipts from sales were derived from the sale of alcoholic liquor, wine or beer. In such event it shall be presumed more than 25% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine or beer, which presumption may be overcome by the business timely furnishing a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding 6 months.
- G.** All gas stations/convenience stores, food sales establishments, retail sales establishments, tobacco stores and restaurants that have not continuously held an alcoholic liquor license or a beer or wine permit since July 1, 2012, shall comply with the requirements of paragraphs A., B., C., D., E., and F. of this subsection. Any gas station/convenience store, food sales establishment, retail sales establishment, tobacco store or restaurant which has continuously held an alcoholic liquor license or a wine or beer permit since July 1, 2012, shall comply with paragraphs A., B., C., D., E., and F. of this subsection, exclusive of any changed separation requirements, commencing on December 31, 2013, and prior to that date shall continue to be subject to the general

regulations regarding nonconforming uses, as set forth in section [134-7.3](#).

### 134-3.9 Accessory Uses

#### 3.9.1 GENERALLY APPLICABLE REGULATIONS

**A. Accessory Uses Allowed.** Accessory uses are allowed only in connection with lawfully established principal uses.

**B. Allowed Uses.** Allowed accessory uses are limited to those expressly regulated in this section as well as those that, in the determination of the community development director, satisfy all of the following criteria:

1. They are customarily found in conjunction with the principal use of the subject property;
2. They are subordinate and clearly incidental to the principal use of the property; and
3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

**C. Time of Construction and Establishment.**

Accessory uses may be established only after the principal use of the property is in place.

**D. Location.** Accessory uses must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**E. Accessory Structures.** See section [135-1.19](#) for regulations governing accessory structures.

#### 3.9.2 ACCESSORY DWELLING UNITS<sup>2</sup>

**A. Where Allowed.** Accessory dwelling units (ADUs) are permitted as of right in zoning districts that allow 2, 3, or 4 dwelling units or households on a single lot.

**B. Number Allowed**

1. No more than one ADU is permitted on a single lot.
2. The total number of (principal and accessory) dwellings or households on the subject lot may not exceed the number of units or households allowed on the subject lot.

**C. Location**

1. ADUs may be located within the principal dwelling unit (internal) or in a detached accessory out building (see section [135-1.19](#)).

2. ADUs located within out buildings must be in the rear yard.

#### D. Other Regulations

1. Only one entrance to a house containing an accessory dwelling unit may be located on a façade that faces a street.
2. The floor area of an ADU may not exceed 50% of the floor area within the principal dwelling unit.
3. One additional off-street parking space must be provided for any ADU that exceed 600 square feet in area.

#### 3.9.3 DRIVE-IN AND DRIVE-THROUGH USES

**A. Description.** A use accessory to a principal use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks and pharmacies.

**B. Where Allowed.** Drive-in and drive-through uses without a structure are permitted only in the MX3, CX, EX, and I1 districts.

**C. Exceptions.** Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use.

**D. Structure.** See the accessory structure regulations of section [135-1.19.3](#).

#### 3.9.4 HOME OCCUPATIONS<sup>3</sup>

**A. Description.** Home occupations are jobs or professions conducted wholly or partly from a residential dwelling as an accessory use to an allowed household living use.

**B. Purpose.** The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

**C. Type 1 Home Occupations.** Type 1 home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, and artists.

<sup>2</sup> Entirely new section.

<sup>3</sup> Represents a complete update of existing home occupation regulations.

## Accessory Uses

**D. Type 2 Home Occupations.** Type 2 home occupations are those in which household residents use their home as a place of work and in which either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors and real estate agents.

**E. Type 3 Home Occupations<sup>4</sup>.** Type 3 home occupations are those in which household residents use a limited portion of their home as a shop or place of business and in which either employees or customers come to the site. Typical examples include shops, professional offices, and small restaurants (such as cafes, tearooms, sandwich shops).

**F. Exemptions.** Nonresidential uses that are expressly allowed in conjunction with residential uses (e.g., in-home day care facilities for 8 or fewer children) are not subject to home occupation regulations.

### G. Allowed Uses

1. For type 1 and type 2 home occupations, the regulations of this section establish performance standards for all home occupations rather than listing specific uses and activities allowed to be conducted as part of a home occupation. Uses that comply with the regulations of this section are allowed as of right unless otherwise expressly stated.
2. For type 3 home occupations, provided the regulations of this section are met, the following uses are allowed as follows:
  - a. Uses allowed as of right include personal service and studio or instructional service per [134-3.5.6](#); restaurants per [134-3.5.9](#); office uses per [134-3.5.13](#); limited retail sales per [134-3.5.15](#); and artisan industrial per [134-3.6.1](#).
  - b. Uses that may be approved only through the conditional use procedures of [10.6](#) include: drinking places per [134-3.5.9](#).

**H. Prohibited Uses.** The following uses are expressly prohibited as home occupations:

1. Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
2. Dispatch centers or other businesses where employees come to the site and are dispatched

to other locations;

3. Equipment or supply rental businesses;
4. Taxi, limo, van or bus services;
5. Tow truck services;
6. Taxidermists;
7. Restaurants for type 1 and type 2;
8. Funeral or interment services;
9. Animal care, shelter or boarding establishments;
10. Commercial food preparation;
11. Short-term rentals for type 1 and type 2;
12. In-home day care for more than 8 children for type 1 and type 2;
13. Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and
14. Any use that does not comply with regulations of this section.

### I. Where Allowed

1. Type 1 home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type 1 home occupations are subject to the general regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-K](#).
2. Type 2 home occupations may be approved as an accessory use to a principal use in the household living use category only through the conditional use procedures of section [134-6.4](#). Type 2 home occupations are subject to the general regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-L](#).
3. Type 3 home occupations<sup>5</sup> are permitted as of right as an accessory use in addition to the household living use category in the NX2 district in the following listed neighborhoods. Type 3 home occupations are subject to the regulations of [134-3.9.4-M](#).

### J. General Regulations for Type 1 and Type 2 Home Occupations.

All type 1 and type 2 home occupations are subject to the following regulations.

1. Home occupations must be accessory and subordinate to the principal residential use of

<sup>4</sup> Replaces R-HD allowances for businesses in homes.

<sup>5</sup> Note that the parcels on the SE and SW corner of 17th and Woodland have been changed to MX1. The buildings are storefront buildings.



the property.

2. Home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts that are not typical of a residential neighborhood. Home occupations must be operated so as not to create or cause a nuisance.
3. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
4. External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets or the exterior display of an illuminated nameplate sign.
5. No display of any material or merchandise is allowed.
6. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
7. Outdoor storage is prohibited.

#### **K. Supplemental Regulations for Type 1 Home Occupations**

1. Only residents of the dwelling unit in which the home occupation is located may be engaged in a type 1 home occupation. No nonresident owners, employees or contractors may be present on the subject property.
2. No clients, customers, patients, or students are allowed in conjunction with a type 1 home occupation.
3. Type 1 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.
4. More than one Type 1 home occupation is allowed as an accessory use, but the general

regulations of regulations of [134-3.9.4-J](#) and the supplemental regulations of [134-3.9.4-K](#) apply to the combined home occupation uses.

#### **L. Supplemental Regulations for Type 2 Home Occupations**

1. Only uses approved in accordance with the conditional use procedures of section [134-6.4](#) are allowed as type 2 home occupations.
2. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
3. No more than 2 clients or customers may be present at any one time on the site of a type 2 home occupation. Family members of the client or customer are not counted towards the 2-person limit.
4. A maximum of 2 nonresident employees are allowed with a type 2 home occupation if no customers or clients come to the site at any time. Home occupations that have clients, customers or students coming to the site may not have nonresident employees and vice-versa. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
5. Type 2 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.

#### **M. Regulations for Type 3 Home Occupations**

1. Type 3 home occupations that change the character of the residential building they occupy or that adversely affect the character of the surrounding neighborhood are prohibited. Home occupations may not, for example, produce additional light, noise, vibration, or odor. Home occupations must be operated so as not to create or cause a nuisance.
2. Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
3. External structural alterations or site improvements that change the residential character of the lot upon which a home

## Accessory Uses

occupation is located are prohibited. Examples of such prohibited alterations include the addition of commercial-like exterior lighting, the addition of a separate building entrance that is visible from abutting streets.

4. Signs for type 3 home occupations are limited to one sign, no more than 8 feet in height and 12 square feet per sign face with no more than 2 sign faces.
5. No outdoor display of any material or merchandise is allowed.
6. The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Sec. 171.8.
7. The area devoted to the type 3 home occupation use shall not exceed more than 50% the gross floor area of the building or the gross floor area of the ground story.
8. At least one individual engaged in the home occupation must reside in the dwelling unit in which the home occupation is located as their primary place of residence.
9. A maximum of 1 nonresident employee per 250 square feet of gross floor area devoted to the type 3 home occupation use is allowed. For the purpose of this provision, the term "nonresident employee" includes an employee, contractor, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
10. Type 3 home occupations and all related activities, including storage (other than the lawful parking of passenger vehicles), must be conducted entirely within the principal residential building or an allowed accessory building.
11. Restaurant uses are limited to the hours of 7:00am and 10:00pm, local time. Outdoor eating may be approved in accordance with the conditional use procedures of section [134-6.4](#) for buildings on corners and spaces not abutting another residence.
12. Parking lots are allowed in rear yard with a frontage buffer per section [135-5.9](#) and semi-pervious paving. Parking lots are limited to no more than 6 spaces.

### 3.9.5 OUTDOOR DINING & DISPLAY

#### A. Outdoor Dining. Tables and chairs for patrons of

eating and drinking places located outdoors and directly adjacent to the structure containing the associated use.

1. Outdoor dining may be located anywhere on the lot.
2. within 30 feet of N district, a medium side and rear buffer
3. Outdoor dining may be located on the sidewalk of an adjacent right-of-way of a non-primary street if all of the following requirements are met:
  - a. A sidewalk permit per chapter 102 is approved.
  - b. At least 5 feet of continuous sidewalk is maintained clear and unobstructed for passing pedestrians.
  - c. No permanent construction is permitted within the right-of-way and all appurtenances shall be removed during the off-season.
  - d. A type 1 exception may be approved for outdoor dining on a primary street, where no non-primary street is available adjacent to the business and the sidewalk is wide enough to accommodate the above requirements.
4. The maximum size of any outdoor dining shall not exceed the gross floor area of the restaurant interior.
5. In MX districts, outdoor dining may be a temporary use on a lot without a principal structure with a approval of a type 1 exception. The exception shall be reviewed every year by the community development director. The outdoor dining shall utilize a temporary patio on an MX lot, exempted from building type regulations per [135-1.1.4.A](#).

#### B. Outdoor Display. The outdoor display of merchandise or other items offered for sale.

1. Outdoor sales displays are permitted anywhere on the lot, but shall not be closer to the right-of-way line than the front building facade.
2. Outdoor sales are restricted to those items or merchandise which are permitted in the district.
3. If associated with a principal use on a corner lot, only a single frontage shall be utilized for accessory outdoor display purposes.
4. Merchandise, displays, and other structures in

the front or street-side yards shall be removed and stored indoors during non-business hours.

5. Outdoor sales in the interior side or rear yard shall be fenced or walled. Any outdoor sales yard abutting a street right-of-way shall include a frontage buffer per section [135-5.9](#).
6. In MX districts, outdoor display may be a temporary use on a lot without a principal structure with a approval of a type 1 exception. The exception shall be reviewed every year by the community development director. The outdoor display shall utilize a temporary patio on an MX lot, exempted from building type regulations per [135-1.1.4.A](#).

### 3.9.6 OUTDOOR STORAGE

Permanent outdoor storage of goods, not typically housed or sold indoors, such as large-scale materials, and building and landscape supplies.

- A. Outdoor storage is permitted in any I or EX district when associated with an industrial use, and in any CX district when associated with a large format retail use.
- B. Outdoor storage shall be located in the rear or side yard of the lot.
- C. Loose materials shall not be stacked higher than 6 feet and shall, at a minimum, be stored in a 3-sided covered shelter.
- D. Materials shall be set back a minimum of 5 feet from any lot line.
- E. All outdoor storage areas shall be screened from view of adjacent lots and streets using the medium side and rear buffer per section [135-5.10](#), unless adjacent to an N district. Adjacent to an N district requires the use of the heavy buffer per section [135-5.10](#).

### 3.9.7 RESIDENTIAL SUPPORT SERVICE

- A. Residential support services are small-scale personal service and retail sales uses that primarily serve the needs of residents of large residential buildings.
- B. Residential support services are allowed in NX3 districts as an accessory use to any principal group living use with more than 50 residents and in apartment buildings containing more than 30 permanent dwelling units.
- C. Residential support services must be located on the ground floor of the same building as the principal residential use and not exceed 25% of the ground floor area of the building.

- D. Residential support services must have internal access from the principal residential building. External entrances are also allowed.

### 3.9.8 BOARDING AND ROOMING UNITS

The taking of boarders or the leasing of rooms by a resident household is allowed as an accessory use to a principal use in the household living use category, provided the total number of boarders and roomers does not exceed 2.

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## 134-3.10 Temporary Uses

### 3.10.1 DESCRIPTION AND PURPOSE

- A. A temporary use is the use of private property that does not require a building permit and that may or may not comply with the use and lot and building regulations of the zoning district in which the temporary use is located.
- B. The temporary use regulations of this section are intended to permit such occasional, temporary uses and activities when consistent with the purposes and regulations of this zoning ordinance.

### 3.10.2 AUTHORITY TO APPROVE

- A. All temporary uses require approval of a temporary use permit unless otherwise expressly stated.
- B. The community development director is authorized to establish administrative procedures governing the processing, review and approval of temporary use permits.
- C. The community development director is authorized to approve temporary uses that comply with the provisions of this section and to impose conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding uses and that they operate safely and without causing nuisances, consistent with the general purposes of this zoning ordinance.
- D. Temporary uses that do not comply with all applicable regulations and all conditions of approval may be approved in accordance with the conditional use procedures of section [134-6.4](#). The community development director is authorized to refer any temporary use to the board of adjustment for consideration in accordance with conditional use procedures of section [134-6.4](#).

### 3.10.3 GENERAL PROCEDURE

Upon receipt of a complete application for a temporary use permit, the community development director must review the proposed temporary use for its likely effects

## 134-3. USES

### Temporary Uses

and surrounding properties and its compliance with the general provisions of this section. The community development director may impose such conditions of approval on the temporary use permit as the community development director determines necessary to mitigate potential adverse impacts. Such conditions may include the following:

- A.** Requirements for vehicle access and parking;
- B.** Restrictions on hours of operation and duration;
- C.** Limitations on signs and outdoor lighting;
- D.** Requirements for financial guarantees covering the costs of cleanup and/or removal of structures or equipment; and
- E.** Other conditions necessary to carry out the stated purposes of this zoning ordinance and the municipal code.

#### 3.10.4 AUTHORIZED USES

The community development director is authorized to approve a temporary use permit upon determining that the proposed use is a customary temporary use in the subject location and will generally be compatible with surrounding uses and not be a detriment to public safety.

#### 3.10.5 GARAGE SALES

Garage sales located on lots occupied by residential dwelling unit are permitted without approval of temporary use permit, subject to the following supplemental regulations:

- A.** No more than 2 garage sales may be conducted on a single lot in any calendar year, with each garage sale limited to no more than 4 consecutive days in duration. These limits apply on a per-lot basis, regardless of the person conducting the garage sale.
- B.** No person conducting a garage sale may sell merchandise at the garage sale acquired solely for resale purposes.
- C.** Garage sales are sometimes referred to as “yard sales,” “estate sale,” “moving sales,” “occasional sales” and other similar names. All such sales, by whatever name, are classified and regulated as “garage sales.”
- D.** Authorization to conduct more than 2 garage sales in any calendar year requires review and approval with conditional use procedures of section [134-6.4.](#).

Chapter 134. Zoning

ARTICLE 4. WIRELESS TELECOMMUNICATIONS

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Wireless Communications article forthcoming.

## 134-4. WIRELESS TELECOMMUNICATIONS

Generally

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### 134-4.1 Generally

Wireless Communications article forthcoming.

## Chapter 134. Zoning

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## 134-5.1 General

### 5.1.1 PURPOSE

The sign regulations of this article are intended to balance the following differing, and at times, competing goals:

- A.** To support the desired character of the city, as expressed in adopted plans, policies and regulations;
- B.** To promote an attractive visual environment;
- C.** To accommodate the effective use of signs as a means of identification and communication for businesses, organizations and individuals;
- D.** To provide a means of way-finding for visitors and residents;
- E.** To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the city and its residents, property owners and visitors;
- F.** To protect the public health, safety and welfare by minimizing hazards for motorized and nonmotorized traffic;
- G.** To minimize the possible adverse effects of signs on nearby public and private property; and
- H.** To provide broadly for the expression of individual opinions through the use of signs on private property.

## 134-5.2 Findings

In conjunction with the adoption of the regulations of this article and the purposes set forth in 134-5.1.1, the city council makes all of the following findings:

**5.2.1** Unlike oral speech, signs may cause harm by taking up space, obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The city has a substantial and compelling interest in all of the purposes set forth above and has a substantial and compelling interest in regulating signs in a way that avoids or reduces the harms caused by signs.

**5.2.2** Regulation of the size, height, number and spacing of signs throughout the city is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically

appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons.

**5.2.3** These regulations do not apply to every form and instance of visual speech that may be displayed anywhere within the zoning jurisdiction of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth in 134-5.1.1.

**5.2.4** These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

**5.2.5** Some signage has a single targeted function that makes identifying such signs by name or description difficult if not impossible without referring to the sign's function. Whenever a sign is described, in part, by referring to the function it serves, the provisions of this section that limit such a sign are designed to be neutral with respect to the content of the speech appearing on the subject sign.

**5.2.6** These regulations are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any messages that might appear on them.

### 5.2.7 SCOPE AND APPLICABILITY

All signs on private property are subject to the regulations of this article and all other applicable provisions of this zoning ordinance. Signs in the public right-of-way are not subject to the regulations of this article.

### 5.2.8 CONTENT NEUTRALITY

- A.** Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this article.
- B.** The purpose of this "content neutrality" provision is to avoid any inadvertent favoring of commercial

## 134-5. SIGNS

### Prohibited Signs and Sign Characteristics

speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.

- C. This provision does not create a right to increase the total amount of signs on a lot or allow the substitution of an off-premise advertising sign for hire for an on-premise sign.

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#### 134-5.3 Prohibited Signs and Sign Characteristics

The following signs and sign characteristics are prohibited:

- 5.3.1** Signs for which a required permit has not been issued;
- 5.3.2** Signs located and maintained in such a manner as to constitute a nuisance as provided in the municipal code;
- 5.3.3** Signs that advertise an activity, business, product or service no longer conducted on the lot on which the sign is located;
- 5.3.4** Signs or other attention-getting devices that contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners or other similarly moving devices, except as expressly allowed in this article;
- 5.3.5** Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment;
- 5.3.6** Off-premise advertising signs;
- 5.3.7** Signs that encroach more than 18 inches on or over a street right-of-way or a required setback;
- 5.3.8** Signs that extend more than 4 feet above the roofline of the building to which they are attached, except in cases where roof signs are expressly allowed;
- 5.3.9** Electronic display signs and multi-vision signs that do not comply with applicable operational regulations;
- 5.3.10** Electronic display signs used as window signs in violation of [134-5.8.9](#);
- 5.3.11** Search lights, strobe lights, rotating beacon lights, flashing lights that are visible from public right-of-way, except as otherwise expressly allowed by this article or required by law;

**5.3.12** Signs located in or obstructing a required parking or loading space, or that otherwise obstruct vehicular or pedestrian access or circulation, or that pose any other hazard to motorized or nonmotorized travel;

**5.3.13** Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;

**5.3.14** Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of applicable building and fire safety codes;

**5.3.15** Signs affixed directly to a tree, utility pole or traffic control device;

**5.3.16** Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;

**5.3.17** Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;

**5.3.18** Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized);

**5.3.19** Signs attached to or painted on a licensed motor vehicle if the sign:

- A. Directs attention to a business, service, commodity, or activity offered or sold on the premises and
- B. The vehicle is parked within 25 feet of the street right-of-way;

**5.3.20** Pole signs except as expressly allowed by the regulations of this article;

**5.3.21** Non-historic painted signs;

**5.3.22** Signs located within the public right-of-way unless an obstruction permit is obtained pursuant to Chapter 102; and

**5.3.23** Signs located on public property that are not owned by or otherwise permitted by the city.

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#### 134-5.4 Regulations of General Applicability

##### 5.4.1 SETBACKS, SEPARATION AND SPACING

- A. Unless otherwise expressly stated in the sign regulations of this article, all freestanding signs must be set back at least 20 feet from all lot lines.

- B. All projecting signs, roof signs and freestanding signs must be separated from all other roof signs, projecting signs and freestanding signs by a minimum distance of 30 feet.
- C. Signs with an area of more than 250 square feet that are visible from N-zoned lots must be separated from the N-zoned lot by a minimum distance of 200 feet.

#### 5.4.2 ILLUMINATION

- A. The lighting or illumination of any sign must be effectively shielded to prevent glare or light from being directed at any portion of the travel lanes of any street or be of such low intensity or brilliance so as to not cause glare or to impair the vision of motorists or interfere with any driver's operation of a motor vehicle.
- B. Except for authorized electronic display signs, the illumination on the face of any allowed illuminated sign must be by constant light and may not exceed 70 foot candles measured at a distance of 2 feet from the face of the sign. See [134-5.8.7](#) for supplemental regulations that apply to electronic and multi-vision displays.

#### 5.4.3 LOTS WITH MULTIPLE FRONTAGES

Lots with frontage on 2 or more streets are allowed the same number of signs and the same amount of sign area on each street frontage as allowed on a single frontage. The sign allowance earned on one street frontage may not be transferred to another street frontage.

#### 5.4.4 PLACEMENT OF WALL SIGNS

- A. Up to 50% of the area of signs permitted on the basis of occupant frontage may be placed on building walls other than the frontage wall from which such sign area was earned.
- B. Illuminated signs may not be placed on a wall facing an N or NX district.

#### 5.4.5 DIRECTIONAL SIGNS

Directional signs may be approved through the type 1 zoning exception procedures of section [134-6.5](#) for multi-tenant or multi-unit developments. Such signs are allowed only when the community development director determines that the location of the identified business or activity precludes placement of a sign that is visible to motorists and pedestrians along the highest (traffic) volume street that provides access to the subject development and when the result of the approval will be in keeping with the stated purposes of this article

and of this subsection. The intent of this directional sign authorization is to provide flexibility in overcoming the locational and visibility challenges of some sites, not to allow an overall increase in the amount of signage allowed or encourage a proliferation of signs within the area.

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### 134-5.5 Signs Allowed in All Districts

#### 5.5.1 INTEGRAL SIGNS

Non-illuminated signs carved into the subject building or made of bronze, aluminum, or other similar permanent material and made an integral part of the building to which they are attached are allowed in all zoning districts. Such signs may not exceed 4 square feet in area.

#### 5.5.2 DRIVEWAY SIGNS

- A. One sign may be installed at each driveway serving a lot occupied by an allowed nonresidential use or residential use with more than 15 dwelling units or 50 residents. Such signs must be located within 10 feet of the intersection of the driveway and the street right-of-way and may not exceed 4 square feet in area or 5 feet in height.
- B. Off-street parking areas with a capacity of more than 10 vehicles, multi-tenant developments and uses on lots exceeding 50,000 square feet in area may display internal site driveway signs. Such signs must be located within 10 feet of an internal site driveway or drive aisle and may not exceed 12 square feet in area or 8 feet in height.
- C. Driveway signs are subject to the illumination requirements of the district in which they are located.
- D. Signs painted on or installed flush with the driveway surface are not be subject to the regulations in this subsection.

#### 5.5.3 DRIVE-THROUGH SIGNS

Drive-through signs are permitted on the site of any allowed drive-through use, subject to the regulations of this subsection.

- A. **Location.** Drive-through signs must be located within 10 feet of a drive-through lane.
- B. **Type**  
Drive-through signs must be monument signs.
- C. **Number and Dimensions**  
One primary drive-through sign not to exceed 36 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-

# 134-5. SIGNS

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## Signs Allowed in All Districts

through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.

**D. Residential Separation.** Drive-through signs must be set back at least 25 feet from N-zoned lots.

**E. Visibility.** Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.

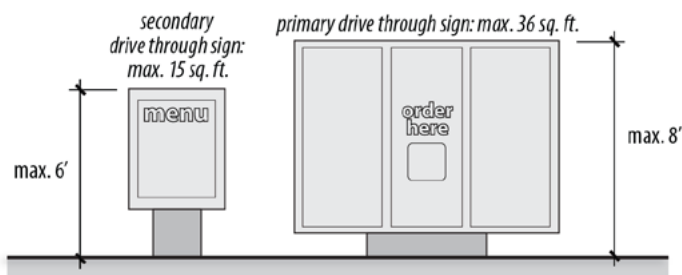


Figure 5.10-A. Drive-through Sign (illustration will be revised to match monument sign definition--i.e., base as wide as face)

### 5.5.4 WINDOW SIGNS

Non-illuminated signs displayed inside a window or on a window (decal or painted) are allowed in all zoning districts. Such signs may not exceed 8.5 inches by 11 inches in size in N or NX districts and may not cover more than 25% of the window in all other districts. This size limitation also applies to neon and similar signs inside the window.

### 5.5.5 RESERVED

### 5.5.6 TEMPORARY SIGNS<sup>1</sup>

The following temporary signs are allowed with the consent of the subject property owner.

**A. Real Estate Signs.** One temporary sign is allowed per frontage on each lot or portion of a lot that is actively being marketed for sale, rental or lease. Such signs may not exceed 12 square feet in area in A, N, and NX districts or 32 square feet in area in all other districts. Freestanding real estate signs may not exceed 8 feet in height in any district.

**B. Construction Signs.** Temporary signs are allowed on lots on which building or construction is actively occurring, as evidenced by a valid building permit. Such signs may not exceed may not exceed 32 square feet in area in A, N, and NX districts or 100 square feet in area in all other districts. Freestanding

construction signs may not exceed 8 feet in height in any district. Temporary construction signs must be removed within 10 days of the issuance of a certificate of occupancy.

**C. Yard Signs.** Yard signs are allowed on all lots in addition to other allowed signs. A maximum of one yard sign is allowed per lot, except that on lots greater than 10,000 square feet in area one yard sign is allowed per 10,000 square feet of lot area. Such signs may not exceed 12 square feet in area or 8 feet in height.

**D. Yard Sale Signs.** One temporary sign is allowed on each lot when the subject property owner is opening the property to the public. Such temporary yard signs may not be used more than 5 days per calendar year in an N or NX district or on more than 10 days per calendar year in any other zoning district. Such signs may not exceed 6 square feet in area or 4 feet in height.

### E. Promotional Signs

1. Temporary promotional signs are allowed on lots on which a business or organizational promotion is actively occurring. Such signs are in addition to other allowed signs.
2. Temporary promotional signs may not exceed 24 square feet in area.
3. Unless expressly approved through the type 2 zoning exception procedures of section [134-6.6](#), no more than one permit allowing the use of up to 4 temporary promotional signs for up to 30 consecutive days may be issued in a single calendar year.

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<sup>1</sup> Staff comments provided on initial draft suggested alternative approach to temporary signs. If desired, such changes can be incorporated after further, follow-up discussion.

## 134-5.6 Signs in A, N, and NX Districts

### 5.6.1 APPLICABILITY

The regulations of this subsection apply in A and N zoning districts.

### 5.6.2 PERMITTED SIGN

Monument signs and wall signs are permitted in A, N, and NX districts, in addition to those signs identified in section [134-5.5](#).

### 5.6.3 ILLUMINATION

- A.** Signs on A- or N-zoned lots may be illuminated only by indirect illumination.
- B.** Electronic displays are expressly prohibited in A, N, and NX districts.

### 5.6.4 MAXIMUM NUMBER, AREA AND HEIGHT

The maximum number, area and height of signs allowed in A, N, and NX districts may not exceed the limits established in [Table 5.6-1](#).

**TABLE 5.6-1. SIGNS IN A, N, AND NX DISTRICTS**

Principal Use	Maximum		
	No. Permitted	Area (sq. ft.)	Height (ft)
<b>RESIDENTIAL USES</b>			
<b>Household Living</b>			
1 – 7 units	Only those signs allowed in all districts (see <a href="#">134-5.5</a> )		
8 – 15 units	1	4	8
16 + units	1	24	8
<b>Group Living</b>			
1 – 49 residents	1	4	8
50+ residents	1	24	8
<b>PUBLIC, CIVIC, &amp; INSTITUTIONAL USES</b>			
Permitted Uses	<b>Option A:</b> 1 per building and 1 per street frontage	24 each	8
	<b>Option B:</b> in lieu of multiple signs, 1 single sign	75	8

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## 134-5. SIGNS

Signs in DX, X, I and P Districts

### 134-5.7 Signs in DX, X, I and P Districts

#### 5.7.1 APPLICABILITY

The regulations of this section apply in DX, X, I and P districts.

#### 5.7.2 PERMITTED SIGN TYPES

The sign types identified in [Table 5.7-1](#) are allowed in DX, X, I and P zoning districts in addition to those signs identified in section [134-5.5](#).

#### 5.7.3 WALL SIGNS

**A. Maximum Number and Area.** The maximum number and area of all wall signs allowed in DX, X, I and P districts may not exceed the limits established in [Table 5.7-1](#).

#### B. Supplemental Regulations

1. Wall signs may not cover windows or other building openings.
2. Wall signs may not cover significant architectural building features, such as sculptural elements, cornices, expression lines or similar features.



Figure 5.10-B. Wall Sign Example

#### 5.7.4 MONUMENT SIGNS

**A. Maximum Number and Area.** The maximum number and area of all monument signs allowed in DX, X, I and P zoning districts may not exceed the limits established in [Table 5.7-1](#).

**B. Maximum Height.** Monument signs are subject to the following height limits, as measured from grade to the highest point on the sign:

1. If located at or within 25 feet from the front lot line, the sign may not exceed 8 feet in height.
2. If located more than 25 feet from the front lot line, the sign may not exceed 15 feet in height.

#### C. Sign Base

1. The sign base must have a height of at least 2 feet or 25% of the overall sign height, whichever is greater.
2. The sign base must be at least as wide as the sign face.



Figure 5.10-C. Monument Sign Example (illustration will be revised to match definition--i.e., base as wide as face)



### 5.7.5 PROJECTING SIGNS

**A. Maximum Number and Area.** The maximum number and area of all projecting signs allowed in DX, X, I and P districts may not exceed the limits established in [Table 5.7-1](#).

#### B. Supplemental Regulations

1. In calculating the area of a projecting sign, the area of the largest sign face must be counted twice.
2. The encroachment of any projecting sign into the public right-of-way is subject to chapter 102 of the municipal code.



Figure 5.10-D. Projecting Sign Example

### 5.7.6 AWNING AND CANOPY SIGNS

**A.** Non-illuminated awnings or canopies with no more than 6 square feet of sign (copy) area on awning or canopy may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs, projecting signs, awning signs and canopy signs may not exceed the maximum number of wall signs allowed in accordance with [Table 5.7-1](#).

**B.** Awning and canopy signs that encroach into the public right-of-way are subject to chapter 102 of the municipal code.



Figure 5.10-E. Awning Sign Example



Figure 5.10-F. Canopy Sign Example

# 134-5. SIGNS

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Signs in DX, X, I and P Districts

## 5.7.7 ROOF SIGNS

**A. Maximum Number, Area and Height.** The maximum number, area and height of all roof signs allowed in DX, X, I and P districts may not exceed the limits established in [Table 5.7-1](#) .

### B. Supplemental Regulations

1. The back (non-display side) of roof signs must be effectively shielded from view by the building wall, by backing the sign against another sign face, or by painting the exposed back of the sign a color that generally matches the color of the building.
2. Roof signs may not cover windows or other building openings.
3. Roof signs may not cover significant architectural building features, such as sculptural elements, cornices, expression lines or similar features.



Figure 5.10-G. Roof Sign Example

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**TABLE 5.7-1. SIGNS IN DX, X, I AND P DISTRICTS**

	DX1	DX2 DXR	MX1 MX2	MX3	CX	RX	EX I	P
PERMITTED SIGN TYPES								
Wall	●	●	●	●	●	●	●	●
Monument	●	●	●	●	●	●	●	●
Projecting	●	●	●	●	●	●	●	●
Roof	●	●	—	—	●	—	●	—
WALL SIGNS: MAXIMUM NUMBER AND AREA								
Maximum Number per Occupant	2	2	2	2	2	2	2	2
Maximum Total Sign Area (sq. ft.)	2 per linear foot of building frontage for floors 1–3	1.25 per linear foot of building frontage for floors 1–3					2 per linear foot of building frontage for floors 1–3	
Maximum Area of Any Single Sign	200 sq. ft.	100 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.	100 sq. ft.	200 sq. ft.	200 sq. ft.
Other Regulations	See <a href="#">134-5.7.3</a>							
MONUMENT SIGNS: MAXIMUM NUMBER, AREA AND HEIGHT								
Maximum Number per Street Frontage	1	1	1	1	1	1	1	1
Maximum Sign Area (sq. ft.)	25	25	1 per linear foot of street frontage or 75 feet, whichever is less	75	75	15	1 per linear foot of street frontage or 75 feet, whichever is less	75
Maximum Height (ft.)	8	8	8	8; 15 if setback at least 20 feet		8	8	8; 15 if setback at least 20 feet
PROJECTING SIGNS								
Maximum Number	May be used in-lieu of wall signs or in addition to wall signs, but the total number of wall signs, projecting signs and roof signs may not exceed the maximum number of wall signs allowed in accordance with this table.							
Maximum Sign Area	Same as apply to wall signs							
Maximum Projection	May not project more than 7 feet from the wall of the building to which they are attached.							
Minimum Vertical Clearance	Must be mounted to provide at least 9 feet vertical clearance above the sidewalk, driveway or other ground surface beneath the sign							
Other Regulations	See <a href="#">134-5.7.5</a>							
AWNING AND CANOPY SIGNS								
Regulations	See <a href="#">134-5.7.6</a>							
ROOF SIGNS								
Maximum Number	May be used in-lieu of wall signs or in addition to wall signs in those districts that expressly allow roof signs, but the total number of wall signs, projecting signs and roof signs may not exceed the maximum number of wall signs allowed in accordance with this table.							
Maximum Sign Area	Same as apply to wall signs							
Maximum Height	Mounted height of a roof sign may not exceed 8 feet. The combined height of a roof sign and the building upon which the sign is mounted may not exceed the maximum height limit of the subject zoning district or the subject building type.							
Other Regulations	See <a href="#">134-5.7.7</a>							
ELECTRONIC AND MULTI-VISION DISPLAYS								
Regulations	See <a href="#">134-5.8</a>							

Table Notes: ● = Permitted, subject to compliance with all applicable regulations of this article | — = Prohibited

# 134-5. SIGNS

## Electronic and Multi-Vision Displays

### 134-5.8 Electronic and Multi-Vision Displays

#### 5.8.1 APPLICABILITY

The regulations of this section apply to electronic displays and multi-vision displays.

#### 5.8.2 WHERE ALLOWED

Electronic displays and multi-vision displays may be incorporated into allowed monument signs in accordance with the regulations of this section.<sup>2</sup>

#### 5.8.3 MAXIMUM AREA

No more than 24 square feet of a sign's allowed sign area may be devoted to an electronic display or multi-vision display.

#### 5.8.4 DISPLAY TYPE

Signs may not display full-motion video or otherwise use multiple pictures or graphics in a series of frames to give the illusion of motion or video unless such sign is located on a lot occupied by a major event center and the sign has been approved in accordance with the type 2 zoning exception procedures. This provision is intended to prohibit television screens, plasma screens, LED screens and holographic displays and other technology used to display video images.

#### 5.8.5 DWELL TIME

The images and messages displayed on electronic displays and multi-vision displays must have a minimum dwell time of at least 8 seconds before changing to the next image or message. This dwell time regulation supersedes any more restrictive regulation applicable to a previously approved electronic display or multi-vision display..

#### 5.8.6 TRANSITION

The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

#### 5.8.7 ILLUMINATION

- A. The brightness of any electronic display or multi-vision display may not exceed a maximum illumination of 5,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 500 candelas per square meter (nits) between dusk to dawn, as measured from the brightest element on the sign's face.

<sup>2</sup> This appears to prohibit use of electronic and multi-vision displays on any sign other than a monument sign. Is that the intent? There is an express prohibition for window signs, but none for wall or projecting signs.

- B. Electronic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.

#### 5.8.8 SEPARATION FROM RESIDENTIAL

- A. Electronic displays and multi-vision displays are prohibited within 100 feet of:
  1. Any lot in an N or NX district that is used for residential purposes or is vacant, or
  2. Any lot in a non-N-or-NX district that is occupied by one or 2 dwellings units.
- B. These separation distance requirements do not apply if the electronic or multi-vision display is not visible from the referenced district, area or lot
- C. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign face to the nearest point of the protected district or lot.

#### 5.8.9 WINDOW SIGNS

An electronic display sign may not be used as a window sign.

#### 5.8.10 TRANSITIONAL PROVISIONS

- A. In lieu of compliance with the regulations of [134-5.8.4](#), [134-5.8.5](#), and [134-5.8.6](#), electronic displays under 24 square feet in area that were in place before June 1, 2014, under authority of a sign permit are subject to the following regulations until June 1, 2024 or such earlier time as the electronic components of the display are replaced. This provision does not prevent the replacement of up to 50% of the sign's individual components as part of normal maintenance of the sign.
- B. No such sign may display multiple pictures or images in a series of frames so as to give the illusion of motion or video, except that:
  1. Such signs may be used to display a series of images consisting of pictures, graphics, text or a combination thereof, provided that the entire display is static for at least 2 seconds between changes of image, and the change of images is instantaneous.
  2. Such signs may be used to display text that scrolls in one direction (vertically or horizontally) at a rate that is legible to the average person. Any change in the direction of scrolling must be separated by an intervening display of a static image for at least 2 seconds. The scrolling text can be combined with a background image that

is static for at least 2 seconds between changes, and instantaneously changes between images.

## 5.8.11 FUTURE AMENDMENTS

The city reserves the right to amend the regulations that apply to electronic displays and multi-vision displays for which a permit was issued after June 1, 2014, regardless of size. Issuance of a permit for an electronic sign or multi-vision display does establish a right for continued operation of the sign in accordance with the regulations then in effect. No permit may be issued for a new electronic sign or multi-vision display without a written acknowledgment by the owner or tenant of the premises that they have received notice that the future use of the sign is subject to all applicable regulations, as amended from time to time.

## 134-5.9 Sign-Related Measurements

### 5.9.1 SIGN AREA

#### 1. Signs Enclosed in Frames or Cabinets

The area of a sign enclosed in a frame, box or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see [Figure 5.10-H](#)).

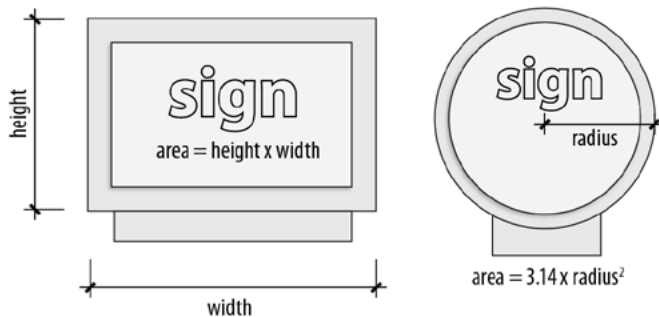


Figure 5.10-H. Area of Sign Enclosed in Frame or Cabinet

#### 2. Channel (Individual) Letter Signs

- The area of a sign comprised of individual letters or elements attached directly to a building wall is determined by calculating the area of the smallest rectangle that can be drawn around the letters and/or elements (see [Figure 5.10-J](#)).



Figure 5.10-J. Area of Channel (Individual) Letter Sign

- Signs consisting of individual letters and/or elements must be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter (see [Figure 5.10-K](#)).<sup>3</sup>

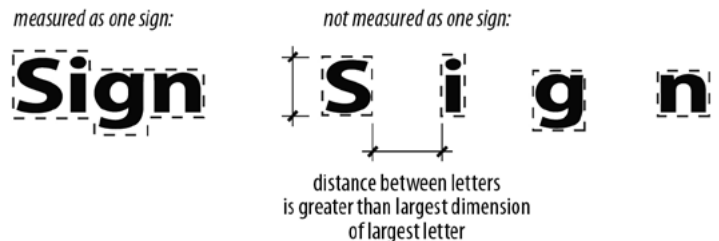


Figure 5.10-K. Signs Consisting of Individual Letters

#### 3. Multi-Sided Signs

Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, each sign face is counted as a separate sign (see ). If the size of one size face is larger than another, the size

- This provision and illustration to be revised per late comment received from BB.

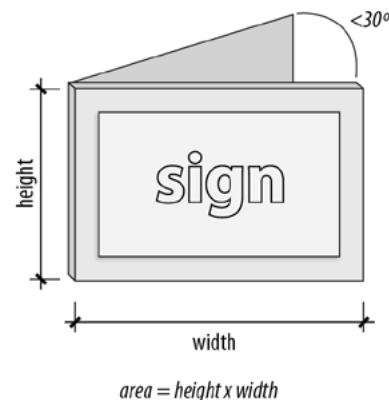
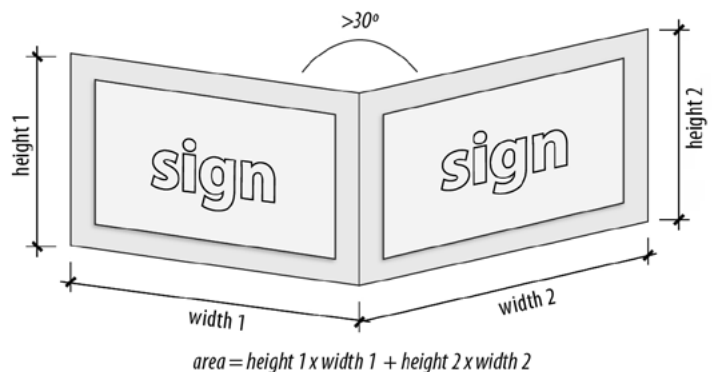


Figure 5.10-I. Area of Multi-Sided Sign

## 134-5. SIGNS

### Nonconforming Signs

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of largest sign face is the area of the sign (see [Figure 5.10-L](#)).

#### 4. Non-planar Signs

Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 vertical sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with greater than 4

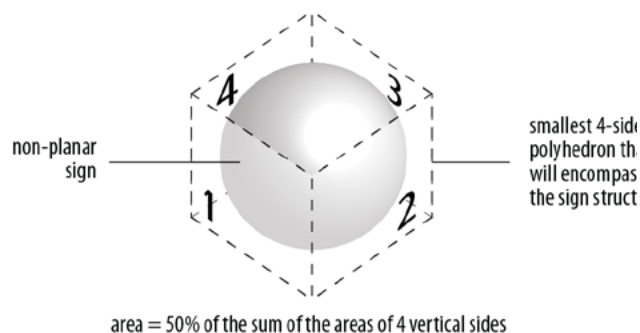


Figure 5.10-L. Area of Non-Planar Sign

polyhedron faces are prohibited (see [Figure 5.10-L](#)).

#### 5.9.2 SIGN HEIGHT

The height of a sign is measured as the vertical distance

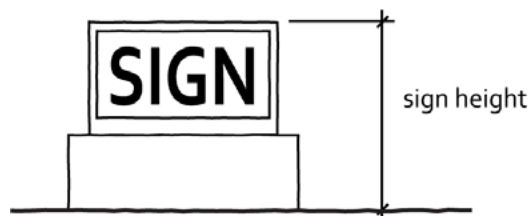


Figure 5.10-M. Sign Height

from ground level at the base of the sign to the highest point of the sign (see [Figure 5.10-M](#)).

#### 5.9.3 SETBACK, SPACING AND SEPARATION DISTANCES

Unless otherwise expressly stated, required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective signs or sign structures. Required separation distances between signs and zoning districts, area or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.

#### 5.9.4 ILLUMINATION AND LUMINANCE

**A. Foot-Candles.** Sign illumination in foot-candles is measured 2 feet from the sign face.

**B. Nits.** For the purpose of verifying compliance with maximum brightness level limits expressed in nits (candelas per square meter), brightness levels must be measured with the dynamic display set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

#### 5.9.5 WINDOW AREA

The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area (see [Figure 5.10-N](#)).

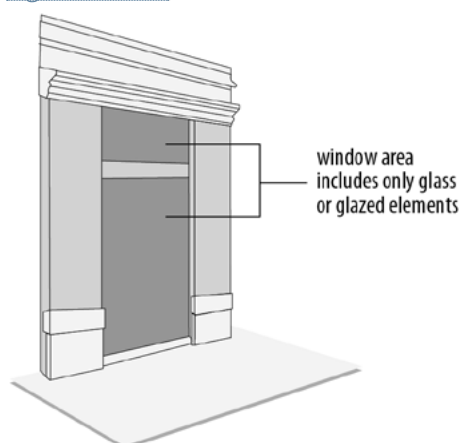


Figure 5.10-N. Window Area

### 134-5.10 Nonconforming Signs

See section [134-7.6](#).

## Chapter 134. Zoning

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**134-6.1 Common Procedural Provisions<sup>1</sup>****6.1.1 APPLICABILITY**

The common procedural provisions of this section apply to all of the procedures in this article unless otherwise expressly stated.

**6.1.2 REVIEW AND DECISION-MAKING AUTHORITY**

[Table 6.1-1](#) provides a summary of the review and approval procedures of this article. In the event of conflict between [Table 6.1-1](#) and the detailed procedures contained elsewhere in this article, the detailed procedures govern.

**TABLE 6.1-1. REVIEW AND DECISION-MAKING**

Procedure	CDD	BoA	P&Z	CC
Zoning Text/Map Amendment	R	–	R*	DM*
Conditional Use Permit	R	DM*	–	–
Type 1 Zoning Exception	DM	–	–	–
Type 2 Zoning Exception	R	DM*	–	–
Zoning Variance	R	DM*	–	–
Appeal of Administrative Decision	–	DM*	–	–

Table notes:

CDD = community development director

BoA = board of adjustment

P&Z = plan and zoning commission

CC = city council

R = review/recommendation

DM = decision-maker

\* = public hearing

**6.1.3 PREAPPLICATION MEETINGS**

**A. Purpose.** Preapplication meetings provide an early opportunity for staff and applicants to discuss applicable procedures and regulations.

**B. Applicability.** Preapplication meetings are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

**C. Scheduling.** Preapplication meetings must be scheduled with the community development director.

**D. Guidelines.** The community development director is authorized to establish guidelines for preapplication meetings, including information that should be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

<sup>1</sup> This is a new section, although unless indicated, the provisions within are not thought to represent a significant change in practice.

**6.1.4 APPLICATIONS AND FEES**

**A. Owner-initiated Applications.** Whenever the provisions of this zoning ordinance allow the filing of an application by the owner of the subject property, that application must be signed by all record titleholders or contract buyers of record of the real properties that are the subject of the application.

**B. Form of Application.** Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the community development director. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:

1. A list of the names, email addresses and street addresses of all titleholders and contract purchasers of record of the property that is the subject of the application; and
2. Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this zoning ordinance or application checklists established by the official responsible for accepting the application. Application forms and submittal requirements must be made available to the general public.

**C. Application Filing Fees and Notification Costs.**

All property owner-initiated applications must be accompanied by fees amounts established in section 82-3. Applications filed by the city council do not require payment of a fee. Applications filed by the state or federal government are exempt from application filing fees, but not from the requirement to pay notification fees.

**D. Application Completeness, Accuracy and Sufficiency<sup>2</sup>**

1. An application will be considered complete and ready for processing only if it is submitted in the required number and form, is accompanied by all required information, including a traffic study if such a study is required by staff at the preapplication meeting, and is accompanied by the required application filing and notification fees.
2. If an application is determined to be incomplete, the official responsible for accepting the application must provide notice to the applicant along with an explanation of the application's

<sup>2</sup> New section

# 134-6. REVIEW AND APPROVAL PROCEDURES

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## Common Procedural Provisions

deficiencies. Notice of an incomplete application may be provided by electronic mail or regular mail.

3. No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the community development director determines that the deficiencies have been corrected, the application will be placed in the first available processing cycle.
4. Applications deemed complete will be considered to be in the processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
5. The community development director is authorized to require that applications or plans be revised before being placed on an agenda for possible action if the community development director determines that:
  - a. The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations;
  - b. The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with zoning ordinance requirements or other regulations; or
  - c. The decision-making body does not have legal authority to approve the application as it was submitted.

### 6.1.5 APPLICATION PROCESSING CYCLES

The community development director is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

### 6.1.6 NEIGHBOR COMMUNICATIONS<sup>3</sup>

**A. Purpose.** Neighbor communication requirements are intended to ensure that applicants make a good faith effort to:

1. Educate applicants and neighbors about one another's interests;
2. Resolve issues in a manner that respects those interests; and
3. Identify unresolved issues before initiation of public hearings.

**B. Applicability.** Neighbor communications activities are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.

### C. Neighbor Communications Summary.

When neighbor communications are required, applicants must submit a summary of their neighbor communication activities before the first required public hearing. Neighbor communications summaries must include at least the following information:

1. Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
2. How information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, fliers, door-to-door handouts, etc.);
3. Who was involved in the discussions;
4. Suggestions and concerns raised by neighbors; and
5. What specific changes (if any) were considered and/or made as a result of the neighbor communications.

## 6.1.7 REQUIRED PUBLIC HEARING NOTICES

### A. Newspaper Notice

1. Whenever the procedures of this article require that newspaper notice be provided, the notice must be published in a newspaper of general circulation within the City of Des Moines that is published at least weekly.
2. The newspaper notice must be published at least once, at least 7 days no more than 20 days before the date of the public hearing. Following publication of the notice, the public hearing may not be held earlier than the next regularly scheduled meeting date of the review or decision-making body holding the hearing.<sup>4</sup>

<sup>3</sup> New section, with relaxed requirements; can easily be replaced with reference to existing "guidelines for neighborhood meetings," although existing process received some negative feedback during early listening sessions.

<sup>4</sup> This provision is intended to track the Iowa Code. The city's practice seems to be to provide more than 7 days' notice. Notice timing requirements are not currently stated in the ordinance.

**6.1.8 COURTESY PUBLIC HEARING NOTICES<sup>5</sup>**

- A. General.** Courtesy notice of public hearings and notices of proposed actions under this zoning ordinance are not required by law, but are routinely provided by the city or required of applicants as a way of increasing public awareness, transparency and participation in planning and development matters.
- B. Mailed Notice.** Whenever the procedures of this article call for the provision of courtesy mailed notices, the notices must be sent by United States Postal Service regular mail. Addresses must be based on property ownership information from the county assessor's office.
- C. Other Courtesy Notices.** In addition to other forms of courtesy notice, the community development director must endeavor to provide one or more of the following forms of additional courtesy notice of public hearings required under this zoning ordinance:
1. Mailing notices to recognized neighborhood and resident organizations whose boundaries include or are abutting the subject property;
  2. Posting notices in city hall or in other government buildings; or
  3. Publishing notice on the city's website.

**6.1.9 HEARING PROCEDURES**

- A.** At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.
- B.** A public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is determined at the time of the continuance.
- C.** If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing.

**6.1.10 ACTION BY REVIEW AND DECISION-MAKING BODIES**

- A.** Review and decision-making bodies may take any action that is consistent with:
1. The regulations of this zoning ordinance; and
  2. Any rules or by-laws that apply to the review or decision-making body.
- B.** Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or further deliberate.
- C.** When the procedures of this article authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must be reasonable and imposed to satisfy public needs that are directly caused by the requested change or the proposed use or development.

**6.1.11 DECISION-MAKING CRITERIA; BURDEN OF PROOF OR PERSUASION**

Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant to show that an application or proposal complies with all applicable review or approval criteria.

**6.1.12 REQUIRED TIME-FRAMES FOR ACTION**

Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

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**134-6.2 Zoning Ordinance Text Amendments****6.2.1 AUTHORITY TO FILE**

Amendments to the text of this zoning ordinance may be initiated only by the city council, community development director or legal department.

**6.2.2 STAFF REVIEW**

The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan and zoning commission before

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<sup>5</sup> Courtesy notices are those that the city *elects* to provide in addition to the published notice required by state law.

# 134-6. REVIEW AND APPROVAL PROCEDURES

DRAFT

## Zoning Map Amendments

its public hearing on the proposed amendment.

### 6.2.3 REQUIRED NOTICE OF HEARING

Notice of the plan and zoning commission's required public hearing on a zoning ordinance text amendment must be published in accordance with [134-6.1.7](#).

### 6.2.4 PLAN AND ZONING COMMISSION RECOMMENDATION

The plan and zoning commission must hold a public hearing on the proposed zoning ordinance text amendment. Following the close of the public hearing, the plan and zoning commission must act to recommend that the proposed text amendment be approved, approved with conditions, or denied and transmit its report and recommendations to the city council. Motions to approve, approve with conditions or deny zoning ordinance text amendments may be approved by a simple majority vote of a quorum.

### 6.2.5 CITY COUNCIL ACTION

Following receipt of the plan and zoning commission's report and recommendation, the city council must hold a public hearing and act to approve the proposed zoning ordinance text amendment, approve the proposed text amendment with conditions or deny the proposed text amendment. Zoning ordinance text amendments may be approved by a majority vote of all members of the city council.

### 6.2.6 REVIEW AND APPROVAL CRITERIA

The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider all relevant factors of Iowa Code section 414.3 and the following:

- A. Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan; and
- B. Whether the proposed zoning ordinance text amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition and is in the public interest.

## 134-6.3 Zoning Map Amendments

Figure 6.3-A. Zoning Map Amendment Process



### 6.3.1 AUTHORITY TO FILE

Amendments to the zoning map may be initiated only by the city council, the community development director or with the consent of all record titleholders or contract purchasers of the real property that is the subject of the proposed zoning map amendment.

### 6.3.2 PREAPPLICATION MEETING

Property owners proposing a zoning map amendment must attend a preapplication meeting before filing the zoning map amendment application (see [134-6.1.3](#)).

### 6.3.3 APPLICATION FILING

Property owner-initiated applications for zoning map amendments must be filed with the community development director.

### 6.3.4 NEIGHBOR COMMUNICATIONS

Applicants for zoning map amendments are responsible for conducting neighbor communications activities and providing of a summary of such activities before required public hearings (see [134-6.1.6](#)).

### 6.3.5 STAFF REVIEW

Following receipt of a complete zoning map



# 134-6. REVIEW AND APPROVAL PROCEDURES

## Zoning Map Amendments

amendment application or initiation of zoning map amendment by the city council, the community development director must prepare a report and recommendation on the proposed zoning map amendment. The report must be transmitted to the plan and zoning commission before its public hearing on the proposed amendment.

### 6.3.6 NOTICE OF PLAN AND ZONING COMMISSION HEARING

It is the policy of the city to provide courtesy mailed notice to all owners of property included within the area that is the subject of the proposed zoning map amendment and to all owners of property within 250 feet of the subject property. Mailed notice is not provided for city-initiated rezonings when such notice would be impractical because of the size of the area affected.

### 6.3.7 PLAN AND ZONING COMMISSION RECOMMENDATION

- A.** Following receipt of a complete application for a zoning map amendment or initiation of a zoning map amendment by the community development director or city council, the plan and zoning commission must hold a public hearing on the proposed amendment. Following the close of the public hearing, the plan and zoning commission must act to recommend that the proposed amendment be approved, approved with conditions, or denied.
- B.** All proposed zoning map amendments initiated by the city council or the community development director must be transmitted to the city council within a reasonable time following action by the plan and zoning commission.
- C.** Motions to recommend approval, approval with conditions or denial of zoning map amendments may be approved by a simple majority vote.

### 6.3.8 NOTICE OF CITY COUNCIL HEARING

Notice of the city council's required public hearing on a zoning map amendment must be published in accordance with [134-6.1.7](#).

### 6.3.9 CITY COUNCIL ACTION

- A.** Following receipt of the plan and zoning commission's report and recommendation, the city council must hold a public hearing and act to approve the proposed zoning map amendment, approve the proposed zoning map amendment with conditions or deny the proposed zoning map amendment.

- B.** Zoning map amendments may be approved by a majority vote of all members of the city council, except that passage of the zoning map amendment requires a favorable vote of three-fourths of all members of the city council if either of the following occurs:

1. The plan and zoning commission recommends denial of the zoning map amendment; or
2. A valid protest is filed in opposition to the zoning map amendment, in accordance with [134-6.3.10](#).

### 6.3.10 PROTEST OF ZONING MAP AMENDMENTS

- A.** A protest opposing a zoning map amendment will be deemed valid if it is signed by any of the following:
  1. The owners of 20% or more of the area of the lots included in proposed zoning map amendment area;
  2. The owners of 20% or more of the property located within 200 feet of the exterior boundaries of the area included in the proposed zoning map amendment area; or
  3. The owners of 15% or more of the property located within 200 feet of the exterior boundaries of the area included in the proposed zoning map amendment area if 30% or more of the area of the lots within 200 feet of the proposed rezoning area is owned by a governmental entity.
- B.** A protest opposing a zoning map amendment must be filed with the city clerk before the city council's hearing to consider the subject zoning map amendment.

### 6.3.11 REVIEW AND APPROVAL CRITERIA

The decision to amend the zoning map is a matter of city council discretion that is not controlled by any single standard or criterion. In making recommendations and decisions on zoning map amendments, review and decision-making bodies must consider all relevant factors, including at least the following:

- A.** Whether the proposed zoning map amendment is consistent with the policy and intent of comprehensive plan; and
- B.** Whether the proposed zoning map amendment corrects an error or inconsistency or is necessary or desirable to meet the challenge of a changed or changing condition and is in the public interest.

### 6.3.12 SUCCESSIVE APPLICATIONS

If a zoning map amendment application has been

# 134-6. REVIEW AND APPROVAL PROCEDURES

DRAFT

## Conditional Uses

denied by the city council, no new zoning map amendment application that includes all or part of the same property may be filed or considered by the city council for at least one year from the date of final action by the city council.

### 134-6.4 Conditional Uses

Figure 6.4-A. Conditional Use Process



#### 6.4.1 AUTHORITY TO FILE

Conditional use applications may be filed only with the consent of all record titleholders or contract purchasers of the real property on which the proposed conditional use is proposed.

#### 6.4.2 PREAPPLICATION MEETING

Property owners requesting approval of a conditional use must attend a preapplication meeting before filing the conditional use application (see [134-6.1.3](#))

#### 6.4.3 APPLICATION FILING

Conditional use applications must be filed with the community development director.

#### 6.4.4 NEIGHBOR COMMUNICATIONS

Applicants for conditional uses are responsible for conducting neighbor communications activities and providing of a summary of such activities before required public hearings (see [134-6.1.6](#)).

#### 6.4.5 STAFF REVIEW

Following receipt of a complete conditional use application, the community development director must

prepare a report and recommendation. The report and recommendation must be transmitted to the board of adjustment before its public hearing on the proposed conditional use.

#### 6.4.6 NOTICE OF HEARING

It is the policy of the city to provide courtesy mailed notice to all owners of property and recognized neighborhood associations within 250 feet of the property for which the zoning map amendment is requested.

#### 6.4.7 BOARD OF ADJUSTMENT DECISION

- A. Following receipt of a complete conditional use application, the board of adjustment must hold a public hearing to consider the application. Following the close of the public hearing, the board of adjustment must act to approve the requested conditional use, approve the conditional use with conditions, or deny approval of the conditional use based on the applicable standards and review criteria of [134-6.4.8](#). Approval of a conditional use requires an affirmative vote of at least 4 members of the board of adjustment and may occur on the consent portion of the board of adjustment's agenda.
- B. In approving a conditional use, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of [134-6.4.8](#), to reduce or minimize the effect of the conditional use upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

#### 6.4.8 STANDARDS AND REVIEW CRITERIA

##### A. General

A conditional use may not be approved unless the board of adjustment determines that the proposed use or activity complies with all applicable use-specific regulations and that the applicant has demonstrated that all of the following general standards and review criteria are met:<sup>6</sup>

1. The proposed location, design, construction, and operation of the use or activity adequately safeguards the health, safety, and general

6 These criteria are modeled after the general criteria that apply to some conditional uses, Would it be appropriate/better to use the existing general criteria that now apply to all special uses (note: the special use approval process is proposed for elimination).



welfare of persons residing or working in adjoining or surrounding property;

2. The proposed use will not impair an adequate supply of light and air to surrounding property;
3. The proposed use will not unduly increase congestion in the streets, or public danger of fire, safety or flooding;
4. The proposed use will not diminish or impair established nearby property values; and
5. The proposed use is consistent with the general purpose of this zoning ordinance and the comprehensive plan and any specific purposes established in this zoning ordinance for the subject use.

#### **6.4.9 FILING AND EFFECT OF DECISIONS**

- A.** Written decisions of the board of adjustment must be filed promptly following the board's action and be open to public inspection. Written decisions must describe the action taken, the vote of each board member participating and the reasons for such action.
- B.** The board of adjustment's decision on a conditional use becomes final and effective after the board's written decision is filed with the community development department, which serves as the board of adjustment office.

#### **6.4.10 LAPSE OF APPROVAL<sup>7</sup>**

- A.** All activity authorized by an approved conditional use must be completed within 2 years of the board's action or the approval lapses and is of no further effect.
- B.** If any use of land or structure approved as a conditional use is discontinued for a period of one year or more, the conditional use approval lapses and is of no further effect.<sup>8</sup>
- C.** If any use or structure approved as a conditional use is destroyed by any means to an extent of 50% or more of its replacement cost at the time of destruction, the approved conditional use lapses and is of no further effect.
- D.** Once a conditional use approval lapses, any subsequent use of such land or structure must

conform to the regulations of the subject zoning district.

#### **6.4.11 AMENDMENTS**

A request for revisions to the specific nature of an approved conditional use or to any conditions attached to an approved conditional use must be processed as a new conditional use application, including all requirements for fees, notices and public hearings.

#### **6.4.12 APPEALS**

Appeals of board of adjustment decisions are taken to district court (see [134-8.1.3.G](#)).

#### **6.4.13 SUCCESSIVE APPLICATIONS**

If a conditional use has been denied by the board of adjustment, a new conditional use application seeking the same approval may not be considered by the board of adjustment for at least one year from the date of final action by the board of adjustment unless the board finds that the circumstances at the time of the board's previous decision have materially changed so as to effect the reasons that produced and supported that previous decision.

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### **134-6.5 Type 1 Zoning Exceptions**

#### **6.5.1 INTENT**

Type 1 zoning exceptions are intended to provide a streamlined approval procedure for minor (de minimis) modifications of selected zoning ordinance regulations. Type 1 zoning exceptions are further intended to:

- A.** Allow development and construction that is in keeping with the general purpose and intent of zoning ordinance regulations and the established character of the area in which the development or construction is located; and
- B.** Provide flexibility that will help promote rehabilitation and reuse of existing buildings and new construction when such flexibility will not adversely affect nearby properties or neighborhood character.

#### **6.5.2 AUTHORIZED TYPE 1 ZONING EXCEPTIONS**

- A.** Only the following may be approved as type 1 zoning exceptions:
  1. Exceptions to any numerical regulation established in the building type regulations of [Chapter 135, Article 1](#) when the proposed construction is not subject to site plan review under Chapter 135 and when:

<sup>7</sup> These provisions are based on those now found in Sec. 134-1297. The provisions governing discontinuance and damage seem particularly punitive

<sup>8</sup> The existing exception for R-HD can be eliminated since it will be addressed in district and building type regulations.

## Type 1 Zoning Exceptions

- a. The exception does not exceed 15% of the applicable numerical regulation; or
  - b. The exception is from a setback or build-to requirement and would allow an addition to a nonconforming building to extend along the same building line or surface parking lot as the existing building or surface parking lot.
2. Exceptions to minimum bicycle parking ratios and to bicycle parking location and design regulations.
  3. Exceptions to minimum or maximum motor vehicle off-street parking ratios, not to exceed one space or 20%, whichever is greater.
- B.** The type 1 zoning exception procedures may not be used to vary, modify or otherwise preempt a condition of approval or requirement imposed by an authorized decision-making body.

### 6.5.3 AUTHORITY TO FILE

Type 1 zoning exception applications may be filed only with the consent of all record titleholders or contract purchasers of the real property on which the proposed conditional use is proposed.

### 6.5.4 APPLICATION FILING

Complete applications for type 1 zoning exceptions must be filed with the community development director.

### 6.5.5 NOTICE OF FILING/INTENT TO APPROVE

The community development director is responsible for ensuring that written notice of the filing of a type 1 zoning exception application is delivered to all owners of property abutting the subject lot. The written notice must describe the nature of the requested type 1 zoning exception. It must also indicate the date on which the community development director will take action on the application and that the application will be available for review and comment until that date. Any interested party may submit written comments concerning the application to the community development director.

### 6.5.6 ACTION BY COMMUNITY DEVELOPMENT DIRECTOR

- A.** The community development director must act to approve the type 1 zoning exception application, approve the application with conditions or deny the application based on the approval criteria and standards of [134-6.5.7](#). The community development director is also authorized to refer the application to the board of adjustment for consideration as a type 2 zoning exception.

- B.** If a type 1 zoning exception is denied or approved with conditions unacceptable to the applicant, the applicant is authorized to seek approval of requested zoning exception from the board of adjustment in accordance with the type 2 zoning exception procedures of [134-6.6](#).

### 6.5.7 STANDARDS AND REVIEW CRITERIA

Type 1 zoning exceptions may be approved only when the community development director determines that the following approval standards and criteria and any other specific criteria established in this zoning ordinance for the authorized type 1 zoning exception have been met:

- A.** The requested type 1 zoning exception is consistent with all relevant purpose and intent statements of this zoning ordinance and with the general purpose and intent of the comprehensive plan;
- B.** The requested type 1 zoning exception will not have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare; and
- C.** Any adverse impacts resulting from the type 1 zoning exception will be mitigated to the maximum extent feasible.

### 6.5.8 CONDITIONS OF APPROVAL

In granting a type 1 zoning exception, the community development director is authorized to impose conditions upon the subject property that are necessary to reduce or minimize any potentially adverse impacts on other property in the surrounding area, and to carry out the stated purpose and intent of this zoning ordinance.

### 6.5.9 LAPSE OF APPROVAL

- A.** All activity authorized by an approved type 1 zoning exception must be completed within 2 years of the community development director's action or the approval lapses and is of no further effect.
- B.** If any use of land or structure approved as a type 1 zoning exception is discontinued for a period of one year or more, the approved type 1 zoning exception lapses and is of no further effect.
- C.** If any use or structure approved as a type 1 zoning exception, is destroyed by any means to an extent of 50% or more of its replacement cost at the time of destruction, the approved zoning exception lapses and is of no further effect.
- D.** Once a type 1 zoning exception lapses, any subsequent use of such land or structure must

conform to the regulations of the subject zoning district.

#### 6.5.10 TRANSFERABILITY

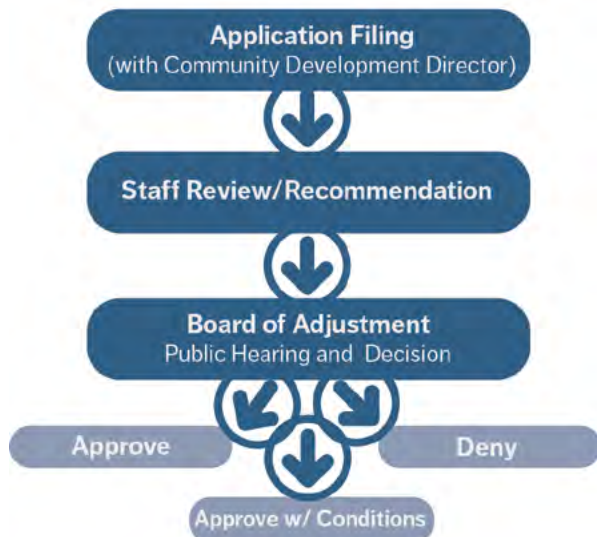
Approved type 1 zoning exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

#### 6.5.11 AMENDMENTS

A request for changes in the specific nature of an approved type 1 zoning exception or changes to any conditions attached to an approved type 1 zoning exception must be processed as a new type 1 zoning exception application, including all requirements for fees.

### 134-6.6 Type 2 Zoning Exceptions<sup>9</sup>

Figure 6.6-A. Type 2 Zoning Exception Process



#### 6.6.1 INTENT

Type 2 zoning exceptions are intended to provide a procedure for the board of adjustment to use in considering requests for regulatory relief from certain specified zoning regulations when such relief is reasonably needed to overcome practical difficulties related to the subject property.

#### 6.6.2 AUTHORIZED TYPE 2 ZONING EXCEPTIONS

A. Only the following may be approved as Type 2 zoning exceptions:<sup>10</sup>

<sup>9</sup> Staff and plan and zoning commission administered “design exceptions” are authorized under chapter 135..

<sup>10</sup> We recommend that authorized exceptions be called out within the respective regulations rather than in the procedures.

1. Exceptions to allow required parking spaces for residential uses to be provided off-site.
  2. Exceptions to any numerical regulation established in the building type regulations of [Chapter 135, Article 1](#) when the proposed construction is not subject to site plan review under Chapter 135 and when the exception does not exceed 50% of the applicable numerical regulation.
  3. Exceptions of minimum or maximum motor vehicle off-street parking ratios by no more than 50%.
  4. Exceptions to the time period within which a use may be resumed after a temporary discontinuance of that use, when:
    - a. Discontinuance of the use was due to unique circumstances not of the property owner’s own making; and
    - b. Resumption of the use will not have a significant adverse impact on the essential character of the surrounding area.
  5. Exceptions to allow a pole sign in a location where such a sign would otherwise be prohibited when the board of adjustment determines that there is no feasible location for the placement of a monument sign that is outside of the vision clearance triangle required by municipal code section 114-14 and the proposed sign does not obstruct the vision of drivers entering or exiting the subject or adjoining properties.
- B. The type 2 zoning exception procedures may not be used to vary, modify or otherwise preempt a condition of approval or requirement imposed by an authorized decision-making body.

#### 6.6.3 AUTHORITY TO FILE

Type 2 zoning exception applications may be filed only with the consent of all record titleholders or contract purchasers of the real property on which the proposed conditional use is proposed.

#### 6.6.4 APPLICATION FILING

Complete applications for type 2 zoning exceptions must be filed with the community development director.

#### 6.6.5 STAFF REVIEW

Following receipt of a complete application, the community development director must prepare a report on the requested type 2 zoning exception. The

## Type 2 Zoning Exceptions

report must be transmitted to the board of adjustment before the required public hearing.

### 6.6.6 NOTICE OF HEARING

It is the policy of the city to provide courtesy mailed notice to all owners of property and recognized neighborhood associations within 250 feet of the property for which the type 2 zoning exception is requested.

### 6.6.7 BOARD OF ADJUSTMENT DECISION

**A.** Following receipt of a complete application for a type 2 zoning exception, the board of adjustment must hold a public hearing to consider the matter. Following the close of the public hearing, the board of adjustment must act to approve the requested type 2 zoning exception, approve the type 2 zoning exception with conditions, or deny the type 2 zoning exception based on the applicable standards and review criteria of [134-6.6.8](#). Approval of a type 2 zoning exception requires an affirmative vote of at least 4 members of the board of adjustment and may occur on the consent portion of the board of adjustment's agenda.

**B.** In approving a type 2 zoning exception, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of [134-6.6.8](#), to reduce or minimize the effect of the type 2 zoning exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

### 6.6.8 STANDARDS AND REVIEW CRITERIA

Type 2 zoning exceptions may be approved only when the board of adjustment determines that all the following general approval standards and criteria and any other specific criteria established in this zoning ordinance for the authorized type 2 zoning exception have been met:

- A.** The requested exception is reasonably necessary due to practical difficulties related to the subject property;
- B.** The practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception;
- C.** The requested exception will not have a significant adverse impact on the essential character of the surrounding area;
- D.** The requested exception by its design, construction and operation:

- 1. Will adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
  - 2. Will not impair an adequate supply of light and air to adjacent property;
  - 3. Will not unduly increase congestion in the public streets;
  - 4. Will not increase public danger of fire and safety; and
  - 5. Will not diminish or impair established property values in the surrounding area.
- E.** The requested exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use.

### 6.6.9 LAPSE OF APPROVAL<sup>11</sup>

- A.** All activity authorized by an approved type 2 zoning exception must be completed within 2 years of the community development director's action or the approval lapses and is of no further effect.
- B.** If any use of land or structure approved as a type 2 zoning exception is discontinued for a period of one year or more, the approved type 2 zoning exception lapses and is of no further effect.
- C.** If any use or structure approved as a type 2 zoning exception,<sup>12</sup> is destroyed by any means to an extent of 50% or more of its replacement cost at the time of destruction, the approved zoning exception lapses and is of no further effect.
- D.** Once a type 2 zoning exception lapses, any subsequent use of such land or structure must conform to the regulations of the subject zoning district.

### 6.6.10 TRANSFERABILITY

Approved type 2 zoning exceptions run with the land and are not affected by changes of tenancy, ownership, or management.

### 6.6.11 AMENDMENTS

A request for changes in the specific nature of an approved type 2 zoning exception or changes to any conditions attached to an approved type 2 zoning

<sup>11</sup> These provisions are based on those now found in Sec. 134-1297. The provisions governing discontinuance and damage seem particularly punitive

<sup>12</sup> The existing exception for R-HD can be eliminated since it will be addressed in district and building type regulations.

# 134-6. REVIEW AND APPROVAL PROCEDURES

## Zoning Variances

exception must be processed as a new type 2 zoning exception application, including all requirements for fees, notices and public hearings.

### 6.6.12 APPEALS

Appeals of board of adjustment decisions are taken to district court (see 134-8.1.3.G).

### 6.6.13 SUCCESSIVE APPLICATIONS

If a type 2 zoning exception application has been denied by the board of adjustment, a new type 2 zoning exception application seeking the same relief may not be considered by the board of adjustment for at least one year from the date of final action by the board of adjustment unless the board finds that the facts and circumstances present at the time of the board's prior decision have materially changed so as to effect the reasons that produced and supported that prior decision.

## 134-6.7 Zoning Variances

Figure 6.7-A. Zoning (Non-Use) Variance Process



Figure 6.7-B. Zoning (Use) Variance Process



### 6.7.1 INTENT

A zoning variance is a grant of relief to a property owner from strict compliance with the regulations of this zoning ordinance. The intent of a zoning variance is not to simply remove an inconvenience or financial burden, but rather to alleviate an unnecessary hardship that would result if strict compliance with one or more zoning regulations was required.

### 6.7.2 AUTHORIZED ZONING VARIANCES

The board of adjustment is authorized to grant a zoning variance to any regulation in this zoning ordinance in accordance with the zoning variance procedures of this section, except that the zoning variance procedures may not be used to do any of the following:

- A. Waive, modify or otherwise vary any of the review and approval procedures of this zoning ordinance; or



## Zoning Variances

- B. Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body.

### 6.7.3 AUTHORITY TO FILE

Zoning variance applications may be filed only with the consent of all record titleholders or contract purchasers of the real property on which the proposed conditional use is proposed.

### 6.7.4 APPLICATION FILING

- A. Complete applications for zoning variances must be filed with the community development director.
- B. An application for a zoning use variance may not be filed or accepted for processing unless a proposed amendment to rezone the subject property to a district that would allow the subject use has been considered and denied by the city council within the preceding 12 months, except this requirement does not apply to requests to vary use separation requirements.

### 6.7.5 STAFF REVIEW

Following receipt of a complete application, the community development director must prepare a report on the requested zoning variance. The report must be transmitted to the board of adjustment before the required public hearing.

### 6.7.6 NOTICE OF HEARING

It is the policy of the city to provide courtesy mailed notice to all owners of property and recognized neighborhood associations within 250 feet of the property for which the zoning variance is requested.

### 6.7.7 BOARD OF ADJUSTMENT DECISION

- A. Following receipt of a complete zoning variance application, the board of adjustment must hold a public hearing to consider the requested zoning variance. Following the close of the public hearing, the board of adjustment must act to approve the requested zoning variance, approve the zoning variance with conditions, or deny the zoning variance request based on the applicable standards and review criteria of [134-6.7.8](#). Approval of a zoning variance requires an affirmative vote of at least 4 members of the board of adjustment and may occur on the consent portion of the board of adjustment's agenda.
- B. In approving a zoning variance, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards

of [134-6.7.8](#), to reduce or minimize the effect of the zoning variance upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

### 6.7.8 STANDARDS AND REVIEW CRITERIA

- A. **General.** A zoning variance may only be approved when the variance will not be contrary to the public interest, and where owing to special conditions a literal enforcement of the regulations of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. A zoning variance further may not be approved unless the board of adjustment determines that all of the following facts have been established by the applicant:

1. The subject property cannot yield a reasonable return from any use permitted by the subject zoning regulations. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the subject property. It is not sufficient to merely show that the value of the land has been depreciated by the regulations or that a zoning variance would permit the owner to maintain a more profitable use;
2. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the subject property and not to general conditions in the neighborhood; and
3. The use or construction to be authorized by the zoning variance will not alter the essential character of the area in which the subject property is located.

- B. **Floodplain Variances.** No zoning variance from the FH zoning district regulations may be approved unless the board of adjustment determines that the general zoning variance standards and review criteria of paragraph A of this subsection [134-6.7.8](#), have been met and that all of the following additional following facts have been established by the owner of the subject property:

1. No zoning variance may be granted from the FH zoning district regulations that would result in a significant increase in the 100-year flood level.
2. Zoning variances from the FH zoning district regulations may only be granted upon:
  - a. A showing of good and sufficient cause;

- b. A determination that failure to grant the zoning variance would result in exceptional hardship to the appellant;
- c. A determination that the granting of the zoning variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of nuisances, or victimization of the public;
- d. A determination that the zoning variance is the minimum necessary, considering the flood hazard, to afford relief; and
- e. A showing that the Iowa Department of Natural Resources has been notified of the requested zoning variance.

#### **6.7.9 FILING AND EFFECT OF DECISIONS**

- A.** Written decisions of the board of adjustment must be filed promptly following the board's action and be open to public inspection. Written decisions must describe the action taken, the vote of each board member participating and the reasons for such action.
- B.** Except as expressly stated in paragraph C of this subsection (134-6.7.9), the board of adjustment's decision on a zoning variance becomes final and effective after the board's written decision is filed in the board office.
- C.** A decision of the board of adjustment to grant a zoning use variance<sup>13</sup> must be referred to the city council for review. The city council must then review the board of adjustment's decision within 30 days after the decision is filed. Following the city council's review, the council may remand the decision to the board of adjustment for further study. If the city council does not act to review the decision within 30 days after it is filed, the board of adjustment's decision becomes effective on the 31st day. If the city council declines to remand a decision, the board of adjustment's decision becomes final and effective on the date of the council's action to decline remand. If the city council remands a decision to the board of adjustment, the effective date of the board's decision is delayed for 30 days from the date of city council remand.
- D.** Upon remand of a decision from the city council, the board of adjustment must conduct a rehearing on

the matter for further study and action at a regularly scheduled or special-called board meeting held during the 30-day delay period. Following the close of the rehearing, the board of adjustment must act to either affirm its initial decision on the zoning use variance or withdraw its initial decision and issue a new decision on the zoning use variance. Upon completion of the rehearing process, the board of adjustment's decision is not subject to review by the city council and becomes final and effective upon filing.

#### **6.7.10 LAPSE OF APPROVAL<sup>14</sup>**

- A.** All activity authorized by an approved zoning variance must be completed within 2 years of the community development director's action or the approval lapses and is of no further effect.
- B.** If any use of land or structure approved as a zoning variance is discontinued for a period of one year or more, the approved zoning variance lapses and is of no further effect.
- C.** If any use or structure approved as a zoning variance is destroyed by any means to an extent of 50% or more of its replacement cost at the time of destruction, the approved zoning variance lapses and is of no further effect.
- D.** Once a zoning variance lapses, any subsequent use of such land or structure must conform to the regulations of the subject zoning district.

#### **6.7.11 TRANSFERABILITY**

Approved zoning variances run with the land and are not affected by changes of tenancy, ownership, or management.

#### **6.7.12 AMENDMENTS**

A request for changes in the specific nature of an approved zoning variance or revisions to any conditions attached to an approved zoning variance must be processed as a new zoning variance application, including all requirements for fees, notices and public hearings.

#### **6.7.13 APPEALS**

Appeals of board of adjustment decisions are taken to district court (see 134-8.1.3G).

#### **6.7.14 SUCCESSIVE APPLICATIONS**

If a zoning variance request has been denied by the board of adjustment, a new zoning variance request

<sup>13</sup> The term "use variance" will be defined to include zoning variances to allow a use that is not permitted in the subject district and a zoning variance from applicable use separation requirements.

<sup>14</sup> These provisions are based on those now found in Sec. 134-1297. The provisions governing discontinuance and damage seem particularly punitive



# 134-6. REVIEW AND APPROVAL PROCEDURES

DRAFT

## Requests for Reasonable Accommodation

seeking the same relief may not be considered by the board of adjustment for at least 2 years from the date of final action by the board of adjustment unless the board first finds that conditions have changed. A change in conditions present at the time of the board's prior decision may be such as:

- A. When the appellant or applicant proves the consent of owners who previously objected to the relief sought at the earlier hearing;
- B. When the appellant or applicant proves that land adjacent to the subject property is no longer subject to restrictive covenants that were in effect at the time of the earlier hearing;
- C. When the appellant or applicant presents a new plan that involves substantially greater limitations on the use of the property; and
- D. When the appellant or applicant presents evidence showing that the vicinity of the proposed variance has undergone a material and substantial change since the earlier decision was rendered.

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### 134-6.8 Requests for Reasonable Accommodation

See [Chapter 2, Article VII](#) of the municipal code.

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### 134-6.9 Appeals of Administrative Decisions

#### 6.9.1 AUTHORITY

Except as otherwise expressly stated in this zoning ordinance, the board of adjustment is authorized to hear and decide all appeals where it is alleged there has been an error in any written order, decision or determination made by the community development director or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

#### 6.9.2 RIGHT TO APPEAL

Appeals of administrative decisions may be filed by any person claiming to be aggrieved by the administrative official's written decision or action.

#### 6.9.3 APPLICATION FILING

- A. Complete applications for appeals of administrative decisions must be filed with the community development director.
- B. Appeals of written administrative decisions must be filed within 10 days of the date of the decision.<sup>15</sup>

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<sup>15</sup> Currently says "within a reasonable time, as provided by

#### 6.9.4 EFFECT OF FILING

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the community development director determines that a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by a district court of record based on due cause shown.

#### 6.9.5 RECORD OF DECISION

At or before the board of adjustment's decision, the community development director or other administrative official whose decision is being appealed must transmit to the board of adjustment all papers constituting the record related to the decision being appealed

#### 6.9.6 NOTICE OF HEARING

When an appeal affects a specific property, it is the policy of the city to provide courtesy mailed notice to the subject property owner and to all owners of property and recognized neighborhood associations within 250 feet of the subject property.

#### 6.9.7 HEARING AND FINAL DECISION

- A. The board of adjustment must hold a public hearing on the appeal.
- B. In exercising the appeal power, the board of adjustment has all the powers of the administrative official from whom the appeal is taken. The board of adjustment may affirm or reverse, wholly or in part, or modify the decision being appealed.
- C. In acting on the appeal, the board of adjustment must grant to the official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

#### 6.9.8 REVIEW CRITERIA

The decision being appealed may be reversed or wholly or partly modified only if the board of adjustment finds that the community development director or other administrative official erred.

#### 6.9.9 APPEALS

Appeals of board of adjustment decisions are taken to district court (see [134-8.1.3.G](#)).

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rules of the board."

## Chapter 134. Zoning

### ARTICLE 7. NONCONFORMITIES

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## 134-7.1 General<sup>1</sup>

### 7.1.1 INTENT

Nonconformities are created when the zoning regulations that apply to a particular property are changed to no longer allow uses, structures or other development features that have already been lawfully established. The nonconformity regulations of this article are intended to explain the effect of this nonconforming status and help differentiate nonconformities, which have legal status under this zoning ordinance, from zoning violations, which are illegal and subject to penalties and enforcement action. The regulations of this article are also intended to:

- A. Recognize the interests of landowners in continuing to use their property for uses that were lawfully established;
- B. Promote maintenance, reuse and rehabilitation of existing buildings; and
- C. Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.

### 7.1.2 AUTHORITY TO CONTINUE

Any nonconformity that existed on the effective date specified in section [134-1.3](#) or any lot, structure use or situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance or any amendment of the zoning map after the effective date specified in section [134-1.3](#) may be continued, subject to the regulations of this article.

### 7.1.3 DETERMINATION OF NONCONFORMING STATUS

- A. The burden of proving that a nonconformity exists (as opposed to a zoning ordinance violation) rests entirely with the subject property owner.
- B. The development administrator is authorized to determine whether reliable evidence of nonconforming status has been provided by the subject property owner.
- C. Building permits, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the development administrator is authorized to consider whether other forms of evidence provided

by the subject owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:

- 1. Professional registrations or business licenses;
  - 2. Utility billing records;
  - 3. Rent records;
  - 4. Advertisements in dated publications;
  - 5. Listings in telephone or business directories; and
  - 6. Notarized affidavits affirming the date of lawful establishment of the use or structure.
- D. The development administrator's determination of nonconforming status may be appealed in accordance with section [134-6.9](#).

### 7.1.4 REPAIRS AND MAINTENANCE

- A. Repairs and normal maintenance necessary to keep a nonconformity in sound condition are permitted unless the work increases the extent of the nonconformity or is otherwise expressly prohibited by this zoning ordinance.
- B. If a nonconforming structure or a structure occupied by a nonconforming use becomes unsafe or dangerous, or when a structure is found unfit for human occupancy or otherwise deemed to be a public nuisance, it may not thereafter be used, restored, or repaired, or rebuilt except in conformity with the provisions of the district in which it is located.
- C. Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized public official.

### 7.1.5 CHANGE OF TENANCY OR OWNERSHIP

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership or management.

<sup>1</sup> This section is mostly new..

**134-7.2 Nonconforming Lots<sup>2</sup>****7.2.1 DESCRIPTION**

A nonconforming lot is a lawfully created lot, shown on a plat recorded in the office of the county recorder, that does not comply with applicable lot area, lot width, or street frontage requirements of the subject district.

**7.2.2 LOTS IN AGRICULTURAL OR NEIGHBORHOOD DISTRICTS**

In A and N districts, a single detached house containing no more than one dwelling unit may be erected on a nonconforming lot without complying with the applicable lot area, lot width, or street frontage requirements of the subject district. All other lot and building regulations apply.

**7.2.3 LOTS IN OTHER DISTRICTS**

In districts other than A or N districts, a nonconforming lot may be used as a building site and developed with a use allowed in the subject district. If the zoning district allows a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable lot area, lot width, or street frontage requirements, while others would not, then only the uses or intensities that comply with applicable regulations are permitted. All other lot and building regulations apply.

**134-7.3 Nonconforming Uses****7.3.1 DESCRIPTION**

A nonconforming use is a use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the district in which the use is located. Lawfully established uses that do not comply with separation distance requirements (i.e., those requiring that uses be separated from the same use or protected uses by a specified minimum distance) are also deemed to be nonconforming uses.

**7.3.2 CHANGE OF USE**

**A.** A nonconforming use in an N district may be changed only to a use that is allowed in the subject district. Once changed to a conforming use, a nonconforming use may not be re-established.

A nonconforming use located in a district other than an N district, may be changed to a use that is allowed in the subject district, in which case the nonconforming use may not be re-established.

<sup>2</sup> This is an entirely new section. The existing zoning ordinance does not appear to expressly address nonconforming lots.

A nonconforming use located in a district other than an N district, may also be changed to another nonconforming use if approved in accordance with the type zoning exception procedures of section [134-6.5](#). In order to approve an administrative exception for a nonconforming use substitution, the community development director must determine that the proposed use substitution will not result in any increase in adverse impacts on the surrounding area when compared to the previous nonconforming use of the property. In making such a determination, the community development director must consider all of the following factors, as applicable:

1. Traffic to and from the site;
2. The amount of parking required;
3. Hours of operation,
4. Outdoor display, storage and work activities; and
5. Other factors likely to have an effect on the surrounding area.<sup>3</sup>

**7.3.3 EXPANSION**

Unless otherwise expressly stated, nonconforming uses may not be expanded or extended to occupy a greater area than was occupied at the time the use became nonconforming unless the expansion reduces or eliminates the nonconformity. A nonconforming use of a portion of a building may be expanded or extended into the remaining portions of the building if the development administrator determines that the area of the building in which the expansion is proposed was manifestly arranged and designed for the use.

**7.3.4 MOVEMENT**

A nonconforming use may be moved in whole or in part to another location only if the movement or relocation eliminates the nonconformity.

**7.3.5 DAMAGE OR DESTRUCTION**

If a structure containing a nonconforming use is damaged or destroyed to the extent of 50% or more of its replacement cost at time of damage or destruction, exclusive of the foundation, the nonconforming use may not be re-established. If the structure is damaged or destroyed to the extent of less than 50% of its replacement cost at time of damage or destruction, exclusive of the foundation, the nonconforming use may be re-established to the extent it existed before the damage, provided that a permit application to allow

<sup>3</sup> The existing ordinance allows change "to another nonconforming use of a similar nature." This proposed change will require review of such use substitution requests.

## Nonconforming Buildings

the re-establishment is filed within 6 months of the damage.

### 7.3.6 LOSS OF NONCONFORMING STATUS

- A. If a nonconforming use is changed to a conforming use, no matter how short the period of time, the nonconforming use is deemed abandoned, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.
- B. If a nonconforming use of a structure is abandoned, the use may not be re-established. A nonconforming use is deemed to have been abandoned if during the time that the use is not in place the subject property owner makes any change to the property inconsistent with the resumption of the use. Examples of changes that are inconsistent with the resumption of a use expressly include: combining 2 or more dwelling units under one water, gas or electric meter or creating an opening between 2 dwelling units.
- C. If a nonconforming use in an N district is discontinued for more than one year for any reason whatsoever, the nonconforming use is deemed abandoned and may not be re-established. If a nonconforming use in any district other than an N district is discontinued for more than 6 months for any reason whatsoever, the nonconforming use is deemed abandoned and may not be re-established.

### 7.3.7 USE OF OPEN LAND

- A. Nonconforming uses of open land are land uses and activities that meet the definition of a nonconforming use but that include structures that are merely accessory or incidental to the principal use and in the aggregate do not cover more than 10% of the lot. Common examples include storage yards, construction debris sites, vehicle sales lots, vehicle impound yards, auto wrecking, junkyards, and similar open-air uses. Nonconforming uses of open land are subject to the nonconforming use regulations of this section [134-7.3](#), except as modified by the specific regulations of this subsection [134-7.3.7](#).
- B. A nonconforming use of open land may not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use became nonconforming. For purposes of this section, the addition of gravel or similar material on or after February 1, 2015, in an amount deemed substantial by the zoning enforcement officer, for purposes of surfacing or maintaining an unpaved

parking area, parking lot, off-street parking or loading area, or access drive, constitute enlargement of a nonconforming use whether or not such surfaced or maintained area occupies a greater area of land than was occupied as of February 1, 2015.

- C. If a nonconforming use of open land ceases for any reason for a period of more than 6 months, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

### 7.3.8 LIQUOR, WINE OR BEER SALES

Structures that are nonconforming with respect to the regulations that apply to controlled uses (see [134-3.8.2](#)) may not be modified in any way that would alter the occupant-capacity of the business premises, and if damaged or destroyed by any means to the extent of 50% or more of its value at the time of damage or destruction, exclusive of land, may not be reconstructed for use by a business holding a liquor license or beer or wine permit, except in compliance with the controlled use regulations of [134-3.8.2](#).

### 7.3.9 USES IN FLOODPLAIN AND FLOODWAY

Existing structures in F districts that are occupied in whole or in part by a nonconforming use, may not be enlarged, extended, reconstructed or structurally altered, unless the use is changed to a use permitted in the F district. Such structures may not be moved or relocated unless the movement or relocation eliminates the nonconformity.

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## 134-7.4 Nonconforming Buildings

### 7.4.1 DESCRIPTION

A nonconforming building is a building that was lawfully established but that no longer complies with the applicable building type or design regulations of Chapter 135 because of the adoption or amendment of zoning, building type or design regulations after the structure was established.

### 7.4.2 INTENT

Adoption of the building type and design regulations of Chapter 135 will result render some buildings that were lawfully established being rendered nonconforming. The nonconforming building regulations of this section are intended to allow these buildings to be changed and upgraded without requiring their elimination if the change would not substantially adversely affect the surrounding area and would not increase the degree of nonconformity.



## 134-7. NONCONFORMITIES

### Nonconforming Structures

#### 7.4.3 USE

A nonconforming building may be used for any use allowed in the district in which the structure is located, including a lawfully established nonconforming use.

#### 7.4.4 MOVEMENT

A nonconforming building may be moved in whole or in part to another location on the same lot only if the movement or relocation eliminates the nonconformity.

#### 7.4.5 ALTERATION, ENLARGEMENT OR CHANGE

- A.** Any modification to a lawfully building that does not meet the building type or design regulations of Chapter 135 that adds more than 50% to the floor area existing on the effective date specified in section [134-1.3](#) must comply with all applicable building type or design regulations of Chapter 135. For the purposes of calculating the amount of floor area being added, all floor area added since the effective date specified in section [134-1.3](#) must be included.
- B.** Any facade being added or replaced must comply with the building type regulations of Chapter 135 if any of the following criteria apply:
  1. New exterior facades are being added as a result of the addition of floor area;
  2. More than 30% of the exterior facade material is being replaced;
  3. More than 30% of the windows on any exterior facade are being replaced;
  4. Doors or balconies located on any exterior facade are being replaced.
- C.** If the facade exists or will be constructed within the build-to zone, compliance with the facade requirements of the applicable building type, not including the cap types, is required if any one of the following criteria apply to the building modification or expansion:
  1. New exterior facades are being added as a result of the addition of floor area;
  2. More than 2 additional exterior doors are being added or installed;;
  3. The area of exterior windows is being expanded by more than 30%;
  4. More than 30% of the exterior facade material is being replaced;
  5. Doors or balconies located on any exterior facade are being replaced.

- D.** The cap type regulations of the applicable building type must be met when the shape or style of more than 60% of the roof is changed and 30% or more of the façade is within the required build-to zone.

#### 7.4.6 DAMAGE OR DESTRUCTION

- A.** If a nonconforming building is damaged or destroyed by any means beyond the control of the property owner, the nonconforming building may be re-established to the extent it existed before the damage or destruction, provided that a permit application to allow the re-establishment is filed within 6 months of the damage or destruction.
- B.** If a nonconforming building is demolished, modified, damaged or destroyed by intentional act of the property owner to the extent of 6050% or more of its replacement cost at time of demolition, modification, damage or destruction, the nonconforming building may not be re-established.

#### 7.4.7 MANUFACTURED HOUSING UNITS<sup>4</sup>

Nonconforming manufactured housing units may be occupied and maintained and if damaged or destroyed may be reconstructed, provided that if the dwelling is damaged or destroyed by any means to the extent of 50% or more of its replacement cost at the time of damage or destruction, it may not be reconstructed unless a permit application to allow the re-establishment is filed within 6 months and the reconstructed dwelling::

- A.** Remains within the original building footprint without an increase in the gross floor area; and
- B.** Complies the building type regulations of the subject zoning district.

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### 134-7.5 Nonconforming Structures

#### 7.5.1 DESCRIPTION

A nonconforming structure is a structure, other than a building or a sign, that was lawfully established but that no longer complies with the applicable provisions of this zoning ordinance or with the building type or design regulations of Chapter 135 because of the adoption or amendment of zoning, building type or design regulations after the structure was established.

#### 7.5.2 MOVEMENT

A nonconforming structure may be moved in whole or in part to another location on the same lot only if the

- 4 These provisions were originally in the zoning upon annexation section and did not specifically call-out “manufactured housing” as the issue. Need to confirm that the provisions works, as edited.

## Nonconforming Signs

movement or relocation eliminates the nonconformity.

### 7.5.3 ALTERATION, ENLARGEMENT OR EXPANSION

Nonconforming structures may not be enlarged or altered in a way which increases their nonconformity. Alterations, including enlargements and expansions, are permitted if the proposed alteration or expansion complies with all applicable lot and building regulations and does not increase the extent of the nonconformity. A building with a nonconforming street setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations.

### 7.5.4 DAMAGE OR DESTRUCTION

If a nonconforming structure is damaged or destroyed to the extent of 50% or more of its replacement cost at time of damage or destruction, the nonconforming structure may not be re-established. If the structure is damaged or destroyed to the extent of less than 50% of its replacement cost at the time of damage or destruction, the nonconforming structure may be re-established to the extent it existed before the damage or destruction, provided that a permit application to allow the re-establishment is filed within 6 months of the damage.

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## 134-7.6 Nonconforming Signs

A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable zoning ordinance regulations because of the adoption or amendment of regulations after the sign was established.

### 7.6.1 USE

Nonconforming signs may continue subject to the regulation of this section.

### 7.6.2 MOVEMENT

A nonconforming sign may be moved in whole or in part to another location only if the movement or relocation eliminates the nonconformity.

### 7.6.3 ALTERATION, ENLARGEMENT OR EXPANSION

Nonconforming signs may not be enlarged or altered in a way which increases their nonconformity.

### 7.6.4 CONVERSION TO ELECTRONIC DISPLAY<sup>5</sup>

Nonconforming signs may not be converted to use an electronic or multi-vision display.

<sup>5</sup> New billboards would be prohibited under this draft, as would conversion of existing static displays.

### 7.6.5 DAMAGE OR DESTRUCTION

- A. If a nonconforming sign is damaged or destroyed by any means, including repair, alteration, replacement or upgrade, to the extent of 50% or more of its replacement cost at time of damage or destruction, exclusive of the foundation and supporting elements below the bottom of the sign, the nonconforming sign must be removed.
- B. If a nonconforming sign is damaged or destroyed by any means, including repair, alteration, replacement or upgrade, to an extent of less than 50% of its replacement cost at the time of the damage or destruction, exclusive of the foundation and supporting elements below the bottom of the sign, the nonconforming sign may remain to the extent it existed before the damage, provided that a building permit application to re-establish the sign is filed within 6 months of the date of damage or destruction.
- C. For purposes of this subsection (134-7.6.5), the phrase “damages or destroyed” includes removal of the sign face for repair, alteration, replacement or upgrade.

### 7.6.6 LOSS OF NONCONFORMING STATUS

- A. If the use of the property containing a nonconforming pole sign is discontinued for a period of more than 6 months, or if a new or amended site plan is required by a change in the use or building expansion on the premises, the pole sign loses its nonconforming status. Any pole sign that loses its nonconforming status must be removed no later than 6 months after its change of status.
- B. If a pole sign or other on-premise sign is not used to display a commercial or noncommercial message for a period of 6 months or more, the sign is deemed abandoned and must be removed.
- C. If a nonconforming off-premise outdoor advertising sign is not used to display a commercial or noncommercial message for a period of 6 months or more, the nonconforming off-premise outdoor advertising sign is deemed to have been abandoned and must be removed.
- D. When removal of a sign is required, the entire sign structure, including the base and supports, must be removed to a depth of at least 6 inches below grade.



### 134-7.7 Effect of Condemnation<sup>6</sup>

**7.7.1** If a portion of a lot is conveyed to the state, the city, or any other political subdivision of the state through condemnation or under threat of condemnation, and the conveyance results in lot or structure becoming nonconforming or more nonconforming, then notwithstanding any provisions to the contrary in this article, if the nonconforming structure or structure on the nonconforming lot is thereafter damaged to any extent or is totally destroyed by any means, the structure may be repaired, restored, or rebuilt to its prior condition, if all of the following conditions are satisfied:

- A.** The nonconformity was created by the conveyance through condemnation or under threat of condemnation;
- B.** Appropriate relief was obtained from the board of adjustment for any nonconformity with the applicable zoning requirements, to the extent that such nonconformity predated the condemnation or conveyance;
- C.** The repair, restoration or rebuilding of the structure does not create any additional nonconformity of the structure beyond that originally created by such conveyance or allowed by any relief granted by the board of adjustment;
- D.** A permit application to allow the repair, restoration, or rebuilding is filed within 6 months of such damage and is diligently pursued to completion; and,
- E.** One of the following conditions are satisfied:
  - 1. The acquisition document for such conveyance contains language stating substantially as follows: "The provisions of section [134-7.7](#) of the Des Moines Zoning Ordinance apply to this acquisition"; or
  - 2. The community development director determines after consultation with the real estate division of the engineering department, that the circumstances of such conveyance affirmatively support a finding that any resulting nonconformities were not considered in determining the compensation paid for such conveyance.

**7.7.2** If a portion of a lot is conveyed to the state, the city, or any other political subdivision of the state through condemnation or under threat of condemnation, and the conveyance results in a single-

family dwelling upon the remaining lot becoming nonconforming or more nonconforming with setback or lot size requirements, then the remaining lot will be treated as a nonconforming lot.

**7.7.3** Any adjustment to the minimum lot area made under authority of this section automatically lapses and is of no further effect if the lot is combined with other abutting land under common ownership and such combination results in a lot that meets applicable minimum lot area requirements.

**7.7.4** Any adjustment to a required setback made under authority of this section lapses and is of no further effect if the lot is combined with other abutting land under common ownership and such combination results in a lot that meets applicable minimum setback requirements.

<sup>6</sup> Flagged for discussion.



Chapter 134. Zoning  
**ARTICLE 8. ADMINISTRATION AND ENFORCEMENT**

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### 134-8.1 Review and Decision-Making Bodies

#### 8.1.1 CITY COUNCIL

The city council has the powers and duties that are expressly identified in this zoning ordinance and in [Chapter 2, Article III](#).

#### 8.1.2 PLAN AND ZONING COMMISSION

The plan and zoning commission has the powers and duties that are expressly identified in this zoning ordinance and in [Chapter 82, Article II](#).

#### 8.1.3 BOARD OF ADJUSTMENT

**A. Composition.** The board of adjustment must consist of 7 members, at least 4 of whom must be persons representing the public at large, not involved in the business of purchasing or selling real estate.

**B. Appointment and Terms.** Board of adjustment members must be appointed and serve terms in accordance with state statutes.

**C. Officers.** The board of adjustment must elect a chairperson, vice chairperson and secretary.

**D. Rules of Procedure.** The board of adjustment must adopt rules necessary for the conduct of its affairs.

**E. Meetings.** Board of adjustment meetings must be held at the call of the chairperson and at other times as the board of adjustment may determine. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings of the board of adjustment must be open to the public, in accordance with Chapter 21 of the Iowa Code. The board of adjustment must keep records of its proceedings and official actions. Records must indicate the vote of each member on each question (including absences and abstentions), all of which must be open public record on file in the office of the board of adjustment.

#### F. Powers and Duties

1. The board of adjustment has the powers and duties that are expressly identified in this zoning ordinance, including hearing and acting on applications for zoning variances, zoning use variances, zoning exceptions, conditional uses and appeals of administrative decisions.
2. Notwithstanding the foregoing, the board of adjustment is expressly prohibited from hearing appeals or considering variances or exceptions to the wireless telecommunication provisions

of this chapter that include procedural or other requirements set forth in Iowa and federal law, including but not limited to Iowa Code Chapter 8C and the Spectrum Act and similar FCC regulations. In addition, if the denial of an appeal or variance or exception will result in denial of wireless telecommunications services, or if approval of an appeal or variance or exception is necessary due to the type of technology proposed by an applicant, then the board of adjustment shall grant the relief sought, which may be subject to conditions allowed by city, state, and federal law.

**G. Appeals to District Court.** Any taxpayer or any officer, department, board or bureau of the city or any persons jointly or severally aggrieved by any decision of the board of adjustment may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board of adjustment.

#### 8.1.4 HISTORIC PRESERVATION COMMISSION

The historic preservation commission has the powers and duties that are expressly identified in this zoning ordinance and in section [58-30](#).

#### 8.1.5 COMMUNITY DEVELOPMENT DIRECTOR

The community development director has the powers and duties expressly identified in this zoning ordinance, as well as those assigned or delegated by the community development director.

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## 134-8.2 Enforcement<sup>1</sup>

### 8.2.1 RESPONSIBILITY FOR ENFORCEMENT

The zoning enforcement officer, under the direction and supervision of the community development director, is responsible for enforcing this zoning ordinance. All departments, officials, agencies and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of this zoning ordinance.

### 8.2.2 VIOLATIONS

Unless otherwise expressly allowed by this zoning ordinance or state law, any violation of a provision of this zoning ordinance is subject to the remedies and penalties provided for in this zoning ordinance.

### 8.2.3 CONTINUING VIOLATIONS

Each day that a violation continues constitutes a separate violation of this zoning ordinance.

### 8.2.4 REMEDIES AND ENFORCEMENT POWERS

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

**A. Fines.** Any person violating any provisions of this zoning ordinance or failing to comply with any of its requirements may be deemed guilty of a misdemeanor or municipal infraction punishable in accordance with section [1-15](#).

#### B. Withhold Permit

1. The community development director may deny or withhold all zoning-related permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an existing violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for subject violation.
2. Instead of withholding or denying a permit or other authorization, the community development

director may grant such authorization subject to the condition that the violation be corrected.

#### C. Revoke Permits

1. A permit, certificate or other form of authorization required under this zoning ordinance may be revoked by the community development director when the community development director determines:
  - a. That there are unapproved departures from approved plans or permits; or
  - b. That any provision of this zoning ordinance or approval previously granted by the city is being violated.
2. Written notice of revocation must be sent by regular mail to the subject property owner and all persons to whom the permit was issued.

#### D. Stop Work

1. If the zoning enforcement officer finds work being performed in a manner contrary to the provisions of this zoning ordinance or in a dangerous or unsafe manner, the zoning enforcement officer is authorized to issue a stop work order.
2. A stop work order must be in writing and must be posted at the site of the violation. A copy of the order must also be provided to the owner of the subject property, to the owner's authorized, or to the person doing the work. Upon issuance of a stop work order, the cited work must cease immediately. The stop work order must state the reason for the order and the conditions under which the cited work is authorized to resume.
3. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, is subject to penalties and enforcement as set out in this section.

**E. Injunctive Relief.** The city may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit, certificate or other form of authorization granted under this or previous zoning ordinances.

#### F. Forfeiture and Confiscation of Signs on

**Public Property.** Any sign installed or placed on public property, including rights-of-way, except in compliance with the regulations of this zoning ordinance will be considered forfeited to the public and subject to confiscation. In addition to other

<sup>1</sup> This section (revised 3-2-2017) is a proposed replacement for the two existing ordinance provisions that address penalties and enforcement. The intent is to provide a more robust explanation of the types of actions that constitute violations and to more clearly identify the range of possible penalties and enforcement actions that may be employed to secure voluntary compliance.

## Enforcement

remedies and penalties of this article, the city has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

### G. Abatement

1. The city may seek a court order for abatement, injunction or other action requiring the owner to correct a violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.
2. The city may seek a court order authorizing the city to abate or correct the violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.

**H. Other Penalties, Remedies and Powers.** The city may seek such other penalties and remedies as are provided by law.

**I. Continuation of Previous Enforcement Actions.** Nothing in this zoning ordinance prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous ordinances and laws.

### 8.2.5 REMEDIES CUMULATIVE

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the city may exercise them in any combination or order.

### 8.2.6 PERSONS SUBJECT TO PENALTIES<sup>2</sup>

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

### 8.2.7 ENFORCEMENT PROCEDURES

**A. Non-Emergency Matters.** In the case of violations of this zoning ordinance that do not constitute an emergency or require immediate attention, the subject property owner must be given notice by

regular mail. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

**B. Emergency Matters.** In the case of violations of this zoning ordinance that constitute an emergency situation as a result of public health or safety concerns if not remedied immediately, the city may use the enforcement powers available under this zoning ordinance without prior notice to the subject property owner, including the authority to abate or correct the violation.

### 8.2.8 APPEALS

A determination made by the community development director, zoning enforcement officer or other administrative officials that a zoning ordinance violation has occurred may be appealed by the affected party in accordance with section [134-6.9](#).

<sup>2</sup> Staff comments on previous draft had suggested that all "or" statements in this subsection be changed to "and/or." We have not done so because the rules of language/construction include in the zoning ordinance intro provisions already state that "'or' indicates that the connected items or provisions may apply singularly or in combination."

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# 134-9. DEFINITIONS

DRAFT

## General

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### 134-9.1 General

Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have their dictionary meaning.

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### 134-9.2 Use Definitions

See [134-3.2](#) for an explanation of the use categorization system used in this zoning ordinance.

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### 134-9.3 Measurement-Related Terms

See [135-7.1](#) for an explanation of various measurement-related terms.

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### 134-9.4 Terms Beginning with “A”

**Abut (or abutting):** refer to [135-7.2.4](#)

**Accessory building:** a structure on the same lot with, separate from, and of a nature customarily incidental and subordinate to the principal structure and intended for the storage of equipment and materials of the principal use. Trailers, semi-trailers, tents, motor vehicles and component parts thereof are not accessory buildings. A structure which might otherwise be considered an accessory building, but which is connected to the principal structure by a breezeway or other extension of the principal structure containing a functional roof and floor shall, for the purposes of this chapter (i) lose its status as an accessory building; (ii) become part of the principal structure; and, (iii) shall be subject to all restrictions applicable to a principal structure.

**Accessory use:** a use on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

**Adjacent:** refer to [135-7.2.4](#).

**Agent:** a person duly authorized to act on behalf of the owner of the subject property.

**Applicant:** the owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

**Awning:** a roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

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### 134-9.5 Terms Beginning with “B”

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

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### 134-9.6 Terms Beginning with “C”

**Canopy:** a permanent roofed structure, including marquees and awnings, either attached to and supported by a building or freestanding, and may be either a private canopy which projects over private property or a public canopy which projects over public property.

**Check:** a check, draft, share draft, or other instrument for the payment of money.

**Commercial Message:** any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

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### 134-9.7 Terms Beginning with “D”

**Dwelling:** any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home.

**Dwelling unit:** a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one household containing bathroom and/or kitchen facilities.

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### 134-9.8 Terms Beginning with “E”

RESERVED

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### 134-9.9 Terms Beginning with “F”

**Factory-built housing:** a factory-built structure designed for longterm residential use. For the purposes of this chapter, factory-built housing consists of three types: Modular homes, mobile homes, and manufactured homes.

**Factory-built structure:** any structure 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.

**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 accumulation or runoff of surface waters from any source.

**Floodplain:** the land adjacent to a body of water that has been or may be covered by floodwater, including but not limited to the 100-year flood.<sup>1</sup>

**Floodway:** the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and to discharge the floodwater or flood flows of any river or stream, including but not limited to flood flows associated with the 100-year flood.

**Foot-candle:** a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

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### 134-9.10 Terms Beginning with "G"

RESERVED

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### 134-9.11 Terms Beginning with "H"

**Home occupation:** an accessory use of a dwelling unit for business or commercial purposes.

**Household:** one or more persons occupying a single dwelling unit as a single housekeeping unit, which is (1) characterized by matrimonial or parent-child relationship, where all such persons are related by blood, marriage, adoption, fosterage, or legal guardianship; or (2) characterized by voluntary associational, communal relationships, provided no more than 4 inhabitants are included in the housekeeping unit.

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### 134-9.12 Terms Beginning with "I"

RESERVED.

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### 134-9.13 Terms Beginning with "J"

**Junk:** all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material, except a contained compost pile or orderly stacked firewood if cut in lengths less than or equal to 4 feet.

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### 134-9.14 Terms Beginning with "K"

**Kennel:** any premises on which 4 or more dogs, 6 months old or older, are kept.

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### 134-9.15 Terms Beginning with "L"

**Lawfully Established:** a use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

**Lot:** 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 required in this chapter. Such lot shall have frontage on a public street 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 portions 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 this chapter.

**Lot, corner:** refer to [135-7.2.15.](#)

**Lot frontage:** refer to [135-7.2.15..](#)

**Lot lines:** the lines bounding a lot.

**Lot of record:** a lot which is a 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.

**Lot width:** refer to [135-7.2.15.](#)

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### 134-9.16 Terms Beginning with "M"

**Manufactured home:** a factory-built, single-family structure, which is manufactured or constructed under the authority of 42 USC 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 permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of this chapter, a manufactured home shall be considered the same as any site-built single-family detached dwelling.

**Mobile home:** any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets

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<sup>1</sup> Discuss moving floodplain and way language

## 134-9. DEFINITIONS

DRAFT

### Terms Beginning with “N”

and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons but the term also includes any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to 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. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

**Mobile home park or trailer park:** any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations. Mobile home parks are subject to the regulations of section [135-1.18](#).

**Modular home:** factory-built housing certified as meeting the state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

**Multi-tenant development:** a development typically under unified ownership and control consisting of 2 or more business establishments, which may be on the same lot or on separate lots. The tenants of multi-tenant development typically share vehicle access and parking facilities.

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### 134-9.17 Terms Beginning with “N”

**Nonconformity:** a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign.

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### 134-9.18 Terms Beginning with “O”

**Occupant frontage:** on premises having only one lot frontage, that side or wall of a building in which the main public entrance to the premises is located. In making such determination, the side or wall having the largest total public entrance width shall be used. If total public entrance widths on two or more sides or walls are equal, that side or wall having the least overall building dimension shall be used.

**One hundred-year flood:** a flood, the magnitude of

which has a one-percent chance of being equaled or exceeded in any given year and which, on the average, will be equaled or exceeded at least once every 100 years. All determinations of the 100-year flood level shall be based on data provided by the Federal Insurance Administration. If the Federal Insurance Administration has not provided sufficient data to make a determination, the city shall obtain, review and reasonably utilize data available from the state department of natural resources and from any other source in making such determination.

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### 134-9.19 Terms Beginning with “P”

**Parking lot:** refer to [135-7.2.19](#)

**Person:** an individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity.

**Principal use:** the main use of land or structures as distinguished from an accessory use.

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### 134-9.20 Terms Beginning with “Q”

RESERVED

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### 134-9.21 Terms Beginning with “R”

RESERVED

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### 134-9.22 Terms Beginning with “S”

**Sex acts:** any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

**Sexual encounter center:** any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

**Specified anatomical areas:** Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

**Shelter for the homeless:** a building used to provide primarily short-term lodging, or short-term lodging and meals, and which may also provide other services,

including counseling, with or without compensation, to transient individuals or individuals who have no access to traditional or permanent housing.

**Sign:** any structure, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereto to the attention of a person, group of persons, or the public generally. The term "sign" includes but is not limited to any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions, and patterns, whether affixed to a building, painted or otherwise depicted on a building, or separate from any building.

**(Sign) Banner:** A temporary sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags of any nation or political subdivision are not considered banners.

**Sign, Business Directional:** A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered within the general development area where the subject sign is located and that is expressly approved in accordance with the type 1 zoning exception procedures of [134-6.5](#) (see also [134-5.4.5](#)).

**Sign, Construction:** A temporary sign located on a lot upon which building or construction is actively occurring.

**Sign, Directory:** a sign containing the name of a building, complex or center and two or more identification signs of the same size, color and general design, limited to one type one or type two identification sign per occupant.

**Sign, Drive-through:** A sign located on the site of an allowed drive-through or drive-in use.

**Sign, Driveway:** A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

**(Sign) Dwell Time:** The duration or interval of time during that each individual message is displayed on any sign with a electronic display.

**Sign, Electronic Display:** any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices, including but not limited to programmable microprocessor controlled electronic displays; and, the projection of images or messages with these

characteristics by any other onto the sign face.

**Sign Face:** All of the surface of a sign used or designed for the presentation of a single visual display, including edges, borders and trim, and excluding the supporting structure.

**Sign, Flashing (Illumination):** A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

**Sign, Freestanding:** a sign that is not attached to any building, including monument signs, pole signs and portable signs.

**Sign, Illuminated:** Any sign, other than an electronic display, that is directly lighted by any constant light source, internal or external, except light sources clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

**Sign, Indirectly Illuminated:** a sign illuminated by artificial light reflecting from the sign face, where the light source not visible from any street right-of-way.

**Sign, Internally Illuminated:** a sign illuminated by an artificial light source which is not visible but which reaches the eye through a diffusing medium.

**Sign, Marquee:** a sign attached to and contained within the perimeter of the face or valance of a marquee.

**Sign, Monument:** a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or similar, permanent durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face.

**Sign, Multi-Vision Display:** any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

**Sign, On-premise:** a sign that identifies or directs attention to:

1. A profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted upon the premises where such sign is located; or
2. The ideological or noncommercial views of an occupant of the premises. (see also [134-5.2.8](#)).

**Sign, Off-Premise Advertising:** a sign that identifies or directs attention to:

1. A profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted at a location other than upon the

## 134-9. DEFINITIONS

### Terms Beginning with "T"

premises where such sign is located; and/or

2. The ideological or noncommercial views of a party who is not an occupant of the premises.

**Sign, Pole:** a freestanding sign that is not a portable sign and that is not a monument sign.

**Sign, Portable:** a sign not permanently anchored or secured.

**Sign, Projecting:** A sign that is affixed to a building wall, canopy, awning or marquee and that extends horizontally more than 15 inches from the wall, canopy, awning or marquee.

**Sign, Promotional:** A temporary sign that is located on a lot on which a business promotion is actively occurring and that consists of tinsel, flags, balloons, banners, wind devices, or similar attention-getting devices, whether or not the same contain any words, numbers or characters.

**Sign, Real Estate:** A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental or lease.

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

**Sign, Temporary:** a sign intended for a limited period of display.

**Sign, Wall:** A sign affixed to a building wall, canopy, awning, marquee or parapet wall that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, or parapet wall nor extend above the parapet wall.

**Sign, Window:** A sign inside a window or affixed to the exterior of a window with paint or adhesive (i.e., decal)..

**(Sign) Wind Device:** Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

**(Sign) Word:** Any and all of the following (otherwise, each separate character is considered to be a word):

1. A word in any language found in any standard unabridged dictionary or dictionary of slang.
2. A proper noun or any initial.
3. A separate symbol or abbreviation, such as "&", "S", "%" and "INC".
4. A telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00" or "50%".
5. A symbol or logo that is a registered trademark, but that itself contains no word or character.

**Small engine:** a motor used to power tools,

professional tools, and equipment including generators, lawnmowers and other outdoor power tools producing an average output that ranges around 25 horsepower, which is usually powered by gasoline and that varies in size, shape and compression process depending on its configuration.

**Story:** refer to [135-7.2.22](#).

**Story, ground:** refer to [135-7.2.22](#).

**Story, half:** refer to [135-7.2.22](#).

**Story, upper:** refer to [135-7.2.22](#).

**Street facade or street-facing facade:** refer to [135-7.2.22](#)

**Street line:** the right-of-way line of a street.

**Street, private:** refer to [135-7.2.22](#)

**Street, public:** refer to [135-7.2.22](#).

**Structural alteration:** any replacement or changes in a 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.

**Structure:** anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include but are not limited to buildings, walls, fences, gates, towers, factory-built homes, signs, utility poles, flagpoles, yard lights and storage tanks. For the purposes of this chapter, streets, sidewalks, alleys, hard-surfaced parking areas and underground utilities are excluded from the definition of the term "structure."

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### 134-9.23 Terms Beginning with "T"

**Tobacco store:** a place of business primarily engaged in the retail sale of tobacco and tobacco related products, provided however that no more than 25 percent of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only.

Trailer park. See Mobile home park.

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### 134-9.24 Terms Beginning with "U"

RESERVED

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### 134-9.25 Terms Beginning with "V"

**Vehicle, inoperable:** any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the



vehicle unfit for legal use upon the public right-of-way.

**Vehicle, unsafe:** any motor vehicle, recreational vehicle, boat, trailer or semitrailer:

- (1) With a missing, broken or shattered windshield or any exposed broken glass edges.
- (2) With a missing fender, door, hood, steering wheel, trunk top, or trunk handle.
- (3) Which has become the habitat of rats, mice, snakes, or any other vermin or insects.
- (4) Left unattended on jacks, blocks, or elevated in any other way which constitutes a threat to the public health, safety or welfare.
- (5) Which because of its condition constitutes a threat to the public health, safety or welfare.

**Vision clearance triangle:** refer to [135-7.2.25](#)

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#### 134-9.26 Terms Beginning with “W”

RESERVED

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#### 134-9.27 Terms Beginning with “X”

RESERVED

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#### 134-9.28 Terms Beginning with “Y”

**Yard:** refer to [135-7.2.22](#).

**Yard, front:** refer to [135-7.2.22](#).

**Yard, rear:** refer to [135-7.2.22](#).

**Yard, side:** refer to [135-7.2.22](#).

**Yard sales:** casual and occasional sales of used household goods by the owner thereof to the public, on a non-recurring basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than two times annually. Any other sales shall constitute a commercial use not permitted in a residential zone.

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#### 134-9.29 Terms Beginning with “Z”

RESERVED





## Chapter 135. Planning and Design

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## 135-1.1 Generally

### 1.1.1 PURPOSE

The purpose of building types is to define a set of allowable building forms permitted in each district that preserves the existing character or implements the desired character of each node, corridor, neighborhood, or district in the city.

### 1.1.2 APPLICABILITY

All new construction and renovation of existing structures must comply with the requirements of one of the building types allowed in the district, unless otherwise expressly stated in this ordinance. Refer to [134-7.4](#) for existing buildings that do not fully conform to a building type.<sup>1</sup>

### 1.1.3 GENERAL REQUIREMENTS

All buildings shall conform to a building type, unless otherwise excepted or exempted in [135-1.1.4](#). The following general requirements apply to all building types.

- A. Districts.** Building types may be constructed only within districts where the building type is permitted per [Table 1.2-1](#) and [Table 1.2-2](#).
- B. Uses.** Uses are allowed to occupy each building type depending on the district in which it is located. Refer to [Table 3.1-1](#) to determine the uses allowed in each district. Some building types have additional limitations on permitted uses.
- C. Permanent Structures.** All buildings constructed must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.
- D. Build to the Corner.** All buildings are required to occupy the corner of a lot, defined by the intersection of the two build-to zones or setback lines.
- E. Building Design Requirements.** All buildings shall comply with the building design requirements established in [Chapter 135, Article 2](#).
- F. Accessory Structure Requirements.** Except as noted in the building type regulations, accessory structures requirements are established in [135-1.19](#).

### 1.1.4 EXCEPTIONS AND EXEMPTIONS

- A. Temporary Patio on an MX Lot.** Any MX district lot may be fully developed as an outdoor patio area for allowed uses under the following conditions:

1. A type 1 design exception per [135-6.2](#) has been approved.
2. No building exists on the lot or is included as a part of the patio development.
3. No parking is permitted on the lot, except where it is fully screened from any primary street by the patio.
4. The frontage buffer with fence is required along the primary street in line with the building face. A type 1 design exception per [135-6.2](#) may be submitted to exclude the landscaping required as part of the frontage buffer.

**B. Mobile Homes.** Mobile homes are exempt from building type requirements, but may only occur in the NM district. For mobile homes and mobile home parks regulations, refer to [135-1.18](#).

**C. Outdoor Sports and Recreation Uses.** Outdoor sports and recreation uses are exempted from the building types standards, except the following:

1. If a building is incorporated, either an accessory kiosk per [135-1.19.2.B](#) or the allowed building type may be used.
2. Side and rear setbacks for any applicable building type shall be utilized.

**D. Utility Structures.** The following structures are exempted from meeting the requirements of a building type.

1. Cell tower structures
2. Utility stations
3. Kiosks for parking lots shall utilize the accessory kiosk building per [135-1.19.2](#).

**E. Type 1 Design Exceptions.** Section [135-6.2](#) defines design exceptions applicable to the building type regulations. Additional design exceptions may be noted throughout this article.

### 1.1.5 TREATMENT OF YARDS

Paved vehicular areas are limited to specific locations in accordance with the applicable building type regulations. The following further defines the permitted treatments of the yard areas around the buildings.

**A. Landscape, Patio, Sidewalks.** All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Yard area may not exceed the maximum levels of imperviousness and semi-perviousness set for each building type.

**B. Driveways.** Refer to [135-4.13](#) for driveway design

<sup>1</sup> The referenced section will be moved to chapter 135.

# 135-1. BUILDING TYPES

Generally

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**TABLE 1.2-1. BUILDING TYPES BY DISTRICTS**

BUILDING TYPES	DX, X, I DISTRICTS												Reference
	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	
Downtown Storefront	●	●	●										<a href="#">135-1.3</a>
Downtown General	●	●	●										<a href="#">135-1.4</a>
Storefront				●	●	●			●				<a href="#">135-1.5</a>
Commercial Cottage				●		●	●			●			<a href="#">135-1.6</a>
Commercial Center						●			●				<a href="#">135-1.8</a>
General Building							●	●		●	●	●	<a href="#">135-1.7</a>
Workshop/Warehouse										●	●	●	<a href="#">135-1.9</a>
Civic Building	●	●	●	●	●	●	●	●	●	●	●	●	<a href="#">135-1.10</a>
Flat Building			●				●	●					<a href="#">135-1.11</a>
Row Building			●				●	●					<a href="#">135-1.12</a>
House A													<a href="#">135-1.13</a>
House B													<a href="#">135-1.14</a>
House C													<a href="#">135-1.15</a>
House D													<a href="#">135-1.16</a>

KEY: ●=permitted by right | ●=required on primary frontages | ●=permitted only on corner lots, maximum 150 feet in length

TABLE 1.2-2. BUILDING TYPES BY DISTRICTS

BUILDING TYPES	N, NX, A, P DISTRICTS															Reference
	N1a	N1b	N2	N3a	N3b	N3c	N4	N5	NX1	NX2, NX2a	NX3	NIM	A	P1	P2	
Downtown Storefront																<a href="#">135-1.3</a>
Downtown General																<a href="#">135-1.4</a>
Storefront																<a href="#">135-1.5</a>
Commercial Cottage																<a href="#">135-1.6</a>
Commercial Center																<a href="#">135-1.8</a>
General Building											●				●	<a href="#">135-1.7</a>
Workshop/Warehouse															●	<a href="#">135-1.9</a>
Civic Building									●	●	●			●	●	<a href="#">135-1.10</a>
Flat Building										●	●					<a href="#">135-1.11</a>
Row Building									●	●	●					<a href="#">135-1.12</a>
House A	●	●	●										●			<a href="#">135-1.13</a>
House B				●	●											<a href="#">135-1.14</a>
House C					●	●	●		●							<a href="#">135-1.15</a>
House D								●	●	●						<a href="#">135-1.16</a>

KEY: ●=permitted by right | ●=required on primary frontages |  
 ○=permitted only on corner lots, maximum 150 feet in length

## Generally

and location requirements. Driveways may cross through yards as follows:

1. **Front & Corner Yards.** Where permitted as access to the lot, driveways may cross perpendicularly through the front or street side yards. Circular drop-off drives may be permitted per the building type requirements.
2. **Perpendicular Crossing of Side and Rear Yards.** In all districts except N districts, driveways may cross perpendicularly through the side and rear yards to connect to parking on adjacent lots.
3. **Parallel Crossing of Side and Rear Yards.** In N and NX districts, driveways accessing rear yard garages are permitted within the side or rear yard setback, up to the property line. If the driveway is shared, the minimum side yard must be provided outside the driveway.

**C. Side Yard Parking Lots.** Some building types permit side yard parking lots. Side yard parking lots may not encroach on the front yard and may not encroach upon the minimum side setback.

**D. Rear Yards.** Paved vehicular areas (parking lots, loading areas, drives) are typically required to be located in the rear yard; however, minimum rear yard setbacks also apply to parking lots.

### 1.1.6 PRIMARY FRONTAGES

A primary frontage establishes the fronts of lots and buildings and where to locate the principal entrance to the building. A primary frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Primary frontages must be provided as follows:

#### A. Primary Street Frontages.

1. **Mapped Street Frontages.** Primary frontage requirements shall be met along those locations where a primary street is designated on the primary street map.<sup>2</sup> The primary street map is maintained as a geographic coverage layer with the city's geographic information system (GIS), under the direction of the community development director.
2. **Residential Street Frontages.** In neighborhoods (N and NX districts), primary frontage is defined by streets with a majority of front doors.

**B. Open Space.** Where a lot or parcel contains or abuts open space designated as a P1 district, the frontage of a building abutting the open space shall

<sup>2</sup> This language is similar to the zoning map language in chapter 134, sec. 1.10.

meet primary frontage requirements.

**C. River Frontage.** Any facade facing a river shall be treated as a primary frontage.

**D. Other Public Ways.** Pedestrian ways and paseos to parking lots through parcels, blocks, or buildings shall be treated as street frontage, unless a type 1 design exception per [135-6.2](#) is approved for a reduction in transparency and facade materials.

**E. Multiple Primary Frontages.** If multiple primary frontages and no other non-primary frontages exist for a lot, one primary frontage may be treated as a non-primary frontage for the building type requirements if the following is met:

1. Approval of the community development director; and
2. The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with non-primary requirements; and
3. No plans for primary street designation in the future exist for the proposed non-primary frontage.

**F. Non-Primary Frontages.** Non-primary street frontages may utilize the requirements of primary street frontages.

**G. Corners.** At corners of buildings on streets and public ways, primary frontage treatments, including such items as, but not limited to, ground story transparency, facade materials, building facade requirements, shall be continued around the corner along the non-primary street or public way for a minimum of 30 feet.

### 1.1.7 TRASH, RECYCLING, REFUSE LOCATIONS

Unless otherwise defined by the building type, all trash, recycling, and other refuse areas shall be located and treated as follows:

- A.** Trash, recycling, and other refuse areas in the rear yard of the lot.
- B.** When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
- C.** Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may



be located off a non-primary frontage facade with a type 1 design exception per [135-6.2](#). Access doors shall be opaque, screening a minimum of 80% of the opening.

- D. Refer to [135-5.12](#) for required screening of trash, recycling, and other refuse areas.

### 135-1.2 Reading the Regulations

This section explains how to read and interpret the building type regulations.

#### 1.2.1 PERMITTED BUILDING TYPES TABLE

[Table 1.2-1](#) and [Table 1.2-2](#) define which building types are permitted within the different districts.

#### 1.2.2 GENERAL BUILDING TYPES REGULATIONS

Refer to [135-1.1](#) for general building requirements applicable to all building types.

#### 1.2.3 BUILDING TYPE PAGES

In [135-1.3](#) through [135-1.12](#), four pages are provided for each of the building types:

- A. Description of Building Type.** The first page of each specific building type section provides a general description of the building type and several images showing typical examples of the building type. The images are illustrative only and may not fully depict all requirements.
- B. Table and Diagrams Spread.** The next 2 pages of each specific building type section provides the key spread of information, meant to be viewed as a whole. See [Figure 1.2-C](#) for an explanation of the building type spread.
- C. Notes.** The final page of each specific building type section contains notes referenced from the table of regulations. Specific design situations are explained on these pages and additional graphic diagrams may also be provided. For example, the explanation of how a House building type might be configured for more than one household is included in the notes section.

#### 1.2.4 MEASUREMENT OF REGULATIONS

Section [135-7.1](#) establishes rules of measurement for determining compliance with the regulations in the building type tables.

#### 1.2.5 GENERAL DESIGN REQUIREMENTS

Refer to [Chapter 135, Article 2](#) for design requirements applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.

# 135-1. BUILDING TYPES

Generally

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## IMAGES ILLUSTRATING THE SPECIFIC BUILDING TYPE

Regulations are organized in 4 categories:

A. **Building Siting** defining where the building & parking is located on the site.

B. **Height** defines the number of stories and height of each story.

C. **Uses** defines how permitted uses may be distributed within the building.

D. **Public Way Facade Requirements** establishes design requirements for street and other public way facades related mainly to windows, doors, and roofs.

**135-1. BUILDING TYPES**  
Storefront

**1.5.3 STOREFRONT REGULATIONS**

	MX1	MX2	MX3	CX	NOTES/REFERENCES
<b>A. Building Siting</b> (refer to <a href="#">Figure 1.5-A</a> )					
<b>1. Minimum Primary Frontage Coverage</b>	85%	90%	60%	60%	See <a href="#">Table 1.5.3.1</a> for double frontage lots adjacent to N districts. See <a href="#">Table 1.5.3.2</a> for measurement information. See <a href="#">Table 1.5.3.3</a> for double frontage lots adjacent to N districts.
<b>2. Primary Frontage Build-to Zone (ft)</b>	0-5	0-5	0-5	0-10	Minimum pedestrian area is required. See <a href="#">Table 1.5.3.4</a> for measurement information.
<b>3. Non-Primary Frontage Build-to Zone (ft)</b>	0-10	0-10	0-10	0-20	See <a href="#">Table 1.5.3.4</a> for measurement information.
<b>4. Minimum Interior Side Setback (ft)</b>	5	5	5	5	See <a href="#">Table 1.5.3.5</a> for double frontage lots adjacent to N districts. See <a href="#">Table 1.5.3.6</a> for measurement information.
<b>5. Minimum Rear Setback (ft)</b>	15	15	15	15	See <a href="#">Table 1.5.3.7</a> for double frontage lots adjacent to N districts. See <a href="#">Table 1.5.3.8</a> for measurement information.
<b>6. Maximum Impervious Area</b>	80%	80%	80%	80%	See <a href="#">Table 1.5.3.9</a> for measurement information.
<b>7. Surface Parking/Loading Local or Loading Entrance Location</b>	Rear yard, limited side yard only. Any non-primary street or rear facade.	Rear yard, limited side yard only. Any non-primary street or rear facade.	Rear yard, limited side yard only. Any non-primary street or rear facade.	Rear yard, limited side yard only. Any non-primary street or rear facade.	See <a href="#">Table 1.5.3.10</a> for limited side yard parking. See <a href="#">Table 1.5.3.11</a> for additional garage door requirements. See <a href="#">Table 1.5.3.12</a> for additional driveway requirements.
<b>8. Permitted Driveway Access</b>	Alley, if no alley exists or is planned, one driveway off each non-primary street. If no alley or non-primary street exists, one driveway off a primary street with approval of city engineer.	Alley, if no alley exists or is planned, one driveway off each non-primary street. If no alley or non-primary street exists, one driveway off a primary street with approval of city engineer.	Alley, if no alley exists or is planned, one driveway off each non-primary street. If no alley or non-primary street exists, one driveway off a primary street with approval of city engineer.	Alley, if no alley exists or is planned, one driveway off each non-primary street. If no alley or non-primary street exists, one driveway off a primary street with approval of city engineer.	See <a href="#">Table 1.5.3.13</a> for measurement information.
<b>B. Height</b> (refer to <a href="#">Figure 1.5-B</a> )					
<b>1. Minimum Overall Height</b>	1 story	3 stories	1 story	1 story	See <a href="#">Table 1.5.3.14</a> for measurement information.
<b>2. Maximum Overall Height</b>	3 stories	5 stories	5 stories	3 stories	See <a href="#">Table 1.5.3.15</a> for measurement information.
<b>3. Primary Frontage Ground Story: Minimum Height (ft)</b>	12	15	12	12	Story heights are measured floor to floor. See <a href="#">Table 1.5.3.16</a> for large format retail heights. See <a href="#">Table 1.5.3.17</a> for measurement information.
<b>4. All Other Stories: Minimum Height (ft)</b>	8	8	8	8	See <a href="#">Table 1.5.3.18</a> for measurement information.
<b>5. All Other Stories: Maximum Height (ft)</b>	12	15	12	12	See <a href="#">Table 1.5.3.19</a> for measurement information.

Figure 1.5-B. Storefront Building Siting

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**135-1. BUILDING TYPES**  
Storefront

**C. Uses** (refer to [Figure 1.5-C](#))

	MX1	MX2	MX3	CX	NOTES/REFERENCES
<b>1. Primary Frontage Facade Ground Story</b> (refer to <a href="#">Figure 1.5-D</a> )	Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School and Office, Artist, Industrial, and Tobbies to upper story uses.	Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School and Office, Artist, Industrial, and Tobbies to upper story uses.	Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School and Office, Artist, Industrial, and Tobbies to upper story uses.	Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School and Office, Artist, Industrial, and Tobbies to upper story uses.	See <a href="#">Table 1.5.3.20</a> for permitted uses per zoning district and definition of uses. See <a href="#">Table 1.5.3.21</a> for permitted uses per zoning district and definition of uses.
<b>2. Non-Primary Frontage, All Upper Stories, &amp; Basement</b>	Any permitted use.	Any permitted use.	Any permitted use.	Any permitted use.	See <a href="#">Table 1.5.3.22</a> for permitted uses per zoning district and definition of uses. See <a href="#">Table 1.5.3.23</a> for definition of occupied space.
<b>3. Required Occupied Space</b>	Minimum 30-foot depth on all full-height floors of primary frontage.	Minimum 30-foot depth on all full-height floors of primary frontage.	Minimum 30-foot depth on all full-height floors of primary frontage.	Minimum 30-foot depth on all full-height floors of primary frontage.	See <a href="#">Table 1.5.3.24</a> for measurement information and the definition of transparency and blank wall limitations. See <a href="#">Table 1.5.3.25</a> for requirements at corner.
<b>4. Parking/Loading and Principal Building</b>	Permitted fully in any basement and rear of all other stories.	Permitted fully in any basement and rear of all other stories.	Permitted fully in any basement and rear of all other stories.	Permitted fully in any basement and rear of all other stories.	Refer to occupied space requirement above.
<b>D. Street &amp; Public Way Facades and Roof Requirements</b> (refer to <a href="#">Figure 1.5-E</a> )					
<b>1. Minimum Primary Frontage Ground Story Transparency</b>	60%, measured between 2 ft and 8 ft blank wall limitations apply.	60%, measured between 2 ft and 8 ft blank wall limitations apply.	60%, measured between 2 ft and 8 ft blank wall limitations apply.	60%, measured between 2 ft and 8 ft blank wall limitations apply.	See <a href="#">Table 1.5.3.26</a> for measurement information and the definition of transparency and blank wall limitations. See <a href="#">Table 1.5.3.27</a> for requirements at corner.
<b>2. Minimum Transparency per Each Story &amp; any Half Story</b>	15% blank wall limitations apply.	15% blank wall limitations apply.	15% blank wall limitations apply.	15% blank wall limitations apply.	See <a href="#">Table 1.5.3.28</a> for measurement information and the definition of transparency and blank wall limitations. See <a href="#">Table 1.5.3.29</a> for requirements at corner.
<b>3. Entrance Location &amp; Number</b>	Principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way.	Principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way.	Principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way.	Principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way.	See <a href="#">Table 1.5.3.30</a> for principal entrance requirements.
<b>4. Primary Frontage Entryways Configuration</b>	Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the built-to zone.	Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the built-to zone.	Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the built-to zone.	Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the built-to zone.	See <a href="#">Table 1.5.3.31</a> for principal entryway design requirements.
<b>5. Primary Frontage Entrance &amp; Ground Story Elevation</b>	At least 80% of entrance and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation.	At least 80% of entrance and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation.	At least 80% of entrance and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation.	At least 80% of entrance and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation.	See <a href="#">Table 1.5.3.32</a> for definition of shadow line articulation requirements.
<b>6. Primary Frontage Ground Story Vertical Facade Divisions</b>	At least one shadow line per every 30' of facade width.	At least one shadow line per every 30' of facade width.	At least one shadow line per every 30' of facade width.	At least one shadow line per every 30' of facade width.	See <a href="#">Table 1.5.3.33</a> for definition of shadow line.
<b>7. Horizontal Facade Divisions</b>	At least one shadow line within 9' of the top of the ground story; for buildings over 5 stories, minimum of one shadow line within 9' of any story between the 3rd and 5th story.	At least one shadow line within 9' of the top of the ground story; for buildings over 5 stories, minimum of one shadow line within 9' of any story between the 3rd and 5th story.	At least one shadow line within 9' of the top of the ground story; for buildings over 5 stories, minimum of one shadow line within 9' of any story between the 3rd and 5th story.	At least one shadow line within 9' of the top of the ground story; for buildings over 5 stories, minimum of one shadow line within 9' of any story between the 3rd and 5th story.	See <a href="#">Table 1.5.3.34</a> for definition of shadow line.
<b>8. Permitted Roof Types</b>	Parapet, flat, lower permitted.	Parapet, flat, lower permitted.	Parapet, flat, lower permitted.	Parapet, flat, lower permitted.	See <a href="#">Table 1.5.3.35</a> for roof types.

Figure 1.5-C. Storefront Height & Uses Requirements

Figure 1.5-D. Storefront Facade Requirements

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Districts in which the building type is permitted are labeled across the top of the table. Regulations may be different for each district.

Tables define the regulations for each building type. Refer to [135-7.1 for definitions and methods of measuring regulations](#).

Graphics related to the tables above. Graphics typically represent one example of building type requirements

**135-1. BUILDING TYPES**  
Storefront

**A. Storefront Building Notes**

1. All to N district, Transition, Mid district double frontage lots, deeper than 120 feet, that share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. House permitted in the adjacent N district.
    - ii. Row or flat building as permitted in NQ2.
  - b. The Mid district lot shall incorporate an interior alley, lane, or drive to provide access to both the Storefront building parking and the garage/parking for the House, Row, or Flat building.
  - c. The rear of the all buildings shall be fully screened by buildings from both primary streets.
2. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
3. Limited Side Yard Parking. Limited side yard parking is one double- or single-stacked aisle, with the parallel of the aisle perpendicular to the street, permitted in the interior side yard. Maximum width of a double-stacked aisle is 40 feet and 40 feet for single-stacked, measured along the right-of-way. Parking may be angled or head-in. Frontage Buffer is required per [235.5.4](#).
4. Building Corners. At corner intersections, ground story transparency requirements on primary frontage shall extend around the corner of the building a minimum of 30 feet, as measured from the corner of the building over the non-primary frontage. See [235.5.4.4](#) for building requirements at street corners.
5. Warehouse Retail Space. In CX, taller floor-to-floor heights may be permitted for warehouse retail space with approval of a type 1 design exception per [235.5.4.2](#) and where another primary frontage ground story requirements are fulfilled.
  - a. The maximum height of the primary frontage for up to a 24-foot wide segment may be 28 feet.
  - b. When the primary frontage ground story maximum height is met for the 30-foot depth required in [235.5.4.2](#), the maximum height of any non-primary street is met for the 24-foot height, or the remainder of the ground story may have a maximum height of 28 feet.
  - c. The taller space shall not front any other street.
  - d. The taller space shall not be more than 30 feet from any other side, or rear lot line.

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## SPECIFIC BUILDING TYPE TABLES & DIAGRAMS

## NOTES FOR FURTHER EXPLANATION OR UNIQUE CIRCUMSTANCES FOR THE BUILDING TYPE

Figure 1.2-C. How to Read the Building Type Regulations

### 135-1.3 Downtown Storefront

#### 1.3.1 DESCRIPTION & INTENT

The Downtown Storefront building type is a mid-rise or high-rise building within the downtown (DX) districts. The Downtown Storefront is built close to the front lot line to create continuous building wall along sidewalks throughout the downtown.

Like the Storefront building type, the key facade elements are the high level of storefront glass on the ground floor front facade and the regularly spaced building entrances. Parking is typically structured or provided off-site in the Downtown Storefront building.

#### 1.3.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.3-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

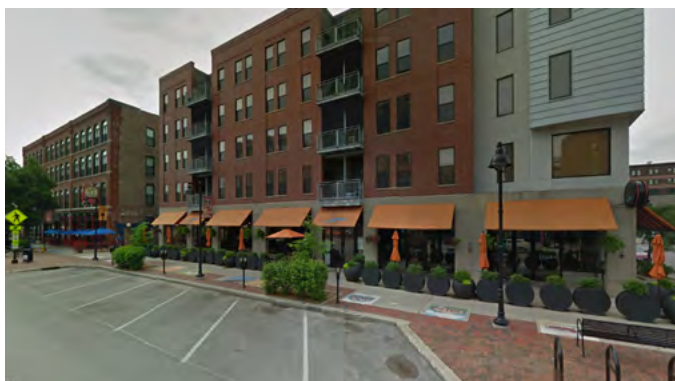
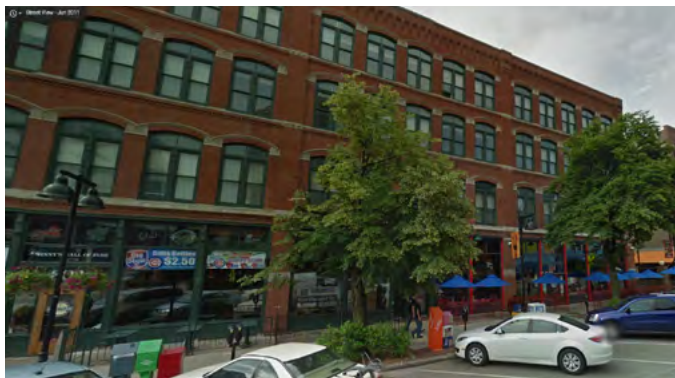


Figure 1.3-A. Example Illustrations of Downtown Storefront Building Type

# 135-1. BUILDING TYPES

DRAFT

## Downtown Storefront

### 1.3.3 DOWNTOWN STOREFRONT REGULATIONS

	DX1	DX2	DXR	NOTES/REFERENCES
A. Building Siting Refer to Figure 1.3-B				
1 Multiple Principal Buildings	Permitted	Permitted	Not permitted	
2 Minimum Primary Frontage Coverage	95%	95%	80%	Courtyards permitted per <a href="#">Note 1</a> . See <a href="#">135-7.1.1</a> for measurement information. See <a href="#">Note 4</a> for river frontage requirements.
3 Primary Frontage Build-to Zone (ft)	0-5	0-5	0-10	Minimum pedestrian area is required per <a href="#">Note 3</a> .
4 Non-Primary Frontage Build-to Zone (ft)	0-15	0-15	0-15	See <a href="#">135-7.1.2</a> for measurement information. See <a href="#">Note 4</a> for river frontage requirements
5 Minimum Interior Side Setback (ft)	0	0	0	
6 Minimum Rear Setback (ft)	0	0	0	
7 Maximum Impervious Area Additional Semi-Pervious Area	90% 10%	90% 10%	90% 10%	See <a href="#">135-7.1.5</a> for measurement information.
8 Garage/Loading Entrance Location	Any non-primary street or rear facade			See <a href="#">135-2.3.8</a> for additional garage door requirements..
9 Permitted Driveway Access	Alley; if no alley exists or is planned, one driveway off each non-primary street allowed.			See <a href="#">135-4.13</a> for additional driveway regulations.
B. Height Refer to Figure 1.3-C				
10 Minimum Overall Height	5 stories	3 stories	3 stories	See <a href="#">135-7.1.2</a> for measurement information.
11 Maximum Overall Base Height	15 stories	8 stories	8 stories	See <a href="#">Note 5</a> for height limitations in Capitol Dominance Area
12 Additional High-Rise Height	Unlimited height	Not permitted	Not permitted	See <a href="#">135-2.4</a> for high-rise design requirements.
13 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	15 24	15 24	15 18	Story heights are measured floor to floor. Floor heights greater than 20 ft count as 2 stories in overall height. See <a href="#">135-7.1.2</a> for measurement information.
14 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 14	9 12	9 12	

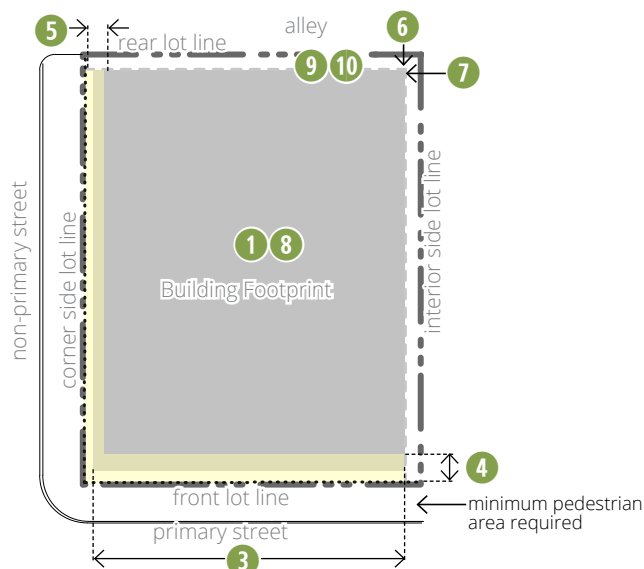


Figure 1.3-B. Downtown Storefront: Building Siting



	DX1	DX2	DXR	NOTES/REFERENCES
C. Uses Refer to Figure 1.3-C				
16	Primary Frontage Facade Ground Story <small>First 30 ft of depth along frontage</small>		Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School, and Office; Artisan Industrial; and lobbies to upper story uses	See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
17	Non-Primary Frontage, All Upper Stories, & Basement		Any permitted use	
18	Required Occupied Space		Minimum 30-foot depth on all full height floors of primary frontages	See <a href="#">135-7.2</a> for definition of occupied space.
19	Parking/Loading within Principal Building		Permitted fully in any basement and rear of all other stories	Refer to occupied space requirement above.
D. Street, Public Way, & Courtyard Facades and Roof Requirements Refer to Figure 1.3-D				
20	Minimum Primary Frontage Ground Story Transparency <small>Ground story requirements supersede requirements per story, below.</small>		70%, measured between 2 ft and 10 ft; blank wall limitations apply	See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations. See <a href="#">135-1.1.6.F</a> for requirements at corners.
21	Minimum Transparency per Each Story & any Half Story		18%; blank wall limitations apply	See <a href="#">7.1.6</a> for measurement information and the definition of transparency and blank wall limitations.
22	Entrance Location & Number		Principal entrance required on primary frontage facade; minimum of one per 60 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way or courtyard facade	See <a href="#">135-2.3.6</a> for principal entryway design requirements
23	Primary Frontage Entryway(s) Configuration Requirement		Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the build-to zone	See <a href="#">135-2.3.6</a> for principal entryway design requirements
24	Primary Frontage Entrance & Ground Story Elevation		At least 80% of entrances and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation	
25	Primary Frontage Ground Story Vertical Facade Divisions Required		At least one shadow line per every 30' of facade width	See <a href="#">135-7.2</a> for definition of shadow line. See <a href="#">135-2.3.9</a> for building articulation requirements.
26	Horizontal Facade Divisions Required		At least one shadow line within 3' of the top of the ground story. For buildings over 5 stories: minimum of one shadow line at the bottom of any story between the 3rd and 6th story	See <a href="#">135-7.2</a> for definition of shadow line.
27	Permitted Roof Types		Parapet, flat; Tower permitted; Special roof option for high-rise	See <a href="#">135-1.17</a> for roof types; See <a href="#">Note 5</a> for height and tower limitations in Capitol Dominance Area

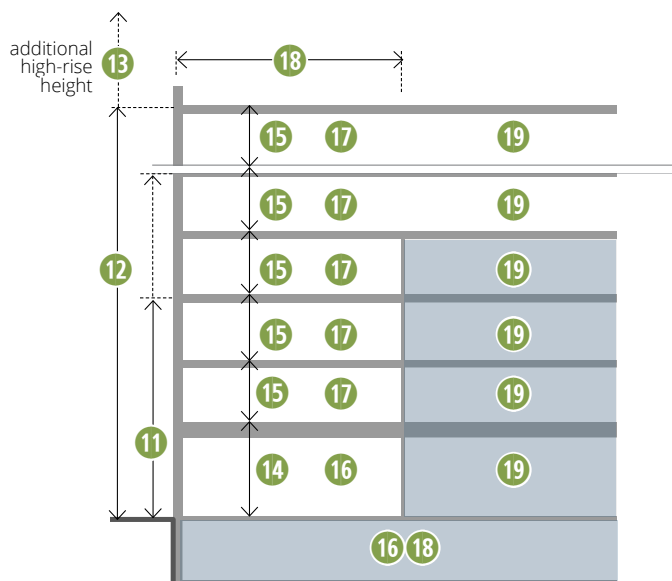


Figure 1.3-C. Downtown Storefront: Height &amp; Uses Requirements

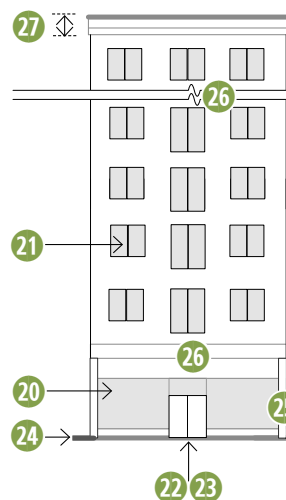


Figure 1.3-D. Downtown Storefront: Facade Requirements

# 135-1. BUILDING TYPES

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## Downtown Storefront

### E. Downtown Storefront Notes

1. Primary Frontage. The Downtown Storefront is required along all frontages of designated primary streets on the primary streets map (per [135-1.1.6](#)).
2. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.
3. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 13 feet, the build-to zone shall begin at 13 feet from the back of curb and extend into the site the depth defined.
4. River Frontage. The following applies to all lots abutting a river or riverfront park:
  - a. Setback from River. A minimum setback of 100 ft is required from the high water mark of the river.
  - b. Public Right-of-Way. A public right-of-way is required between the development and any riverfront park. Refer to [3.2.2](#) for base street type or pedestrianway requirements. This right-of-way shall be treated as a primary frontage.
5. Capitol Dominance Area. The following applies to all lots east of the Des Moines River:
  - a. Heights of towers, utilities, and other appurtenances typically permitted to extend above the maximum height of a building, such as but not limited to chimneys, cooling towers, elevator bulkheads, and antennas may not extend more than 15 above the roof of the structure and shall be setback from any facade a minimum of 15 feet.
  - b. Any lot within the highlighted area in [Figure 1.3-F](#) shall have a maximum height of 75 feet.
6. Building Corners. At street intersections, ground story transparency requirements on primary frontage shall extend around the corner of the building a minimum of 30 feet, as measured from the corner of the building down the non-primary frontage. See [135-1.1.6.F](#) for building requirements at street corners.

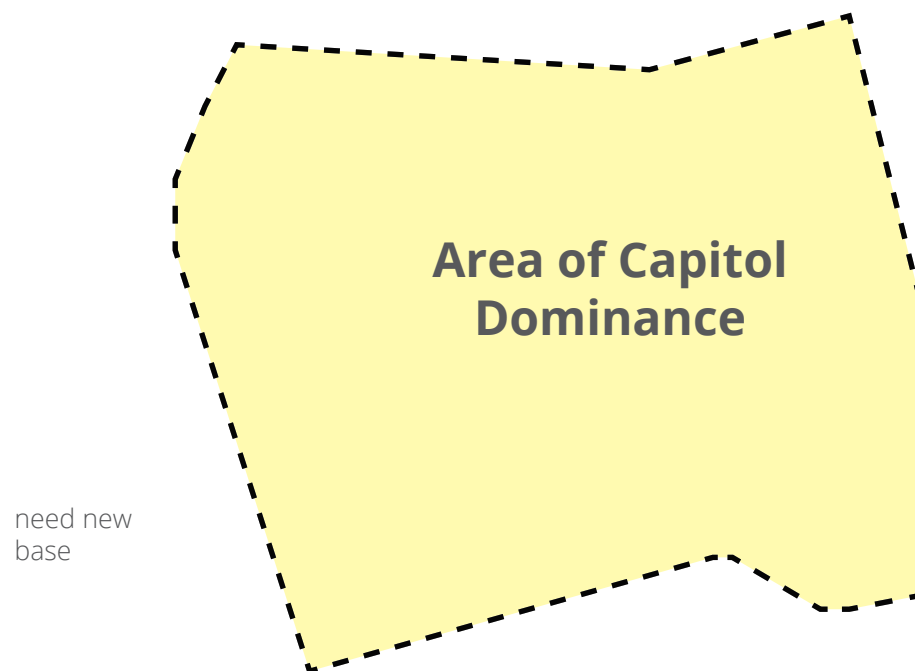


Figure 1.3-F. Capitol Dominance Area.



## 135-1.4 Downtown General

### 1.4.1 DESCRIPTION & INTENT

The Downtown General building type is a mid-rise to high-rise building within the downtown (DX) districts. The Downtown General building is built close to the sidewalk, but may have plazas or courtyards between the building and the sidewalk. Parking is typically structured or provided off-site in the Downtown General building.

The Downtown General building is more flexible than the Downtown Storefront. The level of glass on the ground story is the same as the upper stories. Additionally, the ground story may not match the sidewalk elevation, raised above grade and with or without a visible basement beneath.

### 1.4.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.4-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

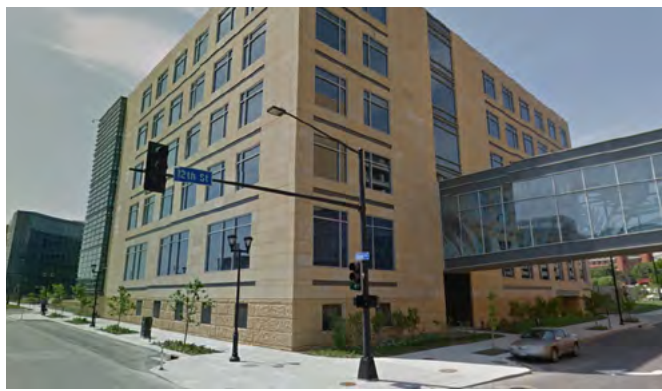
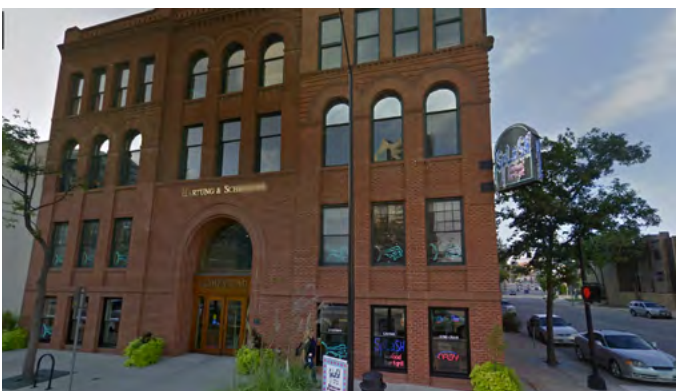
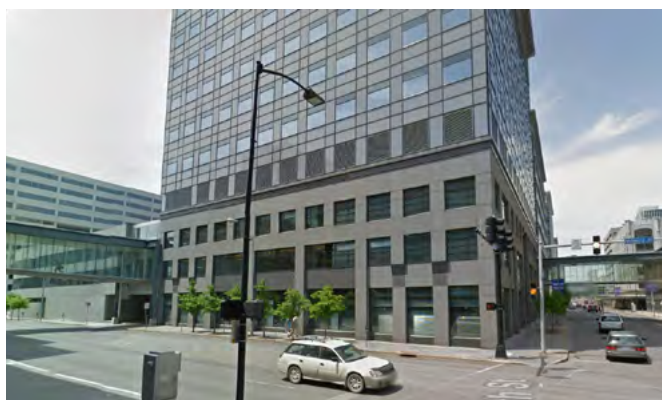
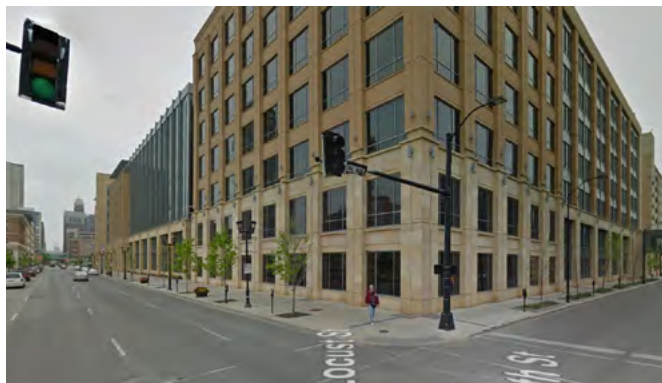


Figure 1.4-A. Example Illustrations of Existing Downtown General Building Type

# 135-1. BUILDING TYPES

Downtown General

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## 1.4.3 DOWNTOWN GENERAL REGULATIONS

	DX1	DX2	DXR	NOTES/REFERENCES
A. Building Siting Refer to Figure 1.4-B				
1 Multiple Principal Buildings	Permitted	Permitted	Permitted	
2 Minimum Primary Frontage Coverage	95%	90%	80%	Courtyards permitted per <a href="#">Note 1</a> . See <a href="#">135-7.1.1</a> for measurement information. See <a href="#">Note 3</a> for river frontage requirements.
3 Primary Frontage Build-to Zone (ft)	0-10	0-15	0-15	Minimum pedestrian area is required per <a href="#">Note 2</a> .
4 Non-Primary Frontage Build-to Zone (ft)	0-15	0-15	0-20	See <a href="#">135-7.1.2</a> for measurement information. See <a href="#">Note 3</a> for river frontage requirements
5 Minimum Interior Side Setback (ft)	0	0	10	
6 Minimum Rear Setback (ft)	5 except 0 at alley	5 except 0 at alley	15 except 0 at alley	
7 Maximum Impervious Area Additional Semi-Pervious Area	90% 10%	85% 15%	80% 15%	See <a href="#">135-7.1.5</a> for measurement information.
8 Garage/Loading Entrance Location	Any non-primary street or rear facade			See <a href="#">135-2.3.8</a> for additional garage door requirements.
9 Permitted Driveway Access	Alley; if no alley exists or is planned, one driveway off each non-primary street			See <a href="#">135-4.13</a> for additional driveway regulations
B. Height Refer to Figure 1.4-C				
10 Minimum Overall Height	5 stories	3 stories	3 stories	See <a href="#">135-7.1.6</a> for measurement information.
11 Maximum Overall Base Height	15 stories	8 stories	8 stories	See <a href="#">Note 4</a> for height limitations in Capitol Dominance Area
12 Additional High-Rise Height	Unlimited height	Not permitted	Not permitted	See <a href="#">135-2.4</a> for high-rise design requirements.
13 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	10 24	10 24	10 16	Story heights are measured floor to floor. Floor heights greater than 20 ft count as 2 stories in overall height. See <a href="#">135-7.1.6</a> for measurement information.
14 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 14	9 12	9 12	

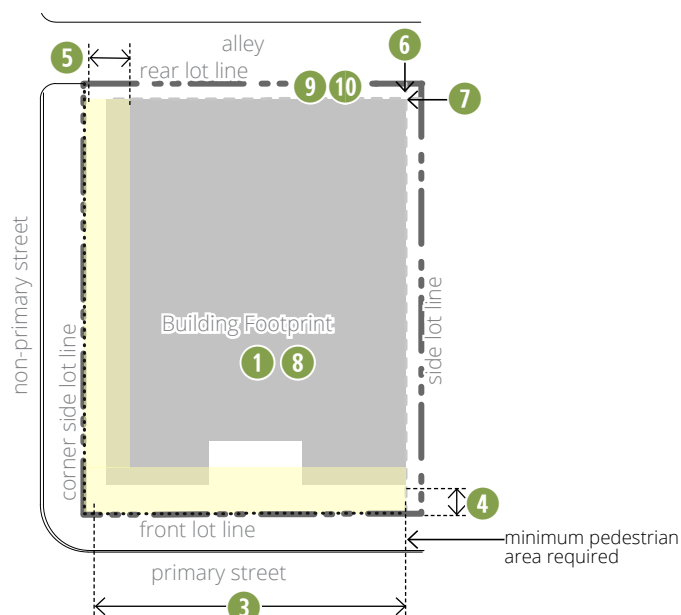


Figure 1.4-B. Downtown General: Building Siting

	DX1	DX2	DXR	NOTES/REFERENCES
<b>C. Uses</b> Refer to Figure 1.4-C				
15 All Stories & Basement	Any permitted use except Commercial Service; Day Care; Eating and Drinking Places; Entertainment & Spectator Events; Retail Sales; Sports and Recreation, Participant; and Vehicle Sales and Service are limited to no more than 25% of the ground floor area			See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
16 Required Occupied Space	Minimum 30-foot depth on all full height floors of primary frontages			See <a href="#">135-7.2</a> for definition of occupied space.
17 Parking/Loading within Principal Building	Permitted fully in any basement and rear of all other stories			Refer to occupied space requirement above.
<b>D. Street, Public Way, &amp; Courtyard Facades and Roof Requirements</b> Refer to Figure 1.4-D				
18 Minimum Transparency per Each Story & any Half Story	18%; blank wall limitations apply			See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations.
19 Entrance Location & Number	Principal entrance required on primary frontage facade; minimum of one per 100 ft of primary street facade			See <a href="#">135-2.3.6</a> for principal entryway design requirements
20 Primary Frontage Entryway(s) Configuration	Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the build-to zone			See <a href="#">135-2.3.6</a> for principal entryway design requirements
21 Primary Frontage Entrance & Ground Story Elevation	At least 80% of entrances and the ground story shall be within 30 inches vertically of adjacent sidewalk elevation OR between 30 inches and 5 feet with visible basement (transparency required)			See <a href="#">135-7.2</a> for definition of visible basement.
22 Primary Frontage Ground Story Vertical Facade Divisions	At least one shadow line per every 90' of facade width			See <a href="#">135-7.2</a> for definition of shadow line. See <a href="#">135-2.3.9</a> for building articulation requirements.
23 Horizontal Facade Divisions	At least one shadow line within 3' of the any story line between 1st and 3rd story; For buildings over 5 stories: minimum of one shadow line within 3' of any story between the 3rd and 6th story			See <a href="#">135-7.2</a> for definition of shadow line.
24 Permitted Roof Types	Parapet, flat; Tower permitted; Special roof option for high-rise	Parapet, flat; Tower permitted	Parapet, flat, pitched; Tower permitted	See <a href="#">135-1.17</a> for roof types; See <a href="#">Note 4</a> for height and tower limitations in Capitol Dominance Area

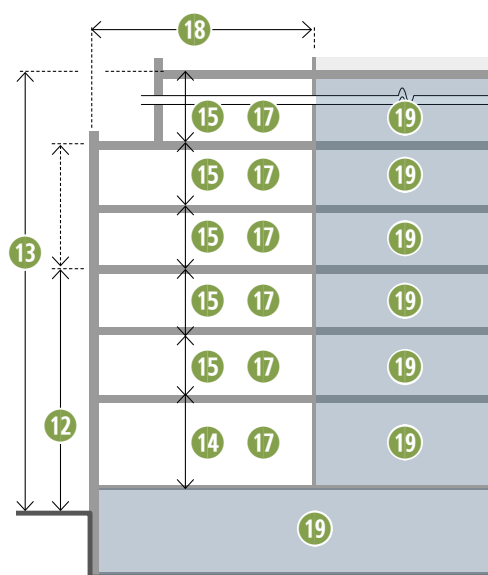


Figure 1.4-C. Downtown General: Height &amp; Uses Requirements

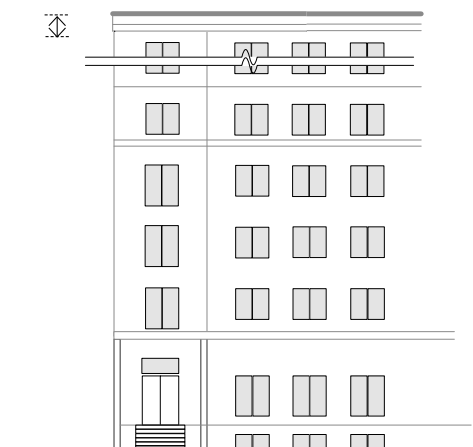


Figure 1.4-D. Downtown General: Facade Requirements

# 135-1. BUILDING TYPES

## Downtown General

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### A. Downtown General Notes

1. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.
2. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 13 feet, the build-to zone shall begin at 13 feet from the back of curb and extend into the site the depth defined.
3. River Frontage. The following applies to all lots abutting a river or riverfront park:
  - a. Setback from River. A minimum setback of 100 ft is required from the high water mark of the river.
  - b. Public Right-of-Way. A public right-of-way is required between the development and any riverfront park. Refer to [135-3.2.2](#) for base street type or pedestrianway requirements. This right-of-way shall be treated as a primary frontage.
4. Capitol Dominance Area. The following applies to all lots east of the Des Moines River:
  - a. Heights of towers, utilities, and other appurtenances typically permitted to extend above the maximum height of a building, such as but not limited to chimneys, cooling towers, elevator bulkheads, and antennas may not extend more than 15 above the roof of the structure and shall be setback from any facade a minimum of 15 feet.
  - b. Any lot within the highlighted area in [Figure 1.3-F](#) shall have a maximum height of 75 feet.



### 135-1.5 Storefront

#### 1.5.1 DESCRIPTION & INTENT

The Storefront building type is a low-to mid-rise for use at mixed-use nodes and along mixed-use corridors throughout the city. The Storefront building is built close to the front lot line to create continuous building walls along sidewalks with the goal of increased walkability at the node and along corridors. Parking is located in the rear of the lot behind the building or, in some locations, small interior side yard parking lots are permitted.

The key facade elements of the Storefront building type are a high level of storefront glass on the ground floor front facade and regularly spaced entrances along the street sidewalk.

#### 1.5.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.5-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

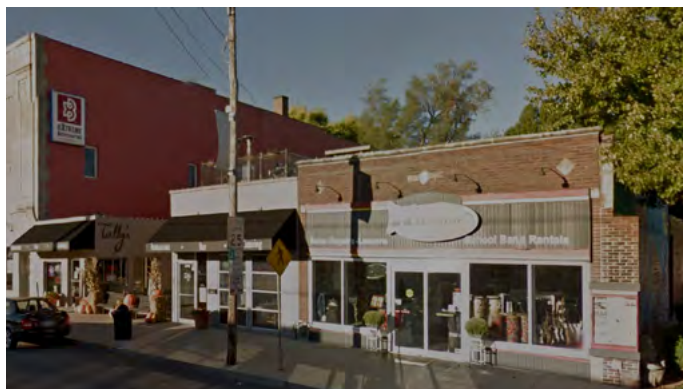
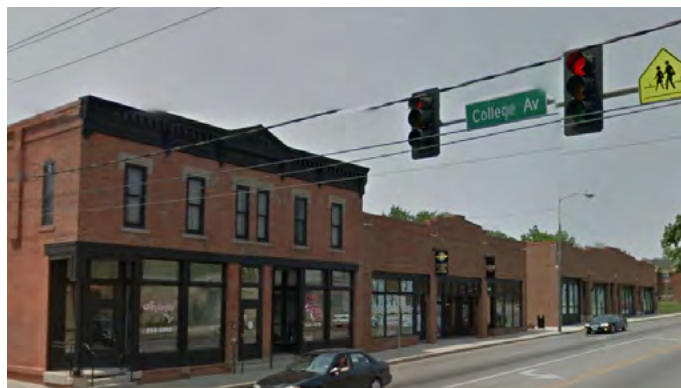


Figure 1.5-A. Example Illustrations of Storefront Building Type

# 135-1. BUILDING TYPES

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## Storefront

### 1.5.3 STOREFRONT REGULATIONS

	MX1	MX2	MX3	CX	NOTES/REFERENCES
A. Building Siting Refer to <a href="#">Figure 1.3-B</a>					
1 Multiple Principal Buildings	Not permitted	Permitted	Permitted	Permitted	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
3 Minimum Primary Frontage Coverage	85%	90%	60%	60%	See <a href="#">135-7.1.1</a> for measurement information.. See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
4 Primary Frontage Build-to Zone (ft)	0-5	0-5	0-5	0-10	Minimum pedestrian area is required per <a href="#">Note 2</a> .
5 Non-Primary Frontage Build-to Zone (ft)	0-10	0-10	0-10	0-20	See <a href="#">135-7.1.2</a> for measurement information.
6 Minimum Interior Side Setback (ft)	0, 5 abutting a district that does not permit a Storefront building			5	See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	5 except 0 at alley			15 except 0 at alley	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
8 Maximum Impervious Area Additional Semi-Pervious Area	85% 10%	85% 15%	80% 10%	80% 15%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear yard, limited side yard only Any non-primary street or rear facade		Rear yard, limited side yard only Any non-primary street or rear facade		see <a href="#">Note 3</a> for limited side yard parking; See <a href="#">135-2.3.8</a> for additional garage door requirements.
10 Permitted Driveway Access	Alley; if no alley exists or is planned, one driveway off each non-primary street; if no alley or non-primary street exists, one driveway off a primary street with approval of city engineer				See <a href="#">135-4.13</a> for additional driveway regulations.
B. Height Refer to <a href="#">Figure 1.5-C</a>					
11 Minimum Overall Height	1 story	3 stories	1 story	1 story	See <a href="#">135-7.1.6</a> for measurement information.
12 Maximum Overall Height	3 stories	5 stories	5 stories	3 stories	
14 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	12 18	15 20	12 18	12 20	Story heights are measured floor to floor. See <a href="#">Note 5</a> for large format-retail heights. See <a href="#">135-7.1.6</a> for measurement information.
15 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 12	9 14	9 12	9 12	

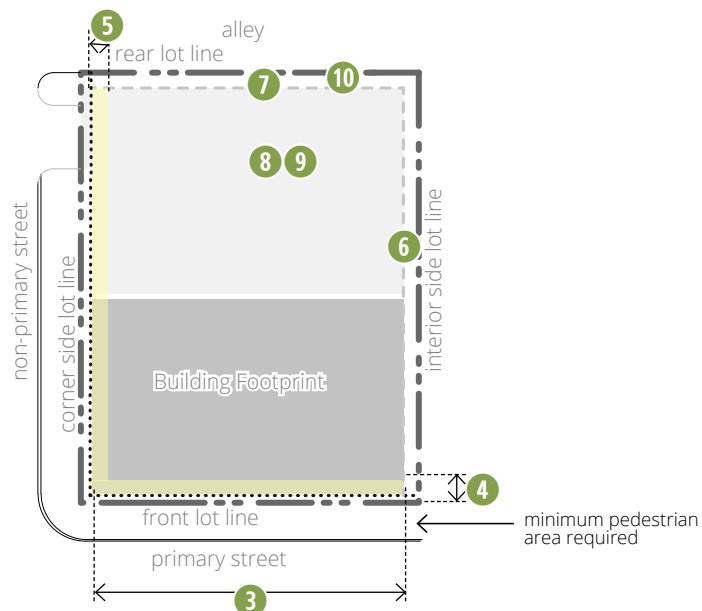


Figure 1.5-B. Storefront: Building Siting



	MX1	MX2	MX3	CX	NOTES/REFERENCES		
C. Uses Refer to Figure 1.5-C							
16	Primary Frontage Facade Ground Story First 30 ft of depth along frontage		Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School, and Office; Artisan Industrial; and lobbies to upper story uses		Permitted Public, Civic, and Institutional uses; Commercial uses except Business and Trade School, and Office; Artisan Industrial; Wholesale Sales/ Distribution; and lobbies to upper story uses	See Chapter 134, Article 3 for permitted uses per zoning district and definition of uses..	
17	Non-Primary Frontage, All Upper Stories, & Basement		Any permitted use			See Chapter 134, Article 3 for permitted uses per zoning district and definition of uses..	
18	Required Occupied Space		Minimum 30-foot depth on all full height floors of primary frontages			See 135-7.2 for definition of occupied space.	
19	Parking/Loading within Principal Building		Permitted fully in any basement and rear of all other stories			Refer to occupied space requirement above.	
D. Street & Public Way Facades and Roof Requirements Refer to Figure 1.5-D							
20	Minimum Primary Frontage Ground Story Transparency Ground story requirements supersede requirements per story, below.		65%, measured between 2 ft and 8 ft; blank wall limitations apply	70%, measured between 2 ft and 10 ft; blank wall limitations apply	65%, measured between 2 ft and 8 ft; blank wall limitations apply	60%, measured between 2 ft and 8 ft; blank wall limitations apply	See 135-7.1.7 for measurement information and the definition of transparency and blank wall limitations. See Note 4, for requirements at corners.
21	Minimum Transparency per Each Story & any Half Story		15%; blank wall limitations apply				
22	Entrance Location & Number		Principal entrance required on primary frontage facade; minimum of one per 45 ft of primary street facade; lobby entrance for upper story uses shall be located on a public way				See 135-2.3.6 for principal entryway design requirements
23	Primary Frontage Entryway(s) Configuration		Recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the build-to zone		No requirements		See 135-2.3.6 for principal entryway design requirements
24	Primary Frontage Entrance & Ground Story Elevation		At least 80% of entrances and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation				
25	Primary Frontage Ground Story Vertical Facade Divisions		At least one shadow line per every 30' of facade width				See 135-7.2 for definition of shadow line. See 135-2.3.9 for building articulation requirements.
26	Horizontal Facade Divisions		At least one shadow line within 3' of the top of the ground story; For buildings over 5 stories: minimum of one shadow line within 3' of any story between the 3rd and 5th story				See 135-7.2 for definition of shadow line.
27	Permitted Roof Types		Parapet, flat; tower permitted				See 135-1.17 for roof types.

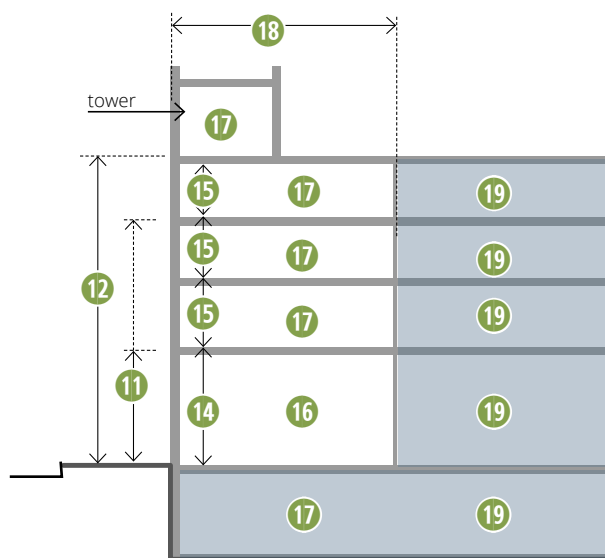


Figure 1.5-C. Storefront: Height &amp; Uses Requirements

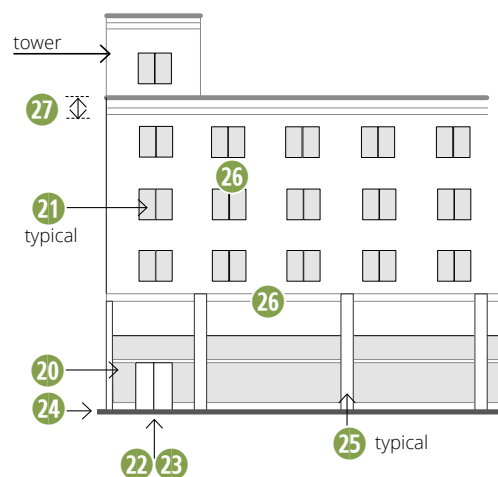


Figure 1.5-D. Storefront: Facade Requirements

# 135-1. BUILDING TYPES

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## Storefront

### A. Storefront Building Notes

1. MX to N District Transition. MX district double frontage lots, deeper than 120 feet, that share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. House permitted in the adjacent N district.
    - ii. Row or Flat building as permitted in NX2.
  - b. The MX district lot shall incorporate an interior alley, lane, or drive to provide access to both the Storefront building parking and the garage/parking for the House, Row, or Flat building.
  - c. The rear of the all buildings shall be fully screened by buildings from both primary streets.
2. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
3. Limited Side Yard Parking. Limited side yard parking is one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, permitted in the interior side yard. Maximum width of a double-loaded aisle is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Frontage Buffer is required per [135-5.9](#).
4. Building Corners. At street intersections, ground story transparency requirements on primary frontage shall extend around the corner of the building a minimum of 30 feet, as measured from the corner of the building down the non-primary frontage. See [135-1.1.6.F](#) for building requirements at street corners.
5. Warehouse-Retail Space. In CX, taller floor to floor heights may be permitted for warehouse-retail space with approval of a type 1 design exception per [135-6.2](#) and where all other primary frontage ground story requirements are fulfilled:
  - a. The maximum height of the primary frontage for up to a 24-foot wide segment may be 28 feet.
  - b. When the primary frontage ground story maximum height is met per the 30-foot depth required in [135-7.1.7.F](#) and the maximum height of any non-primary street is met per the “all stories” height, or, the remainder of the ground story may have a maximum height of 28 feet.
  - c. The taller space shall not front any other street.
  - d. The taller space shall not be more than 30 feet from any other side, or rear lot line.

## 135-1.6 Commercial Cottage

### 1.6.1 DESCRIPTION & INTENT

The Commercial Cottage building type is a small-scale building for use at mixed-use nodes and along mixed-use corridors. This building functions well as a transitional building between commercial uses and residential uses, but can also occur within a neighborhood commercial area.

While this building does not necessarily create streetwall, it can contribute to the walkability of an area by being built close to the front lot line and including an entrance and shop windows facing the street.

Parking is located in the rear of the lot behind the building or, in some locations, small interior- side yard parking lots.

### 1.6.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.6-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.



Figure 1.6-A. Example Illustrations of Commercial Cottage Building Type

# 135-1. BUILDING TYPES

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## Commercial Cottage

### 1.6.3 COMMERCIAL COTTAGE REGULATIONS

	MX1	MX3	RX1, EX	NOTES/REFERENCES
A. Building Siting Refer to Figure 1.6-B				
1 Multiple Principal Buildings	Permitted	Permitted	Permitted	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts. See <a href="#">Note 3</a> for requirements of multiple buildings.
3 Maximum Building Width	45	60	60	See <a href="#">135-7.1.4</a> for measurement information..
4 Primary Frontage Build-to Zone (ft)	5-15	5-20	5-20	Minimum pedestrian area is required per <a href="#">Note 2</a>
5 Non-Primary Frontage Build-to Zone (ft)	5-10	5-10	5-10	See <a href="#">135-7.1.2</a> for measurement information.
6 Minimum Interior Side Setback (ft)	7.5, 10 abutting another zone			See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	25	25	25	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
8 Maximum Impervious Area Additional Semi-Pervious Area	65% 10%	65% 10%	65% 10%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear yard, limited side yard only not permitted			see <a href="#">Note 4</a> for limited side yard parking; See <a href="#">135-2.3.8</a> for additional garage door requirements.
10 Permitted Driveway Access	Alley; if no alley exists or is planned, one driveway off each non-primary street if no alley or non-primary street exists, one driveway off a primary street with approval of city engineer			See <a href="#">135-4.13</a> for additional driveway regulations.
B. Height Refer to Figure 1.6-C				
11 Minimum Overall Height	1.5 stories	1 story	1 story	See <a href="#">135-7.1.6</a> for measurement information.
12 Maximum Overall Height	3 stories	3 stories	3 stories	
13 All Stories: Minimum Height (ft) Maximum Height (ft)	8.5 12	8.5 12	8.5 12	Story heights are measured floor to floor. See <a href="#">135-7.1.6</a> for measurement information.

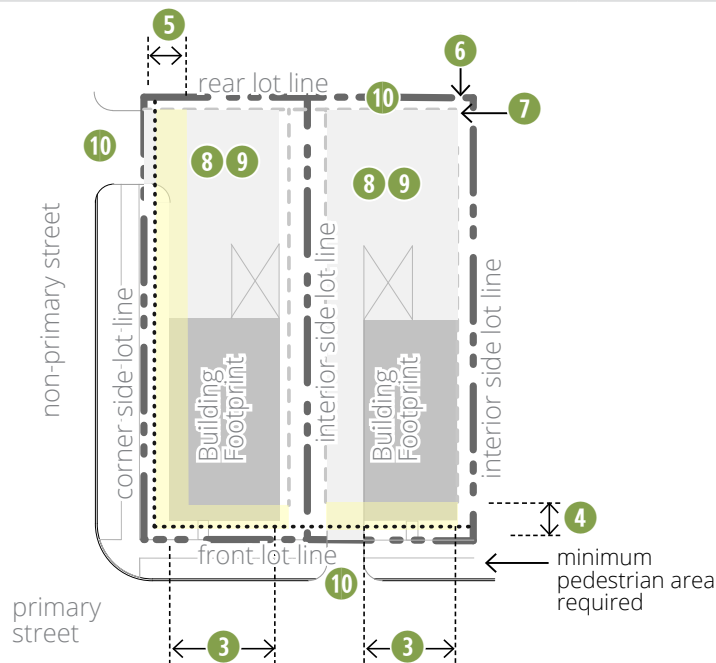


Figure 1.6-B. Commercial Cottage: Building Siting



	MX1	MX3	RX1, EX	NOTES/REFERENCES		
C. Uses Refer to Figure 1.6-C						
14	Primary Frontage Facade Ground Story First 30 ft of depth along frontage		Any permitted use category except residential	See Chapter 134, Article 3 for permitted uses per zoning district and definition of uses..		
15	Non-Primary Frontage, All Upper Stories, & Basement		Any permitted use			
16	Required Occupied Space		Minimum 20-foot depth on all full height floors of primary frontages	See 135-7.2 for definition of occupied space.		
17	Parking/Loading within Principal Building		Not permitted	Refer to occupied space requirement above.		
D. Street & Public Way Facades and Roof Requirements Refer to Figure 1.6-D						
18	Minimum Primary Frontage Ground Story Transparency Ground story requirements supersede requirements per story, below.		55%, measured between 2 ft and 8 ft; blank wall limitations apply	45%, measured between 2 ft and 8 ft; blank wall limitations apply	15%; blank wall limitations apply	See 135-7.1.7 for measurement information and the definition of transparency and blank wall limitations.
19	Minimum Transparency per Each Story & any Half Story		15%; blank wall limitations apply			
20	Entrance Location & Number		Principal entrance required on primary frontage facade			See 135-2.3.6 for principal entryway design requirements
21	Primary Frontage Entryway(s) Configuration		Entrance must transition from the sidewalk via a stoop, minimum 4 ft deep by 4 ft wide, or a porch, minimum 6 ft deep by 6 ft wide			See 135-2.3.6 for principal entryway design requirements See 135-7.2 for definition of stoop and porch.
22	Primary Frontage Entrance & Ground Story Elevation		Ground story shall be within 30 inches vertically of adjacent sidewalk elevation OR between 30 inches and 5 feet with visible basement (transparency required)			See 135-7.2 for definition of visible basement.
23	Primary Frontage Ground Story Vertical Facade Divisions		None required			See 135-7.2 for definition of shadow line.
24	Horizontal Facade Divisions		None required			See 135-7.2 for definition of shadow line.
25	Permitted Roof Types		Pitched only			See 135-1.17 for roof types.

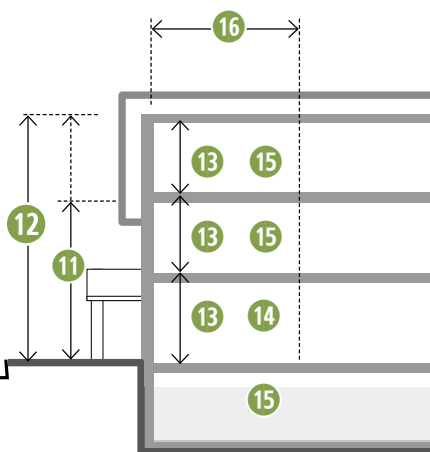


Figure 1.6-C. Commercial Cottage: Height &amp; Uses Requirements

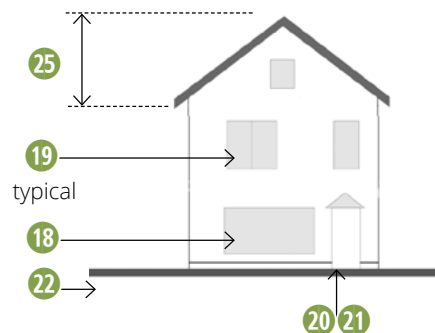


Figure 1.6-D. Commercial Cottage: Facade Requirements

# 135-1. BUILDING TYPES

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## Commercial Cottage

### A. Commercial Cottage Building Notes

1. MX to N District Transition. MX district double frontage lots, deeper than 120 feet, that share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. House permitted in the adjacent N district.
    - ii. Row or Flat building as permitted in NX2.
  - b. The MX district lot shall incorporate an interior alley, lane, or drive to provide access to both the Storefront building parking and the garage/parking for the House, Row, or Flat building.
  - c. The rear of the all buildings shall be fully screened by buildings from both primary streets.
2. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
3. Commercial Cottage Court. See [Figure 1.6-E](#) for one layout of the following requirements. When multiple principal buildings are located on a development site, the following applies:
  - a. For every Commercial Cottage fronting the street and located in the build-to zone, one building may be located on the interior of the lot, not fulfilling the build-to zone requirements.
  - b. The primary frontage on the lot shall have a minimum 60% building coverage, utilizing multiple Commercial Cottages and not exceeding the maximum building width.
  - c. Parking along any street frontage is limited to one limited side yard parking lot per building located along the frontage, not located next to each other.
  - d. Any Commercial Cottages located fully on the interior of the lot shall meet the street facade requirements for facades facing the parking and facades visible from the street.
  - e. The interior side yard setback shall apply to spaces between buildings.
4. Limited Side Yard Parking. Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Frontage Buffer required per [135-5.9](#).

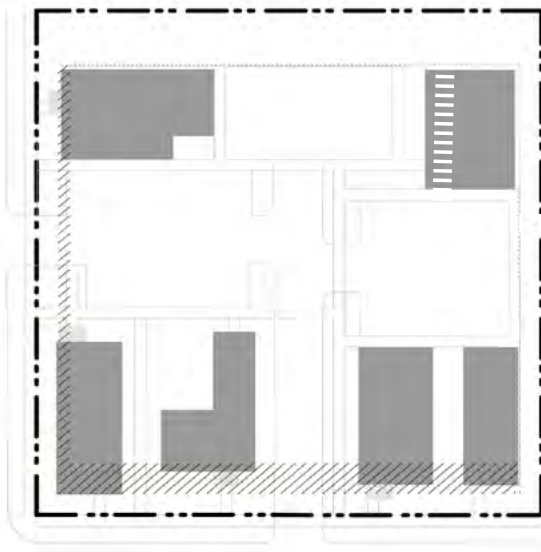


Figure 1.6-E. Commercial Cottage Court Plan



### 135-1.7 General Building

#### 1.7.1 DESCRIPTION & INTENT

The General building type is a low- to mid-rise building meant for primarily apartments and offices. It is required to be built close to the front lot line with an entrance facing the primary street and parking is located in the rear of the lot behind the building.

More flexible than the Storefront, the level of glass on the ground story of the General building is the same as the upper stories. Additionally, the ground story is not required to match the sidewalk elevation and may be raised above grade with or without a visible basement.

#### 1.7.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.7-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

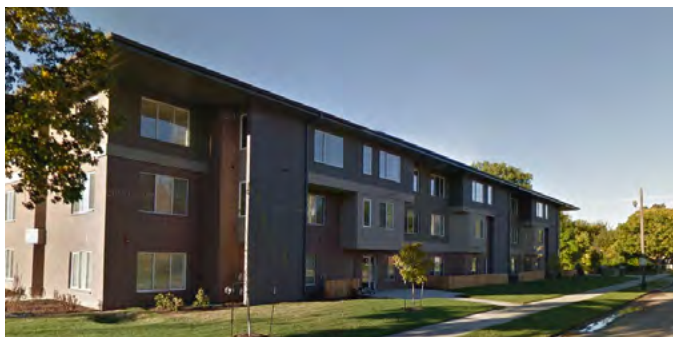


Figure 1.7-A. Example Illustrations of General Building Type

# 135-1. BUILDING TYPES

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## General Building

### 1.7.3 GENERAL BUILDING REGULATIONS

	RX1	RX2, P2	NX3	EX, I1, I2	NOTES/REFERENCES
A. Building Siting Refer to Figure 1.7-B					
1 Multiple Principal Buildings	Permitted	Permitted	Permitted	Permitted	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
3 Minimum Primary Frontage Coverage	75%	80%	80%	65%	See <a href="#">Note 1</a> for courtyards. See <a href="#">135-7.1.1</a> for measurement information.. See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
4 Primary Frontage Build-to Zone (ft)	10 to 20	15 to 25	15 to 25; block averaging applies	5 to 30	Minimum pedestrian area is required per <a href="#">Note 3</a> . See <a href="#">135-7.1.2</a> for measurement information.
5 Non-Primary Frontage Build-to Zone (ft)	5-20	5-25	5-25	5-30	
6 Minimum Interior Side Setback (ft)	10	10	10	15	See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	15 except 5 at alley	15 except 5 at alley	15 except 5 at alley	15 except 5 at alley	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
8 Maximum Impervious Area Additional Semi-Pervious Area	65% 20%	75% 20%	75% 20%	70% 15%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear yard, limited side yard only Any non-primary street or rear facade				see <a href="#">Note 3</a> for limited side yard parking; See <a href="#">135-2.3.8</a> for additional garage door requirements.
10 Permitted Driveway Access	Alley; if no alley exists or is planned, one driveway off each non-primary street				See <a href="#">135-4.13</a> for additional driveway regulations.
B. Height Refer to Figure 1.7-C					
11 Minimum Overall Height	2 stories	2 stories	3 stories	1 stories	See <a href="#">135-7.1.6</a> for measurement information.. See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
12 Maximum Overall Height	3 stories [45 in C-O]	5 stories; 3 stories for portions of the building within 100 feet of an N district.	8 stories; 3 stories for portions of the building within 100 feet of an N district.	5 stories	
15 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 14	9 14	9 14	9 14	Story heights are measured floor to floor. See <a href="#">135-7.1.6</a> for measurement information.

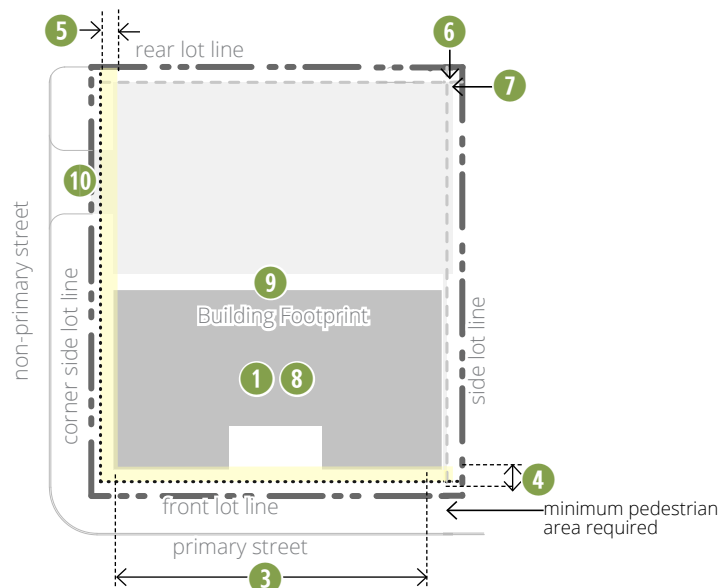


Figure 1.7-B. General Building: Building Siting

	RX1	RX2, P2	NX3	EX, I1, I2	NOTES/REFERENCES
C. Uses Refer to Figure 1.7-C					
14 All Stories & Basement	Any permitted use except Commercial Service; Day Care; Eating and Drinking Places; Entertainment & Spectator Events; Retail Sales; Sports and Recreation, Participant; and Vehicle Sales and Service are limited to no more than 25% of the ground floor area				See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
15 Required Occupied Space	Minimum 20-foot depth on all full height floors of primary frontages				See <a href="#">135-7.2</a> for definition of occupied space.
16 Parking/Loading within Principal Building	Permitted fully in any basement and rear of all other stories				Refer to occupied space requirement above.
D. Street, Public Way, & Courtyard Facades and Roof Requirements Refer to Figure 1.7-D					
17 Minimum Transparency per Each Story & any Half Story	18%; blank wall limitations apply				See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations.
18 Entrance Location & Number	Principal entrance required on primary frontage facade; minimum of one per 100 ft of primary street facade				See <a href="#">135-2.3.6</a> for principal entryway design requirements
19 Primary Frontage Entryway(s) Configuration	Entry doors shall be off a stoop, minimum 6' wide and 3' deep				See <a href="#">135-2.3.6</a> for principal entryway design requirements
20 Primary Frontage Entrance & Ground Story Elevation	At least 80% of entrances and the ground story shall be within 30 inches vertically of adjacent sidewalk elevation OR between 30 inches and 5 feet with visible basement (transparency required)				
21 Primary Frontage Ground Story Vertical Facade Divisions	At least one shadow line per every 120' of facade width				See <a href="#">135-7.2</a> for definition of shadow line. See <a href="#">135-2.3.9</a> for building articulation requirements.
22 Horizontal Facade Divisions	At least one shadow line within 3' of the any story line between 1st and 3rd story; For buildings over 5 stories: minimum of one shadow line within 3' of any story between 3rd and 6th story				See <a href="#">135-7.2</a> for definition of shadow line.
23 Permitted Roof Types	Parapet, flat, pitched; tower permitted				See <a href="#">135-1.17</a> for roof types.

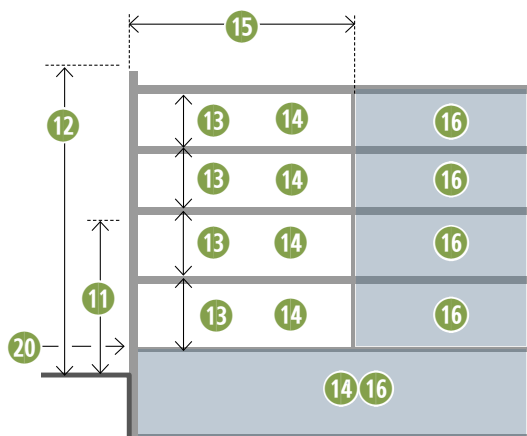


Figure 1.7-C. General Building: Height & Uses Requirements

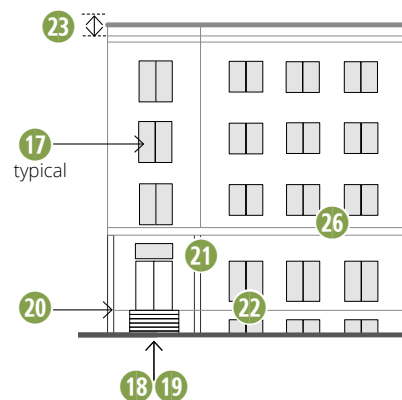


Figure 1.7-D. General Building: Facade Requirements

# 135-1. BUILDING TYPES

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## General Building

### A. General Building Notes

1. RX and EX to N District Transition. RX and EX district double frontage lots (see definition in [135-7.2](#)) that are deeper than 120 feet and share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. House permitted in the adjacent N district.
    - ii. Row or Flat building as permitted in NX2.
    - iii. General building as permitted but limited to 3 stories a minimum of depth of 30 feet into lot from the N district primary frontage.
  - b. The RX or EX district lot shall incorporate an interior alley, lane, or drive to provide access to both building parking and the garage/parking for the House, Row, or Flat building.
  - c. The rear of all buildings shall be fully screened by building from both primary streets.
2. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.
3. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
4. Limited Side Yard Parking. Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Frontage Buffer required per [135-5.9](#).



### 135-1.8 Commercial Center

#### 1.8.1 DESCRIPTION & INTENT

The Commercial Center building type is a modified Storefront building intended to accommodate a higher level of automobile access while maintaining pedestrian accessibility. This building type is limited to mixed-use community nodes and corridors.

The Commercial Center building is a collection of multiple buildings with some buildings built close to the front lot line. A high level of storefront glass on the ground floor and regularly spaced entrances along the front and main parking lot facades increases walkability within the node and along corridors. Parking is located in the center of the lot behind street-facing buildings and in interior side yard parking lots.

#### 1.8.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.8-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

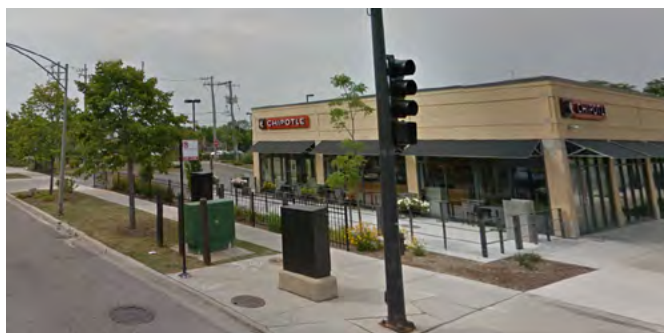


Figure 1.8-A. Example Illustrations of the Commercial Center Building Type

# 135-1. BUILDING TYPES

DRAFT

## Commercial Center

### 1.8.3 COMMERCIAL CENTER REGULATIONS

	MX3	CX	NOTES/REFERENCES
A. Building Siting Refer to Figure 1.8-B			
1 Multiple Principal Buildings	At least 2 separate buildings are required to utilize this type		See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
3 Minimum Primary Frontage Coverage	60%	50%	See <a href="#">135-7.1.1</a> for measurement information.. See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
4 Primary Frontage Build-to Zone (ft)	0-10	0-15	Minimum pedestrian area is required per <a href="#">Note 3</a> .
5 Non-Primary Frontage Build-to Zone (ft)	0-10	0-20	See <a href="#">135-7.1.2</a> for measurement information.
6 Minimum Interior Side Setback (ft)	0; 10 adjacent to different district		See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	15	15 except 0 at alley	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
8 Maximum Impervious Area Additional Semi-Pervious Area	75% 15%	75% 15%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Center, rear yard, interior side yard Any non-primary street, interior side or rear facade		See <a href="#">Note 4</a> for pedestrian pathways; See <a href="#">Note 5</a> for limited side yard parking; See <a href="#">135-2.3.8</a> for additional garage door requirements.
10 Permitted Driveway Access	1 per every 300 ft of primary and non-primary frontage		See <a href="#">135-4.13</a> for additional driveway regulations.
B. Height Refer to Figure 1.8-C			
11 Minimum Overall Height	1 stories	1 stories	See <a href="#">135-7.1.6</a> for measurement information.
12 Maximum Overall Height	5 stories	3 stories	
14 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	12 18	15 24	Story heights are measured floor to floor. See <a href="#">135-7.1.6</a> for measurement information.
15 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 12	9 12	

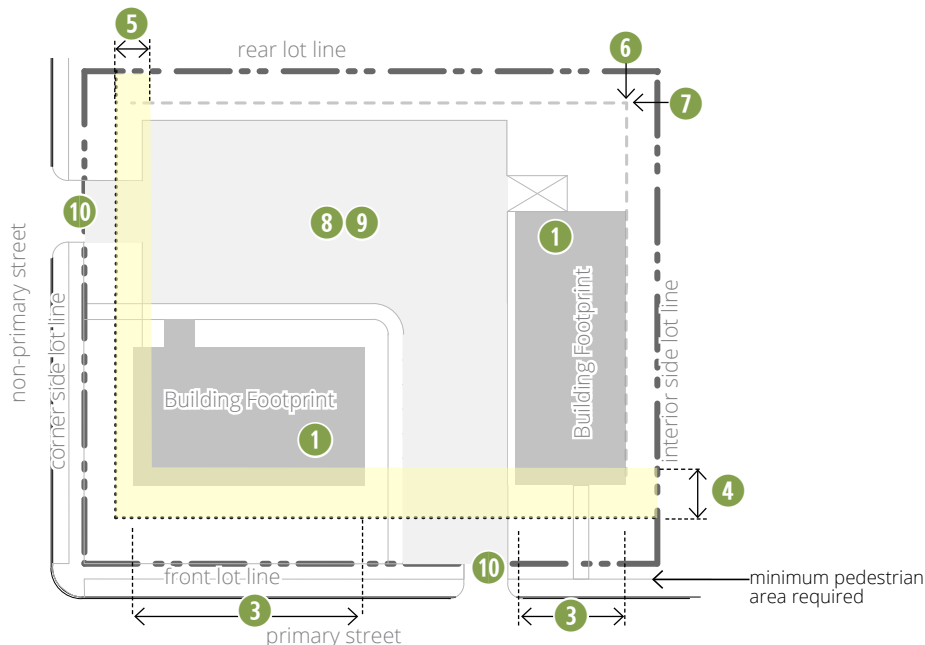
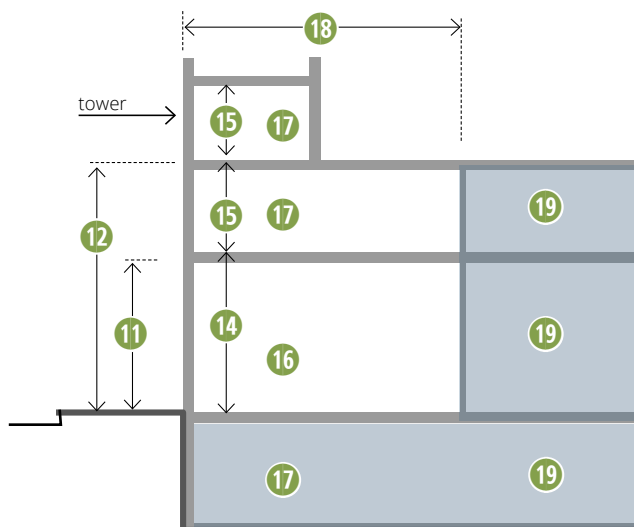


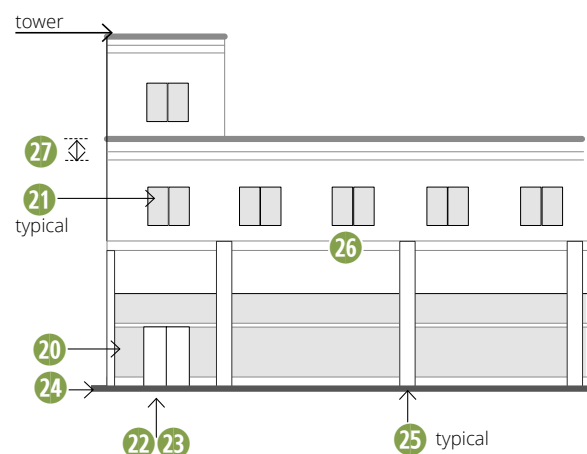
Figure 1.8-B. Commercial Center: Building Siting



	MX3	CX	NOTES/REFERENCES
<b>C. Uses</b> Refer to Figure 1.8-C			
<b>16 Primary Frontage Facade Ground Story</b> First 30 ft of depth along frontage	Permitted Commercial uses except Business and Trade School, and Office; Artisan Industrial; Wholesale Sales/Distribution uses plus lobbies to upper story uses		See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
<b>17 Non-Primary Frontage, All Upper Stories, &amp; Basement</b>	All permitted uses		
<b>18 Required Occupied Space</b>	Minimum 20-foot depth on all full height floors of primary frontages		See <a href="#">135-7.2</a> for definition of occupied space.
<b>19 Parking/Loading within Principal Building</b>	Permitted fully in any basement and rear of all other stories		Refer to occupied space requirement above.
<b>D. Street, Main Parking, &amp; Public Way Facades and Roof Requirements</b> Refer to Figure 1.8-D			
<b>20 Minimum Primary Frontage &amp; Main Parking Lot Ground Story Transparency</b> Ground story requirements supersede requirements per story, below.	65%, measured between 2 ft and 8 ft; blank wall limitations apply	60%, measured between 2 ft and 8 ft; blank wall limitations apply	See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations. See <a href="#">135-7.2</a> for definition of main parking lot.
<b>21 Minimum Transparency per Each Story &amp; any Half Story</b>	20%	15%	See <a href="#">135-2.3.6</a> for principal entryway design requirements
<b>22 Entrance Location &amp; Number</b>	minimum of one entrance per 45 ft of primary street and main parking facade		See <a href="#">135-2.3.6</a> for principal entryway design requirement. See <a href="#">135-7.2</a> for definition of main parking lot
<b>23 Primary Frontage Entryway(s) Configuration</b>	recessed between 3' and 8' from the portion of the primary frontage facade closest to the street; maximum 8' wide if outside the build-to zone		
<b>24 Primary Frontage Entrance &amp; Ground Story Elevation</b>	80% of entrances and the ground story shall be within 1.5' vertically of adjacent sidewalk elevation		
<b>25 Primary Frontage Ground Story Vertical Facade Divisions</b>	one shadow line per every 30' of facade width		See <a href="#">135-7.2</a> for definition of shadow line. See <a href="#">135-2.3.9</a> for building articulation requirements.
<b>26 Horizontal Facade Divisions</b>	one shadow line within 3' of the top of the ground story		See <a href="#">135-7.2</a> for definition of shadow line.
<b>27 Permitted Roof Types</b>	parapet, flat, pitched; tower permitted		See <a href="#">135-1.17</a> for roof types.



**Figure 1.8-C. Commercial Center: Height & Uses Requirements**



**Figure 1.8-D. Commercial Center: Facade Requirements**

# 135-1. BUILDING TYPES

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## Commercial Center

### A. Notes

1. MX and CX to N District Transition. MX and CX district double frontage lots (see definition in [135-7.2](#)) that are deeper than 120 feet and share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. House permitted in the adjacent N district.
    - ii. Row or Flat building as permitted in NX2.
  - b. The MX or CX district lot shall incorporate an interior alley, lane, or drive to provide access to both the Storefront building parking and the garage/parking for the House, Row, or Flat building.
  - c. The rear of all buildings shall be fully screened by building from both primary streets.
2. Courtyards. One courtyard, maximum of 30% of facade width or 50 feet wide, whichever is less, may count towards the minimum primary frontage coverage.
3. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
4. Pedestrian Pathway. Direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on the main parking lot frontage, and dividing parking lots into segments no longer than 300 feet in length. The pathway shall include the following:
  - a. Streetscape is required along the pedestrian pathway per [135-5.6](#). Pavement shall be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the community development director.
  - b. Perpendicular crossings of parking drives are permitted, but the pavement shall match the pathway.
  - c. Parallel paths to parking shall be located in a raised median or island.
5. Limited Side Yard Parking. Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. Frontage Buffer required per [135-5.9](#).
6. Warehouse-Retail Space. In CX, taller floor to floor heights may be permitted for warehouse-retail space with approval of a type 1 design exception per [135-6.2](#) and where all other primary frontage and main parking lot frontage ground story requirements are fulfilled:
  - a. The maximum height of the primary or main parking frontage for up to a 24-foot wide segment may be 28 feet.
  - b. When the primary and main parking frontage ground story maximum height is met per the 30-foot depth required in [135-7.1.7.F](#) and the maximum height of any non-primary street is met per the "all stories" height, or, the remainder of the ground story may have a maximum height of 28 feet.
  - c. The taller space shall not front any other street.
  - d. The taller space shall not be more than 30 feet from any other side, or rear lot line.

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## 135-1.9 Workshop/Warehouse

### 1.9.1 DESCRIPTION & INTENT

The Workshop/Warehouse building type is a modified General building that allows loading bays or garage entrances on the front facade. In some districts, the number of bays on the front facade are limited. In these locations, the intent is to allow for light industrial and warehouse uses in a more pedestrian-oriented setting.

In the industrial (I) districts, this building type is very flexible to allow a wide range of forms, accommodating larger-scale truck loading, warehousing, and manufacturing.

### 1.9.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.9-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.



**Figure 1.9-A.** Example Illustrations of Workshop/Warehouse Building Type

# 135-1. BUILDING TYPES

## Workshop/Warehouse

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### 1.9.3 WORKSHOP/WAREHOUSE REGULATIONS

	EX	I1, I2	NOTES/REFERENCES
<b>A. Building Siting</b> Refer to Figure 1.9-B			
1 Multiple Principal Buildings	Permitted	Permitted	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
3 Minimum Primary Frontage Coverage	not required	not required	
4 Primary Frontage Setback (ft)	15 setback	25 setback	Minimum pedestrian area is required per <a href="#">Note 2</a> .
5 Non-Primary Frontage Build-to Zone/ Setback (ft)	0-15 build-to zone	25 setback	See <a href="#">135-7.1.2</a> for measurement information.
6 Minimum Interior Side Setback (ft)	0; 10 adjacent to different district	0; 25 abutting N district	See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	15 except 0 at alley	20 except 5 at alley	See <a href="#">Note 1</a> for double frontage lots adjacent to N districts.
8 Maximum Impervious Area Additional Semi-Pervious Area	85% 15%	65% 15%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear yard, interior side yard Rear and interior side facades only;	Rear yard, interior side yard rear and interior side facades only	See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades.
10 Permitted Driveway Access	Alley unlimited; 1 per every 300 ft of primary and non-primary frontage		See <a href="#">135-4.13</a> for additional driveway regulations.
<b>B. Height</b> Refer to Figure 1.9-C			
11 Minimum Overall Height	1 stories	1 stories	See <a href="#">135-7.1.6</a> for measurement information..
12 Maximum Overall Height	3 stories	5 stories and 75 ft [in M1]	
13 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	15 20	10; 15 for single story none	Story heights are measured floor to floor. See <a href="#">135-7.1.6</a> for measurement information.
14 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 14	9 none	

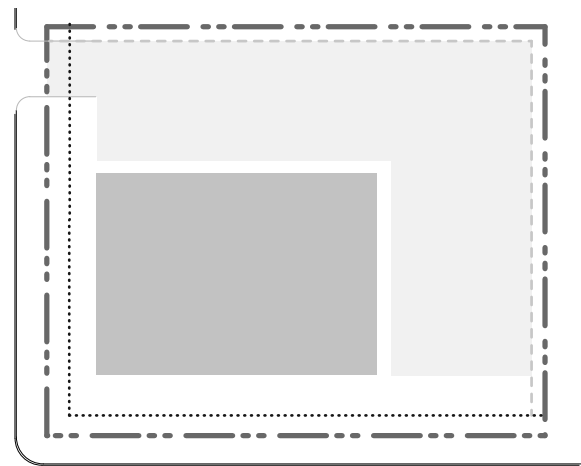
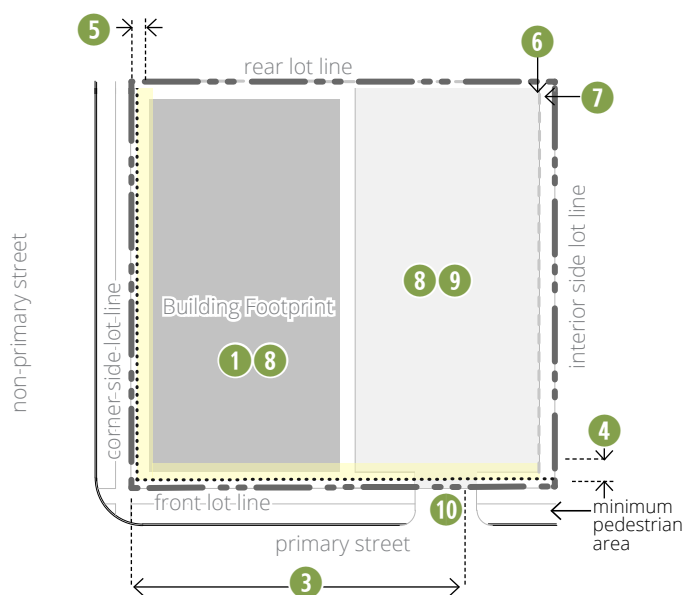


Figure 1.9-B. Workshop/Warehouse: Building Siting

	EX	I1, I2	NOTES/REFERENCES
C. Uses Refer to Figure 1.9-C			
15 All Stories	All permitted uses		See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
16 Required Occupied Space	Minimum 20-foot depth on ground story of primary frontages shall be office space.	None required.	See <a href="#">135-7.2</a> for definition of occupied space.
17 Parking/Loading within Principal Building	Permitted fully in all stories		Refer to occupied space requirement above.
D. Street Facades and Roof Requirements Refer to Figure 1.9-D			
18 Minimum Transparency per Each Story & any Half Story	15% ; blank wall limitations apply to primary street	12%; blank wall limitations apply to primary street	See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations.
19 Entrance Location & Number	Minimum of one entrance per primary street facade	none required	See <a href="#">135-2.3.6</a> for principal entryway design requirements
20 Primary Frontage Ground Story Vertical Facade Divisions	At least one shadow line per every 30' of facade width	none required	See <a href="#">135-7.2</a> for definition of shadow line. See <a href="#">135-2.3.9</a> for building articulation requirements.
21 Horizontal Facade Divisions	At least one shadow line within 3' of the top of the ground story	none required	See <a href="#">135-7.2</a> for definition of shadow line.
21 Permitted Roof Types	Parapet, flat, pitched; tower permitted	none required	See <a href="#">135-1.17</a> for roof types.

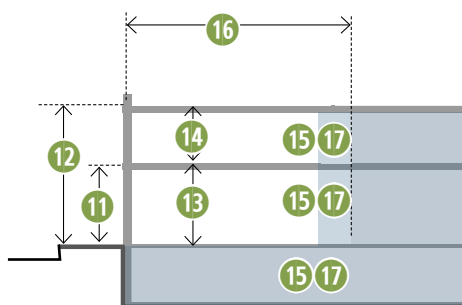


Figure 1.9-C. Workshop/Warehouse: Height &amp; Uses Requirements



Figure 1.9-D. Workshop/Warehouse: Facade Requirements

# 135-1. BUILDING TYPES

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## Workshop/Warehouse

### A. Notes<sup>1</sup>

1. EX and I to N District Transition. EX and I district double frontage lots (see definition in [135-7.2](#)) that are deeper than 120 feet and share a primary frontage with an N district shall provide the following:
  - a. One or more of the following building types shall front the adjacent N district primary street:
    - i. Row or Flat building as permitted in NX2.
    - ii. General building as permitted in RX1.
  - b. The EX or I district lot shall incorporate an interior alley, lane, or drive to provide access to both the Workshop/Warehouse building parking and the garage/parking for the Row, Flat, or General building.
  - c. The rear of all buildings shall be fully screened by building from both primary streets.
2. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.

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<sup>1</sup> Bays on street sides of buildings have been removed per staff.



### 135-1.10 Civic Building

#### 1.10.1 DESCRIPTION & INTENT

The Civic Building is the most flexible building type intended only for buildings occupied by uses in public, civic and institutional use category (see [134-3.4](#)) or by event centers (see [135-3.5.3](#)).

These buildings are distinctive within the urban fabric created by the other building types and could be designed as unique, iconic structures.

In contrast to most of the other building types, a minimum landscaped, front yard setback line is set instead of a build to zone. Parking is typically limited to the rear and small side yard lots.

#### 1.10.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.10-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

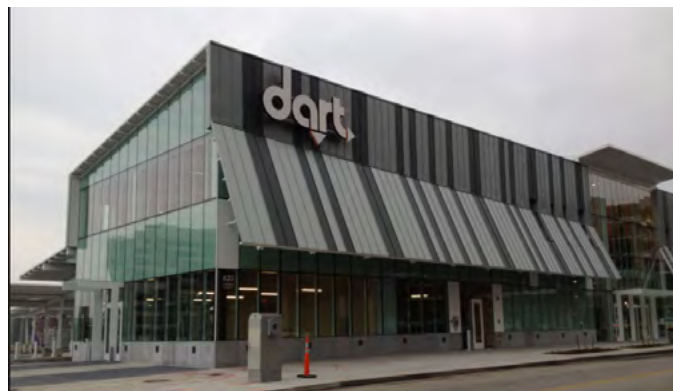


Figure 1.10-A. Example Illustrations of the Civic Building Type

# 135-1. BUILDING TYPES

## Civic Building

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### 1.10.3 CIVIC BUILDING REGULATIONS

	DX1, DX2, DXR	MX, RX, CX, EX, I, NX, P	NOTES/REFERENCES
<b>A. Building Siting</b> Refer to Figure 1.10-B			
1 Multiple Principal Buildings	Not permitted	Permitted	
3 Minimum Primary Frontage Coverage	Not required	Not required	
4 Primary Frontage Setback (ft)	5	20	Minimum pedestrian area is required per <a href="#">Note 1</a> .
5 Non-Primary Frontage Setback (ft)	5	15	See <a href="#">135-7.1.2</a> for measurement information.
6 Minimum Interior Side Setback (ft)	5	15	See <a href="#">135-5.10</a> for landscape buffer.
7 Minimum Rear Setback (ft)	15 except 0 at alley	20 except 5 at alley	See <a href="#">135-5.10</a> for landscape buffer.
8 Maximum Impervious Area Additional Semi-Pervious Area	85% 10%	70% 15%	See <a href="#">135-7.1.5</a> for measurement information.
9 Surface Parking/Loading Location Garage/Loading Entrance Location	Rear, interior structure Alley, non-primary facade	Rear yard, limited interior side yard alley, non-primary facade	See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades.
10 Permitted Driveway Access	Alley, one off each non-primary street	Alley, 1 off each non-primary street; drop-off drive permitted off any street	See <a href="#">135-4.13</a> for additional driveway regulations including circular drop-off drives.

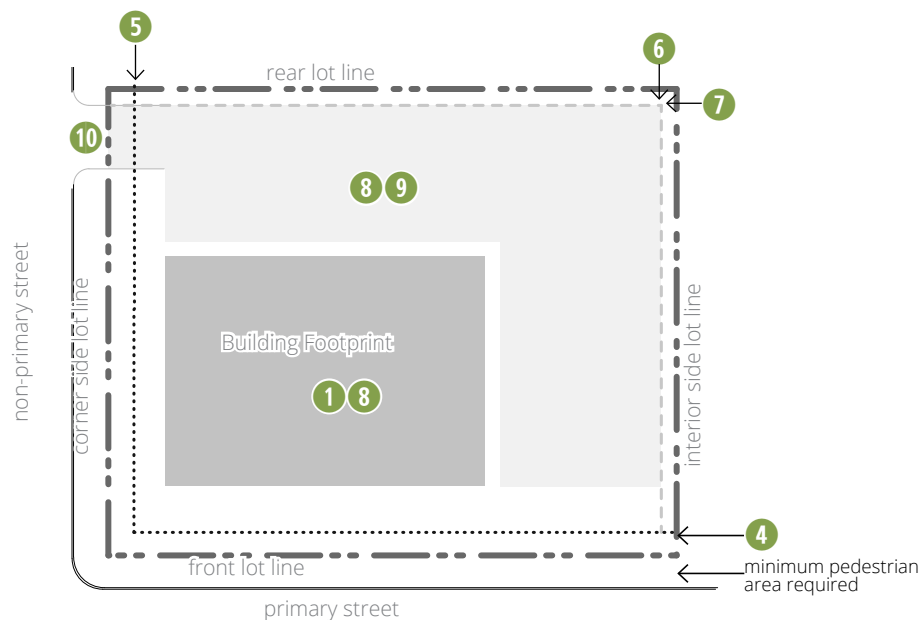


Figure 1.10-B. Civic Building: Building Siting

	DX1, DX2, DXR	MX, RX, CX, EX, I, NX, P	NOTES/REFERENCES
B. Height Refer to Figure 1.10-C			
11 Minimum Overall Height	1 stories	1 stories	See <a href="#">135-7.1.6</a> for measurement information.
12 Maximum Overall Height	5 stories and 75 ft	3 stories	<u>note: discuss height increase requested- this is a unique building that much taller will not be unique...existing civic buildings are all 5 stories or less.</u>
13 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	10 30	10 24	Story heights are measured floor to floor. See <a href="#">135-7.1.6</a> for measurement information.
14 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 14	9 14	
C. Uses Refer to Figure 1.10-C			
15 All Stories	Only permitted Public, Civic, and Institutional uses per <a href="#">134-3.4</a> and event centers per <a href="#">135-3.5.3</a>		See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses..
16 Required Occupied Space	Minimum 30 ft deep on full height stories from any primary frontages		See <a href="#">135-7.2</a> for definition of occupied space.
17 Parking/Loading within Principal Building	Permitted fully in any basement and rear of all other stories		Refer to occupied space requirement above.
D. Street, Public Way, & Courtyard Facades and Roof Requirements Refer to Figure 1.10-D			
18 Minimum Transparency per Each Story & any Half Story	12%	12%	See <a href="#">135-7.1.7</a> for measurement information and the definition of transparency and blank wall limitations.
19 Entrance Location & Number	Minimum of one principal entrance per primary street facade	Minimum of one principal entrance on a primary street facade	See <a href="#">135-2.3.6</a> for principal entryway design requirements
20 Permitted Roof Types	Parapet, flat, pitched; Tower permitted; Special roof permitted per <a href="#">135-1.17.2</a>		See <a href="#">135-1.17</a> for roof types.

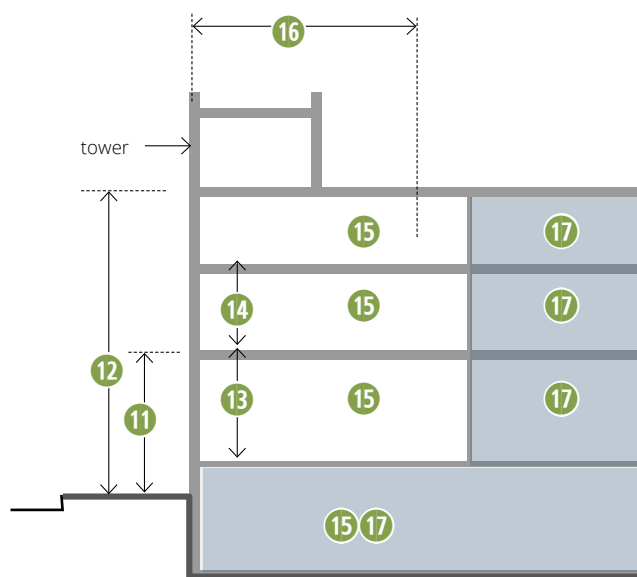


Figure 1.10-C. Civic Building: Height &amp; Uses Requirements

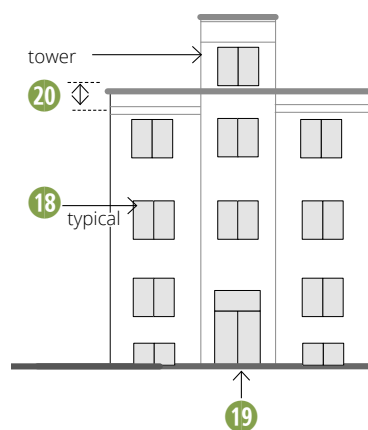


Figure 1.10-D. Civic Building: Facade Requirements

# 135-1. BUILDING TYPES

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## Civic Building

### A. Notes

1. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 13 feet in the DX districts and 12 feet all other districts, the setback shall begin at 13 feet in the DX districts or 12 feet in other districts from the back of curb and extend into the site the depth defined.



### 135-1.11 Flat Building Type

#### 1.11.1 DESCRIPTION & INTENT

The Flat building houses multiple residential units within a building form scaled to fit within existing residential neighborhoods. This building form is modeled after historic apartment buildings.

The Flat building can be configured in several ways, from a narrow, two-stacked-unit building to a larger multi-unit building. However, the width of the building along the street is limited.

Design components of the Flat building include a high level of transparency (windows) on the front facade, a clearly defined principal entrance on the street, and a yard area surrounding the building similar to adjacent residential.

#### 1.11.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.11-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

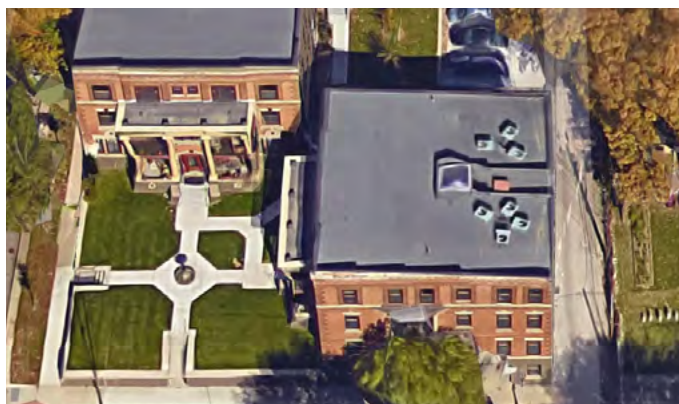
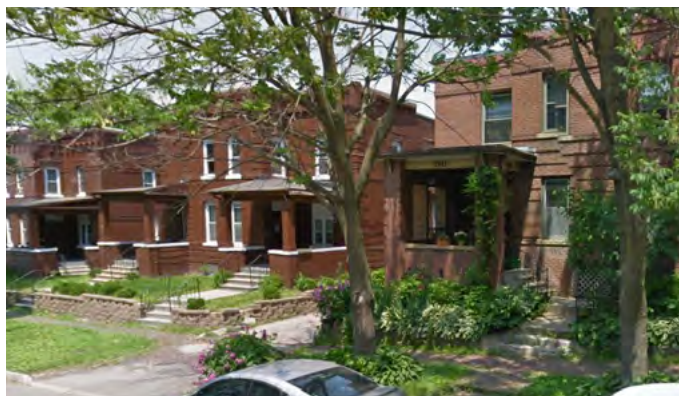


Figure 1.11-A. Example Illustrations of Flat Buildings

# 135-1. BUILDING TYPES

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## Flat Building Type

### 1.11.3 FLAT BUILDING REGULATIONS

	NX2, NX2a	RX1	RX2, DXR, NX3	NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to Figure 1.11-B.				
<b>1 Multiple Principal Buildings</b>	Permitted	Permitted	Permitted	See <a href="#">Note 1</a> for multiple building requirements..
<b>2 Accessory Building Locations</b>	Rear yard only			See <a href="#">135-1.19.2</a> for accessory buildings.
<b>2 Minimum Front Lot Line Coverage</b>	80%	80%	80%	See <a href="#">Note 2</a> for multiple building requirements. See <a href="#">135-7.1.1</a> for measurement information
<b>3 Front Build-to Zone (BTZ) or Minimum Setback as Noted(ft)</b>	Setback: within 5 of block average, minimum 10	12 to 25 BTZ	15 to 25 BTZ; block averaging applies	Minimum pedestrian area is required per <a href="#">Note 3</a> . See <a href="#">Note 6</a> for specific requirements in certain locations
<b>4 Street Side Build-to Zone (BTZ) (ft)</b>	Setback: within 5 of block average, minimum 10	10 to 15	15 to 20; block averaging applies	See <a href="#">135-7.1.2</a> for measurement information.
<b>5 Minimum Interior Side Setback (ft)</b>	7, 15 total for both	7, 15 total for both	7, 15 total for both	
<b>6 Minimum Rear Setback (ft)</b>	45; 15 when located on block ends	30	25	
<b>7 Minimum Building Width (ft)</b> <b>Maximum Building Width (ft)</b>	30 70, 120 on block ends	40 90	60 120	See <a href="#">135-7.1.4</a> for measurement information.
<b>8 Minimum Lot Width (ft)</b> <b>Minimum Lot Area (ft)</b>	70 8,400	60 7,200	80 9,600	
<b>9 Maximum Building Coverage</b> <b>Maximum Impervious Area</b> <b>Additional Semi-Pervious Area</b>	45% 65% 15%	30% 50% 15%	45% 65% 20%	See <a href="#">Note 5</a> for open space requirements. See <a href="#">135-7.1.5</a> for measurement information.
<b>10 Surface Parking Location</b> <b>Garage Entrance Location</b>	Rear yard only Rear or street side facade			See <a href="#">135-2.3.8</a> for additional garage door requirements.
<b>12 Permitted Driveway Access</b>	Alley; if no alley exists, one driveway off non-primary street permitted; if no non-primary street exist, one driveway off primary street permitted.			See <a href="#">135-4.13</a> for additional driveway regulations.

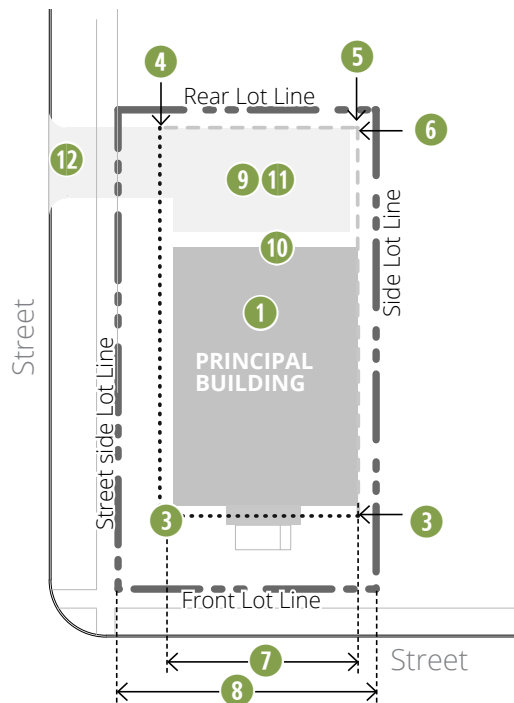


Figure 1.11-B. Flat Building: Building Siting



		NX2, NX2a	RX1	RX2, DXR, NX3	NOTES/REFERENCES
B. Height. Refer to Figure 1.11-C					
13	Minimum Overall Height	2 story	2 story	3 story	See <a href="#">135-7.1.7</a> for measurement information. Story heights are measured floor to floor.
14	Maximum Overall Height	3.5 stories; up to 5.5 stories by type 2 design exception per <a href="#">135-6.2</a>	3.5 stories; up to 5.5 stories by type 2 design exception per <a href="#">135-6.2</a>	5.5 stories; up to 10 stories by type 2 design exception per <a href="#">135-6.2</a>	
15	All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 12	9 12	9 14	
C. Uses. Refer to Figure 1.11-C					
16	All Stories	Any permitted use			See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses.
17	Required Occupied Space	Minimum 20-foot depth on all full height floors of primary frontages			See <a href="#">135-7.2</a> for definition of occupied space.
18	Parking within Principal Building	Permitted fully in any basement and rear of all other stories			Refer to occupied space requirement above.
D. Street Facades & Roof Requirements. Refer to Figure 1.11-D					
19	Minimum Transparency per each Full Story & any Visible Basement	15%; blank wall limitations apply	20%; blank wall limitations apply		See <a href="#">135-7.1.7</a> for measurement information and definition of blank wall limitations.
20	Principal Entrance Number Principal Entrance Location	Minimum one per 90 feet of building facade Front street facade			See <a href="#">135-2.3.6</a> for principal entryway design requirement.
21	Required Entrance Configuration Entrance Elevation	Stoop or porch Between 0 and 4.5 feet above public sidewalk		Stoop or porch Between 2.5 and 6 feet above public sidewalk	See <a href="#">135-7.2</a> for definition of stoop and porch.
22	Horizontal Facade Divisions	At least one shadow line within 3 feet of the top of the ground story or any visible basement			See <a href="#">135-7.2</a> for definition of shadow line
23	Vertical Facade Divisions	A change in facade plane of at least 12 inches deep required for every 70 feet of front facade			
24	Specific Permitted Major Building Materials	Brick, stone			See <a href="#">135-2.2</a> for facade and roof materials
25	Permitted Roof Types	Parapet, low pitched, pitched roof, flat; Tower permitted			See <a href="#">135-1.17</a> for roof types

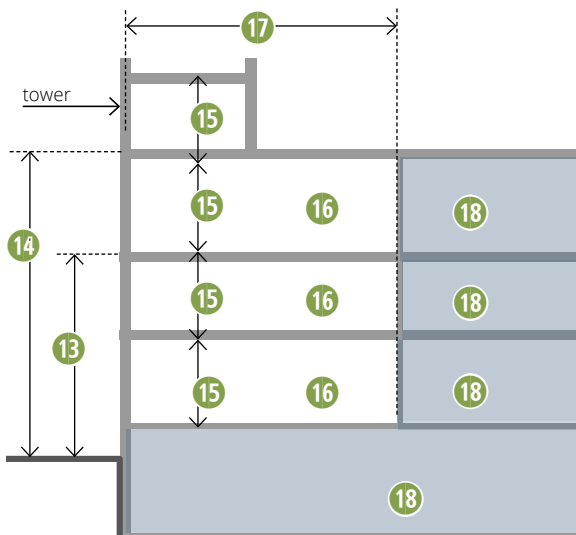


Figure 1.11-C. Flat Building: Height &amp; Use Requirements.

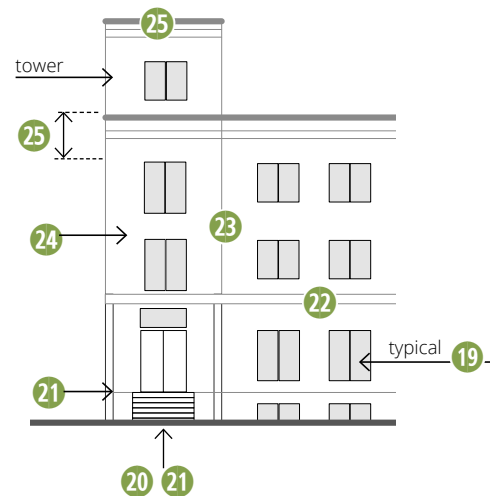


Figure 1.11-D. Flat Building: Facade Requirements.

# 135-1. BUILDING TYPES

DRAFT

## Flat Building Type

### E. Notes

1. Multiple Buildings. Multiple principal buildings are permitted on a single lot provided each building meets the requirements of the building type and each building is located within the build-to zone.
2. Courtyard. A landscaped courtyard may contribute up to 50% of the front lot line coverage requirement. See [135-7.2](#) for definition of courtyard. The facades of all buildings on the courtyard shall be treated as primary frontage. With a type 1 design exception per [135-6.2](#), the courtyard may be enclosed on only 2 sides, provided the other 2 sides are street frontage.
3. Front Yard Coverage. Maximum impervious and semi-pervious area in any front yard is 25%.
4. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
5. Open Space. When at least 0.10 acres of open space, minimum 30 feet in any direction, is located within 1/8 mile of the building entrance and the building is located on a block end, a building coverage up to 60% may be approved with a type 1 design exception per [135-6.2](#). Existing publicly available open space zoned as a P district fulfills the requirement.
6. Setbacks and Build-to Zones (BTZ). Setbacks and build-to zones may be modified with a type 1 design exception per [135-6.2](#), provided the setback and build-to zone is consistent with the neighborhood context. The following may also apply:
  - a. The community development director may request different setbacks in newly developing or redeveloping areas.
  - b. Setbacks and build-to zones for specific streets in the Sherman Hill neighborhood are available from the city.
  - c. Setbacks and build-to zones for Grand Avenue are subject to block face averaging and approval of the community development director.

### 135-1.12 Row Building Type

#### 1.12.1 DESCRIPTION & INTENT

The Row building is typically comprised of multiple vertical units, each with its own entrance to the street. This building type may be organized as townhouses or rowhouses, or can be utilized for live/work units when non-residential uses are permitted.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garaged accessed from the rear of the building. However, when the garage is located within the building, it is behind living space, ensuring the front of the building is occupied.

#### 1.12.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.12-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

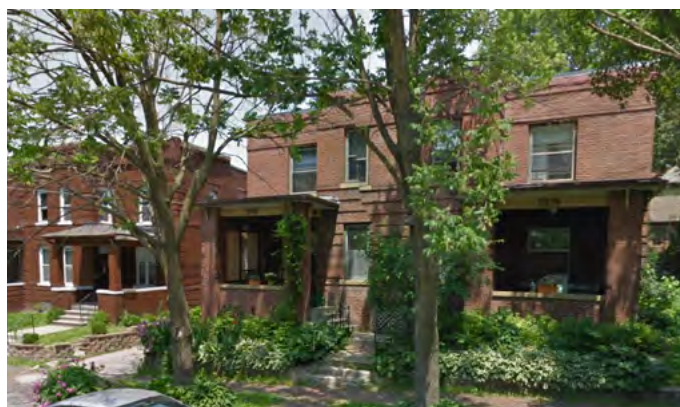


Figure 1.12-A. Example Illustrations of Row Building Type

# 135-1. BUILDING TYPES

DRAFT

## Row Building Type

### 1.12.3 ROW BUILDING REGULATIONS

	NX1	NX2, NX2a	RX1	RX2, NX3	DX2	NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to 135-1.13						
1 Multiple Principal Buildings	Permitted	Permitted	Permitted	Permitted	Permitted	See <a href="#">Note 1</a> for multiple building requirements..
2 Accessory Building Locations	Rear yard only					See <a href="#">135-1.19.2</a> for accessory buildings.
2 Minimum Front Lot Line Coverage	70%	80%	80%	80%	90%	See <a href="#">Note 2</a> for multiple building requirements. See <a href="#">135-7.1.1</a> for measurement information
3 Front Build-to Zone (BTZ) (ft)	within 2 of block face average	within 5 of block averaging	12 to 25	15 to 25; block averaging applies	0 to 10	Minimum pedestrian area is required per <a href="#">Note 3</a> . See <a href="#">Note 6</a> for specific requirements in certain locations
4 Street Side Build-to Zone (BTZ) (ft)	within 5 of block face average	15, block averaging applies	10 to 15	15 to 20	0 to 10	See <a href="#">135-7.1.2</a> for measurement information.
5 Minimum Interior Side Setback (ft) Min. Space between Buildings (ft)	7.5 12	7.5 12	7.5 10	7.5 10	5' 10'	
6 Minimum Rear Setback (ft)	30 (rear yard required)	20; 5 on alleys	20; 5 on alleys	20; 5 on alleys	20; 5 on alleys	
7 Minimum Building Width (ft) Maximum Building Width (ft)	3 units 5 units; 110	3 units 6 units; 120	3 units 6 units; 120	3 units 8 units; 160	3 units 12 units;	See <a href="#">135-7.1.4</a> for measurement information.
8 Minimum Lot Width (ft) Minimum Lot Area (sq ft)	70 8,400	70 8,400	70 7,200	70 9,600		See <a href="#">Note 8</a> for open space requirements.
9 Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	35% 55% 20%	45% 65% 20%	45% 65% 20%	50% 65% 20%	80% 75% 20%	See <a href="#">Note 5</a> for open space requirements. See <a href="#">135-7.1.5</a> for measurement information. See <a href="#">Note 4</a> for front yard coverage.
10 Surface Parking Location Garage Entrance Location	Rear yard only Rear or street side facade				rear yard only rear facade	See <a href="#">Note 9</a> for garage door locations. See <a href="#">135-2.3.8</a> for additional garage door requirements.
12 Permitted Driveway Access	Alley; if no alley exists, one driveway off non-primary street permitted; if no non-primary street exist, one driveway off primary street permitted.					See <a href="#">135-4.13</a> for additional driveway regulations.

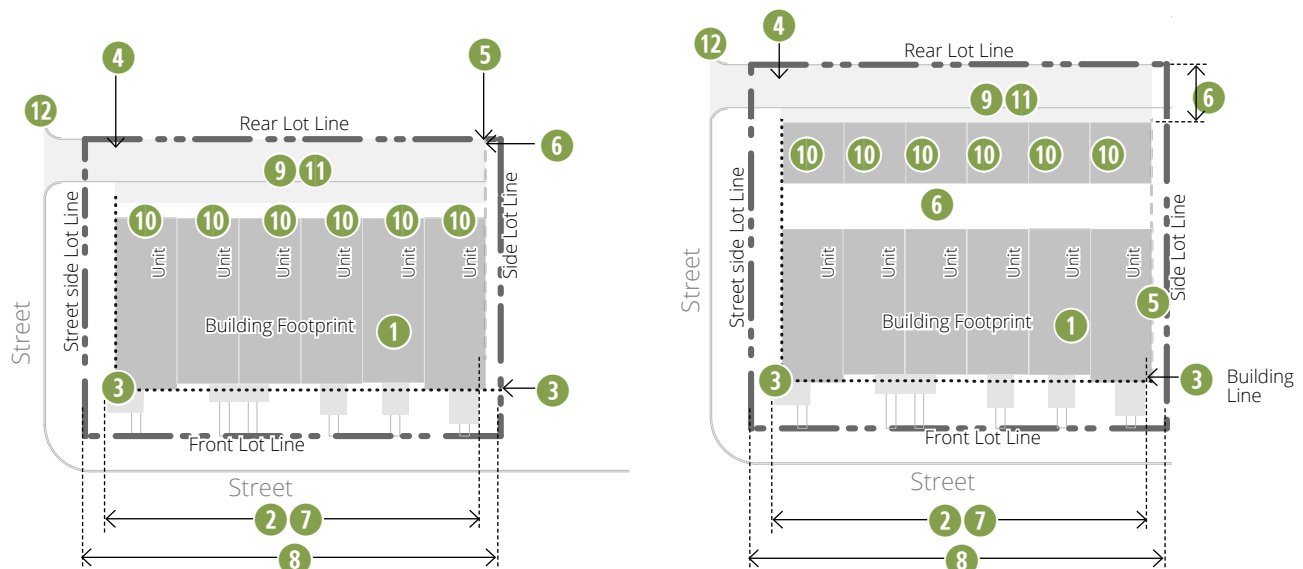


Figure 1.12-B. Row Building: Building Siting



	NX1	NX2, NX2a	RX1	RX2, NX3	DX2	NOTES/REFERENCES	
B. Height. Refer to Figure 1.12-C							
13	Minimum Overall Height	1.5 story	2 story	2 story	2.5 story	2.5 story	See <a href="#">135-7.1.7</a> for measurement information. Story heights are measured floor to floor.
14	Maximum Overall Height	2.5 stories	2.5 stories	3 stories	3 stories	4 stories	
15	All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 12	9 12	9 12	9 14	9 14	
C. Uses. Refer to Figure 1.12-C							
16	All Stories	All permitted uses	Residential uses; other permitted uses may be incorporated into the units as live-work units. Live-work units shall be designated on the site plan submittal and located either on block ends, corners, or a continuous block face.			See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses.	
17	Required Occupied Space	minimum 20-foot depth on all full floors on front facade				See <a href="#">135-7.2</a> for definition of occupied space.	
18	Parking within Principal Building	in the rear of the ground story or fully in any basement				Refer to occupied space requirement above.	
D. Street Facades & Roof Requirements. Refer to Figure 1.12-D							
19	Minimum Transparency per each Full Story & any Visible Basement	15%; blank wall limitations apply		20%; blank wall limitations apply		See <a href="#">135-7.1.7</a> for measurement information and definition of blank wall limitations.	
20	Principal Entrance Number Principal Entrance Location	minimum one per unit on a street facade or courtyard/open space per <a href="#">Note 2</a> front street facade					
21	Required Entrance Configuration Entrance Elevation	stoop or porch between 0 and 4.5 feet above public sidewalk		stoop or porch between 2.5 and 6 feet above public sidewalk		See <a href="#">135-7.2</a> for definition of stoop and porch.	
22	Horizontal Facade Divisions	within 3 feet of the bottom of the ground story or the top of any visible basement				See <a href="#">135-7.2</a> for definition of shadow line	
23	Specific Permitted Major Building Materials	finished wood, brick, stone, fiber cement board				See <a href="#">135-2.2</a> for facade and roof materials	
24	Permitted Roof Types	parapet, pitched roof, flat; One tower permitted per every 20 units				See <a href="#">135-1.17</a> for roof types	

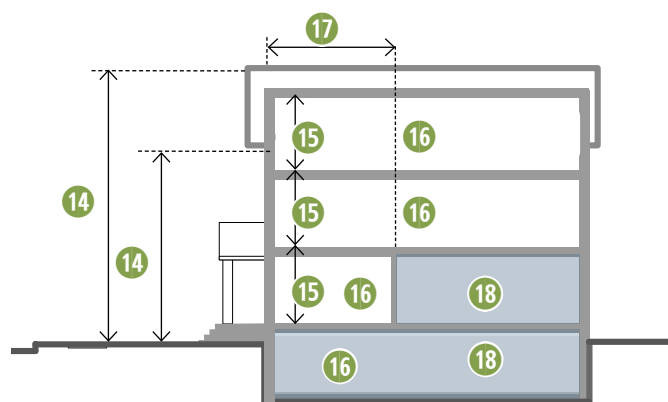


Figure 1.12-C. Row Height &amp; Use Requirements



Figure 1.12-D. Row Building: Facade Requirements

## Row Building Type

### E. Notes

1. Buildings and Units. For the purposes of the Row building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building must fulfill all requirements of the building type unless otherwise expressly stated in this ordinance.
2. Multiple Buildings. Where multiple buildings are permitted, each building must be located in the build-to zone, contributing to the front lot line coverage requirement, except one of every 2 units may front a courtyard.
  - a. Entrances to units on courtyard may be off the courtyard.
  - b. Facades on courtyard may be counted as satisfying street facade requirements.
3. Minimum Pedestrian Area. Along all streets where the area from the back of curb to the lot line is less than 12 feet, the build-to zone shall begin at 12 feet from the back of curb and extend into the site the depth defined.
4. Front Yard Coverage. Maximum impervious and semi-pervious area in any front yard is 25%.
5. At least 0.10 acre of open space, minimum 30 feet in any direction, and located within 1/8 mile of the building entrance must be available for use by each tenant. Existing publicly available space (parks) fulfills the requirement.
6. Setbacks and Build-to Zones (BTZ). Setbacks and build-to zones may be modified with a type 1 design exception per [135-6.2](#), provided the setback and build-to zone is consistent with the neighborhood context. The following may also apply:
  - a. The community development director may request different setbacks in newly developing or redeveloping areas.
  - b. Setbacks and build-to zones for specific streets in the Sherman Hill neighborhood are available from the city.
  - c. Setbacks and build-to zones for Grand Avenue are subject to block face averaging and approval of the community development director.
7. Front Yard Coverage. Maximum impervious and semi-pervious area in any front yard is 25%.
8. Minimum Lot Width. Minimum lot width applies to the building, whether the units are each on their own platted lot.
9. Garage Door Locations on Row Buildings. Garage doors on Row buildings shall not be visible from a primary street. Garage doors located off or facing non-primary streets shall be screened with XX.



### 135-1.13 House A Building Type

#### 1.13.1 DESCRIPTION & INTENT

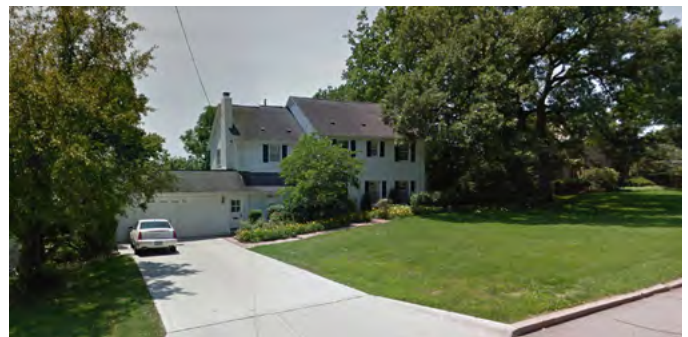
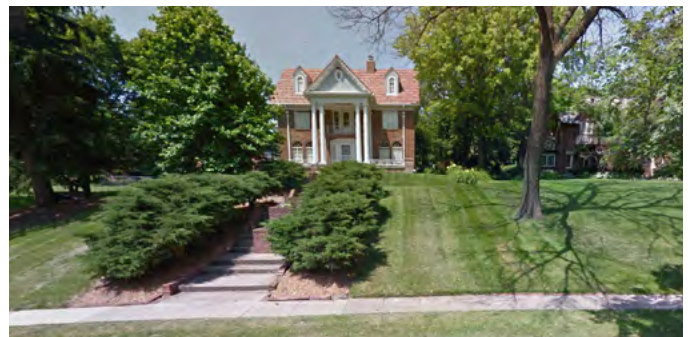
The House A Building is the most flexible house type -- flexible in different districts for different reasons. This building type allows a wide range of heights, more roof types, and garages on the front facade.

In the N1 estate neighborhoods, the lots are wider and the setbacks are deeper. In these neighborhoods, the houses can range widely in style and design as the large front yards create the neighborhood character. Also, with wider lots, the houses tend to be wider, so front facade garage doors can be accommodated without dominating facade designs.

In other neighborhoods, the lots may be smaller, have shallower setbacks, but the character of the neighborhood is such that front-facing garages are common.

#### 1.13.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.13-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.



Examples of House A on large lots in N2 district.

Examples of House A on large lots in N1 district.

**Figure 1.13-A.** Example Illustrations of Existing House A Building Type

# 135-1. BUILDING TYPES

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## House A Building Type

### 1.13.3 HOUSE A REGULATIONS

	N1a, A	N1b	N2	NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to <a href="#">Figure 1.13-B</a>				
<b>1 Multiple Principal Buildings</b>	Not permitted	Not permitted	Not permitted	
<b>2 Accessory Building Requirement</b> <b>Accessory Building Locations</b>	if no garage, outdoor storage building min. 32 sf, 4 ft wide required rear or side yard			See <a href="#">135-1.19.2</a> for accessory buildings.
<b>3 Minimum Front Setback (ft)</b>	45, block averaging applies	30, block averaging applies	25, block averaging applies	See <a href="#">135-7.1.7</a> for block averaging.
<b>4 Minimum Street Side Setback (ft)</b>	25	20	15	
<b>6 Minimum Interior Side Setback (ft)</b>	15, 25 total for both	10, 25 total for both	7, 15 total for both	
<b>6 Minimum Rear Setback (ft)</b>	30	30	30	
<b>7 Minimum Building Width (ft)</b>	24	24	none	See <a href="#">Note 2</a> and <a href="#">Note 3</a> for 2- and 4-unit buildings, where permitted.
<b>8 Minimum Lot Width (ft)</b> <b>Minimum Lot Area (sq ft)</b>	80 10,000	60 8,000	60 7,500	See <a href="#">Note 2</a> and <a href="#">Note 3</a> for 2- and 4-unit buildings, where permitted.
<b>9 Maximum Building Coverage</b> <b>Maximum Impervious Area</b> <b>Additional Semi-Pervious Area</b>	25% 40% 15%	30% 50% 15%	35% 50% 15%	See <a href="#">135-7.1.7</a> for measurement. See <a href="#">Note 1</a> for maximum front yard coverage.
<b>10 Attached Garage Entrance Location</b>	Any facade, maximum 30% of front facade width	Any facade, maximum 30% of front facade width	Any facade, maximum 50% of front facade width	See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades.
<b>11 Permitted Driveway Access</b>	One driveway per lot; circular drop-off drive permitted with minimum lot width of 100 feet			See <a href="#">135-4.13</a> for additional driveway regulations.

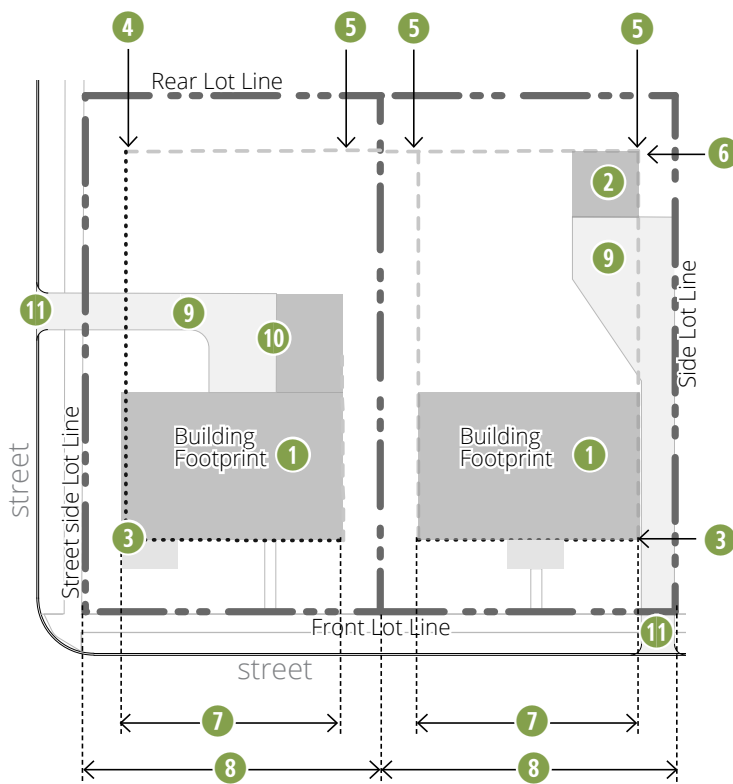


Figure 1.13-B. House A: Building Siting

	N1a, A	N1b	N2	NOTES/REFERENCES
<b>B. Height.</b> Refer to Figure 1.13-C				
12 Minimum Overall Height	1 story	1.5 story	1.5 story	See <a href="#">135-7.1.7</a> for measurement information. Story heights are measured floor to floor.
13 Maximum Overall Height	3 stories	3 stories	2.5 stories	
14 All Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 14	9 14	9 12	
<b>C. Uses.</b> Refer to Figure 1.13-C				
15 All Stories	Any permitted use; N1a-2 allows up to 2 units	Any permitted use; N1b-2 allows up to 2 units, N1b-4 allows up to 4 units	Any permitted use; N2-2 allows up to 2 units; N2-4 allows up to 4 units	See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses. See <a href="#">Note 2</a> and <a href="#">Note 3</a> for 2- and 4-unit configuration requirements.
16 Required Occupied Space	Minimum 20-foot depth on all full floors on at least 60% of front facade		minimum 20-foot depth on all full floors on at least 50% of front facade	See <a href="#">135-7.2</a> for definition of occupied space.
17 Parking within Principal Building	Maximum 30% of any story		maximum 50% of any story	Refer to occupied space requirement above.
<b>D. Street Facade &amp; Roof Requirements.</b> Refer to Figure 1.13-D				
18 Minimum Transparency per Each Story & any Half Story	12% :	12% : blank wall limitations apply to front street facades	15%; blank wall limitations apply to street facades except garage doors	See <a href="#">135-7.1.7</a> for measurement information and definition of blank wall limitations.
19 Principal Entrance Number Principal Entrance Location	Minimum one per building Front street facade			See <a href="#">Note 2</a> and <a href="#">Note 3</a> for 2- and 4-unit building entrance requirements.
20 Required Entrance Configuration	Stoop or porch			See <a href="#">135-7.2</a> for definition of stoop and porch.
21 Permitted Roof Types	Parapet, low pitched, pitched, flat; Tower permitted	Parapet, pitched, flat; Tower permitted	Pitched	See <a href="#">135-1.17</a> for roof types

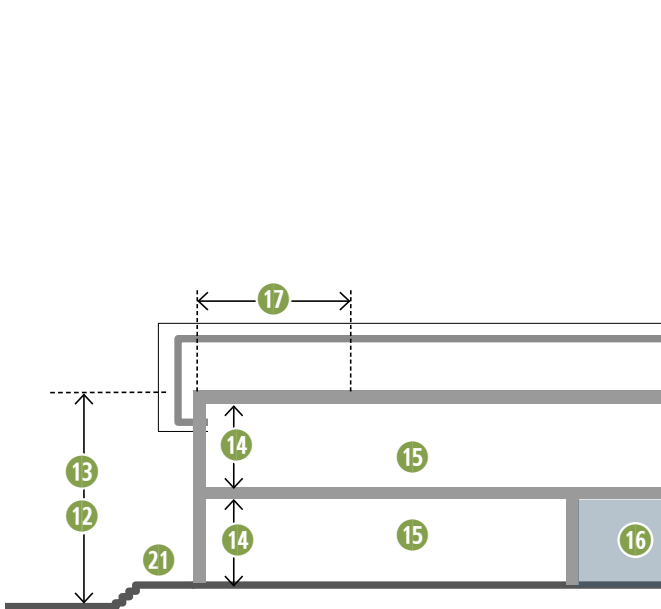


Figure 1.13-C. House A: Height &amp; Uses Requirements



Figure 1.13-D. House A: Facade Requirements

# 135-1. BUILDING TYPES

**DRAFT**

## House A Building Type

### E. Notes

1. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
2. 2- Unit House A. Where designated on the zoning map with a "-2" extension to the district name, the House A building may be configured with 2 adjacent houses as follows:
  - a. The 2-units shall be a side-by-side configuration with a common wall between them, perpendicular to the front lot line.
  - b. The minimum lot width in N1a is 120 feet, in N1b is 100 feet, and in N2 is 80 feet.
  - c. Minimum height is 1.5 stories.
  - d. Each unit shall meet all requirements of the building type.
3. 4- Unit House A. Where designated on the zoning map with a "-4" extension to the district name, the House A building may be configured with 4 internal units as follows:
  - a. The 4-units shall be incorporated into a single house design.
  - b. The minimum lot width in N2 is 80 feet.
  - c. The minimum building width is 60 feet.
  - d. An attached garage is not permitted on the front facade.
  - e. Minimum height is 2 stories.
  - f. Up to two exterior front doors are permitted: one front door is required on the front facade and a second entrance may be located on the side facade.
  - g. Each unit shall be entered directly from a front door or from a common interior hallway accessed from a front door.
  - h. Additional rear or side doors are permitted for each unit.
  - i. All other requirements of the building type shall be met.



### 135-1.14 House B Building Type

#### 1.14.1 DESCRIPTION & INTENT

The House B building type is a low-profile building type, typically oriented on a lot parallel to the street. The house is usually wider than it is deep. The roof of this house type has a low pitch, usually hipped or gabled with the ridge line parallel to the street.

This house type can take several forms: a single-story ranch-style house, a 2-story house, or a split-level house. The key defining aspects are a lower overall height, lower floor-to-floor heights, and the roof type. This house type also may have a garage located on the front facade.

#### 1.14.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.14-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

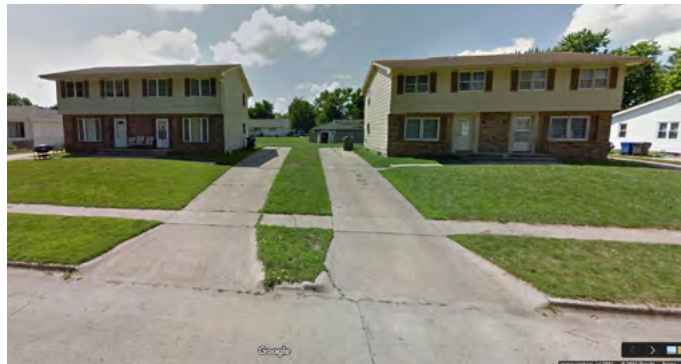


Figure 1.14-A. Example Illustrations of Existing House B Building Type

# 135-1. BUILDING TYPES

DRAFT

## House B Building Type

### 1.14.3 HOUSE B REGULATIONS

N3a, N3b		NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to Figure 1.14-B		
1 Multiple Principal Buildings	Not permitted	
2 Accessory Building Requirement	if no garage, outdoor storage building min. 32 sf, min. 4 ft wide required	See <a href="#">135-1.19.2</a> for accessory buildings.
3 Accessory Building Locations	rear or side yard	
4 Minimum Front Setback (ft)	25, block averaging applies	See <a href="#">135-7.1.3</a> for block averaging.
5 Minimum Street Side Setback (ft)	15	
6 Minimum Interior Side Setback (ft)	7, 15 total for both	
7 Minimum Rear Setback (ft)	40	
8 Minimum Building Width (ft)	35	See <a href="#">135-7.1.4</a> for measurement information. See <a href="#">Note 2</a> for 2-unit buildings, where permitted.
9 Minimum Lot Width (ft)	60	See <a href="#">Note 2</a> for 2-unit buildings, where permitted.
10 Minimum Lot Area (sq ft)	7,500	
11 Maximum Building Coverage	35%	See <a href="#">135-7.1.7</a> for measurement.
12 Maximum Impervious Area	50%	See <a href="#">Note 1</a> for maximum front yard coverage.
13 Additional Semi-Pervious Area	15% [see note 2]	
14 Attached Garage Entrance Location	Front facade: garage door maximum 30% of front facade width; side facade on street side only; rear facade	See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades. note: tuck under garages to be permitted... address next draft
15 Permitted Driveway Access	One driveway per lot	See <a href="#">135-4.13</a> for additional driveway regulations.

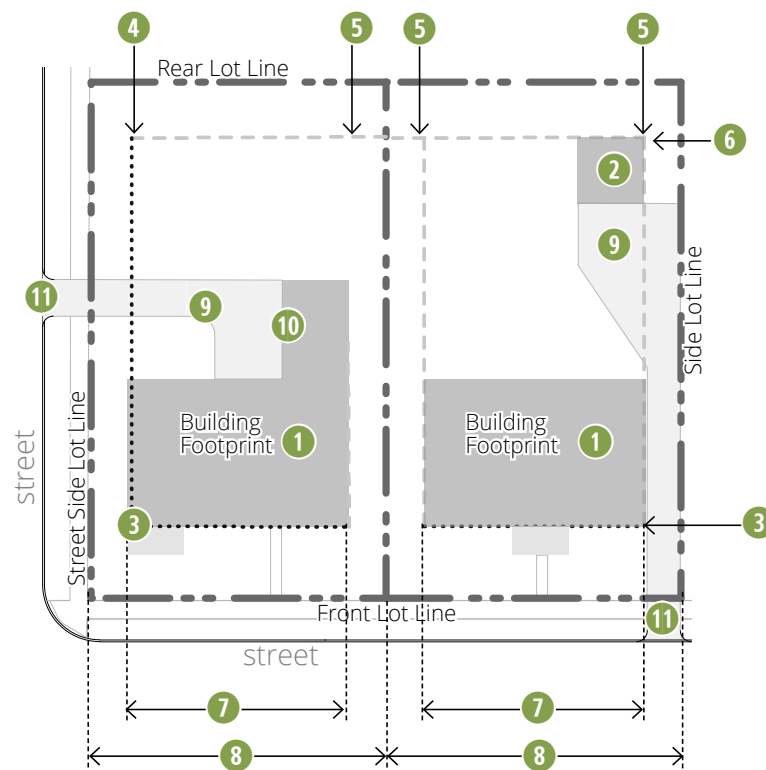


Figure 1.14-B. House B: Building Siting



N3a, N3b		NOTES/REFERENCES
B. Height. Refer to Figure 1.14-C		
12	Minimum Overall Height	1 story
13	Maximum Overall Height	2 stories
14	All Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	7 9
C. Uses. Refer to Figure 1.14-C		
15	All Stories	Any permitted use; N3a-2 and N3b-2 allows up to 2 units
16	Required Occupied Space	minimum 20-foot depth on all full floors on at least 60% of front facade
17	Parking within Principal Building	maximum 50% of basement; maximum 30% of first floor
D. Street Facade & Roof Requirements. Refer to Figure 1.14-D		
18	Minimum Transparency per each Full Story & any Visible Basement	12%
19	Principal Entrance Number Principal Entrance Location	Minimum one per building Front street facade
20	Required Entrance Configuration	Stoop or porch
21	Permitted Roof Types	Low pitched
21	Street Facade Eave Height (ft)	1 story: maximum 8.5 1.5 to 2 story: maximum 16

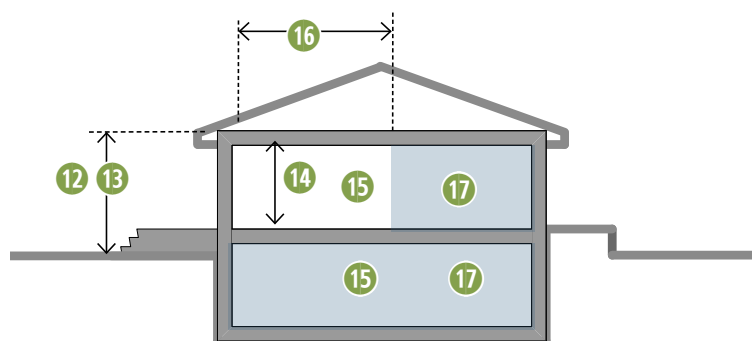


Figure 1.14-C. House B: Height &amp; Uses Requirements

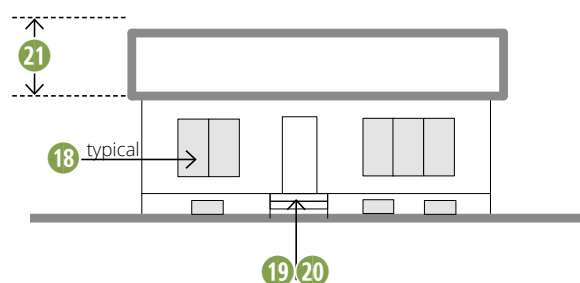


Figure 1.14-D. House B: Facade Requirements

# 135-1. BUILDING TYPES

DRAFT

## House B Building Type

### E. Notes

1. Maximum impervious plus semi-pervious area in any front yard is 25% total.
2. 2- Unit House B. Where designated on the zoning map with a "-2" extension to the district name, the House B building may be configured with 2 adjacent houses as follows:
  - a. The 2-units shall be a side-by-side configuration with a common wall between them, perpendicular to the front lot line.
  - b. Minimum building width is 45 feet and maximum building width is 60 feet.
  - c. The minimum lot width in N3a and N3b is 85 feet.
  - d. One garage door no wider than 16 feet or two garage doors each no wider than 9 feet is permitted on the front facade.
  - e. Minimum height is 2 stories.
  - f. Each unit shall meet all requirements of the building type.

### 135-1.15 House C Building Type

#### 1.15.1 DESCRIPTION & INTENT

House C is a small-scale building type, typically 1.5 stories with a steeply pitched, gable roof. Floor-to-floor heights of this building are on par with House B. Garages are typically located in the rear of the lot.

Roofs are a dominant feature of this house type. When the ridge runs parallel to the street, dormers are located along the roof. Gable ends often face the street for all or most of the width of the building.

#### 1.15.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.15-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

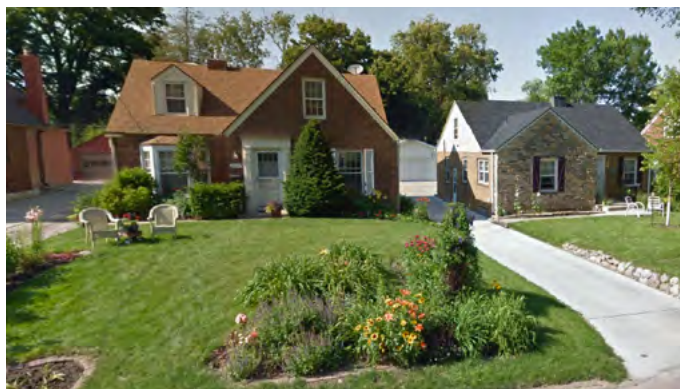


Figure 1.15-A. Example Illustrations of House C Building Type

# 135-1. BUILDING TYPES

DRAFT

## House C Building Type

### 1.15.3 HOUSE C REGULATIONS

	N3b, N3c	N4	NX1	NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to Figure 1.15-B.				
1 Multiple Principal Buildings	Not permitted	Not permitted	Permitted	See <a href="#">Note 1</a> for House C Court
2 Accessory Building Requirement Accessory Building Locations	if no garage, outdoor storage building min. 32 sf, min. 4 ft wide required rear or side yard			See <a href="#">135-1.19.2</a> for accessory buildings.
3 Minimum Front Setback (ft)	25, block averaging applies	35, block averaging applies	25, block averaging applies	See <a href="#">135-7.1.3</a> for block averaging.
4 Minimum Street Side Setback (ft)	25	20	15	
5 Minimum Interior Side Setback (ft)	7, 15 total for both	7, 15 total for both	7, 15 total for both	
6 Minimum Rear Setback (ft)	40	40	30	
7 Minimum Building Width (ft)	20	24	20	See <a href="#">Note 3</a> for 2- unit buildings, where permitted.
8 Minimum Lot Width (ft) Minimum Lot Area (sq ft)	50 6,000	50 6,000	40 4,800	See <a href="#">Note 1</a> for maximum front yard coverage.
9 Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	35% 55% 15% [see note 2]	35% 55% 15% [see note 2]	35% 55% 15% [see note 2]	See <a href="#">135-7.1.5</a> for measurement.
10 Attached Garage Entrance Location	Rear or street side facade; front facade on sloped sites permitted with type 1 design exception per <a href="#">135-6.2</a>			See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades
11 Permitted Driveway Access	Alley; if no alley exists, one driveway per lot; shared driveways encouraged			See <a href="#">135-4.13</a> for additional driveway regulations.

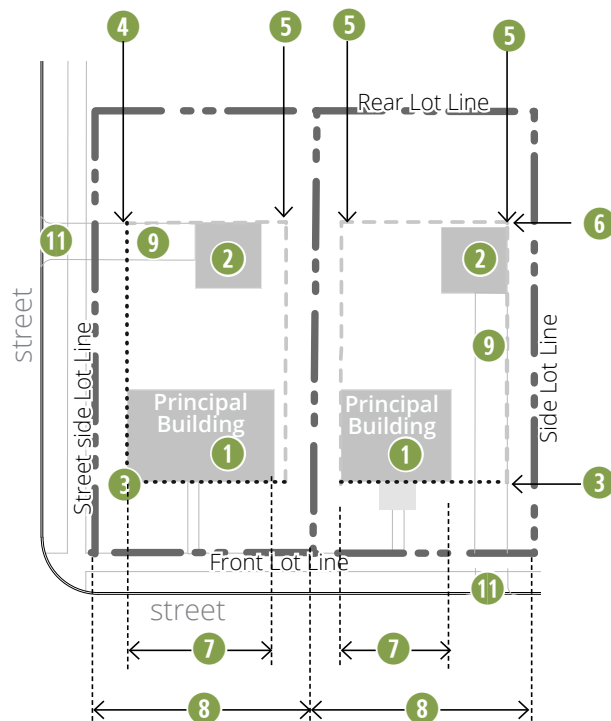
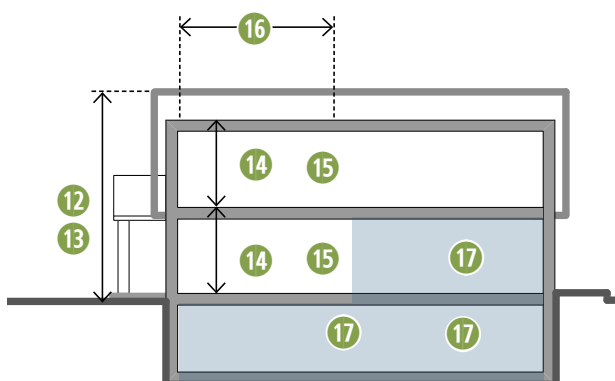


Figure 1.15-B. House C Building: Building Siting

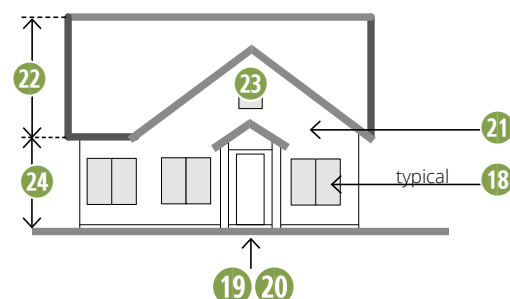
## 135-1. BUILDING TYPES

House C Building Type

		N3b, N3c	N4	NX1	NOTES/REFERENCES
<b>B. Height.</b> Refer to Figure 1.15-C					
12	Minimum Overall Height	1 story	1.5 story	1.5 story	See <a href="#">135-7.1.7</a> for measurement information. Story heights are measured floor to floor.
13	Maximum Overall Height	2 stories	2 stories	2 stories	
14	All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	8.5 10	8.5 10	8.5 10	
<b>C. Uses.</b> Refer to Figure 1.15-C.					
15	All Stories	Any permitted use; N3b-2 and N3c-2 districts allow up to 2 units			See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses. See <a href="#">Note 3</a> for 2- unit configuration requirements.
16	Required Occupied Space	Minimum 20-foot depth on all full floors except basement on front facade			See <a href="#">135-7.2</a> for definition of occupied space.
17	Parking within Principal Building	Fully in any basement or in the rear of the ground story			Refer to occupied space requirement above.
<b>D. Street Facade &amp; Roof Requirements.</b> Refer to Figure 1.15-D					
18	Minimum Transparency per each Full Story & any Visible Basement	12%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front facade	15%; blank wall limitations apply to street facades	See <a href="#">135-7.1.7</a> for measurement information and definition of blank wall limitations.
19	Principal Entrance Number Principal Entrance Location	minimum one per building front street facade			See <a href="#">Note 2</a> and <a href="#">Note 3</a> for 2- and 4-unit building entrance requirements.
20	Required Entrance Configuration	stoop or porch			See <a href="#">135-7.2</a> for definition of stoop and porch.
21	Specific Permitted Major Building Materials	finished wood, brick, stone, fiber cement board	brick or stone	finished wood, brick, stone, fiber cement board	See <a href="#">135-2.2</a> for facade and roof materials
22	Permitted Roof Types	pitched gable roof for 1 and 1.5 stories; low pitched roof for 2 stories; other roof types permitted with a type 1 design exception per <a href="#">135-6.2</a>			See <a href="#">135-1.17</a> for roof types
23	Dormers & Gables	On 1 and 1.5 story buildings, where the ridge line is parallel to the street, at least one dormer or gable end is required for every 24 feet of continuous ridge line.			See <a href="#">135-7.2</a> for definition of dormer.
24	Street Facade Horizontal Eaves Height (ft)	1 story: maximum 8.5 1.5 to 2 story: maximum 16			Measured from top of foundation to below eave



**Figure 1.15-C. House C Building: Height & Use Requirements**



**Figure 1.15-D. House C Building: Facade Requirements**



# 135-1. BUILDING TYPES

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## House C Building Type

### E. Notes

1. Cottage Court. When permitted by district and multiple houses are planned for one development site, for every House C fronting the street, up to 3 units may front a courtyard or adjacent park or open space and the following applies:
  - a. The courtyard shall be defined on three sides by units and open to the street. Refer to [135-7.2.6](#) for definition of courtyard.
  - b. Refer to [Figure 1.15-E](#) for one example of multiple House C building types on a development site.
  - c. Houses on courtyard shall align with the House B buildings on the street.
  - d. Side and rear setbacks shall apply between buildings for each building. For example, with a 5-foot side setback, 10 feet is required between buildings.
  - e. Street facade requirements shall apply to courtyard facades.
2. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
3. 2- Unit House A. In NX1 or where designated on the zoning map with a -2 extension to the district name, the House C building may be configured with 2 adjacent houses as follows:
  - a. The 2-units shall be in a side-by-side configuration with a common wall between them, oriented generally parallel or perpendicular to the street.
  - b. The minimum lot width in N3b or N3c is 65 feet, and in N4 is 80 feet.
  - c. Minimum height is 1.5 stories.
  - d. Each unit shall meet all other requirements of the building type.

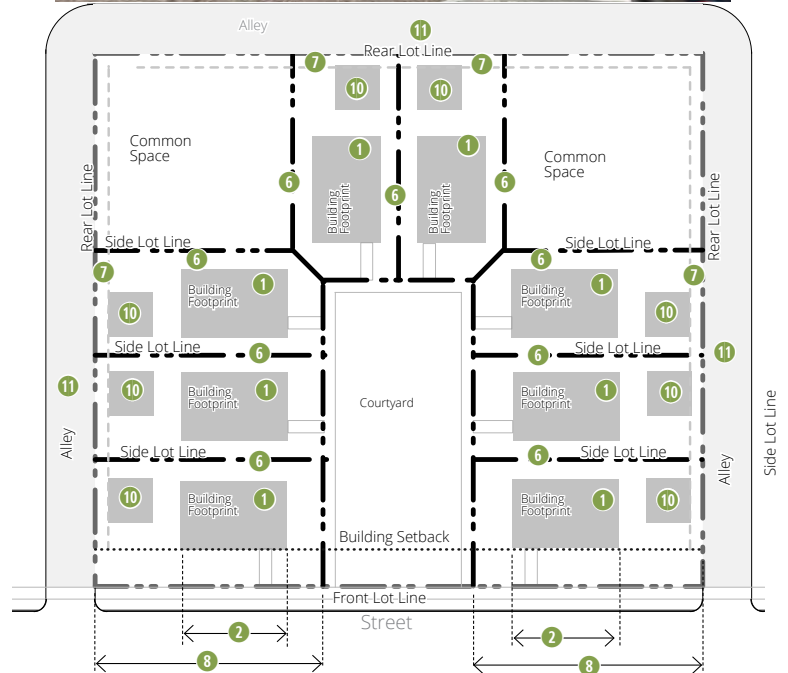


Figure 1.15-E. House C Court: Multiple Principal House C Buildings



### 135-1.16 House D Building Type

#### 1.16.1 DESCRIPTION & INTENT

House D incorporates characteristics typical of bungalows and two story Victorian or Arts and Crafts houses. These houses are usually fairly square in footprint, though many extend deeper into the lot than their width. The roof of this house type varies, but includes significant eave depth and thickness.

This house type can be single story, though it typically incorporates attic dormers or windows in the gable on the street facade. Floor-to-floor heights of this house type are taller than House B and C.

#### 1.16.2 ILLUSTRATIVE IMAGES

The images shown in [Figure 1.16-A](#) are intended to illustrate the general character intent for the building type. The buildings and sites in each image may not fulfill all of the building type requirements.

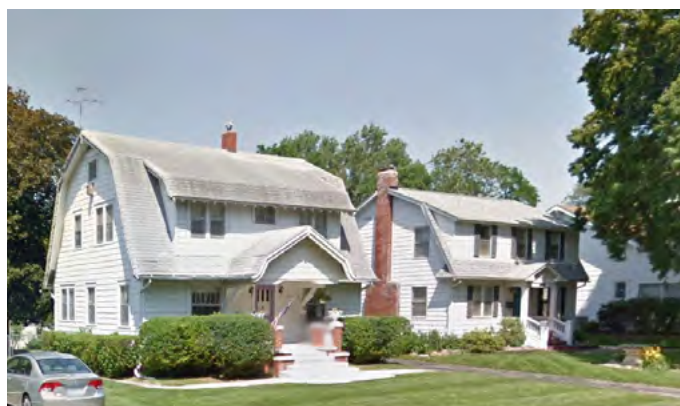


Figure 1.16-A. Example Illustrations of House D Building Type

# 135-1. BUILDING TYPES

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## House D Building Type

### 1.16.3 HOUSE D REGULATIONS

	N5	NX1	NX2, NX2a	NOTES/REFERENCES
<b>A. Building Siting.</b> Refer to Figure 1.16-B				
1 Multiple Principal Buildings	Not permitted	Permitted	Permitted	See <a href="#">Note 1</a> for House D Court..
2 Accessory Building Requirement Accessory Building Locations	if no garage, outdoor storage building min. 32 sf, min. 4 ft wide required rear or side yard			See <a href="#">135-1.19.2</a> for accessory buildings.
3 Minimum Front Setback (ft)	25, block averaging applies	25, block averaging applies	25, block averaging applies	See <a href="#">135-7.1.7</a> for block averaging.
4 Minimum Street Side Setback (ft)	18, block averaging applies	15	15	
5 Minimum Interior Side Setback (ft)	7, 15 total for both	7, 15 total for both	7, 15 total for both	See <a href="#">Note 3</a> for 0 side setback permitted in NX1, NX2, and NX2a.
6 Minimum Rear Setback (ft)	30	30	25	
7 Minimum Building Width (ft) Maximum Building Width (ft)	26 for single unit 60 for single unit	24 for single unit 60 for single unit	24 for single unit 60 for single unit	See <a href="#">135-7.1.7</a> for measurement. See <a href="#">Note 4</a> for multiple-unit buildings, where permitted.
8 Minimum Lot Width (ft) Minimum Lot Area (ft)	50 for single unit 6,750	50 for single unit 4,800	50 for single unit 4,800	See <a href="#">Note 4</a> for multiple-unit buildings, where permitted.
9 Maximum Building Coverage Maximum Impervious Area Additional Semi-Pervious Area	30% 50% 15%	30% 50% 15%	45% 65% 20%	See <a href="#">135-7.1.7</a> for measurement. See <a href="#">Note 1</a> for maximum front yard coverage.
10 Attached Garage Entrance Location	Rear or street side facade			See <a href="#">135-2.3.8</a> for additional garage door requirements on primary frontage facades.
11 Permitted Driveway Access	Alley; if no alley exists, one driveway per lot; shared driveways encouraged.			See <a href="#">135-4.13</a> for additional driveway regulations.

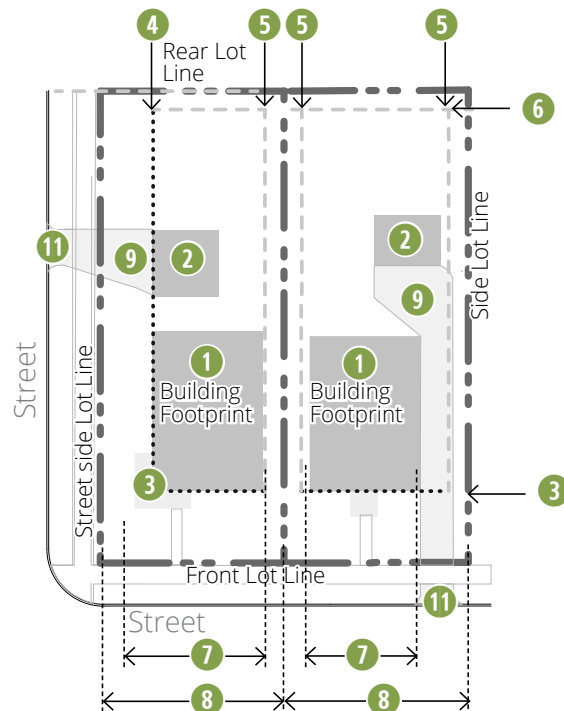


Figure 1.16-B. House D Building: Siting

	N5	NX1	NX2, NX2a	NOTES/REFERENCES	
<b>B. Height.</b> Refer to Figure 1.16-C					
12	Minimum Overall Height	1.5 story	1.5 story	2 story	See <a href="#">135-7.1.7</a> for measurement information. Story heights are measured floor to floor.
13	Maximum Overall Height	2.5 stories	2.5 stories	2.5 stories	
14	All Full Stories: (Measured floor-to-floor) Minimum Height (ft) Maximum Height (ft)	9 12	9 12	9 12	
<b>C. Uses.</b> Refer to Figure 1.16-C.					
15	All Stories	Any permitted use; N5-2 district allows up to 2 units; N5-4 district allows up to 4 units	any permitted use except multiple family is limited to no more than 4 units	any permitted use except multiple family is limited to no more than 6 units	See <a href="#">Chapter 134, Article 3</a> for permitted uses per zoning district and definition of uses. See <a href="#">Note 4</a> for multiple-unit buildings, where permitted.
16	Required Occupied Space	minimum 20-foot depth on all full floors on front facade			See <a href="#">135-7.2</a> for definition of occupied space.
17	Parking within Principal Building	fully in the basement or in the rear of the ground story			Refer to occupied space requirement above.
<b>D. Street Facade &amp; Roof Requirements.</b> Refer to Figure 1.16-D					
18	Minimum Transparency per each Full Story & any Visible Basement	15%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front facade	18%; blank wall limitations apply to front and street side facade	See <a href="#">135-7.1.7</a> for measurement information and definition of blank wall limitations.
19	Principal Entrance Number Principal Entrance Location	Minimum one per building Front street facade			See <a href="#">Note 4</a> for multiple-unit buildings, where permitted.
20	Required Entrance Configuration	Stoop, enclosed porch, or porch	Porch	Porch	See <a href="#">135-7.2</a> for definition of stoop and porch.
21	Specific Permitted Major Building Materials	Finished wood, brick, stone, fiber cement board			See <a href="#">135-2.2</a> for facade and roof materials
22	Permitted Roof Types Minimum Eave Depth (in)	Pitched gable or hipped roof; low pitched on 2 story buildings; tower permitted 14			See <a href="#">135-1.17</a> for roof types
23	Dormers & Gables	On 1 and 1.5 story buildings, where the ridge line is parallel to the street, at least one dormer or gable end is required for every 24 feet of continuous ridgeline.			See <a href="#">135-7.2</a> for definition of dormer.

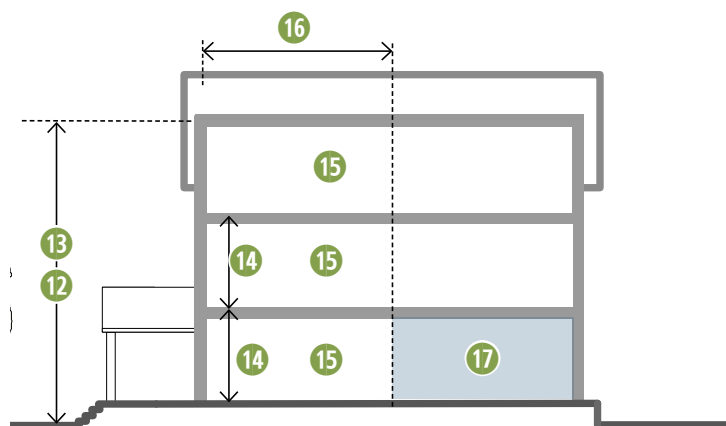


Figure 1.16-C. House D Building: Height &amp; Use Requirements

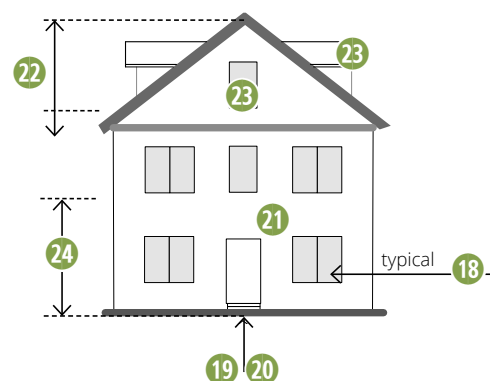


Figure 1.16-D. House D Building: Facade Requirements

# 135-1. BUILDING TYPES

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## House D Building Type

### E. Notes

1. House D Court. When permitted by district and multiple houses are planned for one development site, for every House C fronting the street, up to 3 units may front a courtyard or adjacent park or open space and the following applies:
  - a. The courtyard must be lined by units on three sides and be open to the street on one side. Refer to illustration for House C Court, similar [Figure 1.15-E](#).
  - b. Houses on the courtyard must align with House D buildings on the street.
  - c. Side and rear setbacks apply between buildings for each building. For example, with a 5-foot minimum side setbacks, at least 10 feet is required between buildings.
  - d. Street facade requirements apply to courtyard facades.
2. Front Yard Coverage. Maximum impervious plus semi-pervious area in any front yard is 25% total.
3. In NX1, NX2, and NX2a, a 0-foot side yard setback is permitted on one side of the lot, allowing for no more than 2 House D buildings side-by-side, each unit on their own lot. All other requirements must be met.
4. Multiple- Unit House A. In NX1, in NX2, in NX2a, and where designated on the zoning map with a “-2” or “-4” extension to the district name, the House D building may be configured with multiple units as follows:
  - a. The “-2” extension to the district name permits up to 2 units and the “-4” extension to the district permits up to 2 units within the House D principal building.
  - b. In NX1, NX2, and NX2a, up to 6 units may be incorporated into the House D principal building. Up to 2 of those 6 units may be incorporated into an accessory outbuilding (see [135-1.19.2.C](#)).
  - c. The minimum lot width for 2, 3, and 4 units in N5, NX1, NX2, and NX2a is 50 feet for 2 stacked units, 70 feet for side-by-side units, and 70 feet for up to 4 units
  - d. The minimum lot width for up to 6 units in NX1, NX2, and NX2a is 80 feet.
  - e. In N5, NX2, and NX2a, maximum building width for multiple units is 80 feet.
  - f. Minimum height is 2 stories.
  - g. Each unit shall be entered directly from an exterior door located on the front or side facade or from a common interior hallway accessed from an exterior door located on the front or side facade. No unit shall enter only from the rear, unless located in an accessory outbuilding, as permitted.
  - h. Exterior stairs on not permitted on any street facade.
  - i. All other requirements of the building type shall be met.





### 135-1.17 Roof Types

The major components of any roof must meet the requirements of one of the roof types permitted per building type. Roofs for bay or bow windows and dormers are not required to meet a roof type.

#### 1.17.1 ROOF TERRACES

Roof terraces are permitted upon any roof type, provided either a tower is permitted for access or the height allows for access.

- A. Any wall around the roof terrace that is located within 5 feet of the street face of the building shall meet the requirements of a parapet.
- B. Any overhead structures shall be located a minimum 30 feet back from a street facade, unless a type 1 design exception (see [135-6.2](#)) is approved and the overhead structure is designed as a component of the overall building design.

#### 1.17.2 SPECIAL ROOF TYPES

Special cap designs not otherwise defined in this section may be approved through a type 2 design exception (see [135-6.2](#)) during the site plan review process with the following requirements:

- A. The building must warrant a separate status from the majority of buildings in the district, with a correspondence between the form of the cap and the building use, such as a dome for a planetarium, a dome for a place of worship, a steeple for a place

of worship, or a unique roof for a more distinctive city hall or community center.

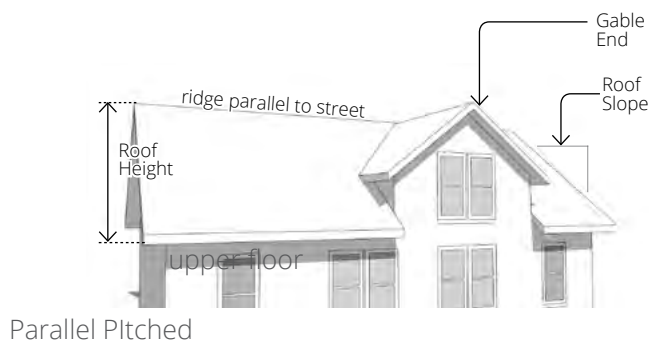
- B. The roof type may not create additional occupiable space beyond that permitted by the building type.
- C. The shape of the roof must be different from those defined in this section, such as a dome, spire, or vault, and not a gabled roof, hipped roof, butterfly roof, gambrel roof, mansard roof, roof with parapet, or flat roof.

#### 1.17.3 PITCHED ROOF TYPE

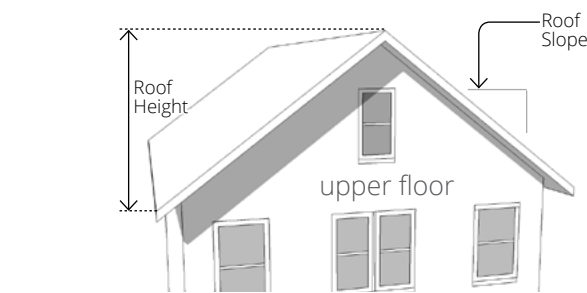
Refer to [Figure 1.16-E](#). This roof type is a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run.

##### A. Low Pitched and Pitched.

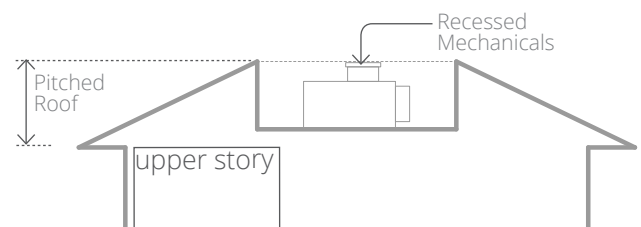
1. Low Pitched. The low pitched roof must be pitched between 4:12 and 8:12 (rise:run).
2. Pitched. The pitched roof must be sloped more than 8:12, preferably 12:12, for 1 and 1.5 story buildings. Slopes less than 8:12 are permitted on any 2 story building.



Parallel Pitched



Pitched Roof Type (Gable Roof)



Low Pitched Roof Type (Hip Roof)

Figure 1.16-E. Examples of Pitched Roof Type

# 135-1. BUILDING TYPES

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## Roof Types

**B. Configurations.** The following configurations are permitted, unless otherwise expressly stated in the applicable building type regulations.

1. Hipped, gabled, and combination of hips and gables are permitted.
2. Butterfly (inverted gable roof) and shed roofs are permitted with a maximum height of 8 feet, inclusive of overhang.
3. Gambrel roofs are permitted on House E only and the main ridge must be perpendicular to the street.
4. Mansard roofs are not permitted on any building.

**C. Parallel Ridge Line.** When the main ridge line runs parallel to the front lot line, a gabled end or perpendicular ridge line must occur at least every 100 feet of roof, unless expressly defined by the applicable building type regulation. (Refer to [Figure 1.16-E](#)).

**D. Eaves Required.** Eaves are required on all pitched roofs. The depth of the eave is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 12 inches on all building types except House C, unless otherwise noted in the building type regulations.

**E. Roof Height.** Roofs without occupied space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the upper story floor-to-floor height utilized on the building.

**F. Occupied Space.** Occupied space may be incorporated behind this roof type. If used, the space counts as a half story.

**G. Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be recessed within the pitched roof with no visibility on any street elevation drawing.

### 1.17.4 PARAPET ROOF TYPE

(Refer to [Figure 1.17-A](#)). A parapet is a low wall projecting above a building's roof along the perimeter of the building.

**A. Parapet Height.** Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet.

**B. Horizontal Shadow Lines.** A shadow line must define the parapet from the upper stories of the building and must also define the top of the cap. See [135-7.2.22](#) for definition of shadow line.

**C. Occupied Space.** Occupied space may not be incorporated behind this roof type.

**D. Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. See [135-2.5](#) for screening of rooftop appurtenances.

### 1.17.5 FLAT ROOF TYPE

(Refer to [Figure 1.17-B](#)). This roof type is a visibly flat roof with overhanging eaves.

**A. Configuration.** The roof may not have a visible slope from the street and eaves are required on all primary and non-primary frontage facades.

**B. Eave Depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 14 inches.

**C. Eave Thickness.** Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves must be a minimum of 6 inches thick.

**D. Interrupting Vertical Walls.** Vertical wall planes may interrupt the eave and extend above the top of

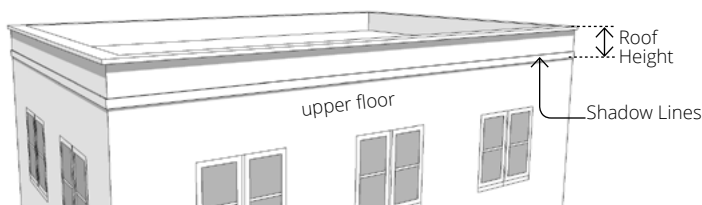


Figure 1.17-A. Example of a Parapet Roof Type

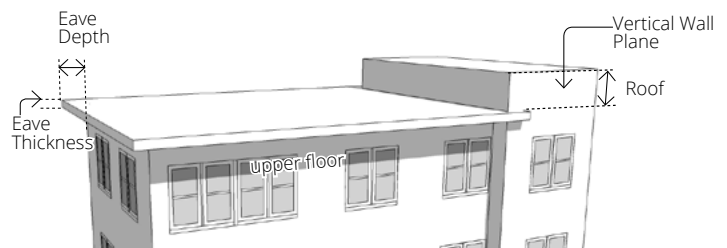


Figure 1.17-B. Example of a Flat Roof Type



the eave with no discernible cap.

1. No more than 1/3 of the front facade may consist of an interrupting vertical wall.
2. Vertical walls may extend no more than 8 feet above the top of the eave.

**E. Occupied Space.** Occupied space may not be incorporated behind this roof type.

**F. Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be located behind the interrupting vertical wall with no visibility on any street elevation drawing.

#### 1.17.6 TOWER<sup>1</sup>

A tower is a vertical element, polygonal (simple), rectilinear, or cylindrical in plan that may be used only in addition to other roof types. Refer to [Figure 1.17-C](#).

**A. Quantity.** The number of towers permitted on each building type is specified in the building type tables. Tower locations may be located on the front of the building, visible from the street, or may be functional towers located beyond the facade.

**B. Tower Height.** Tower height is measured from the top of the parapet or eave to the top of the tower shaft not including the tower roof. Maximum height of the tower is equal to the height of one upper floor of the building to which the tower is applied. Tower height is additional to the maximum height of the building type.

**C. Tower Width.** Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.

**D. Tower Spacing.** Towers must be spaced a minimum of 60 feet apart in any direction and a minimum of 120 feet along any street frontage facade.

**E. Transparency.** Towers that meet the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade must meet the minimum transparency requirements of the building.

**F. Horizontal Shadow Lines.** An shadow line is required between the 4th and 5th stories of any tower and below the roof of the tower.

**G. Occupied Space.** Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied, unless otherwise expressly stated in this ordinance.

**H. Rooftop Appurtenances.** No rooftop

appurtenances are permitted on tower roofs.

**I. Tower Roof.** The tower may be capped by the parapet, pitched, or flat roof types.

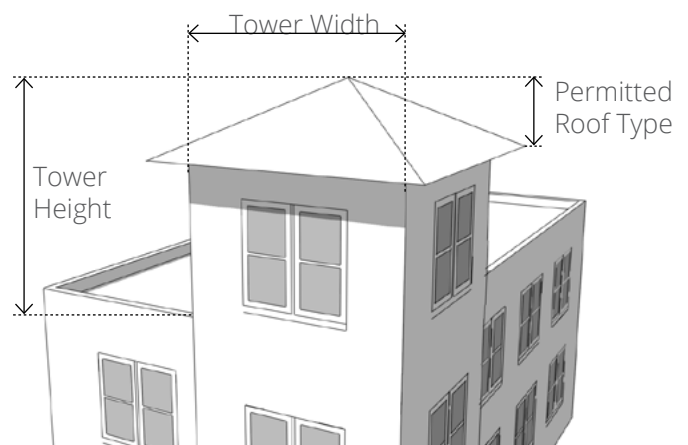


Figure 1.17-C. Example of a Tower

<sup>1</sup> Steeples are not included in a tower, but could be approved on top of a tower if meeting “special roof types” section 1.17.2.

# 135-1. BUILDING TYPES

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## Mobile Home Parks

### 135-1.18 Mobile Home Parks<sup>1</sup>

The following applies to any mobile home development in the NM district:

#### 1.18.1 BUILDINGS, SPACE, AND MOBILE HOME REQUIREMENTS

- A. Total Minimum Area.** Minimum 10 acres required for submittal of a mobile home park.
- B. Minimum Street Setback.** Minimum 50 feet.
- C. Side and Rear Setback.** 50 feet, minimum, when adjacent to any other R district; 30 feet, minimum, when adjacent to any other district.
- D. Mobile home space area.** 4,500 square feet, minimum, per space.
- E. Mobile home space, front yard.** 10 feet, minimum, measured from the edge of the closest park street to the closest point of the lower face of the mobile home.
- F. Mobile home space rear yard.** 10 feet, minimum, measured from the rear space line to the closest point of the lower face of the mobile home.
- G. Mobile homes side yard separation.** 15 feet, minimum.
- H. Permitted Buildings.** Buildings shall be not more than two stories in height and shall have minimum 25 foot setbacks on all sides, unless otherwise stated.
- I. Garages and Storage Structures.** Garages and structures used for occupant storage facilities and located on mobile home spaces shall be not more than 17 feet and one story in height, and shall observe the following minimum setbacks:
  - 1. Front yard setback: 17 feet from the edge of the closest park street.
  - 2. Rear yard setback: 2 feet from the rear space line.
  - 3. Side yard setback: 2 feet from the side space line. However, unless the accessory building is located such that at least .5 of its depth is to the rear of the mobile home, the accessory building shall also observe a 15-foot separation from any structure on an adjoining mobile home space.

#### 1.18.2 LAYOUT REQUIREMENTS

- A. Minimum number of spaces.** No mobile home park nor any initial stage thereof shall contain less than 50 mobile home spaces.

<sup>1</sup> This is wholly from existing code.

- B. Recreation areas.** Not less than 8 percent of the gross area of every mobile home park shall be developed as recreation areas easily accessible to all park residents. Recreation areas may include but are not limited to such facilities as recreation buildings, adult recreation areas, child play areas, and swimming pools.
- C. Off-street loading and parking.** In addition to the provisions of [Chapter 135, Article 4](#), the following shall apply:
  - 1. Two parking spaces shall be required for each mobile home space.
  - 2. Off-street parking and storage shall be provided for storing of park occupants' boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over three-fourths ton pickup size, and items of a similar nature, if permitted in the park, in addition to and separate from the parking required elsewhere in this chapter. Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand but shall not exceed 7 days.
- D. Streets.** Streets shall be provided as follows:
  - 1. Entrance streets shall be not less than 35 feet wide. Interior streets shall be not less than 25 feet wide.
  - 2. Every dead-end street shall be provided with a cul-de-sac with not less than an 80-foot turning diameter.
  - 3. All streets shall be constructed with a curb to provide for drainage.
  - 4. The location and design of all intersections of access streets with public streets shall be approved by the city's traffic engineer.
- E. Walks.** Walks shall be provided as follows:
  - 1. Common sidewalks shall be provided along all entrance streets and in areas of high pedestrian traffic such as in the vicinity of community buildings and recreation facilities. The sidewalks shall be at least 4 feet wide and of asphaltic or Portland cement binder pavement.
  - 2. Individual walks shall be provided to connect all mobile home stands to common sidewalks, to paved streets, or the paved driveways or parking spaces connected to a paved street. Such individual walks shall be at least 2 feet wide and of asphaltic or Portland cement binder pavement.
- F. Lighting.** The park street system shall be furnished

with lighting units so placed and equipped to provide the following average minimum maintained levels of illumination:

1. Upon all parts of the park street system, 0.2 footcandle.
2. Upon potentially hazardous locations including major street intersections and park entrances, 0.4 footcandle.

**G. Anchorage and skirting.** Anchorage and skirting shall be required as follows:

1. Tiedowns or anchors shall be provided as needed on every mobile home stand. Each tiedown or anchor must be able to sustain a minimum tensile strength of 2,800 pounds.
2. Skirting of a permanent type material and construction sufficient to provide substantial resistance to high winds shall be installed within 90 days after the placement of the mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and the appearance of the mobile home park.

**H. Solid waste receptacles.** Refuse collection stands consisting of a holder or rack elevated at least 12 inches aboveground or on an impervious slab at ground level shall be provided for all solid waste receptacles.

**I. Signs.** Signs shall be permitted as follows:

1. Signs as permitted in [Chapter 134, Article 5](#) shall be permitted.
2. One on-premises type B identification and/or advertising sign per lot frontage, not to exceed ten square feet in area per sign face, shall be permitted for each mobile home park. The sign shall be set back not less than 20 feet from any abutting street or property line.

**J. Sewage disposal.** Before the preliminary development plan is approved by the commission or council, the developer must show that sanitary sewer facilities of sufficient capacity to accommodate the development are accessible. The design of the sanitary sewer facilities shall be approved by the city engineer.

**K. Traffic control at entrances and exists.** If turning lanes or other forms of traffic controls at entrances and exists to and from the mobile home park are deemed necessary by the council, the developer

shall provide the necessary improvements, subject to the approval of their location and design by the department of engineering.

**L. Underground electric and telephone lines.** All electric lines and telephone lines shall be buried underground.

**M. Independent mobile homes.** Only independent mobile homes shall be used for residence purposes in mobile home parks. An independent mobile home is a mobile home which:

1. Is designed for longterm occupancy and contains a flush toilet, a tub or shower bath and kitchen facilities.
2. Requires a connection to outside sewer and water systems because a waste holding tank and a water storage tank are not integral parts of the mobile home.
3. Is over 32 feet in body length exclusive of trailer hitch when factory equipped for the road.
4. Is not built on a self-propelled motor chassis.
5. Is not identified as a recreational vehicle such as a camping trailer, travel trailer, motor home, or truck camper by the manufacturer.

### 135-1.19 Accessory Structures

Accessory structures are allowed on lots only in connection with a principal use. Accessory structures are subordinate and incidental to the principal use.

#### 1.19.1 ACCESSORY STRUCTURES TABLE

**A. Table.** [Table 1.19-1](#) establishes the permitted accessory structures in each district.

**B. Categories.** Accessory structures are divided into 3 categories: Accessory Buildings, Accessory Outdoor Structures, and Accessory Utility Structures.

**C. Development Standards Apply.** Each accessory structure is permitted by right in the districts in which it is listed, provided that it is developed utilizing any development standards detailed below.

**D. General Development Standards.** All accessory structures shall fulfill the following development standards, unless otherwise stated in this section, [135-1.19](#).

1. **Yard.** Accessory structures shall be located in the side and rear yards unless located within the P1 district.
2. **Parking Spaces.** Accessory structures shall not be located upon required parking spaces per [Chapter 135, Article 4](#) without a type 1 design exception (see [135-6.2](#)).
3. **Setback.** Accessory structures shall comply with the following setbacks:
  - a. **Front and Corner Lot Lines.** Accessory structures shall not extend closer to the front or corner lot line than the principal structure. Refer to building siting requirements of the associated building type.
  - b. **Side and Rear Lot Lines.** Minimum setback of an accessory structure shall be 5 feet.
4. **Open Space.** When a principal structure is not required in association with an OS district, an accessory structure shall be set back from all lot lines a minimum of 10 feet.
5. **Impervious Site Area.** All accessory structures with roofs or impervious paving contribute to the maximum impervious coverage for the site, as noted in the associated building type.
6. **Height.** The maximum height is 17 feet, except where a higher maximum height is otherwise expressly permitted.
7. **Roof Type.** Roof type should match that of the

principal structure when the accessory structure is greater than 300 square feet. Refer to the roof type requirements of the associated building type.

8. **Materials.** Materials shall match those of the principal structure when the accessory structure is greater than 300 square feet. Refer to the building material requirements of the associated building type.

#### 1.19.2 ACCESSORY BUILDINGS

Accessory buildings are fully enclosed, unless otherwise stated. The following are classified as accessory buildings:

**A. Construction Structures.** Temporary structures associated with a construction project, including: temporary buildings used to house offices associated with construction and/or sales and marketing for the development; and temporary storage and waste containers.

1. Construction Structures are permitted in all yards.
2. Construction Structures are only permitted in conjunction with open building permits and shall be removed when building permits are closed.
3. Wheels and chassis on temporary buildings shall be screened from the street by skirting.
4. Construction trailers are not required to meet roof types.

**B. Kiosk.** An accessory building with limited space for the proprietor and associated goods and no space for customers to enter the structure, with the exception of bathrooms. A kiosk is not permitted when a principal structure is located on the lot.

1. **Yard.** Permitted in all yards.
2. **Use.** A kiosk may house consumer goods, restaurant (such as a coffee shop, sandwich shop), or personal service.
3. **Area.** Maximum of 500 square feet floor area.
4. **Height.** Maximum of one story or 15 feet.
5. **Facade Requirements.** A kiosk shall fulfill the following facade requirements:
  - a. Front and corner facades shall have a minimum transparency of 20 percent (refer to [135-7.1.7](#)).
  - b. The kiosk shall be oriented toward the front of corner lot line. The primary sales or service windows or principal entrance shall

TABLE 1.19-1. ACCESSORY STRUCTURE TABLE

CATEGORY	DISTRICTS																				Reference		
Structure	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4	N5	NX1	NX2, NX2a	NX3	NM	P1		P2	P3
ACCESSORY BUILDINGS																							
Construction Structures	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.2</a>
Kiosk	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	●*	●*	●*	<a href="#">135-1.19.2</a>
Out Building & Detached Garages	●*	—	—	—	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.2</a>
Parking Structure	—	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	—	—	—	—	—	—	—	●*	●*	<a href="#">135-1.19.2</a>
Temporary Building	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.2</a>
ACCESSORY OUTDOOR PAVING & STRUCTURES																							
Ball Court	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Deck & Patio	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Dog Run	●*	—	—	—	—	—	—	—	—	●*	●*	●*	●*	—	—	—	—	—	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Flag Pole	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Fueling Station	—	—	●*	●*	—	●*	●*	—	—	●*	●*	●*	●*	—	—	—	—	—	—	—	—	—	<a href="#">135-1.19.3</a>
Gazebo	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Landscape Feature	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
Temporary Storage Container	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.3</a>
ACCESSORY UTILITY STRUCTURES																							
Antenna & Satellite Dish	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
EV Charging Stations	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
Mechanical Equipment	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
Rainwater Collection/Cisterns	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
Solar - Building-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
Solar - Freestanding	●*	—	—	—	—	—	—	—	—	—	—	●*	●*	—	—	—	—	—	—	●*	●*	●*	<a href="#">135-1.19.4</a>
Wind - Roof-mounted	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	<a href="#">135-1.19.4</a>
Wind - Freestanding	●*	—	—	—	—	—	—	—	—	—	—	●*	●*	—	—	—	—	—	—	●*	●*	●*	<a href="#">135-1.19.4</a>

KEY: ●\*=permitted with development standards | ●=permitted on upper floors only | ○=requires conditional use approval | —=prohibited



# 135-1. BUILDING TYPES

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## Accessory Structures

be located on the front or corner facade.

6. Roof Type. Pitched roof type is required.
7. Permanent Structure. No wheels, hitch, or chassis shall be located on a kiosk.
8. Materials. Permitted materials include durable, natural materials, such as stone, brick, stucco, metal, concrete, and painted or stained wood.

**C. Out Building and Detached Garage.** A fully enclosed building on a lot that is detached from the principal structure on the same lot. A principal structure is required, unless otherwise stated. Typical out buildings include detached garages, pool houses, workshops, barns, or sheds.

1. Side and Rear Setback. Minimum side and rear setback of an out building shall be 5 feet.
2. Height. The maximum height of the out building may be one half story lower than the principal building utilizing the floor to floor heights of the principal building.<sup>1</sup>
3. Residential Districts. Out buildings shall not exceed 576 square feet or 25% of the rear yard, whichever is greater, on a lot zoned Neighborhood (N) or Neighborhood Mix (NX).<sup>2</sup>

**D. Parking Structure.** A stand alone accessory structure for decked, multi-level parking. A parking structure is not necessarily fully enclosed.

1. Location. An accessory parking structure shall be located as follows:
  - a. Parking structures shall be located in the rear yard only and shall be screened from view from the front of the lot or any primary street by the principal building.
  - b. Parking structures may be located in the center of a double frontage lot, screened from all primary streets by buildings.
  - c. Parking structures shall not extend closer to the front, corner, or side lot line than the principal structure.
2. Height. The overall height of a parking structure shall be one story lower than the majority height of any principal structure, not including the roof type.

**E. Temporary Building.** A temporary structure

- 1 This allows 2 story structure for ADU when the house is 2.5 stories. Or a 1.5 story structure when the house is 2 stories. Discuss ADUs
- 2 Discuss an allowance for a larger or multiple accessory structures on a larger lot (Douglas Acres comment).

typically associated with a temporary event, such as a circus or temporary sale.

1. Yard. Permitted in all yards.
2. Requires a temporary use permit.
3. Temporary buildings associated with a temporary event shall be removed within 24 hours of the close of the event.
4. Wheels and chassis shall be screened by skirting.
5. Tents are considered a type of Temporary Building.
6. Height shall not exceed that of the permitted Building type(s) (refer to [135-1.3](#) through [135-1.16](#)).

### 1.19.3 ACCESSORY OUTDOOR PAVING & STRUCTURES

The following accessory paving and structures are classified as Accessory Outdoor Paving and Structures.

**A. Ball Court.** Athletic facilities such as tennis and basketball courts.

**B. Deck and Patio.** An unenclosed outdoor space that could be roofed.

1. Yards. Permitted in all yards. Refer to building type regulations ([135-1.3 through 135-1.16](#)) for impervious cover limits.
2. MX District Deck and Patio. Any deck or patio associated with a non-residential use in any MX district shall be located in the rear, side, and/or corner side yard. A deck or patio in the front yard may be approved through a type 1 exception, either subject to primary frontage coverage or with an exception to primary frontage coverage..

**C. Dog Run.** An enclosed outdoor area intended for containment and/or exercise of dogs and other domestic animals.

1. A Dog Run must be screened from view of the street by the principal structure or through fencing or landscape buffers.
2. A Dog Run shall be associated with a commercial animal boarding use.

**D. Drive-Through Facility.** Refer to [134-3.9.3](#) for drive-through uses in accessory uses. A drive-through facility is a structure or portion of a building that permits patrons to purchase goods or services while remaining in their vehicle. Refer to [Figure 1.19-C](#) for one illustration of a compliant drive-through facility.

1. Location. The drive-through shall be located on

the rear of the building, fully screened by the building from the primary street, except in MX-3, the drive-through is permitted on the interior side of the building.

2. Stacking. Stacking of cars shall be accommodated in the rear or interior side yard.
3. Accessory Structures/Signs. The menu board and speaker shall be located in the rear or interior side yard.
4. Where the rear of the lot abuts an N district, the drive-through facility shall be located a minimum of 70 feet from the rear lot line. A side and rear buffer per [135-5.10](#) is required.
5. Drive-through canopies and roofs shall match the roof of the principal building. Materials used for the drive through supports or other features shall be repeated from the principal building design.

**E. Flag Pole.** A freestanding pole, usually constructed of wood or metal,

1. Yard. Permitted in all yards.
2. Height. A flag pole shall not exceed the following height limits:
  - a. MX1, RX1, N, NX Districts. The maximum height is 15 feet

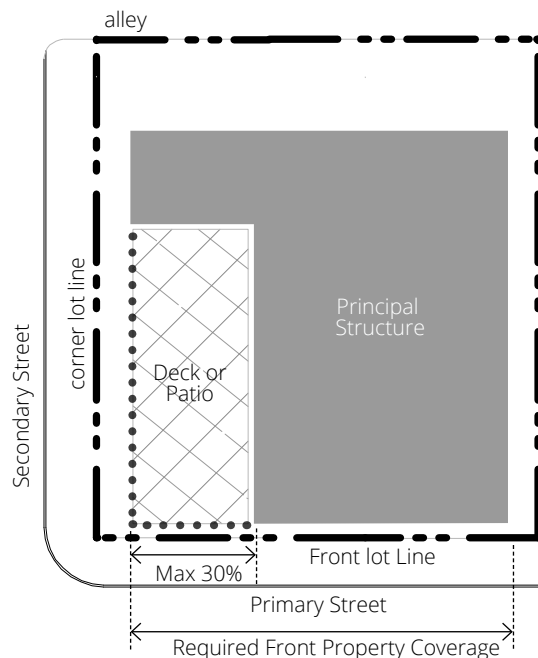


Figure 1.19-B. Deck and Patio for Non-Residential Use

- b. All Other Districts. The maximum height is 60 feet.
3. Setback. A setback of 10 feet from all lot lines is required.
4. Flag Size. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed 50 percent of the vertical height.
5. Quantity of Flagpoles.<sup>3</sup> No more than 2 flagpoles are permitted on a residential lot.

**F. Fueling Stations and Car Washes.** Refer to [134-3.5.18.A](#) and [Table 3.1-1](#) for fueling stations and car wash uses. All fueling stations and car washes shall meet the following requirements. Refer to [Figure 1.19-D](#) for one illustration of a compliant fueling station.

1. Location of Pumps. Any fueling pumps shall be located in the rear or interior side yard.
3. Revisit the allowance of 2 flagpoles on a residential lot.

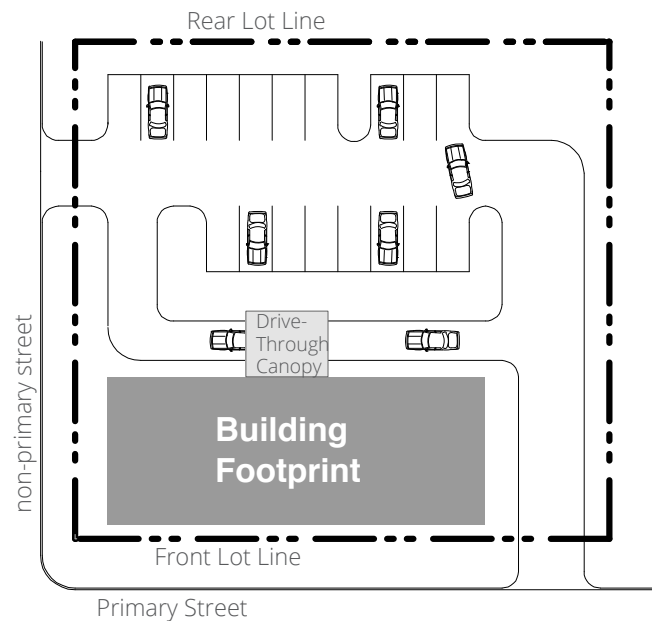


Figure 1.19-C. Example of Drive-Through Facility Layout.

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2. Pump Canopy. The roof of the pumping canopy shall match the building in style and material. Columns and supports shall be clad in a major material used on the building facade.
3. Convenience Store/Building. A building on the premises of a fueling station shall be located in the build-to zone and shall occupy any corner. The building shall fulfill all requirements of the building type with the exception of the minimum primary frontage coverage and the minimum height requirement.
4. Car Wash Facility.
  - a. Any car wash facility shall be located in the rear of the lot.
  - b. Vehicle entrance doors may be located on the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through a type 2 design exception per [135-6.2.3](#).
  - c. Building materials shall be the same as any major material used on the principal building. Refer to [135-2.2 for allowed materials](#).
5. Additional Drive Entrance. One driveway entrance, in addition to the driveways permitted

by building type, is permitted on the lot, maximum width 22 feet. With a type 2 design exception per [135-6.2.3](#), the driveway may be located on the primary street.

6. Pump Canopy. The roof of the pumping canopy shall match the building in style and material. Columns and supports shall be clad in a major material used on the building facade.

**G. Gazebo.** A freestanding, roofed structure with open sides.

1. Yard. Permitted in all yards.
2. Setback. Must be set back at least 15 feet from front and corner side lot lines.

### H. Landscape Features.

1. Definitions. This category of residential recreational and aesthetic landscape outdoor structures includes the following:
  - a. Play Equipment. Recreational equipment for children, such as a sandbox, slide, climbing apparatus, skate board ramp, or swings.
  - b. Ponds. Water gardens or fish ponds; small ponds that consistently contain water during the summer and warmer months; and any pond containing plants and/or aquatic life.
  - c. Swimming Pool or Hot Tub. Any basin or

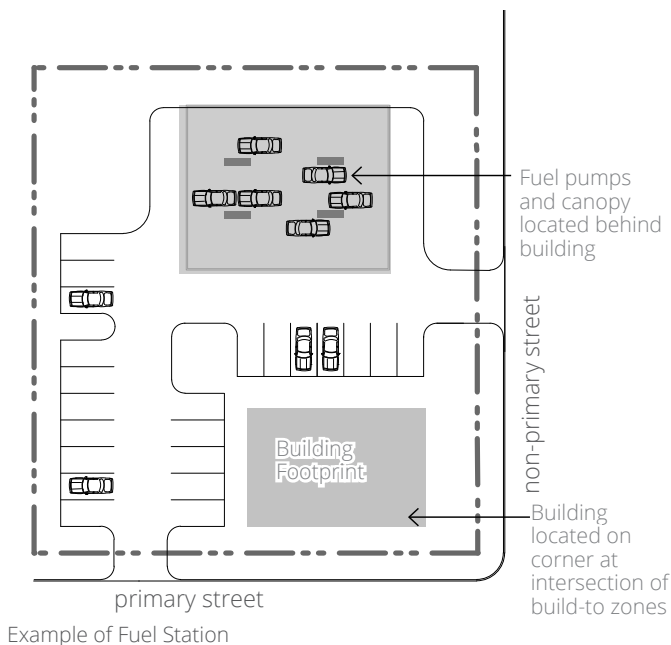


Figure 1.19-D. Examples of Fueling Station Layout



other structure containing a minimum of 2 feet of water at any point in time for use by the resident, their family or guests. Temporarily erected plastic, canvas, or rubber pools that do not fulfill the depth requirement do not apply.

2. Yard. Permitted in all yards.
3. Setback. Must be set back at least 15 feet from front and corner side lot lines.

**I. Temporary Storage Container.** Temporary and transportable container for personal storage.

1. The container's size is limited to no greater than 825 cubic feet or covering an area no greater than 180 square feet of area.
2. Only one storage container is permitted per lot at a time.
3. Unless being used in conjunction with a valid building permit, the container may be located on a lot for no more than 10 consecutive days, no more than twice in a calendar year.
4. Any container may be temporarily stored in any yard. Any container shall be placed upon a paved surface, such as asphalt, concrete, or pavers.

**1.19.4 ACCESSORY UTILITY STRUCTURES**

The following accessory structures are classified as Accessory Utility Structures:

**A. Antenna and Satellite Dish.** An apparatus, detached or attached to the exterior of a building, together with any supporting structure, for sending or receiving electromagnetic waves.

1. Size. The smallest practical size shall be used for any Antenna or Satellite Dish.
2. A stand-alone antenna or satellite dish shall not exceed a maximum of 10 feet in its outside diameter.
3. An antenna or satellite dish that is attached to the exterior of a building shall not be larger than 36 inches in diameter.
4. Additional size may be approved through the type 1 design exception (see [135-6.2](#)).
5. Location. Antennae and Satellite Dishes shall be located as follows:
  - a. Stand-alone antennae and satellite dishes shall be located in the side and rear yards.
  - b. Antennae and satellite dishes may be attached to the roof and side and rear facades of buildings.

- c. If these permitted locations will not allow the antenna or satellite dish to fully function, it may be located in the front or corner side yards or on the front or corner facades.
- d. Evidence shall be provided to the community development director prior to installation in the front or corner yards or on the front or corner facades that the antenna or satellite dish cannot fully function in either the side or rear yards or on the side or rear facades.

6. When a stand-alone antenna or satellite dish occurs adjacent to a residential district, the side & rear landscape buffer with a solid fence is required.

**B. Electric Vehicle Charging Stations.** An electric vehicle charging station is a public or private parking space that is served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

1. Types
  - a. Level 1, slow charging, operates on a 15 to 20 amp breaker on a 120 volt AC circuit.
  - b. Level 2, medium charging, operates on a 40 to 100 amp breaker on a 208 volt or 240 volt AC circuit.
  - c. Level 3, fast or rapid charging, operates on a 60 amp or higher breaker on a 480 volt or higher 3-phase circuit with special grounding equipment.
2. Siting & Setbacks. The siting and setbacks for stations shall be the same as the parking facility within which they are associated.
3. Design. Except when located in one, 2-, and 3-unit dwelling locations, stations shall be reserved for parking and charging of electric vehicles only, with signage as described below.
4. Accessibility. All stations shall comply with federal regulations for accessibility.
5. Equipment.
  - a. Equipment mounted on pedestals, lighting posts, bollards, or other devices for on-street charging station shall be designed and located as to not impede pedestrian travel or create trip hazards within the right-of-way.
  - b. Charging station outlets and connector shall

## Accessory Structures

be no less than 36 inches or no higher than 48 inches from the top of the surface where mounted and shall contain a retraction device or a place to hang cords and connectors above the ground surface.

- c. Equipment shall be protected by wheel stops or concrete-filled bollards.
  - d. Stations located within parking lots or garages may be included in the calculation of the minimum required parking spaces required.
6. The station shall have complete instructions and appropriate warnings posted in an unobstructed location next to each station.
  7. Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement, or create safety hazards on sidewalks.
  8. Maintenance. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment.

**C. Mechanical Equipment.** Heating and air conditioning equipment and outdoor utility equipment stored on the ground for the ordinary function of a building or use. See [135-2.5](#) for screening requirements.

**D. Cistern and Rainwater Collection System.**

Systems for the collection and reuse of rainwater.

1. A rainwater collection system is exempted from inclusion in the site impervious area calculation.
2. Below ground systems may be located in any yard.

**E. Solar - Building-Mounted.** A solar energy system that is affixed to or an integral part of a principal or accessory building, including but not limited to photo-voltaic or hot water solar energy systems which are contained within roofing materials, windows, skylights, and awnings.

1. Quantity. The total square footage may not exceed the total area of roof surface of the structure to which the system is attached.
2. Flush Mounted System. Systems should be less than 4 inches from the roof surface whenever possible.
3. Height
  - a. Systems shall not extend beyond 3 feet parallel to the roof surface of a pitched roof.
  - b. Systems shall not extend beyond 4 feet

parallel to the roof surface of a flat roof.

- c. Systems shall not extend more than 5 feet above the highest peak of a pitched roof.
4. Location on Structure. Allowed on the following:
    - a. Any roof face.
    - b. Side and rear building facades.
    - c. Roof of any parking canopy.
  5. Projection. The system may project off a roof edge or building facade as follows.
    - a. May project laterally from a building facade or roof edge a maximum of 3.5 feet.
    - b. May project into an interior side or interior rear setback, but shall be no closer than 5 feet to the interior side or interior rear property line.
  6. Signs. Signage or writing of any kind is not permitted on any portion of system, other than required manufacturer plates and safety labeling.

**F. Solar - Freestanding.** A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

1. Output. The system shall produce less than one megawatt of electricity.
2. Size. A system in any MX, N, or NX district shall not exceed either the area of 50 percent of the principal building footprint or 600 square feet, whichever is greater. <sup>4</sup>
3. Maximum Height. The system shall be as close to the ground as practicable, and not taller than 20 feet on lots of at least 5 acres in the I districts, 12 feet on lots of at least 5 acres, and 6 feet on all other lots, all measured from the grade at the base of the pole to the highest edge of the system.
4. Clearance. Minimum clearance between the lowest point of the system and the surface on which the system is mounted is 3 feet.
5. Location. Allowed in the interior side yard and interior rear yard only.
6. For any property designated as historic or located within a historic district, such system shall be located in the rear yard.
7. Setbacks. All parts of the freestanding system shall be set back a minimum of 5 feet from the interior side and interior rear property lines and

<sup>4</sup> Revisit the size constraints



shall not be located in a public utility easement.

8. Appearance. Such system must be gray, natural green, or beige in color, with the exception of the solar photo-voltaic panels which are usually black, or system must be screened from view from surrounding residential properties.
9. Materials. Such system shall not include any unfinished lumber.

**G. Wind - Roof-Mounted.**<sup>5</sup> Small wind energy systems that are attached to the roof of a building.

1. Quantity. One turbine is allowed for every 750 square feet of the combined roof area of all structures on a zoning lot. For a pitched roof, each surface of the roof shall be included in the roof area calculation.
2. Rated Capacity. A maximum rated capacity of 3 kilowatts per turbine is allowed.
3. Height
  - a. The maximum height of 15 feet is measured from the roof surface on which the system is mounted to the highest edge of the system with the exception of any pitches 10:12 or greater.
  - b. The system shall not extend more than 5 feet above the highest peak of a pitched roof.
4. Location. Roof-mounted wind energy systems are only permitted on structures that are a minimum of 4 stories tall or 40 feet.
5. Roof-mounted wind energy systems must be set back from the roof or parapet wall one foot for every foot in height of the device above the roof or parapet wall.
6. Roof-mounted wind energy systems shall only be permitted on roofs with a slope of one inch per foot or less.
7. A roof-mounted wind energy system shall not be visible from the street when installed on any property designated as historic or located within a historic district.
8. Installation. Roof-mounted wind energy systems shall be installed only by professional installers certified to install wind turbines, and only pursuant to manufacturer specifications.

**H. Wind - Freestanding.**<sup>6</sup> Small wind energy systems that stand independent of a building structure.

<sup>5</sup> Will replace with existing regulations.

<sup>6</sup> Will replace with existing regulations.

1. Output. The system shall produce less than one megawatt of electricity.
2. Height. The height of any component of a small wind energy system shall not exceed 200 feet, as measured from the ground to highest point of the blade arc.
3. Permitted Yard Location. Allowed only in the interior side and interior rear yards.
4. Front, exterior side, and exterior rear yards may be allowed in non-residential districts with a special use permit provided there are no residential districts within 120 feet of any property line of the zoning lot where the turbine will be located.
5. System shall not be visible from the street when installed on any property designated as historic or located within a historic district.
6. Setbacks. The base of the system shall be setback 1.1 times the height of the highest edge of the system from all property lines, overhead utility line poles, public sidewalks or trails, and public rights-of-way. Any system or any ancillary equipment shall not be located within any required setbacks of the respective zoning district.
7. Installation. Small wind energy systems shall be installed only by professional installers certified to install wind turbines, and only pursuant to manufacturer specifications.
8. Signs. Signage or writing of any kind is not permitted on any portion of any wind turbine, other than required manufacturer plates or safety labeling.
9. Lighting. Small wind energy systems shall provide lighting per Federal Aviation Administration (FAA) regulations. Lighting shall be red and may not be of the incandescent variety, unless FAA regulations otherwise allow or require.
10. Clearance. Minimum clearance between the lowest tip of the rotor or blade and the ground is 10 feet.
11. Access. Climbing access (rungs or foot pegs) to the tower shall not start until 12 feet above grade to prevent unauthorized access.

# 135-1. BUILDING TYPES

Accessory Structures

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## Chapter 135. Planning and Design

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# 135-2. DESIGN REQUIREMENTS

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Generally

## 135-2.1. Generally

### 2.1.1 APPLICABILITY

The following design requirements apply to all building types unless otherwise stated.

### 2.1.2 GENERAL INTENT

The requirements of this article, in conjunction with the requirements of [Chapter 135, Article 1](#) affect a building's appearance and are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect the character of the neighborhoods, districts, corridors, and nodes.

### 2.1.3 EXCEPTIONS

**A. Exceptions for Other Materials.** Materials that are not listed in this section for its proposed application as allowed major materials, limited use materials, or allowed minor materials, may not be installed on any facade or roof unless approved by type 1 design exception.

1. Material Intent. The type 1 design exception may allow facade or roof materials that are not listed in this section if the applicant demonstrates the

material in its proposed application meets the intent of the facade material standards.

2. Examples. Samples and examples of successful high quality local installation and the manufacturer's warranty and industry ratings shall be provided by the applicant.

**B. Exceptions to Other Requirements.** Modifications to other design regulations in this article are expressly identified as eligible type 1 design exceptions within the text of this chapter.

## 135-2.2. Facade and Roof Materials

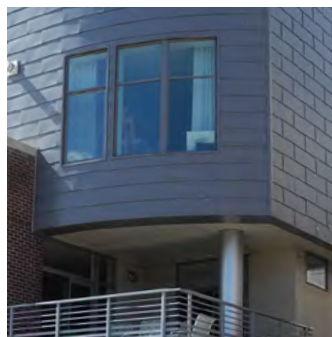
### 2.2.1 INTENT

The following specific intent statements apply to facade and roof materials requirements in addition to the general intent stated in [135-2.1.2, above](#).

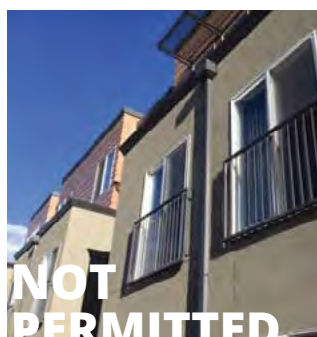
**A. Durable, High Quality.** The minimum facade material standards are intended to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve the quality of buildings in that



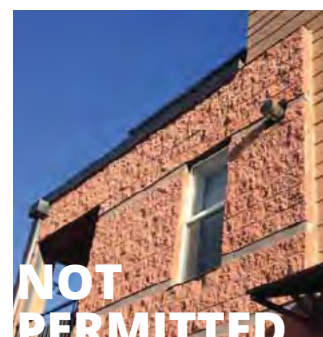
Brick with Metal Details



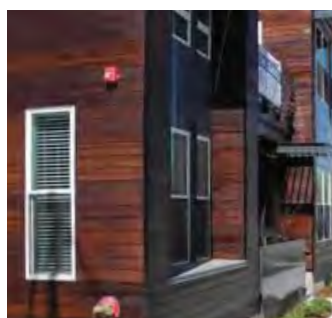
Architectural Metal Panels



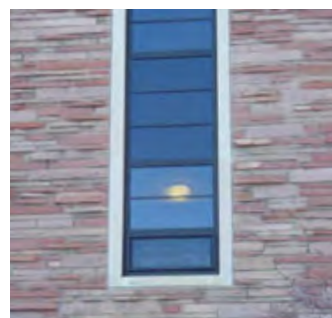
Synthetic Stucco



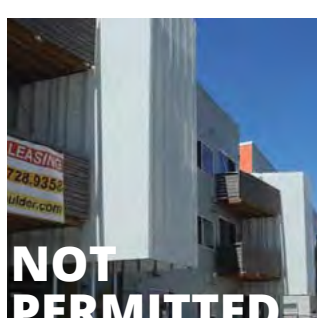
Concrete Masonry Units



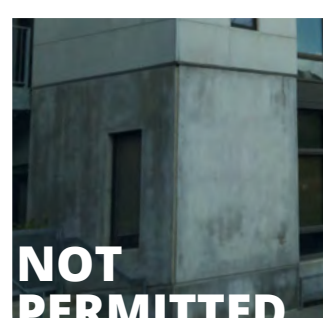
Wood with Metal Details



Cut Stone



Plastic Panels



Unfinished Concrete

Figure 2.3-A. Allowed Major Materials on Street Facades

Figure 2.3-B. Prohibited Major Materials on Street Facades

they weather well, have a low failure rate, require a low level of maintenance, and create buildings with a longer life cycle and a sense of permanence.

**B. Simple, Well Organized Facades.** The facade material requirements limit the number of facade materials used on any one building to promote simpler, well organized facades that are easy to comprehend and have a clear hierarchy.

**C. Human-Scaled Building Units.** The intent of the use of smaller, more human-scaled building units often means the building facade proportions are comfortable to people. A high level of detail from smaller scaled, less monolithic materials relates facades to pedestrians.

### 2.2.2 MAJOR MATERIALS

A minimum of 80 percent of each street facade, not including window and door areas, shall be composed of major materials, as specified in this section.

**A. Simplicity of Surface Materials.** A minimum of 60 percent of each facade, not including window and door areas, shall be faced of a single major material, not including architectural metal panel systems.

**B. Building Type.** Some materials are further limited by building type. See [Chapter 135, Article 1](#).

**C. Side and Rear Facades.** Permitted Major Materials shall continue around the corner of a building from the street facade onto the side or rear facade for no less than 20 feet along the side or rear facade. Refer to Limited Use Major Materials for materials permitted on side and rear facades.

**D. Allowed Major Materials.** The following are allowed major materials. See [Figure 2.3-A](#) and [Figure 2.3-B](#).

1. The following major materials are allowed for all buildings except those in N districts:
  - a. Stone.
  - b. Full Dimensional Brick.
  - c. Cement-based, hard coat stucco.
  - d. Finished Concrete.
  - e. Architectural Metal Panel Systems.
  - f. Glass Curtain Wall Systems.
  - g. Wood and composite wood rainscreen systems
2. The following major materials are allowed for all buildings in N and NX districts only:
  - a. Stone.

- b. Full Dimensional Brick.
- c. Cement-based, hard coat stucco.
- d. Painted, stained, or treated wood, engineered wood, or composite wood lap siding and wood shingles.
- e. Fiber Cement Board.
- f. Vinyl siding with a minimum thickness of .042 inches.

**E. Limited Use Major Materials.** The following materials are prohibited as a major material except consistent with the following:

1. Economy and Thin Bricks. Brick types larger than three inches in height and thin bricks are allowed as major materials on rear, interior side, alley, and rail corridor facades for all building types.
2. Concrete Masonry Units. Burnished, glazed, or honed concrete masonry units or blocks are allowed as major materials on facades facing rear, alley, and the rail corridor of all buildings except House building types.
3. Synthetic stucco or elastomeric finishes on stucco are permitted in upper floors of buildings, unless otherwise stated in [Chapter 135, Article 1](#).
4. Unfinished concrete panels are limited to EX and I districts.

**F. Prohibited Major Materials.** The following materials are prohibited as major materials:

1. Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
2. Unfinished or untreated wood.
3. Glass block.
4. Plastic, including high-density polyethylene and polycarbonate panels.
5. Fiberglass and acrylic panels.

### 2.2.3 MINOR MATERIALS

Allowed minor materials are limited to trim, details, and other accent areas that combine to twenty percent or less of the total surface of each facade.

**A. Major Materials.** All allowed major materials may serve as minor materials.

**B. Allowed Minor Materials.** The following are allowed minor materials:

1. Fiber cement boards, details, and panels.
2. Treated or painted wood trim pieces, soffits, surfaces.



## 135-2. DESIGN REQUIREMENTS

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### Facade and Roof Materials

3. Metal for beams, lintels, trim, exposed structure, and other ornamentation.
4. Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements.
5. Vinyl for window trim and soffits. Soffit panels to be minimum .05 inches thick.
6. Cast stone concrete elements.
7. Two- or three-coat cement-based or cement-hybrid stucco for surfaces.
8. Terra cotta or ceramic tiles or panels.
9. Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.

#### 2.2.4 PITCHED ROOF MATERIALS

Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or slate may be approved during the Site Plan process with an approved sample and documented examples of successful, high quality local installations.

#### 2.2.5 MATERIALS INSTALLATION QUALITY

**A. Intent.** The intent of the materials installation quality requirements is to advance the quality of construction, durability, and aesthetics of new buildings, specifically related to application and detailing of facade materials.

**B. Changes in Material.** Changes in vertical surface materials for buildings outside N districts shall meet the following standards:

1. Changes in Surface Materials. Changes in surface materials, whether major materials or minor materials, shall occur only at concave corners, where the distance to the next generally parallel facade plane is a minimum of 12 inches. Surface materials are materials intended to cover the facade surface (such as unit materials, siding, stucco, panels) and do not include detail materials, such as but not limited to cast stone for lintels or cornices, exposed metal beams, or any material used to create a shadow line. See [Figure 2.3-C](#).
2. Materials Hierarchy. Unit materials shall be elevated from the face of the building above less detailed, surface materials. For example, stucco, as a constant surface material, shall be recessed behind a bricked surface. See [Figure 2.3-C](#) for

an example, where Material A is brick, Material B metal panels, and Material C stucco.

**C. Shadow Lines on Surfaces.** Shadow lines shall be created with solid materials of a thickness that is greater than 2 inches, such as cast stone, masonry, or stone. For example, cast stone pieces may be offset to create a shadow, where the convex corner of the piece is used to create the corner of the detail.

**D. Appropriate Grade of Materials.** Except on House and Row building types, all doors, windows, and hardware shall be of commercial grade quality.

**E. Applique Materials.** Materials with thickness of less than 2.5 inches, including but not limited to stucco, shall not be used or formed to create shadow lines.

**F. Stucco Installation.** Stucco, when allowed, shall be of the highest installation quality, meeting the following criteria:

1. Jointing. All stucco joints shall be aligned along the facade in the pattern shown on the elevations submitted for the site plan approval. Joints shall also align with the locations of windows and doors and other changes in material.
2. Construction. The stucco wall assembly shall be indicated on the plans specifying stucco type and construction.

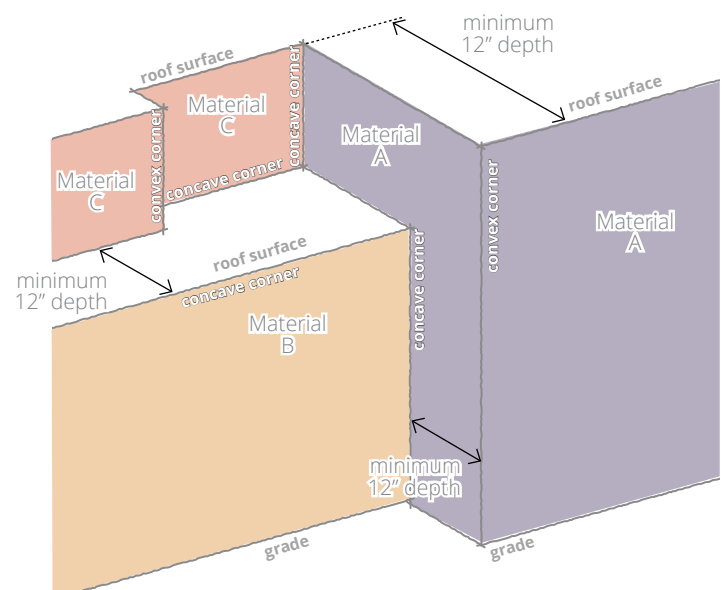


Figure 2.3-C. Diagram of Allowable Changes in Surface Materials

**G. Exception.** Modification to these material installation requirements may be approved through a type 1 design exception.

### 135-2.3. Building Facade Elements

#### 2.3.1 APPLICABILITY

The following design requirements are applicable to all building types unless otherwise stated.

#### 2.3.2 WINDOWS

Windows on street and public way facades of all buildings shall be constructed consistent with the following requirements:

- A. Amount.** Each building shall meet the transparency requirements applicable to the building type. See [Chapter 135, Article 1](#).
- B. Recessed.** All windows, with the exception of ground story storefront systems, shall be recessed with the glass a minimum of 1.5 inches back for House buildings and 2 inches back for all other building types, measured from the facade surface material or adjacent trim.
- C. Vertically Oriented.** See [Figure 2.3-D](#). All windows shall be vertically oriented unless the following standards are met:
  1. Flat Cap Type. When the flat cap type is used, horizontally oriented windows may be used for up to 30 percent of the total transparency area of each upper story.
  2. House B Building Type. For the House B building type, horizontally oriented windows may be used for up to 50 percent of the total transparency area of each story.
- D. Visibility Through Glass.** Reflective glass and glass block are prohibited on street and public way facades. Windows shall meet the transmittance and reflectance factors established in the transparency definition (see [135-7.1.7](#)).
- E. Expressed Lintels.** For masonry construction, lintels shall be expressed above all windows and doors by a change in brick coursing or by a separate detail or element. See [Figure 2.3-D](#).

#### 2.3.3 AWNINGS, CANOPIES, & LIGHT SHELVES

Awnings, canopies, and light shelves on all buildings except House building types shall be constructed consistent with the requirements of this subsection. See [Figure 2.3-E](#)

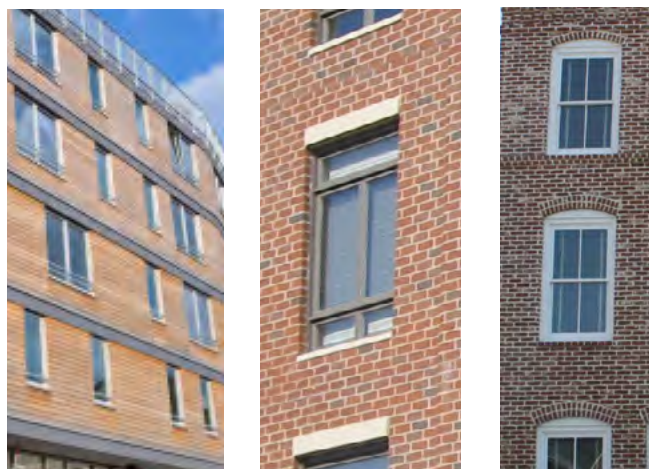


Figure 2.3-D. Vertically Oriented Windows with Expressed Lintels



Metal Awning



Canvas Awning

Figure 2.3-E. Examples of Awnings

# 135-2. DESIGN REQUIREMENTS

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## Building Facade Elements

**A. Encroachment.** Awnings, canopies, and light shelves shall not extend into a city right-of-way or easement except as otherwise approved by the city engineer or city council.

**B. Attached Awnings & Canopies.** Awnings and canopies that are attached to the building and could be removed shall meet the following standards:

1. **Material.** All awnings and canopies shall be canvas or metal. Plastic awnings are prohibited. Other materials may be approved with a type 1 exception.
2. **Solar Panels.** Solar awnings or canopies are allowed.
3. **Shapes.** Waterfall or convex, dome, and elongated dome awnings are prohibited.
4. **Lighting.** Backlit awnings are prohibited.
5. **Structures.** Frames shall be metal and shall be wall mounted. Support poles from the ground are prohibited unless over 8 feet in depth and utilized for outdoor eating areas or entrances.
6. **Multiple Awnings on the Facade.** When more than one awning is mounted on a facade, the awning types and colors shall be coordinated.

**C. Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are permitted.

**D. Clearance.** All portions of any awning, canopy, or light shelf shall provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas. .

### 2.3.4 BALCONIES

The installation or construction of balconies on street and public way facades is encouraged, but not required. The construction of any balcony on a facade facing any street or public way shall be consistent with the requirements of this subsection on all buildings except House building types. See [Figure 2.3-F](#).

**A. Definition.** For the purpose of this subsection, balconies shall include any roofed or un-roofed platform that projects from the wall of a building above grade and is enclosed only by a parapet or railing. This definition does not include false balconies, sometimes referred to as Juliet balconies or balconettes, consisting of a rail and door, and any outdoor platform less than 18 inches in depth.

**B. Size.** Balconies shall be a minimum of 4 feet deep and 5 feet wide.

**C. Integrated Design.** A minimum of 35 percent of the perimeter of each balcony shall abut an exterior wall of the building, partially enclosing the balcony. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

**D. Platform.** The balcony platform shall be at least 3 inches thick and any underside of a balcony that is visible from any public way shall be finished.

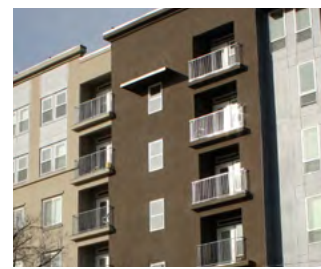
**E. Facade Coverage.** A maximum of 40 percent of the public way frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the platform or floor of the balcony, any columns or indentations, and any ceiling, roof, or upper balcony.

**F. Railing Design.** Tops of railings shall not have a flat surface.

**G. Build-to Zone Requirement.** The portion of the facade occupied by an upper story balcony is exempt from meeting the build-to zone requirement.



Balconies: Covers More than 40 Percent of Facade



Balconies Appropriately Attached to or Incorporated into Facade.

Figure 2.3-F. Examples of Balconies



**H. Right-of-Way.** Balconies shall not extend into any city right-of-way or easements except as otherwise approved by the city council.

**I. Exception.** A type 1 design exception may be submitted for an alternate balcony design.

### 2.3.5 SHUTTERS

When shutters, whether functional or not, are utilized on a public way facade of any building type except a House building type, the shutters shall meet the following requirements. See [Figure 2.3-H](#).

**A. Size.** All shutters shall be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.

**B. Materials.** Shutters shall be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved through a type 1 design exception provided that the applicant submits a sample and examples of high quality, local installations of the material.

### 2.3.6 PRINCIPAL ENTRYWAY

See [Figure 2.3-G](#). Principal entrances to all buildings or units, except House building types, shall be clearly delineated through one or more of the following design features:

**A. Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

**B. Porch.** The entryway is through a porch.

**C. Sidelights and Transom.** Sidelights or transom windows are included around the entryway.

**D. Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.

**E. Other Design.** A design that does not meet the above standards maybe approved with a type 1 design exception if it is determined that the design adds emphasis and draws attention to the entryway.

### 2.3.7 REAR PARKING FACADE DESIGN

The following applies in all locations where a public building entrance occurs on the rear or side facade adjacent to a parking lot. Refer to [Figure 2.3-I](#).

**A. Entrance Type.** The “Entrance Configuration” requirement under Street & Public Way Facade & Cap Requirements for the building type shall be utilized. Refer to [Chapter 135, Article 1](#).



Inappropriately Scaled Shutters.



Figure 2.3-H. Examples of Shutters



Figure 2.3-G. Examples of Defined Principal Entryways

# 135-2. DESIGN REQUIREMENTS

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## Building Facade Elements

- B. Materials.** The materials permitted for public way facades, above, shall be utilized for the portions of the facade with a public entrance.
- C. Transparency Requirement.** Public building entrance facade area, minimum 20 feet wide, shall utilize one of the following:
1. On Storefront buildings, a minimum 40 percent transparency is required for the ground floor facade entrance, and the door shall be a minimum of 40 percent transparent.
  2. On any other building, the minimum transparency required for upper floors of the street facade shall apply to the rear ground floor entrance area, and the door shall be a minimum of 45 percent transparent.
- D. Awnings and Signs.** Awnings and signs are encouraged. When awnings and signs are utilized on the front facade, the same material and design is required to be continued on entrance portions of rear parking lot facades.

### 2.3.8 GARAGE DOORS

The following applies to all garage doors that face streets.

- A. N and NX Districts.** Garage doors facing streets, where permitted, in N or NX districts shall meet the following requirements:
1. The garage door shall be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.
  2. In the N2 district, the garage door shall be an upgraded door style, such as a carriage-style door, glass door, or a traditional wood-look door with windows.
- B. Other Districts.** In all districts except N or NX, where permitted, garage doors facing streets shall be recessed a minimum of 5 feet from the dominant facade of the principal building facing the same street.

### 2.3.9 BUILDING ARTICULATION

The following applies to all building types except the House building types.

- A. Building Facade Variety.** See [Figure 2.3-J](#). Downtown buildings 300 feet in width and all other buildings 120 feet<sup>1</sup> in width or greater along

<sup>1</sup> These are based upon 30' storefront increments (see vertical divisions in building types). A 90 to 100 foot building is a comfortable scale (3 per 300-foot block).



Figure 2.3-I. Examples of Rear Facade Treatment on Parking Lots

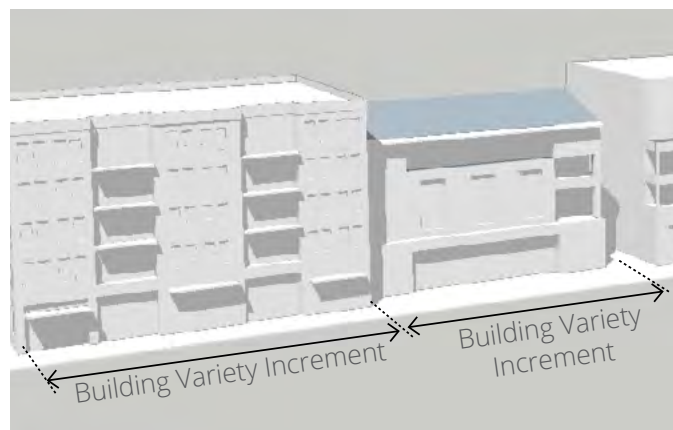


Figure 2.3-J. Building Variety



any public way frontage shall fulfill the following requirements:

1. Increments. Each public way facade shall be varied in segments less than or equal to 90 feet.
2. Requirements. Each facade segment shall vary by the type of dominant material or by color, scale, or orientation of that material, and by at least 2 of the following:
  - a. The proportion of recesses and projections within the build-to zone.
  - b. The location of the entrance and window placement, unless storefronts are utilized.
  - c. Roof type, plane, or material, unless otherwise stated in the building type requirements.
  - d. Building heights.
3. Alternative Method of Compliance. The community development director may approve a facade design that does not meet requirements of this subsection if the applicant demonstrates that the proposed design achieves the intent of the building articulation requirements of this section without meeting the building facade variety requirements.

**B. Articulation of Stories.** Stories shall be articulated on street facing facades.

1. Fenestration. Fenestration or window placement on street facades shall be organized by stories.
2. Shadow Lines. Horizontal shadow lines and lintels over openings shall be used to delineate stories with minimum shadow lines required per building type.
3. Mezzanines. Mezzanines that fall within the range of floor to floor heights per building type shall be articulated on the facade as a separate story.
4. Taller Spaces. Spaces exceeding the allowable floor to floor heights of the building type shall be articulated as multiple stories on the street facade.

**2.3.10 TREATMENTS AT TERMINAL VISTAS**

When a street terminates at a parcel, the parcel shall be occupied by one of the following:

- A. Open Space.** An open space type, as defined in the large-scale development requirements ([135-3.5.3](#)), shall be utilized at the terminus and a vertical element shall terminate the view. Acceptable vertical

elements include, but are not limited to, a stand or grid of trees, a sculpture, a gazebo or other public structure, or a fountain.

- B. Building Facade.** If the parcel is not utilized as an open space, the facade of a building, whether fronting a primary street or not, shall terminate the view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard.

- C. Parking.** In no case, shall a parking structure or a surface parking lot terminate a vista.

**2.3.11 GARAGE DOORS.**

The following requirements apply to garage doors provided on any street facade.

- A. Location.** Garage doors are not permitted on primary street facades unless not utilized for vehicular access (but for patio access, open air dining). Garage doors are permitted on non-primary street facades with direct access to the street. The preferred location is on interior lot facades.
- B. Recessed from Facades.** Garage doors located on street-facing facades shall be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.
- C. Design.** Garage doors facing a non-primary street and intended to be closed during business hours shall be clad with materials consistent with the design of the building. Carriage-style, windows in the door, or upgraded architectural doors are required on the Row and any House building type.

**2.3.12 ARCADE DESIGN**

See [Figure 2.3-J](#). The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground story.

- A. Depth.** An open-air public walkway shall be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 15 feet.
- B. Build-to Zone.** When the arcade is utilized, the the outside face of the arcade shall be considered the front facade, located within the required build-to zone.
- C. Column Spacing.** Columns shall be spaced between 10 feet and 12 feet on center.
- D. Column Width.** Columns shall be a minimum of 1 foot 8 inches and a maximum 2 foot 4 inches in width.

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## Building Facade Elements

**E. Arcade Openings.** Openings shall not be flush with interior arcade ceiling and may be arched or straight.

**F. Horizontal Facade Division.** A horizontal shadow line shall define the ground story facade from the upper stories.

**G. Visible Basement.** A visible basement is not permitted.

**H. Exception.** A type 1 design exception may be submitted for approval of an alternate arcade design.

### 2.3.13 GROUND STORY AT SLOPING FACADES

**A. Storefronts.** The following regulations apply to storefront facades along sloping streets:

1. Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
2. The interior floor level shall step to match the exterior grade within 3 feet. With type 2 design exception, changes in grade may be accommodated by a storefront window display space.
3. Knee wall and retaining walls shall not exceed 30 inches in height except along a maximum 15 foot section of facade length.
4. If grade change is more than 9 feet along a single block face, entrance requirements may be increased to one entrance per 90 feet of building frontage.
5. If grade change is more than 9 feet along a single block face, building entrances adjacent to the street shall be within 3 feet of the elevation of the adjacent sidewalk.

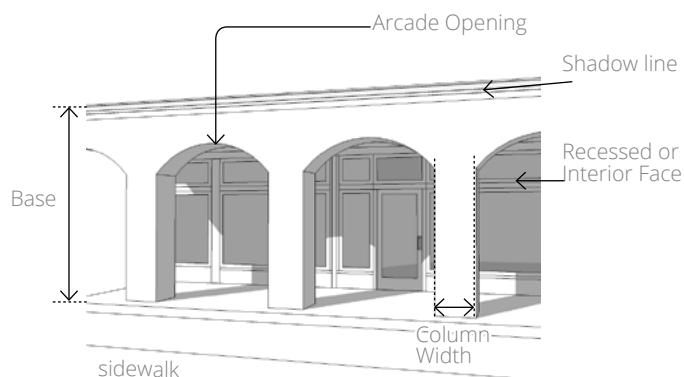


Figure 2.3-L. Example of Arcade.

**B. Non-Storefronts.** The following regulations apply to all non-storefront facades along sloping streets:

1. Grade transitions at the building along the sidewalk shall be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
2. The interior floor level shall step to match the changes in exterior grade within a 3-foot range. With a type 1 design exception, deeper transition zones between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
3. Changes can be accommodated by terraced planters and retaining walls. Retaining walls shall not exceed 30 inches in height except along a maximum 15-foot section of frontage.
4. When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations

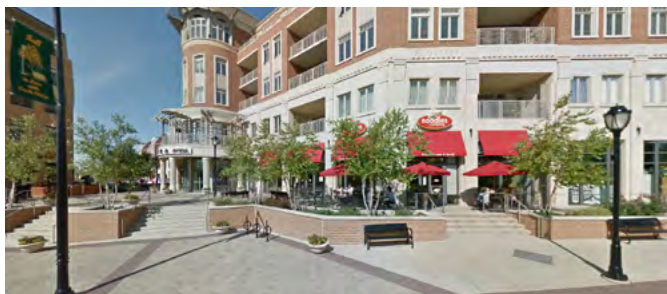


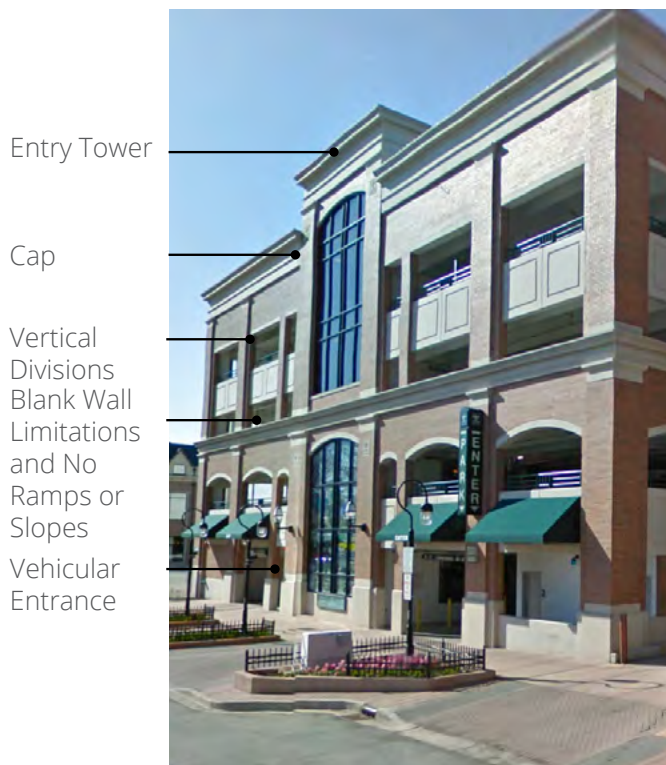
Figure 2.3-K. Examples of Ground Story along Slope.

**2.3.14 PARKING STRUCTURES**

Parking structures that are not screened from the street and public way by a building shall meet the following standards. Refer to [Figure 2.3-M](#) for one illustration of a mainly compliant parking structure.

- A. Stand-alone Parking Structures.** Parking structures as the principal use on the lot require approval per [134-3.5.14](#).
- B. Materials.** Major and minor material requirements, per [135-2.2](#), above, shall be met on all street and public way facades. An additional permitted minor material is stained, finished concrete.
- C. Ramps and Slopes.** Ramps and slopes shall be located on non-primary street facades.
- D. Vertical Divisions.** Vertical divisions extending to the full height of the structure are required every 30 feet to de-emphasize the horizontal decks. Divisions shall be a minimum of 2 feet in width with a minimum projection of 2 inches.
- E. Blank Wall Limitations.** No rectangular area greater than 30 percent of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.

- F. Entry Tower.** A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the space is enclosed, windows are required to meet a transparency rate of 65 percent. Refer to the tower defined in [135-1.17.6](#).
- G. Cap.** The top story of the parking structure shall include a parapet or other roof type along the public way facades. Refer to roof types defined in [135-1.17](#).
- H. Vehicular Entrances.** Driveways shall be no wider than 22 feet and the entrance and exit should be split if possible. Access shall be located on a non-primary street, unless the lot does not abut a non-primary street. No more than 2 access points shall be located on any one street, totaling no more than 24 feet of drives crossing sidewalk. See [135-4.13](#) for driveways.



**Figure 2.3-M.** One Example of an Acceptable Parking Structure

# 135-2. DESIGN REQUIREMENTS

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## Downtown High-Rises

### 135-2.4. Downtown High-Rises

#### 2.4.1 APPLICABILITY

The requirements in this section shall apply to all Downtown Storefront and Downtown General buildings 12 or more stories in height.

#### 2.4.2 BUILDING TYPE

Each high-rise shall meet the requirements of one of the permitted building types in the district. The following is in addition to the building type requirements.

#### 2.4.3 BASE, MIDDLE, CAP.

These requirements refer to high-rise design by base, middle, and cap as defined in the following intent statements. Refer to [Figure 2.4-A](#).

- A. Base.** The base of a high-rise is intended to establish an active ground story along the street and provide a public building face (such as a lobby, retail/service space, or restaurant) for all of the activities that occur within a building.
- B. Middle.** The middle or tower section of a high-rise is intended to be oriented to maximize light reaching the primary street, to avoid the “walling off” of the primary street along the entire length, and allow views to the sky from the street.
- C. Cap.** The cap of the high-rise includes the top few stories of the building and is intended to be designed consciously to contribute to the city skyline per the following requirements.

#### 2.4.4 BASE REQUIREMENTS

The base requirements for the high-rise shall follow the requirements of the building type, whether a [Downtown Storefront](#) or a [Downtown General](#) building, with the following additional requirements. Refer to [Figure 2.4-C](#).

- A. Build-to Zone.** The building base shall be wholly located within the build-to zone.
- B. Buildings 12 to 18 stories.** For buildings or portions of buildings 12 to 18 stories, the base shall be a minimum of 4 stories.
- C. Buildings over 18 stories.** For buildings or portions of buildings over 18 stories, the base of that portion shall be a minimum of 7 stories.

#### 2.4.5 MIDDLE REQUIREMENTS

The middle of the building shall meet any applicable requirements of [Chapter 135, Article 1](#) and the following requirements. A type 1 exception may be approved to modify any of these requirements.

- A. Orientation.** The building middle shall be oriented with the shortest side parallel to a primary street to avoid a continuous high-rise wall along the frontage above the building base. Refer to [Figure 2.4-B](#).
- B. Narrowest Widths.** High-rise buildings shall utilize the narrowest widths economically feasible, to limit the mass of and shadows cast by the high-rise.
- C. Step-Back.** The facade of the middle of the building may step back away from the street above the minimum base height. Refer to [Figure 2.4-C](#).

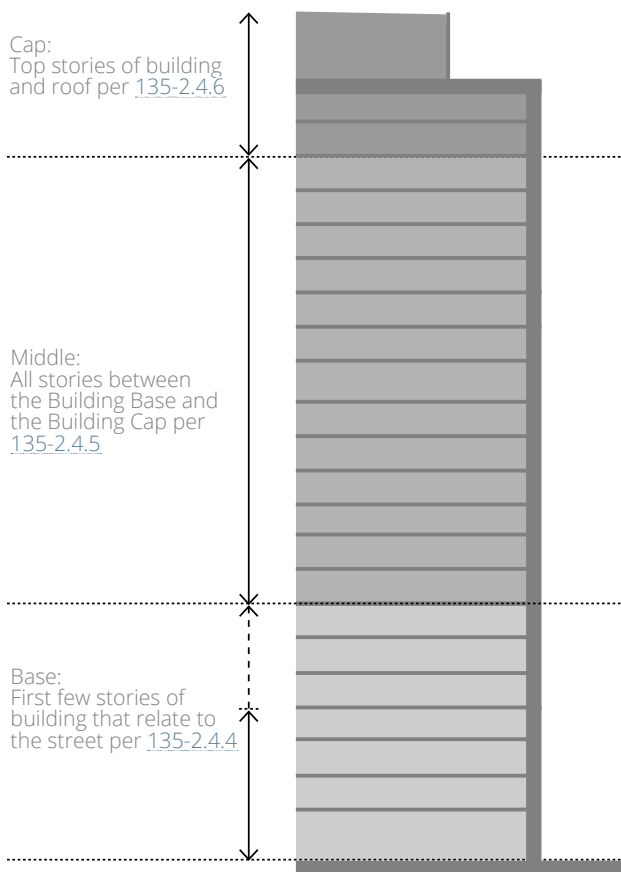


Figure 2.4-A. High-Rise Building: Base, Middle, Cap



**D. Peaks and Valleys in the Skyline.** The high-rise height shall be lower or taller than 4 of the 8 surrounding buildings by a minimum of 8 stories.<sup>1</sup> Variation in the skyline is the intent of this requirement.

**E. Multiple Towers.** When more than one tower is utilized for a development, the following is required.

1. Varying Heights. The heights of the multiple towers shall be varied to encourage development of an interesting skyline.
2. Spacing. Spacing between towers shall be a minimum of 60 feet to allow light and views of the sky between the towers.

#### 2.4.6 CAP REQUIREMENTS

The top stories and the roof of a high-rise shall be considered the cap (refer to [Figure 2.4-A](#)).

**A.** The high-rise is exempt from the building type's roof type requirement.

- 1 Markup Language: The surrounding building context shall be considered when determining the maximum building height. Variation is preferred.



Existing Skyline. Note that the skyline has buildings of varied heights in peaks and valleys. Certain buildings have distinctive caps, especially those tallest in height<sup>1</sup>.

<sup>1</sup> include image? if so, need a referenced image

- B.** The massing and/or material expression of the cap should define it distinctly from the middle of the building.
- C.** The surrounding building context shall be considered when determining the building cap. Variation is preferred.

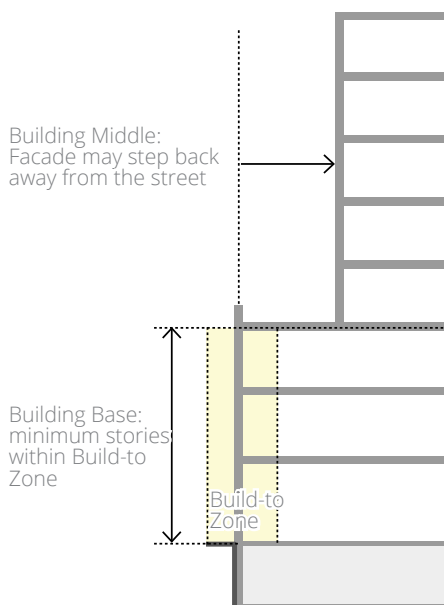


Figure 2.4-C. Building Massing in Build-to Zone

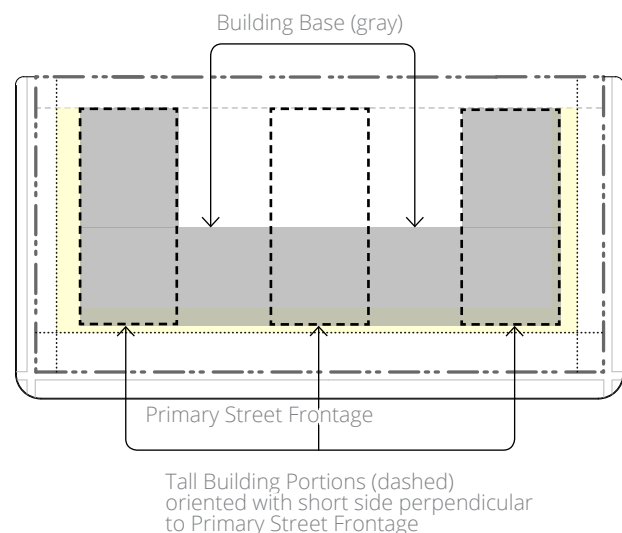


Figure 2.4-B. High-Rise Building Orientation



# 135-2. DESIGN REQUIREMENTS

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## Mechanical Equipment & Appurtenances

### 135-2.5. Mechanical Equipment & Appurtenances

#### 2.5.1 INTENT

Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of the standards of this section is to ensure that the visual impact of mechanical equipment and appurtenances is minimized.

#### 2.5.2 MECHANICAL EQUIPMENT IN BUILDING

Mechanical equipment shall be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment's function.

#### 2.5.3 ROOFTOP MECHANICAL EQUIPMENT

Any rooftop mechanical equipment, such as but not limited to vents, ventilators, and skylights, and excluding solar energy and wind energy conversion systems, shall be located consistent with one of the following methods:

- A. Incorporate equipment into the roof design consistent with the applicable standards of [135-1.17](#).
- B. Set the equipment back a minimum of 20 feet from any public way facade.
- C. To the extent practicable, all rooftop mechanical shall be painted to blend with the structural roof and limit its visibility.

#### 2.5.4 MECHANICAL EQUIPMENT AND UTILITY APPURTENANCES ON FACADES

Mechanical equipment and utility appurtenances shall not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment's function. Any equipment or appurtenance approved on a facade, such as but not limited to dryer vents, gas meters, and air conditioners, shall be located consistent with the following standards:

- A. **Facade.** The mechanical equipment may be located on a primary facade only if the following requirements are met:
  - 1. The equipment is located on a surface perpendicular to any right-of-way;
  - 2. The equipment extends from the facade surface no more than 3 inches; and
  - 3. The equipment is screened from the sidewalk.

B. **Alignment.** Multiple pieces of mechanical equipment shall be organized on the facade in a regular pattern and aligned. Compliance with this standard must be illustrated on the drawing elevations submitted as part of the application.

C. **Material Coordination.** To the extent practicable, facade-mounted mechanical appurtenances shall be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.

#### 2.5.5 MECHANICAL EQUIPMENT AND UTILITY APPURTENANCES ON OTHER HORIZONTAL SURFACES

Mechanical equipment located on the ground, decks, or horizontal surfaces other than the roof, such as but not limited to electrical equipment and air conditioners, shall be located consistent with the following standards:

A. **Screening.** See [135-5.12.5](#) for wall and landscape screening of mechanical equipment and utility appurtenances.

B. **No encroachment.** Mechanical equipment shall not extend into any city right-of-way or easement.

#### C. Yard Location.

- 1. No mechanical equipment shall be located in the front yard.
- 2. Mechanical equipment may be located in a side yard provided the side yard does not contain or abut a public way or open space.
- 3. All equipment shall be screened from view from any public way with landscaping, fencing, or walls consistent with the building design, colors, and materials.
- 4. The community development director may approve appurtenances located on a primary street only if the following conditions are met:
  - a. The applicant demonstrates that the equipment cannot be located in a rear yard, non-primary street yard, or in a side yard.
  - b. No utility cabinets, boxes, or other appurtenances are within 300 feet along the same side of the street as the proposed utility appurtenance.
  - c. The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent

## **135-2. DESIGN REQUIREMENTS**

### Mechanical Equipment & Appurtenances

the facade from fulfilling any transparency requirements.

- d. The appurtenance is located a minimum of 35 feet from a street intersection.
- e. The appurtenance does not impact the sight vision clearance at intersections per [114.14](#).

## **135-2. DESIGN REQUIREMENTS**

Mechanical Equipment & Appurtenances

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**ARTICLE 3. LARGE-SCALE DEVELOPMENT**

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## Generally

### 135-3.1 Generally

#### 3.1.1 INTENT

These regulations are intended to regulate large parcels or a combination of parcels in a single development on an incremental basis to result in an overall system of walkable streets and blocks, smaller-scaled open spaces, and a mix of uses and building forms within the larger context of an area.

Specifically, these regulations are intended to:

- A.** Create cohesion between disparate developments that share property lines or street frontage.
- B.** Introduce new streets through large development sites to create a system of smaller development parcels.
- C.** Require connectivity between development sites to blur the lines between one development and another and result in a cohesive area.
- D.** Require open spaces based on development size and type that, when combined with other developments, will result in a system of smaller spaces distributed throughout the larger area.
- E.** Create nodes of commercial activity within a development or established from combinations of mixed-use developments on separate parcels.

#### 3.1.2 APPLICABILITY

- A.** The following development sites are required to meet these regulations.
  - 1. 5 Acre Developments. All developments on a single parcel or a combination of parcels that is a total of 5 acres or more, except those designated as an N1, N3, N5, I, or P district.
  - 2. Designated Areas. All developments that fall within one of the Large Scale Development sites designated on the zoning map.
  - 3. The community development director is authorized to require submittal of a Large-Scale Development for developments that do not meet the criteria of A.1 or A.2, when the director determines that a Large-Scale Development plan is necessary to meet the intent of [135-3.1.1](#).
- B.** For the purposes of Large-Scale Developments, the following shall be included:
  - 1. All adjacent and abutting land under similar ownership;
  - 2. All adjacent and abutting parcels that are anticipated to be developed within 10 years of

submittal; and

- 3. All parcels considered to be part of the same development or phases of a development.

#### 3.1.3 ILLUSTRATIONS

[Figure 3.5-A](#) and [Figure 3.5-B](#) illustrate examples of new street, block, and zoning district configurations fulfilling the requirements for a Mixed-Use Large-Scale Development. Illustrations are provided to convey the intent of these regulations and are not required outcomes for the parcels shown.

#### 3.1.4 RELIEF

- A. Exemption.** An exemption from the Large-Scale Development requirements may be applied for as a Type 2 exception if all of the following applies:
  - 1. The proposed development does not include new streets;
  - 2. The proposed development does not require rezoning;
  - 3. The proposed development is consistent with the current comprehensive plan; and
  - 4. Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new street.
- B. Exceptions.** Exceptions to specific requirements are listed within each section.

#### 3.1.5 APPROVAL PROCESS

The following outlines the process required, in order of occurrence.

- A. Pre-Application Conference.** A pre-application conference with a conceptual site plan is required for each large-scale development. The conceptual site plan shall illustrate the following:
  - 1. Site survey of all existing utilities, streets, significant trees, and buildings.
  - 2. Conceptual location of proposed streets, blocks, primary street designations, proposed open spaces.
  - 3. Proposed zoning district locations based upon the conceptual street and block locations.
  - 4. Approximate locations of proposed buildings, parking, service locations, and drive entrances as well as the orientation of the buildings (front door locations).
- B. Subdivision Platting.** Based upon the pre-application conference, the requirements of the

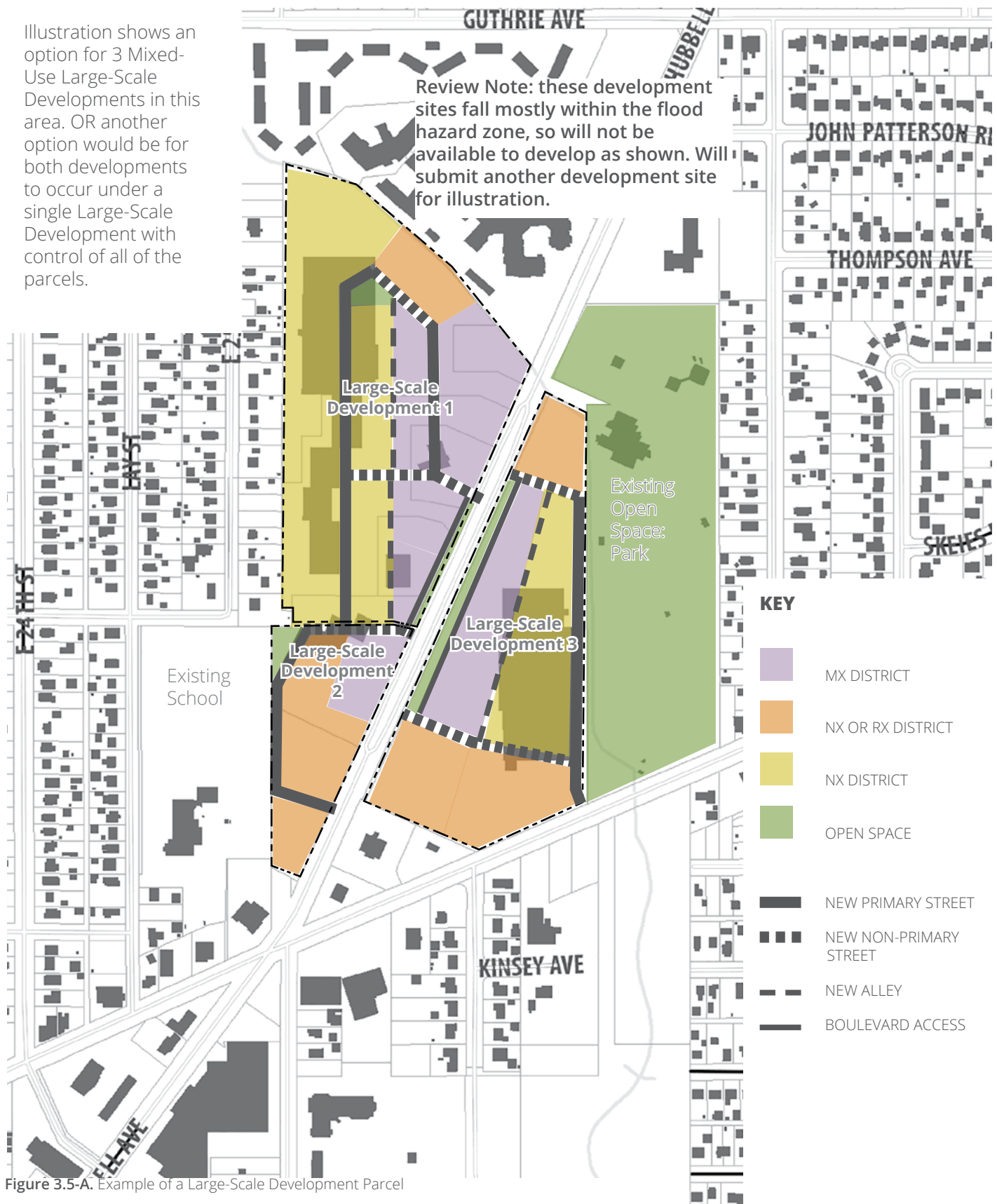


### 135-3. LARGE-SCALE DEVELOPMENT

## Generally

Illustration shows an option for 3 Mixed-Use Large-Scale Developments in this area. OR another option would be for both developments to occur under a single Large-Scale Development with control of all of the parcels.

Review Note: these development sites fall mostly within the flood hazard zone, so will not be available to develop as shown. We submit another development site for illustration.



**Figure 3.5-A.** Example of a Large-Scale Development Parcel

# 135-3. LARGE-SCALE DEVELOPMENT

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Generally

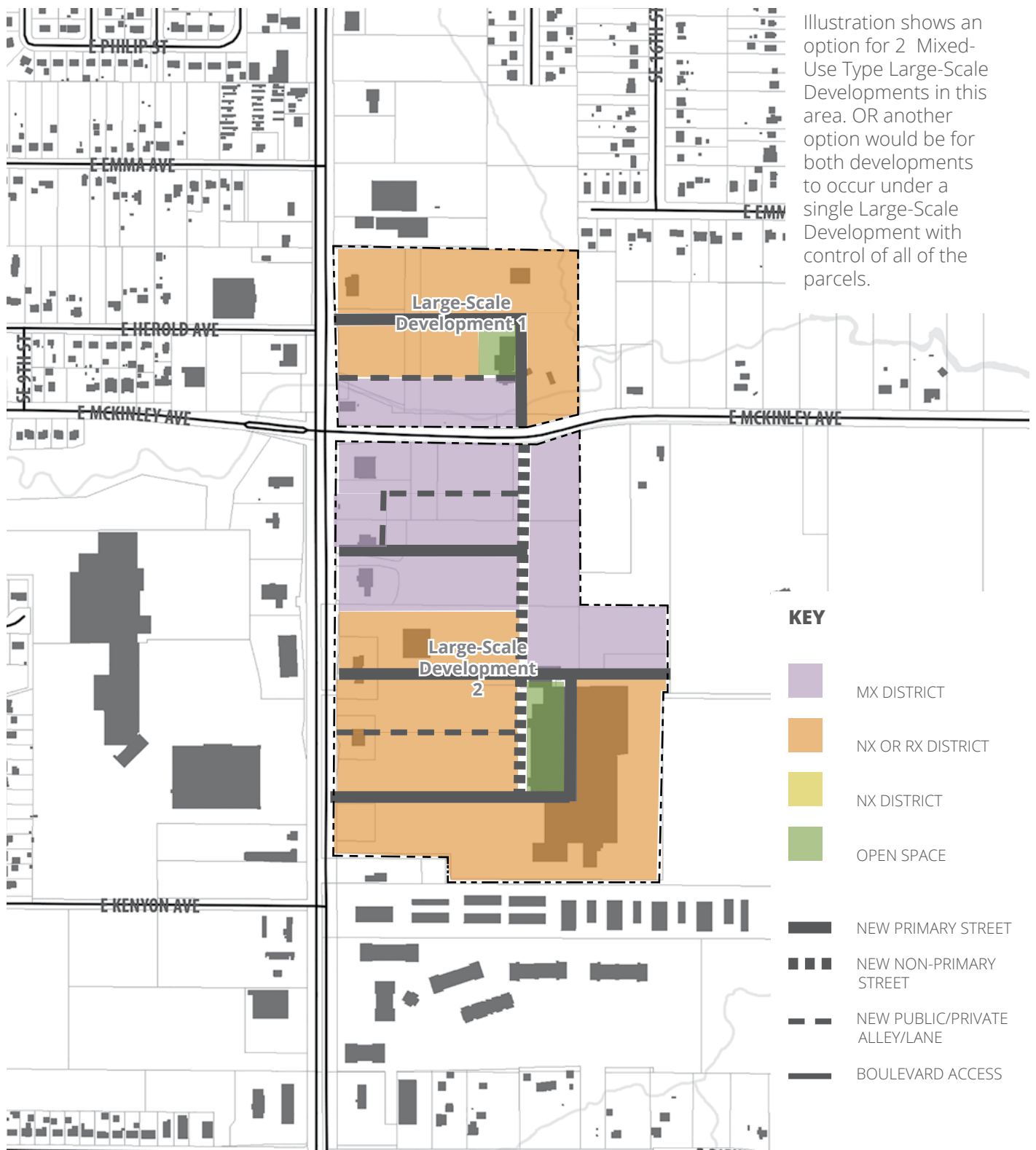


Figure 3.5-B. Example of a Large-Scale Development Parcel

Large-Scale Development regulations, and the general subdivision regulations per Chapter 106, the subdivision platting process is required per Article II of Chapter 106.

required for each parcel to be developed within the Large-Scale Development based upon the zoning district and applicable requirements. Multiple parcels may be submitted together as one site plan.

1. Regulations for anticipated building types shall be considered when setting block depth and width to avoid the need for variances or exceptions.
2. Private streets, where permitted by the city, require private rights-of-way per the city's street typologies defined in the most current city's Transportation Master Plan.<sup>1</sup>
3. Streets and blocks shall meet the requirements of [135-3.2](#).
4. Open space shall meet the requirements of [135-3.5](#). Open space shall either be dedicated or an easement/deed restriction established.
5. Subdivision Platting and rezoning shall be reviewed and approved concurrently.
6. Implementation of the conceptual site plan may be phased, submitted as separate subdivision plats; however, the rezoning area shall match the subdivision area.

**C. Rezoning.** Rezoning of the parcel may be required based upon the type of development and the requirements of this article.

1. Proposed Zoning Districts shall meet the requirements of [135-3.4](#) and any other requirements of Chapters 134 and 135.
2. Primary street designations shall be mapped separately and submitted in the rezoning process for inclusion on the city's Primary Streets Map.
3. Subdivision Platting and rezoning shall be reviewed and approved concurrently.
4. Proposed open space shall be zoned with the P1 designation.
5. Implementation of the conceptual site plan may be phased, i.e. submitted as separate rezonings; however, the rezoning area shall match the subdivision area.

**D. Time Limit.** If no construction has occurred within 5 years of the subdivision approval, the plat shall be considered void and the rezoning shall be reversed.

**E. Site Plan Review.** After approval of both the subdivision plat and the rezoning, site plan review is

<sup>1</sup> Need to figure out a way to address street type without the master plan adopted. .

## 135-3.2 Streets and Blocks

### 3.2.1 BLOCKS AND ACCESS

Each development shall contribute to an interconnected system of streets and blocks through the following requirements.

**A. Maximum Block Size.** Streets shall be located to result in the following block requirements.

1. For MX and DX districts, maximum block face length shall be no more than 400 feet in length.
2. For all other districts, maximum block face length shall be no more than 600 feet.
3. The maximum perimeter of any block shall be 1,600 feet.<sup>2</sup>
4. Blocks may be split at the development boundary between the submitted development and an abutting site.
  - a. The function of the full block shall be considered to allow completion on the abutting site.
  - b. The partial block shall meet and the full block shall be able to meet the requirements of this section, [135-3.2](#).
  - c. Blocks shall be located on the site to allow full completion, so that rears of parcels do not front a street.
5. Streets shall connect and continue existing streets from adjoining areas.
6. Type 1 design exceptions for block size and street location may be applied for per XXX and under the following conditions:
  - a. The inclusion of a CX district requires a deeper block to allow parking on the interior.
  - b. Natural constraints, such as waterways, slopes, or other natural features, exist precluding the location of a new street.
  - c. Abutting development conditions affect the develop-ability of the applicable site.
  - d. Study of the extension of the system of streets and blocks illustrates an adjustment to the requirements of the site.

**B. Access Points.** An access point is a new street connecting to an existing street or a new street on an abutting site.

1. A minimum of two access points shall be provided for each development.
2. A minimum of one access point is required per every 1,600 feet of the perimeter of the Large-Scale Development. A type 1 design exception may be applied for a reduction in the number of access points on the perimeter.
3. Temporary dead end streets or stub streets are permitted at an abutting property boundary to allow for future connection.

**C. Block and Lot Configuration.** The shape of blocks and lots shall be generally rectangular in order to accommodate typically rectilinear buildings, but may vary due to natural features or site constraints.

1. Blocks shall typically be two lots deep with the exception of blocks containing open space.
2. Double frontage lots shall be avoided; the rear of lots shall not front streets. Refer to [135-3.3](#) for primary street designation and frontage requirements for lots.
3. Blocks shall be fronted with lots or buildings on at least two faces, preferably on the longest street faces.
4. All lots shall have full width frontage along a street unless otherwise specified in building type requirements.
5. Flag lots are prohibited.
6. The configuration of the blocks shall consider alley inclusion required per [135-3.2.3](#).
7. Blocks may include existing lots within an existing district.
8. Lots and blocks shall be oriented for maximum feasible energy efficiency, depending on the building type. For example, block orientation along an east-west longitudinal axis will encourage development of long buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

### 3.2.2 STREETS

**A. Cul-de-Sacs and Dead End Streets.** Cul-de-sac and dead end streets require a type 1 design exception and are permitted only when necessitated by natural features or site constraints, including but not limited to rail corridors, waterways, or highways. If allowed, pedestrian connections through the cul-de-sac may be required.

<sup>2</sup> Recommend expanding this to 1800 feet with the MX district block face separate requirement..

**B. Open Space.** Where practicable, open space and school lots, existing and new, shall be fronted with streets to provide more visibility and access..

**C. Base Street Requirements.** The base street type<sup>3</sup> is illustrated in [Figure 3.5-C](#). The community development director and the city engineer may require additional street right-of-way or configuration based on existing context and circulation needs. The base street defines the minimum components of any new full street on the interior of the development and includes the following:

1. On-Street Parking. On-street parallel parking shall be provided on both sides of all new streets through MX, RX, CX, and EX districts.
2. Streetscape. The minimum dimension required for streetscapes along non-residential ground stories is 16 feet, with a clear sidewalk width of at least 8 feet and an 8-foot furnishings zone. Along residential ground stories, the minimum is 13 feet with a clear sidewalk of at least 5 feet and a 8-foot landscape zone (parkway). See [135-5.6](#) in landscape for streetscape requirements.
3. Reduced Minimum Pavement. When only one lane of on-street parking is approved as a type 1 design exception, the minimum pavement width is 28 feet and the minimum right-of-way width is 54 feet.

<sup>3</sup> will be updated with streets master plan

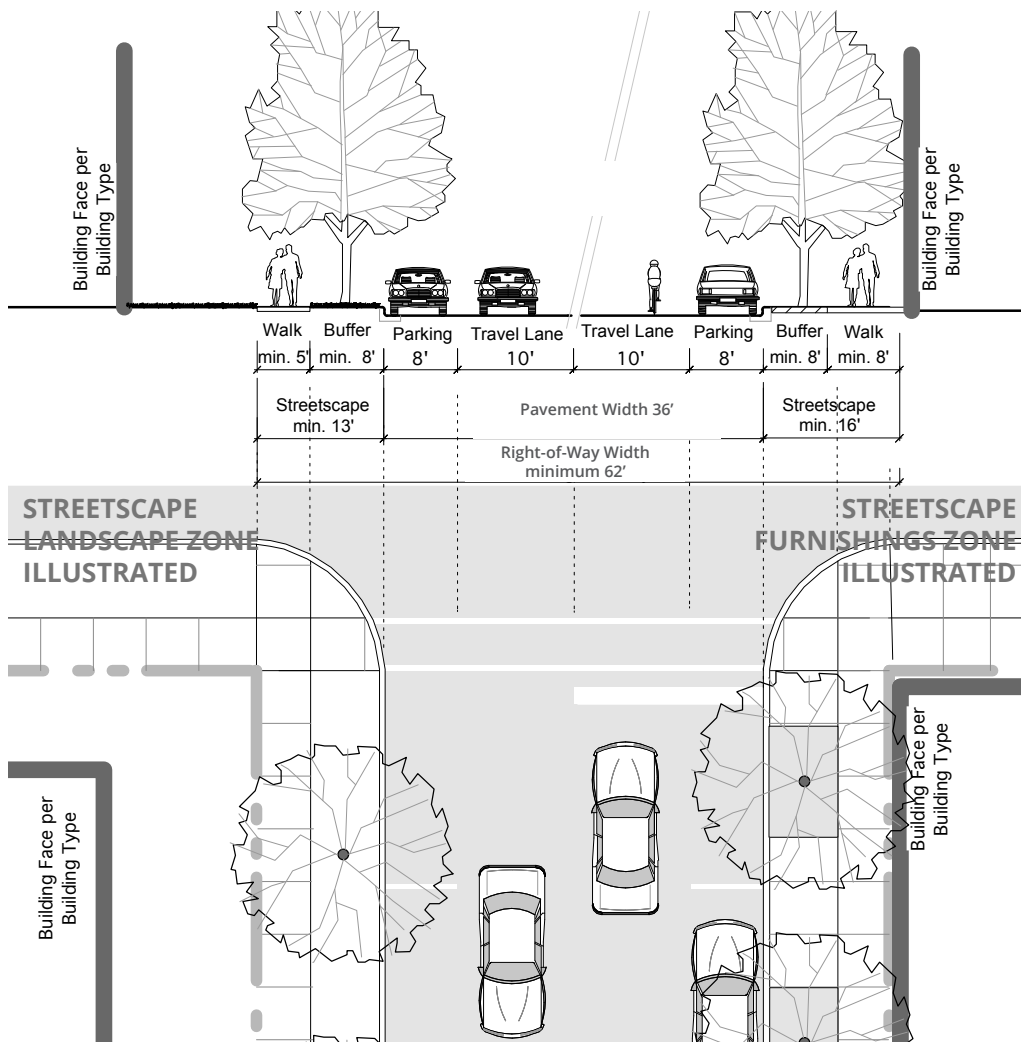


Figure 3.5-C. Base Street Diagram



## Streets and Blocks

4. A type 2 design exception may be approved for other street configurations.

**D. Bicycle Accommodations.** New streets with the development shall accommodate bicycle access per the city's most recent Bicycle Master Plan.<sup>4</sup>

### 3.2.3 ALLEYS OR LANES

Alleys or lanes (see Figure XX<sup>5</sup>) shall be provided through all blocks to provide vehicular access to all lots, except as follows:

- A.** Lots zoned with N and EX districts are not required to provide alleys or lanes.
- B.** MX and RX districts occupying less than a block face are not required to provide access via an alley or lane.
- C.** Parking drives and parking structure drives may serve as alleys/lanes if the drive is continuous through the block with at least 2 access points and serves all lots on the block.
- D.** Exception. A type 1 design exception may be approved per block with one of the following conditions:
  1. A single point of access is all that is required and a non-primary street is available for access.
  2. Natural or existing constraints limit the block depth and no more than 2 vehicular access points are required for the lots on the block.

### 3.2.4 VIEWS

Views down streets shall be considered when laying out streets and locating open space, parking, and buildings.

**A. Rears of Buildings.** The location of open space and streets shall not create views of the rear of buildings or parking behind buildings.

- B. Street Terminii.** When a street terminates at a parcel, the parcel shall be occupied by one of the following:
1. Open Space. If the parcel is open space, any open space type shall be utilized and a vertical element shall terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.
  2. Building. If the parcel is not utilized as an open space, the facade of a building, whether fronting a primary street or not, shall terminate the

view. The building shall incorporate one of the following treatments to terminate the view: a tower, a bay, or a courtyard.

3. Parking. In no case, shall a parking structure or a surface parking lot terminate a vista.

---

<sup>4</sup> Need to revisit this per comment.

<sup>5</sup> Insert basic alley/lane section drawing.

### 135-3.3 Primary Street Designation

The orientation and location of buildings on lots is determined by the primary street designation. Some building type requirements are specific to the primary street frontage.

#### 3.3.1 PRIMARY STREET REQUIREMENT

A minimum of 50 percent<sup>6</sup> of a combination of the new streets in the development and existing streets fronting the development shall be designated and treated as primary streets. A type 1 design exception may be applied for up to a 20 percent reduction in the minimum requirement for streets treated as primary.

#### 3.3.2 PRIMARY STREET CONSIDERATIONS

- A. Building Frontage.** Primary streets shall be designated so that building lots front at least one primary street, except for up to 20 percent of the lots may front a non-primary street.
- B. Double-Frontage Lots.** At least 2 sides of double-frontage lots shall be designated as primary street.
- C. Driveways and Alleys/Lanes.** Driveways and alleys/lanes to lots shall not be located off a primary street, except when the parcel is fronted by more than two primary streets and/or there is no other alternative access.
- D. Major and Minor Streets.** When the development abuts a major or minor street<sup>7</sup> as defined in [135-7.2.22](#), one of the following layouts shall be utilized to create slower, more accessible, and more walkable streets for fronting commercial or mixed-use buildings than the major street would provide:
  1. Perpendicular. New primary streets shall be located generally perpendicular to existing major streets.
  2. Frontage Street. A new primary street shall be provided essentially parallel to the major street with a landscape buffer island separating the streets of at least 10 feet.

<sup>6</sup> Explanation of 50%: Two opposing block faces should be primary. On a square block, 50% would be primary. On a typical rectilinear block more than 50% of the block will likely be primary, since the longest face usually is primary, providing front door access to the most buildings.

<sup>7</sup> Replace this language once the TMP is adopted.

### 135-3.4 Zoning Districts

Large-Scale Developments shall be rezoned to include a mix of multiple districts upon the new street, block, and lot layout. The mix of new districts is determined by the type of Large-Scale Development and the type of Large-Scale Development is set by the existing zoning designation on the parcel prior to rezoning.

#### 3.4.1 COMPREHENSIVE PLAN

Zoning districts applied to any Large-Scale Development shall be consistent with the city's most recent comprehensive plan.

#### 3.4.2 DETERMINATION OF TYPE

- A. Existing Zoning Designation.** The type of Large-Scale Development applied to the site is determined by the existing zoning designation on the parcel. Refer to [Table 3.5-1](#) for the types.
- B. Multiple Designations.** Where multiple existing zoning designations exist within the limits of the Large-Scale Development, one of the following shall be met:
  1. For all sites up to 30 acres, one of the development types allowed on the site may be utilized for the entire development.
  2. Multiple development types allowed on the site may be utilized for the development with a clear delineation on the conceptual site plan where each applies. All requirements shall be met for each type.
- C. Exception.** A Type 2 exception may be requested for a Large-Scale Development type with a different mix of zoning designations not represented in [135-3.4](#).

#### 3.4.3 GENERAL REQUIREMENTS FOR NEW ZONING DISTRICTS

##### A. Location of MX Districts.

1. DX, MX, and CX districts shall be located within 500 feet of any major or minor<sup>8</sup> streets and not abutting any N district.
2. DX, MX, and CX districts should be clustered into areas of at least 10,000 square feet of net lot area or located linearly along an existing corridor.
3. DX, MX, and CX districts areas shall be uninterrupted and continuous. Permitted office

<sup>8</sup> streets master plan will help designate these; defined in 135-8 definitions.

# 135-3. LARGE-SCALE DEVELOPMENT

DRAFT

## Zoning Districts

districts may be located between shopping and residential areas.

to 10,000 square feet and for any maximum requirement up to 10,000 square feet.

### B. General Layout of Districts.

1. The same districts shall generally face each other across streets, including existing districts. Similar districts within the same district category (MX, RX, N, NX) may be located adjacent or across the street with approval of the community development director.
2. More intense buildings and uses located on blocks with less intense buildings and uses shall be located on block ends.
3. Changes in districts shall generally occur at a rear lot line, at an alley, or at corner parcels.
4. N districts shall not be located along major streets as defined in [135-7.2.22](#).
5. A type 1 design exception may be requested for changes to the general layout of districts.

### C. Minimum District Mix Requirements.

1. Each Large-Scale Development Type has minimum required amounts for certain districts.
2. Type 1 design exceptions may be applied for a reduction in any minimum requirement up

### 3.4.4 MIXED-USE LARGE-SCALE DEVELOPMENTS

Mixed-use Large-Scale Developments are required on applicable parcels (per [135-3.1.2](#)) with an MX or CX zoning designation on the zoning map. Refer to [Table 3.5-1](#) for the allowed zoning districts available for use in the Large-Scale Development.

**A. MX1 District.** A minimum of 40,000 square feet of area shall be zoned MX1 when the existing zoning is MX1. Refer to [135-3.4.3](#) for location and layout.

**B. MX2 District.** A minimum of 40,000 square feet of area shall be zoned MX2 when the existing zoning is MX2. Refer to [135-3.4.3](#) for location and layout.

**C. MX3 District.** When at least 120,000 square feet of MX1 district area is designated, a maximum of 40,000 square feet of MX3 district is permitted. Refer to [135-3.4.3](#) for location and layout.

**D. CX District.** When at least 120,000 square feet of MX district is designated, a maximum of 80,000 square feet of CX is permitted. A type 1 design exception may be requested for an additional component of CX on sites over 40 acres.

### E. Minimum Required District Mix.

**TABLE 3.5-1. TYPES OF LARGE-SCALE DEVELOPMENTS**

		Allowed Zoning Districts																				Refer to Section
		DX2	DXR	MX1	MX2	MX3	CX	RX1	RX2	EX	N1a	N1b	N2	N3a	N3b	N3c	N4	N5	NX1	NX2	P1	
Type	Existing Zoning District			R		L	L	P								P		P	P	P	R	<a href="#">135-3.4.4</a>
					R	L			P									P	P	P	R	
Office Park	EX, RX1, RX2			L				L		R									L	L	R	<a href="#">135-3.4.5</a>
Mixed Residential	RX1			L				R										L	P	P	R	<a href="#">135-3.4.6</a>
	RX2			L					R*									L	P	P	R	
Neighborhood	N, NX, A			L								P	P				P	P	P	P	R	<a href="#">135-3.4.7</a>
Downtown Neighborhood	DX2	R	P			L			P										P	P	R	<a href="#">135-3.4.4</a>
	DXR	P	R			L			P										P	P	R	

R = Required per specific development type requirements in [135-3.4](#).

P = Allowed or permitted per specific development type requirements in [135-3.4](#).

L = Allowed but limited per specific development type requirements in [135-3.4](#).

1. Minimum Number of Districts. At least 2 districts are required for all development sites.
2. Minimum Required Residential Mix. With more than 3 gross acres of residential districts, at least 2 residential districts (RX, N, or NX) shall be designated.

**F. Other Districts.** Other districts are allowed per [Table 3.5-1](#).

**G. P Districts.** P districts shall be designated for open space as required in [135-3.5](#).

### 3.4.5 OFFICE PARK LARGE-SCALE DEVELOPMENTS

Office Park Large-Scale Developments are required on applicable parcels (per [135-3.1.2](#)) with an EX zoning designation on the zoning map and permitted on parcels with an RX zoning designation on the zoning map. Refer to [Table 3.5-1](#) for the allowed zoning districts available for use in the Large-Scale Development.

- A. EX District.** A minimum of 120,000 square feet of area shall be zoned EX. Refer to [135-3.4.3](#) for location and layout.
- B. MX1 Districts.** The MX1 district, allowed per [Table 3.5-1](#), is limited to a node at one street intersection of no more than 40,000 square feet of area or 10 percent of the total net land area, whichever is greater. Refer to [135-3.4.3](#) for location and layout.
- C. Other Limited Districts.** Other districts allowed per [Table 3.5-1](#) are limited to less than 50 percent of the total land area.
- D. P Districts.** P districts shall be designated for open space as required in [135-3.5](#).

### 3.4.6 MIXED RESIDENTIAL LARGE-SCALE DEVELOPMENTS

Mixed Residential Large-Scale Developments are required on applicable parcels (per [135-3.1.2](#)) with an RX zoning designation on the zoning map. Refer to [Table 3.5-1](#) for the allowed zoning districts available for use in the Large-Scale Development.

- A. RX1 District.** A minimum of 80,000 square feet of area shall be zoned RX1 when the existing zoning is RX1. Refer to [135-3.4.3](#) for location and layout.
- B. RX2 District.** A minimum of 80,000 square feet of area shall be zoned RX2 when the existing zoning is RX2. Refer to [135-3.4.3](#) for location and layout.

**C. MX1 District.** The MX1 district, allowed per [Table 3.5-1](#), is limited to a node at one street intersection of no more than 40,000 square feet of area or 10 percent of the total net land area, whichever is greater. Refer to [135-3.4.3](#) for location and layout.

**D. N and NX Districts.** N and NX districts are allowed per [Table 3.5-1](#). N districts are permitted only on developments over 15 acres in size.

**E. P Districts.** P districts shall be designated for open space as required in [135-3.5](#).

**F. Minimum Required Residential Mix.** With more than 5 gross acres of residential districts, at least 2 residential districts (RX, N, or NX) shall be designated and at least 2 building types shall be used.

### 3.4.7 NEIGHBORHOOD LARGE-SCALE DEVELOPMENTS

Neighborhood Large-Scale Developments are required on applicable parcels (per [135-3.1.2](#)) with an N, NX, or A zoning designation on the zoning map. Refer to [Table 3.5-1](#) for the allowed zoning districts available for use in the Large-Scale Development.

**A. MX1 District.** MX1 is allowed per [Table 3.5-1](#). Refer to [135-3.4.3](#) for location and layout.

1. For developments 40 acres or larger, a minimum of 20,000 square feet and a maximum of 40,000 square feet of MX1 shall be designated at an intersection [designated as a “mixed-use node” per PlanDSM.]<sup>10</sup>
2. For developments less than 40 acres, MX1 is limited to a single node at one street intersection of no more than 20,000 square feet of area or 10 percent of the total net land area, whichever is greater.

**B. N and NX Districts.** N and NX districts are allowed per [Table 3.5-1](#).

1. Unless the existing zoning is NX, NX districts are limited to no more than 30 percent of the total net land area.

**C. Minimum Required Residential Mix.**

1. For all developments, at least 2 residential districts (N or NX) shall be designated with each

<sup>9</sup> Note that more than one district is not required for this type.

<sup>10</sup> Revisit these 2 regs: The 40 acre size assures a quarter mile distance to some sort of commercial, like a corner store, but may not result in the neighborhood nodes being in the location on PlanDSM. OR, as shown, tie them to the neighborhood MU nodes, but what if the development does not touch one? Would it be okay to not have any commercial within some of these really large greenfield areas?

## Open Space Requirements

district constituting at least 20% of the land area.

2. For developments over 24 acres, at least 3 residential districts (N or NX) shall be designated with each district constituting at least 20% of the land area. At least one of the 3 districts shall be an NX district.

**D. P Districts.** P districts shall be designated for open space as required in [135-3.5](#).

### 3.4.8 DOWNTOWN NEIGHBORHOOD LARGE-SCALE DEVELOPMENTS

Downtown Neighborhood Large-Scale Developments are required on applicable parcels (per [135-3.1.2](#)) with a DX2 or DXR zoning designation on the zoning map. Refer to [Table 3.5-1](#) for the allowed zoning districts available for use in the Large-Scale Development.

**A. DX2 District.** A minimum of 40,000 square feet of area or 30 percent of the total net area, whichever is greater, shall be zoned DX2 when the existing zoning is DX2. Refer to [135-3.4.3](#) for location and layout.

**B. DXR District.** A minimum of 40,000 square feet of area shall be zoned DXR when the existing zoning is DXR. Refer to [135-3.4.3](#) for location and layout.

**C. MX3 District.** When at least 120,000 square feet of DX2 and/or MX2 district area is designated, a maximum of 40,000 square feet of MX3 district is permitted. Refer to [135-3.4.3](#) for location and layout.

**D. Other Districts.** Other districts are allowed per [Table 3.5-1](#).

**E. P Districts.** P districts shall be designated for open space as required in [135-3.5](#).

#### F. Minimum Required Residential Mix.

1. For all developments, at least 2 residential districts (RX, N, or NX) shall be designated with each district constituting at least 20% of the land area.
2. For developments over 24 acres<sup>11</sup>, at least 3 residential districts (RX, N, or NX) shall be designated with each district constituting at least 20% of the land area.

<sup>11</sup> 24 acres is approximately 6 blocks, which could accommodate different districts such as 2 blocks of one district, 4 of another, and block ends down the central corridor being a third district.

### 135-3.5 Open Space Requirements<sup>12</sup>

All large-scale developments are required to provide public or private open space based upon the following requirements.

#### 3.5.1 REQUIRED AMOUNT

One type of open space is required within 1/4 of a mile of each principal entrance for each residential unit.

#### 3.5.2 NATURAL FEATURES

Where significant tree canopy or natural feature exist on the site, the open space shall be located in order to preserve the maximum amount of the existing trees or natural feature.

#### 3.5.3 TYPES OF OPEN SPACE

The following types of open space are permitted. With the exception of the parklet, no more than one of each type is permitted per every 40 acres of development site:

**A. Plaza.** A plaza is a generally hardscaped area (minimum 60 percent coverage), minimum 1/8 acre in size, with either street, pedestrian, or river right-of-way or building frontage on all sides and at least one side the equivalent of 25 percent of the perimeter fronting a primary street. A single plaza may not fulfill the minimum open space requirements; if a plaza is utilized to meet the distance requirement, another open space shall be incorporated in another location on the site.

**B. Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.

**C. Parklet.**<sup>13</sup> A parklet is a generally landscaped space (minimum 70 percent), minimum 1/2 acre with street right-of-way on at least 50 percent of the perimeter.

**D. Green.**<sup>14</sup> A green is a larger, generally landscaped space, a minimum of 1 acre in size, with at least 25 percent of the perimeter on street right-of-way.

**E. Natural Area.** A natural area is a large area, minimum 2 acres in size, defined to conserve a natural feature, such as a wetland or woodland. At least 25 percent of the perimeter shall be on a street right-of-way.

<sup>12</sup> Not sure about the comment regarding a disconnect between landscape and open space? Should discuss.

<sup>13</sup> Comment re: another name for "park" to avoid confusion with a city park. Renamed park to green and reduced the size. Changed name of green to parklet. Out of names!



**3.5.4 EXISTING OPEN SPACE**

Existing usable natural area or open space, more than 1/4 of an acre and meeting one of the types defined above, may fulfill the requirements if the distance requirement is met.

**3.5.5 P1 DISTRICT DESIGNATION**

The open space shall be zoned with the P1 zoning district.

**3.5.6 TRAILS**

Refer to any city open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.

**3.5.7 STORMWATER**

Stormwater accommodations required per XXX may be incorporated into open space, if the stormwater facility is designed as a landscape feature without fencing to allow access and use of the space by residents.

## **135-3. LARGE-SCALE DEVELOPMENT**

### Open Space Requirements

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## Chapter 135. Planning

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## 135-4.1 General

### 4.1.1 PURPOSE

- A.** The parking regulations of this article are intended to help ensure that off-street parking facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.
- B.** The provisions of this article are also intended to help protect the public health, safety and general welfare by:
  1. Promoting economically viable and beneficial use of land; and
  2. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

### 4.1.2 APPLICABILITY<sup>1</sup>

#### A. General

Off-street parking must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

#### B. New Uses and Development

The parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

- C. Change of Use.** If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, the new use must comply with the parking requirements of this article.

#### D. Enlargements and Expansions

1. The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used in establishing off-street parking requirements.
2. In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.

#### E. Maintenance

Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.

#### F. Damage or Destruction

When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this zoning ordinance.

## 135-4.2 Motor Vehicle Parking Ratios

### 4.2.1 DX DISTRICTS

- A. Minimums.** No minimum off-street motor vehicle parking ratios apply in DX districts.

- B. Maximums.** Uses in DX districts may not provide parking in excess of the minimum motor vehicle parking ratios established in [Table 4.2-1](#), except as approved in accordance with the type 1 design exception procedures of section [135-6.2.2](#).

### 4.2.2 MX-1 AND MX-2 DISTRICTS

- A. Minimums.** Uses in MX1 and MX2 districts must provide parking equal to 60% of the minimum parking ratios established in [Table 4.2-1](#).
- B. Maximums.** Uses in MX1 and MX2 districts may not provide parking in excess of 120% of the minimum motor vehicle parking ratios established in [Table 4.2-1](#).

### 4.2.3 OTHER DISTRICTS

For uses in districts other than DX, MX-1 or MX-2, off-street motor vehicle parking spaces must be provided in accordance with the minimum ratios established in [Table 4.2-1](#).

### 4.2.4 ALTERNATIVE PARKING RATIOS

The motor vehicle parking ratios of this section ([135-4.2](#)) are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternatives to the motor vehicle parking requirements of section [135-4.2.1](#), [135-4.2.2](#) and [135-4.2.3](#) may be approved through the type 1 design exception procedures of section [135-6.2](#). In reviewing requests for authorization of alternative

<sup>1</sup> These provisions, added for clarity, are mostly new.



## 135-4. PARKING

### Calculation of Required Parking

parking ratios, review and decision-making bodies may consider generally available parking information or data provided by the applicant. In order to approve such alternative ratios, the authorized decision-making body must determine that:

- The motor vehicle parking ratios of [Table 4.2-1](#) do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based;
- The allowed parking credits and reduction alternatives of section [135-4.4](#) are infeasible or do not apply; and
- The reduced parking ratios proposed are not likely to cause adverse impacts on traffic safety or on the general welfare of property owners and residents in the surrounding area.

**TABLE 4.2-1. PARKING RATIOS**

USE CATEGORY	Min. Spaces	Per	Exceptions & Supplemental
Use Subcategory			
Specific Use Type			
RESIDENTIAL			
Household Living	1.0	Dwelling	0.5 per unit for elderly housing
Group Living			
Assisted living facility	0.12	Bed	Plus 0.5 spaces per staff member
Fraternity or sorority	0.5	Resident	
Shelter, temporary	0.5		
Other group living	Established in accordance with 135-4.3.4.		
PUBLIC, CIVIC AND INSTITUTIONAL			
Airport	Established in accordance with 135-4.3.4.		
College or University			
Fraternal Organization	6.6	1,000 sq. ft.	
Hospital	0.2	Bed	Plus 0.5 per staff member
Library or Cultural Exhibit	1.0	1,000 sq. ft.	
Parks & Recreation	Established in accordance with 135-4.3.4.		
Postal Service			
Religious Assembly	0.16	Seat	
Safety Service	0.5	Staff	
School			
Elementary/middle	0.5	Staff	Plus 10 spaces
High school	0.5 0.1	Staff Student	
Utilities and Public Service Facilities	0.5	Staff	
COMMERCIAL			
Adult Entertainment	2.5	1,000 sq. ft.	

**TABLE 4.2-1. PARKING RATIOS**

USE CATEGORY			
Use Subcategory	Min. Spaces	Per	Exceptions & Supplemental
Specific Use Type			
Animal Service	2.5	1,000 sq. ft.	Animal enclosure areas not counted
Broadcast or Recording Studio	2.5	1,000 sq. ft.	
Business or Trade School	0.5 0.2	Staff Student	
Commercial Service	1.6	1,000 sq. ft.	
Day Care	0.5	Staff	Plus 3 drop-off/pick-up spaces
Eating & Drinking Places	6.6	1,000 sq. ft.	
Entertain. & Spectator Events	0.16	Seat	
Financial Service	2.5	1,000 sq. ft.	Minimum 5 spaces
Funeral or Mortuary Service	0.2	Seat	
Lodging	1.0	Guest room	
Office	2.5	1,000 sq. ft.	
Retail Sales	2.5	1,000 sq. ft.	1.6 per 1,000 sq. ft. for furniture & appliance sales
Self-service Storage	0.1	Storage unit	
Sports and Rec., Participant	4.0	1,000 sq. ft.	
<b>Vehicle Sales &amp; Service</b>			
Fueling Station	1.0	Fuel pump	Plus parking for retail per retail sales ratio
All other	1.6	1,000 sq. ft.	
<b>INDUSTRIAL</b>			
Fabrication & Production	0.5	Staff	Plus parking for office provided per office ratio
Industrial Service	0.5	Staff	
Storage, Distribution & Wholesaling	0.1	1,000 sq. ft.	0.33 spaces per employee, whichever is greater
Junk or Salvage Yard	0.5	Staff	
Mining or Mineral Processing	0.5	Staff	
<b>OTHER</b>			
Drive-in or Drive-through Service			

### 135-4.3 Calculation of Required Parking

In determining the number of parking spaces required, the calculation rules of this section ([135-4.3](#)) apply.

#### 4.3.1 FLOOR AREA

Parking requirements based on floor area must be

calculated on the basis of gross floor area, minus parking and loading areas and areas of a building occupied exclusively by mechanical equipment and service areas (e.g., dumpsters and recycling bins).

### 4.3.2 MULTIPLE USES

Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with [135-4.4.4](#).

### 4.3.3 CALCULATIONS

In calculating the number of parking spaces required for uses subject to a minimum parking ratio of “x” spaces per 1,000 square feet, first divide the floor area of the subject use by 1,000 and then multiply the result by “x.” If, for example, a minimum parking ratio of 2.5 spaces per 1,000 square feet is applied to a use occupying 1,500 square feet of floor area, the minimum parking requirement for that use would be calculated as follows:  $(1,500 \text{ sq. ft.} \div 1,000) \times 2.5 = 1.5 \times 2.5 = 3.75$ , which is rounded up to 4 spaces.

### 4.3.4 OCCUPANCY-BASED STANDARDS

For the purpose of computing parking requirements based on staff, students, members, residents or occupants, calculations must be based on the average number of persons working on any single shift, the average enrollment or membership or the area’s code-rated capacity, whichever is applicable.

### 4.3.5 BENCH SEATING

For the purpose of calculating parking requirements based on seating, the building code governs.

### 4.3.6 UNLISTED USES

Upon receiving a development or permit application for a use not specifically listed in an off-street parking schedule, the community development director is authorized to apply the off-street parking ratio specified for the listed use that the director deems most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [135-4.3.7](#).

### 4.3.7 ESTABLISHMENT OF OTHER RATIOS

The community development director is authorized to establish required minimum parking ratios for unlisted uses and in those instances where authority to establish a requirement is expressly provided. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [135-4.3.6](#)), (2) on parking data provided by the applicant or (3) other information available to the

community development director. Parking data and studies provided by applicants must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Such parking studies must document the source of all data used to develop proposed requirements.

## 135-4.4 Parking Credits and Reductions<sup>2</sup>

### 4.4.1 ON-STREET PARKING

Nonresidential uses may count on-street parking spaces on public street rights-of-way abutting the subject property towards satisfying off-street motor vehicle parking requirements. One on-street parking space credit may be taken for each 25 linear feet of abutting right-of-way where on-street parking is allowed. Only space on the same side of the street as the subject use may be counted.

### 4.4.2 CAR-SHARE AND BIKE-SHARE SERVICE

The following parking credits apply to nonresidential uses that are required to provide 10 or more motor vehicle parking spaces and to residential projects that are required to provide 25 or more motor vehicle parking spaces.

- A. The number of required motor vehicle parking spaces is reduced by 4 spaces for each parking space that is leased by a city-approved car-share program for use by a car-share vehicle.
- B. The number of required motor vehicle parking spaces is reduced by 2 spaces for uses that provide space for a city-approved bike-share program facility with a minimum of 8 bicycle parking docks.

### 4.4.3 MOTORCYCLE AND SCOOTER PARKING

In parking lots containing more than 10 parking spaces, the provision of motorcycle or scooter parking spaces may be credited toward satisfying the minimum off-street parking ratios of [Table 4.2-1](#) at the rate of one motor vehicle parking space for each 2 motorcycle or scooter parking spaces. The maximum credit allowed under this provision is 2 spaces or 10% of the total minimum motor vehicle parking requirement for the subject property, whichever is greater. To receive credit, each motorcycle and scooter space must have a concrete surface and minimum dimensions of 4 feet by 8 feet. Areas restricted to motorcycle and scooter

<sup>2</sup> Entire section is new.

## 135-4. PARKING

### Bicycle Parking

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parking must be identified by signs.

#### 4.4.4 SHARED PARKING

##### A. General

Shared parking refers to the practice of 2 or more users who have need for parking at different times voluntarily agreeing to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.

##### B. Approval

The community development director is authorized to approve shared parking arrangements among property owners who propose shared parking.

##### C. Eligibility

Shared parking may be approved for residential and nonresidential uses. Required accessible parking spaces (for people with disabilities) may not be shared.

##### D. Calculation

The number of parking spaces required under a shared parking arrangement must be determined in accordance with the following:

1. Multiply the minimum parking required for each individual use, as set forth in [Table 4.4-1](#) by the percentage identified in [Table 4.4-1](#) for each of the 6 designated time periods.
2. Add the resulting sums for each of the 6 columns in [Table 4.4-1](#).
3. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

**TABLE 4.4-1. SHARED PARKING FACTORS**

Land Use	Time					
	Weekday			Weekend		
	12A-7A	7A-6P	6P-12A	12A-7A	7A-6P	6P-12A
Residential	100%	55%	100%	100%	80%	100%
Office/Industrial	5%	100%	10%	0%	10%	5%
Lodging	100%	60%	90%	100%	65%	80%
Eating/Drinking	50%	70%	100%	50%	60%	100%
Religious Assembly	0%	10%	30%	0%	85%	25%
Assembly/Entert.	10%	30%	60%	10%	70%	100%
Retail Sales/Service	5%	70%	80%	0%	100%	60%

##### E. Other uses

If one or more of the land uses proposing to make use of a shared parking arrangement do not

conform to the land use classifications in [Table 4.4-1](#), as determined by community development director, then the applicant must submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the community development director is authorized to determine the appropriate shared parking requirement, if any, for such uses.

##### F. Location

Shared parking may be located on-site or off-site. Off-site parking is subject to the regulations of [135-4.7.4](#).

##### G. Agreement

Before final approval of a shared parking arrangement, a shared parking agreement must be provided guaranteeing the long-term availability of the shared parking, commensurate with the uses served. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If a shared parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

### 135-4.5 Bicycle Parking<sup>3</sup>

#### 4.5.1 MINIMUM BIKE PARKING RATIOS

Long-term (Class A) and short-term (Class B) bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 4.5-1](#). Uses for which no bicycle parking ratio is established in [Table 4.5-1](#) are not required to provide off-street bicycle parking.

**TABLE 4.5-1. BICYCLE PARKING RATIOS**

USE CATEGORY	Minimum Spaces Required	
Use Subcategory	Class A Bicycle Spaces	Class B Bicycle Spaces
Specific Use Type		
<b>RESIDENTIAL</b>		
<b>Household Living</b>		
Buildings with 6 or fewer dwelling units	None	None
Buildings with 7 or more dwelling units	1 per dwelling unit for first 50 units, then 1 space per each additional 2 dwelling units	1 per 15 dwelling units; minimum 2 spaces
<b>Group Living</b>	0.33 per staff	1 per beds; minimum 2 spaces
<b>PUBLIC, CIVIC AND INSTITUTIONAL</b>		

<sup>3</sup> Entire section is new.

**TABLE 4.5-1. BICYCLE PARKING RATIOS**

USE CATEGORY	Minimum Spaces Required	
Use Subcategory	Class A Bicycle Spaces	Class B Bicycle Spaces
Specific Use Type		
College or University	Established in accordance with <a href="#">135-4.3.7</a> .	
Fraternal Organization	0.125 per 1,000 sq. ft.	0.25 per 1,000 sq. ft.
Hospital	0.067 per 1,000 square feet (1/15,000 sq. ft.)	0.033 per 1,000 square feet (1/30,000 sq. ft.)
Library or Cultural Exhibit	0.125 per 1,000 sq. ft.	0.5 per 1,000 sq. ft.
Parks & Recreation	Established in accordance with <a href="#">135-4.3.7</a> .	
Religious Assembly	None	1 per 200 seats; minimum 2 spaces
School	0.25 per classroom	1 per classroom
<b>COMMERCIAL</b>		
Adult Entertainment	0.125 per 1,000 sq. ft.	0.25 per 1,000 sq. ft.
Broadcast or Recording Studio	0.125 per 1,000 sq. ft.	0.02 per 1,000 sq. ft.
Business or Trade School	0.1 per classroom	1 per classroom
Commercial Service	Capacity of more than 500 = 4 spaces plus 1 space per 500-person capacity	0.25 per 1,000 sq. ft.
Eating & Drinking Places	0.125 per 1,000 sq. ft.	0.25 per 1,000 sq. ft.
Entertain. & Spectator Events	500 seats or less = 4 spaces More than 500 seats = 10 spaces	500 seats or less = 1 space per 125 seats More than 500 seats = 4 spaces plus 1 space per 250 seats
Financial Service	0.125 per 1,000 sq. ft.	0.25 per 1,000 sq. ft.
Lodging	1 per 40 rooms	1 per 40 rooms; minimum 2 spaces
Office	0.125 per 1,000 sq. ft.	0.02 per 1,000 sq. ft.
Parking, Non-Accessory	None	1 per 25 motor vehicle spaces
Retail Sales	0.125 per 1,000 sq. ft.	0.25 per 1,000 sq. ft.
Sports and Rec., Participant		

**4.5.2 FLOOR AREA USED FOR BICYCLE PARKING**

Areas within a building that are used to provide bicycle parking that complies with the bicycle parking design and location requirements of this section will not be counted as floor area for the purpose of calculating motor vehicle parking requirements.

**4.5.3 GENERAL BICYCLE PARKING DESIGN AND LOCATION REQUIREMENTS**

All bicycle parking spaces are subject to the following general design and location requirements.

- A. Bicycle parking spaces must be illuminated if accessible to users after dark.
- B. Bicycle parking spaces must be located to be readily visible by the public or by building users, except in the case of Class A parking spaces located in secure areas accessible only to employees, staff or residents;
- C. Bicycle parking spaces must be accessible without climbing stairs, going up or down a slope of more than 12%, and via a route on the property that is designed to minimize conflicts with motor vehicles and pedestrians.
- D. All bike racks must be located at least 2 feet in all directions from any obstruction, including other bike racks, walls, doors, posts, or columns.
- E. Nonresidential uses may use up to 2 required automobile parking spaces as space for providing bicycle parking.
- F. All required bicycle parking spaces must have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

**4.5.4 DESIGN AND LOCATION OF CLASS A BICYCLE PARKING SPACES**

In addition to the general bicycle parking design and location requirements of [135-4.5.3](#), all required Class A bicycle parking must meet the following requirements:

- A. Class A bicycle parking spaces may not be in dwelling units or on dwelling unit balconies.
- B. Unless clearly visible from the main building entrance, a sign indicating the location of all Class A bicycle parking spaces must be prominently displayed near the main entrance to the building or facility, and additional signs must be provided as necessary to ensure easy way-finding. A "bicycle parking" sign must also be displayed on or adjacent to any indoor room or area designated for bicycle parking.
- C. Class A bicycle parking spaces must protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow. Acceptable forms of protection include (i) individual bicycle lockers, (ii) attended parking areas, (iii) monitored parking areas, (iv) restricted-access parking areas, or (v)

## 135-4. PARKING

### Use of Off-Street Parking

other comparable arrangements approved by the community development director.

- D. Except in the case of bicycle lockers with a separate access door for each bike or attended facilities, all Class A bicycle parking spaces must be designed to allow bicycles to be securely locked to a bicycle rack.

#### 4.5.5 DESIGN AND LOCATION OF CLASS B BICYCLE PARKING SPACES

In addition to the general bicycle parking design and location requirements of [135-4.5.3](#), all required Class B bicycle parking must meet the following requirements:

- A. Class B bicycle parking must be visible from the main public building entrance and be at least as conveniently located as the most convenient non-disabled motor vehicle parking space serving the subject use. If no motor vehicle parking is provided, Class B bicycle parking spaces must be located within 75 feet of a building entrance.
- B. Class B bicycle parking spaces must be located on private property unless the city engineer approves a location within the public right-of-way.
- C. Class B bicycle parking spaces must be provided in the form of bike racks that comply with the city's "Bike Rack Policy."

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### 135-4.6 Use of Off-Street Parking<sup>4</sup>

**4.6.1** Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the temporary parking of licensed motor vehicles in operating condition.

**4.6.2** Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space.

**4.6.3** Required spaces may be used for electric vehicle charging.

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### 135-4.7 Location of Off-Street Parking

#### 4.7.1 GENERAL

Except as otherwise expressly stated in this article, required off-street parking areas must be located on the same lot as the use they are required to serve.

#### 4.7.2 N DISTRICT AND RESIDENTIAL PARKING

All required parking in any N district, and all required

parking on a lot occupied by no more than one or 2 dwelling units, must be outside the required street setback and surfaced in accordance with the applicable regulations of section [135-4.9](#).

#### 4.7.3 VEHICLE DISPLAYS

No vehicle may be displayed for sale, rental or hire in the required street setback except upon an improved parking or driveway area.

#### 4.7.4 OFF-SITE PARKING

##### A. When Allowed

All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces (see section [135-4.8](#)) and required parking for residential uses may not be located off site.

##### B. Location

Off-site parking areas must be located within a 750-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.

##### C. Required Zoning or Conditional Use Approval

Off-site parking lots are allowed only:

1. In zoning districts that permit non-accessory parking;
2. In districts that allow the principal use to be served by the off-site parking spaces; or
3. In districts where non-accessory parking and the use to be served by the parking are not allowed, when the off-site parking will be on an abutting lot and the proposal has been approved through the conditional use permit procedures of section [134-6.4](#).<sup>5</sup>

##### D. Design

Off-site parking areas must comply with all applicable parking area layout and design regulations of section [135-4.9](#).

##### E. Control of Off-Site Parking Area

The property to be occupied by off-site parking spaces must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if an agreement is provided guaranteeing the long-term availability of the

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<sup>4</sup> This section is new.

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<sup>5</sup> This is proposed as a replacement for the provisions of Sec. 134-1377(f)(8)



parking, commensurate with the use served by the parking. The agreement must be filed of record in the Polk County recorder's office. Off-site parking privileges remain in effect only as long as the agreement, binding on all parties, remains in force. If an off-site parking agreement lapses or is no longer valid, then parking must be provided as otherwise required by this article.

### 135-4.8 Accessible Parking

Accessible parking facilities (for persons with disabilities) must be provided in accordance with all applicable state regulations.

### 135-4.9 Parking Layout and Design

#### 4.9.1 APPLICABILITY

The parking layout and design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required parking spaces or non-required parking spaces.

#### 4.9.2 ACCESS DRIVES

All off-street parking areas must be served by a paved access drive.

#### 4.9.3 PARKING STALL SIZE

##### A. Compact Spaces

Up to 25% of the parking spaces in parking lots containing more than 6 parking spaces may be designated and designed as compact parking spaces. Compact parking spaces must be at least 7.5 feet in width and 16 feet in length. When compact parking spaces are used, at least 75% of the total number of parking spaces provided must be standard-size parking spaces.

##### B. Standard Spaces

All standard (non-compact) parking spaces must be at least 9 feet in width and 17 feet in length.

##### C. Universal Spaces

Universal-size parking spaces may only be used in parking lots containing more than 10 parking spaces. When universal size parking spaces are used, no compact spaces are allowed. All universal parking spaces must be at least 8.5 feet in width and 17 feet in length.

#### 4.9.4 PARKING LOT GEOMETRICS

Parking areas must be designed in accordance with the regulations of [Table 4.9-1](#), which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in [Table 4.9-1](#) may be interpolated from the layouts shown, as

approved by the community development director.

**TABLE 4.9-1. PARKING LOT GEOMETRICS**

Stall Type	<b>A</b> Stall Angle	<b>B</b> Stall Width	<b>C</b> Stall Length	<b>D</b> Aisle Width
Compact	0°	7.5	18.0	12.0
Standard		9.0	20.0	12.0
Universal		8.5	20.0	12.0
Compact	45°	7.5	16.0	12.0
Standard		9.0	17.0	11.0
Universal		8.5	17.0	12.0
Compact	60°	7.5	16.0	16.0
Standard		9.0	17.0	15.0
Universal		8.5	17.0	16.0
Compact	75°	7.5	16.0	21.0
Standard		9.0	17.0	20.0
Universal		8.5	17.0	21.0
Compact	90°	7.5	16.0	24.0
Standard		9.0	17.0	22.0
Universal		8.5	17.0	23.0

#### 4.9.5 MARKING

The location of each parking space must be identified by surface markings or other effective means and be maintained so as to be readily visible at all times.

#### 4.9.6 TANDEM PARKING

Tandem parking spaces may be used to satisfy off-street parking requirements for household living uses when the parking spaces are assigned to the same dwelling unit. Tandem parking spaces may be used to satisfy off-street parking requirements for other use types when an attendant is on duty during all hours of operation of the subject use.

#### 4.9.7 SURFACING

- All off-street parking areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the community development director.
- Non-required parking areas located in the rear yard of lots occupied by one- or 2-unit residential buildings are exempt from the parking area surfacing requirements of this section.
- Pavement areas shall consist only of necessary drives, walkway paths, and parking spaces; all other areas shall be landscaped. Excessive pavement shall be avoided.

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### Stacking Spaces

#### 4.9.8 CURBS AND BARRIERS

Curbs or similar barriers approved by the community development director must be provided to prevent motor vehicles from encroaching into required setbacks and landscape areas, as follows:

- A. All open off-street parking areas must provide a 6-inch curb or approved wheel barrier when abutting required setbacks, landscape areas and adjoining property lines.
- B. Wheel barriers must be located at least 2 feet from the edge of pavement or the area to be protected from encroachment.

#### 4.9.9 VERTICAL CLEARANCE

All required parking spaces must have overhead vertical clearance of at least 7 feet.

#### 4.9.10 LIGHTING

- A. All lighting used to illuminate off-street parking areas must use full-cutoff directional lighting to prevent glare and light spillover onto streets and abutting N-zoned lots.
- B. The maximum horizontal illuminance at grade and the maximum vertical illuminance at 5 feet above grade measured at the property line may not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass (0.5 footcandles for residential, 2.0 footcandles for commercial).
- C. Light standards within parking lots may not exceed 20 feet in height.

#### 4.9.11 LANDSCAPING

See [Chapter 135, Article 5](#) for landscape and screening regulations.

### 135-4.10 Stacking Spaces

#### 4.10.1 SPACES REQUIRED

In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in [Table 4.10-1](#).

TABLE 4.10-1. STACKING SPACE REQUIREMENTS	
Use	Minimum Spaces (per lane)
Automated teller machine	2 (measured from ATM)
Bank	3 (measured from service area)
Car wash, automated or customer-operated	2 (measured from vehicle entrance)

**TABLE 4.10-1. STACKING SPACE REQUIREMENTS**

Use	Minimum Spaces (per lane)
Car wash, attendant hand wash	3 (measured from vehicle entrance)
Drug store	2 (measured from pick-up window)
Restaurant drive-through	3 (measured from order board)
Kiosks	2 (measured from service window)
Other	As approved by community development director

#### 4.10.2 DIMENSIONS

Each lane of stacking spaces must be at least 8 feet in width and at least 17 feet in length. Stacking lanes must be delineated with pavement markings.

#### 4.10.3 LOCATION AND DESIGN

- A. Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.
- B. See also [135-1.19.3](#) for additional regulations associated with the accessory structure.

#### 4.10.4 PEDESTRIAN ACCESS

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

### 135-4.11 Temporary Parking

**4.11.1** Temporary parking for the state fair, Drake Relays, and other events officially designated by the city council are exempt from the parking location, layout and design regulations of this article.

**4.11.2** Overflow temporary parking for school athletic events is exempt from the parking location, layout and design regulations of this article provided such parking is restricted to the school grounds.

### 135-4.12 Loading<sup>6</sup>

#### 4.12.1 APPLICABILITY

Any new construction of a principal building with a gross floor area of 25,000 square feet or more and that is expected to regularly handle materials or

<sup>6</sup> Current loading regulations require one loading space for first 10,000 sq. ft. of floor area, the one add'l space per

merchandise carried by vehicles rated by the Federal Highway Administration as “heavy duty” (i.e., Class 7 or higher and with a gross trailer weight rating of over 26,000 lbs.), must provide off-street loading facilities.

#### 4.12.2 MINIMUM LOADING SPACE REQUIREMENTS

Uses subject to off-street loading regulations must provide loading spaces in accordance with the minimum requirements of [Table 4.12-1](#).

**TABLE 4.12-1. LOADING SPACE REQUIREMENTS**

Gross Floor Area (sq. ft.)	Minimum Loading Spaces
0–24,999	0
25,000–49,999	1
50,000–74,999	2
75,000–99,999	3
100,000–249,999	4
250,000+	1 per each add'l 250,000 sq. ft.

#### 4.12.3 ADDITIONAL REGULATIONS

All required and non-required loading areas must comply with the additional regulations of this subsection ([135-4.12.3](#)).

- A.** Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.
- B.** No loading space may be located on a front facade.
- C.** Except as expressly allowed in designated commercial loading zones (pursuant to [Sec. 114-607](#) of the municipal code) vehicle maneuvering areas and loading and unloading activities must occur on-site, not within the public right-of-way.
- D.** All loading spaces must be posted with “No Idling” signs.
- E.** All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the city engineer.
- F.** See [Chapter 135, Article 5](#) for landscape and screening requirements.

20,000 sq. ft. These provisions are new/revised.

### 135-4.13 Site Access and Driveways

#### 4.13.1 INTENT

Driveways must be minimized to the extent practical and located to have the least impact on pedestrian and non-motorized transportation accessibility, safety, and comfort.

#### 4.13.2 NUMBER AND LOCATION OF DRIVEWAYS

- A. Quantity.** The number of allowed driveways is established by the building type regulations of [Chapter 135, Article 1](#).
- B. Hierarchy of Drive Locations.** The hierarchy of drive locations is as follows:
  1. Alley. Where an alley exists, driveways must be accessed from the alley.
  2. Non-Primary Street. Where no alley exists, driveways must be accessed from non-primary streets.
  3. Primary Street. Where no alley and no non-primary street exists, driveway may be accessed from a primary street.
  4. Exception. Alternative driveway locations may be approved in accordance with the type 1 design exception procedures of section [135-6.2.2](#).
- C. Shared Driveways.** Shared driveways between abutting lots are encouraged.
- D. Driveways and Curb Cuts.** Applicants must comply with curb cut specifications issued by the city engineer.
- E. Circular Drop-Off Drives.** Where permitted by building type, circular drop-off drives are permitted on lots with a minimum width of 100 feet, with front yards at least 20 feet deep.

#### 4.13.3 DIMENSIONS & DESIGN

- A. Curb Cuts and Driveway Width at Property Line.** The following widths apply to all driveways at any street or alley entrance.
  1. Maximum Width. Maximum driveway width shall be 22 feet, measured at the right-of-way and not including curb radii, unless otherwise approved by the city engineer.
  2. N and NX Districts.
    - a. Driveways serving one- and 2-unit buildings must be at least 8 feet in width and no wider than 10 feet within any front yard, except in N1 and N2 district. In N1 and N2, the maximum width is **.14 ft.**

## 135-4. PARKING

### Site Access and Driveways

- b. More than 2-Units. Driveways serving buildings with more than 2 units must be at least 8 feet in width and no wider than 18 feet in any front yard.
- 3. All Other Districts. Driveways serving all other districts must be at least 10 feet in width if one-way and 20 feet in width if 2-way.

**B. Distance Between Curb Cut and Intersections.**

For corner lots, the minimum distance permitted between any curb cut and the intersection of the two right-of-way lines shall be 40 feet, unless otherwise approved by the city engineer.

**C. Distance Between Two Curb Cuts.** The minimum distance between 2 curb cuts shall be 10 feet.

**D. Distance from Side Lot Line.** A minimum distance of 3 feet from side property lines shall be maintained at the curbline for all curb cuts in all districts other than N and NX districts, unless a shared driveway agreement is in place.

**E. Maximum Width at Garages.** When a garage door is located on the front facade of the structure, the driveway shall be no more than 2 feet wider than the garage door at any location.

**F. Circular Drop-Off Drives.** Maximum width of circular drop-off driveways shall be 15 feet. A minimum 5-foot wide landscape area is required between the drop-off drive and the front property line.

**G. Intersection with Sidewalks.** Where sidewalks cross driveways, the sidewalk pavement scoring, pattern, and color, shall continue through the driveway, prioritizing the pedestrian path over the vehicular path.

## Chapter 135. Planning and Design

**ARTICLE 5. LANDSCAPE AND STREETSCAPE**

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## 135-5.1 General

### 5.1.1 PURPOSE

The landscape and streetscape regulations of this article are intended to provide the following.

- A.** To protect property values and the appearance of neighborhoods and commercial districts through appropriate landscape and fencing.
- B.** To provide for healthy, long-lived trees within all public ways to improve the appearance of streets and create a buffer between pedestrian and vehicular travel lanes.
- C.** To increase the urban tree canopy throughout the city.
- D.** To increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- E.** To promote the prudent use of water through sustainable, functional landscapes.
- F.** To reduce energy demands through the shading of buildings and pavement, reducing the urban heat island effects.

### 5.1.2 APPLICABILITY

- A. General.** The landscape and streetscape regulations shall be provided and followed in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.
- B. New Uses and Development.** The landscape and streetscape regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.
- C. Discontinued Uses, Change of Use.** If the use of a property is discontinued for a period of more than 6 months, or if a new or amended site plan is required by a change of use on the premises, the landscape and streetscape regulations of this article apply.
- D. Enlargements and Expansions**
  - 1. **Structures.** The landscape and streetscape regulations of this article apply whenever a building addition over 50% of the existing building gross floor area or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the assessed value of the existing building. Estimated building permit valuation is cumulative from the date of the adoption of this ordinance.

- 2. **Parking Lots.** The landscape and streetscape regulations of this article shall be fulfilled as follows:
  - a. When any existing surface parking lot is reconfigured or reconstructed.
  - b. When any existing surface parking lot is expanded in area or number of stalls by less than 50% of the original lot area, the new area shall comply with the requirements.
  - c. When any existing surface parking lot is expanded in area or number of stalls by 50% or more of the original lot area, the original lot area and the new area shall comply.
  - d. When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.

**E. Vacant Buildings.** If a building or parking lot is vacant for 6 months or longer, the landscape and streetscape regulations of this article shall be met.

**F. Maintenance.** Landscape and streetscape required by this zoning ordinance shall be maintained for the life of the principal use. Damaged or dead streetscape and landscape shall be replaced or repaired so that the requirements of this article are met at all times.

**G. Buffer Exceptions.** Landscape buffers are required according to the provisions in this article with the following exceptions.

- 1. **Shared Driveways.** Buffers shall not be required along a property line where a curb cut or aisle is shared between 2 adjoining lots.
- 2. **Points of Access.** Buffering is not required at driveways or other points of access to a lot, unless otherwise addressed by these regulations.

**H. Temporary Uses.** These provisions do not apply to temporary uses, unless determined otherwise by the community development director.

### 5.1.3 ENFORCEMENT

The requirements of this subsection may be enforced in accordance with [Chapter 134, Article 8](#).

### 5.1.4 OTHER REGULATIONS

- A.** Refer to Chapter 22, Vegetation, for additional information regarding treatment of landscape
- B.** Refer to Sec. 114.14 of the municipal code for vision clearance at street intersections<sup>1</sup>

<sup>1</sup> Current distances prohibit buildings built up to the corner. TMP process will address this.

### 135-5.2 General Landscape Installation Requirements

#### 5.2.1 INTENT

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

#### 5.2.2 APPLICABILITY

These provisions apply to landscape installation as required by this section.

#### 5.2.3 GENERAL INSTALLATION REQUIREMENTS

The installation of landscaping shall adhere to the following standards.

**A. National Standards.** Best management practices and procedures according to the nationally accepted standards shall be practiced. All landscaping and trees shall be installed in conformance with the practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by the American Association of Nurserymen.

**B. Installation.** Landscaping shall be fully installed prior to the issuance of a certificate of occupancy. If seasonal conditions preclude the complete installation, a temporary certificate of occupancy may be issued as follows:

**TABLE 5.2-1. PLANT MATERIAL SIZE AT INSTALLATION**

Plant Material Type	Minimum Size
Street Tree	1.5 inch caliper and 8 feet in height
Shade/Overstory Tree	1.5 inch caliper and 8 feet in height
Ornamental/Understory Tree	1.5 inch caliper and 6 feet in height
Evergreen/Coniferous Tree	6 feet in height
Shrubs - Deciduous	3 gallon container or 15-18 inch balled & burlapped; and 18-24 inches high x 15-18 inches wide
Shrubs - Evergreen	3 gallon container or 15-18 inch balled & burlapped; and 18-24 inches high x 15-18 inches wide
Ornamental Grasses	3 gallon container or 15-18 inch balled & burlapped; and 18-24 inches high x 15-18 inches wide
Groundcover	1 gallon container and 3 inches high by 12 inches wide

- For temporary certificates of occupancy issued between October 1 and April 30, all remaining landscape required shall be installed by the following June 1.
- For temporary certificates of occupancy issued between May 1 and September 30, all remaining landscape required shall be installed by the following October 30.

#### C. Tree Measurement.

- Caliper is the measured diameter (inches) of the tree trunk as follows:
  - 4 inch caliper and smaller. Caliper measurement of the trunk shall be taken 6 inches above the trunk/root flare up to and including 4 inch caliper size.
  - Greater than 4 inch caliper. If the caliper at 6 inches above the ground exceeds 4 inches, the caliper shall be measured at 12 inches above the trunk/root flare.
- For trees measured in height only, the measurement shall be taken from the root flare to the tip of foliage.

**D. Plant Size Requirements.** Plant material shall be sized according to [Table 5.2-1](#) unless otherwise noted in this section.

#### E. Condition and Selection of Planting Materials.

The plant materials used shall be free from visible signs of disease, infestation, or physical defect at the time of planting. Plant materials shall:

- Be appropriate for the conditions of the location, including sun and wind exposure, air quality, salt exposure, soil type, expected moisture content of soil, and slope.
- Not be an invasive or a potentially invasive species.
- Be, wherever possible, native or naturalized to the Des Moines region.

**F. Compost and Organic Matter.** Compost and organic matter shall be utilized within the soil mix to reduce the need for fertilizers and increase water retention.

**G. Establishment.** All installed plant material shall be fully maintained until established, including watering, mulching, fertilizing, and replacement as necessary.

### 135-5.3 Ground Vegetation

All unpaved areas of the site shall be covered by one of the following.

#### 5.3.1 PLANTING BEDS

- A.** Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
- B.** A minimum of 60 percent of the bed area shall be covered in plant material at maturity. The remaining portion of the bed shall be covered with non-living permeable materials, such as mulch.
- C.** Annual beds shall be maintained seasonally, replanting as necessary.

#### 5.3.2 GRASS

Seeded, plugged, or sodded grass may be planted throughout landscaped areas. Grass shall be established within 90 days of planting or the area shall be reseeded, replugged, or resodded.

**TABLE 5.4.2. CANOPY COVERAGE BY TREE SIZE AT MATURITY**

Tree Size	Canopy Size
Shade/Overstory	1,000 square feet
Ornamental/ Undestory Tree	700 square feet
Evergreen/ Coniferous Tree	300 square feet

**TABLE 5.4.3. EXISTING TREE CANOPY CREDITS**

Tree Diameter at 4.5 Feet	Additional Canopy Credit
≥ 10 inches	300 square feet
≥ 20 inches	700 square feet
≥ 30 inches	1,000 square feet

### 135-5.4 Site Trees

#### 5.4.1 REQUIRED QUANTITY OF TREES

- A. Intent.** Sufficient trees shall be retained or planted on a lot so that the square footage of vegetative canopy of such trees, when mature, creates a significant canopy over the city.
- B. Quantity of Trees by Canopy Coverage.** The percentage of canopy coverage required for each zoning district is as follows:
  1. RX, CX, EX, and I Districts. For RX, CX and EX districts, a minimum of 1 medium or large tree or 15% of the square footage of the lot, whichever is greater, is required.
  2. NX Districts. For lots zoned NX that are greater than 10,000 square feet, a minimum of 1 medium or large tree, or 15% of the square footage of the lot, whichever is greater, is required.
- C. Measurement.** The total canopy coverage for a lot is the sum of the canopy, at maturity, of the individual trees located on the lot. Refer to [Table 5.4.2](#).
  1. Street trees located in the public right-of-way directly adjacent to the property line of the lot may be counted toward the canopy coverage for the lot.
  2. For developments that encompass more than one lot, the percentage shall be calculated for the total canopy for the total area of all of the lots.
  3. For developments that span multiple blocks, the percentage required shall be calculated separately for each contiguous area of the development within a block.
- D. Credit for Existing Trees.** Additional credit for canopy coverage may be granted for retaining healthy trees of appropriate species and location, subject to the approval of the city forester, as shown in [Table 5.4.3](#).
- E. Alternative Compliance.** Where existing conditions or other provisions of this section make it impracticable to meet the canopy coverage requirement on or adjacent to the site, the applicant shall plant sufficient trees to make up the shortfall with the location to be determined by the city forester.

#### 5.4.2 TREE TYPES

- A. Permitted Tree List.** A list of permitted tree types

# 135-5. LANDSCAPE AND STREETSCAPE

DRAFT

## Site Trees

is available from the department of public works forestry division. Exceptions to this list may be approved by the city forester.

**B. Mix of Species.** Planted trees shall be a diverse combination of permitted species, where possible.

### 5.4.3 TREE SPACING

Trees shall be spaced per [Table 5.4.4](#).

### 5.4.4 TREE MAINTENANCE

Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.

### 5.4.5 PERMEABLE SURFACE

For each tree preserved or planted, a minimum amount of permeable surface area is required, unless otherwise stated in this ordinance. Refer to [Table 5.4.5](#) for soil volumes and permeable area per tree.

### 5.4.6 MODULAR PAVEMENT SUPPORT SYSTEM

**A. Definition.** Modular pavement support systems is a

system of modular units, assembled to form a grid that supports pavement and traffic loads above while maintaining non-compacted soil beneath for tree root growth.

- B. Intent.** Modular pavement support system is intended to provide additional root growth area for urban trees located within sidewalks or paved areas. The goal of the system is increase the life and health of th trees.
- C. Requirement.** Trees do not meet the soil volumes and permeable area per tree in [Table 5.4.5](#) for are required to utilize the modular pavement support system.
- D. Submittals.** Samples and specifications shall be submitted and the modular pavement support system shall be approved by the city arborist prior to installation.
- E. Exception.** The city forester may approve an alternate system of support for trees that do not meet the requirements in [Table 5.4.5](#) through the type 1 design exception process.

**TABLE 5.4.4. MINIMUM TREE SPACING**

Tree Size	Minimum Spacing
Street Tree	30 feet
Shade/Overstory Tree	30 feet
Ornamental/Understory Tree	15 feet
Evergreen/Coniferous Tree	10 feet

**TABLE 5.4.5. SOIL VOLUMES & PERMEABLE AREA**

Tree Size	Permeable Surface Area Requirement (minimum)	Soil Volume (minimum)	Minimum Typical Soil Measurements with 3-foot Soil Depth
Street/ Shade/ Overstory Tree	50 square feet (e.g. 5' x 10'); trees shall be no closer than 2 feet to any concrete edge/surface	1000 cubic feet	12 feet wide x 28 feet long
Small	50 square feet (e.g. 5' x 10'); trees shall be no closer than 2 feet to any concrete edge/surface	400 cubic feet	12 feet wide x 11 feet long



### 135-5.5 Street Trees

A street tree is any tree lining a street to achieve the purpose described in the following intent and which otherwise meets the requirements of this section.

#### 5.5.1 INTENT

To line all streets with a consistent and appropriate planting of trees to establish tree canopy for environmental and aesthetic benefits for all streets.

#### 5.5.2 APPLICABILITY

The requirements of this section apply to tree planting along all new streets, realignments of existing streets, major renovations of sidewalks, any new construction of principal structures, and any redevelopment or expansion requiring siteplan review.

#### 5.5.3 MINIMUM STREET TREE REQUIREMENTS

The following standards apply to the installation of street trees.

**A. Clear Branch Height.** The clear branch height of a tree is the distance between the ground plane and the lowest branch of the tree at maturity. Minimum clear branch height is 8 feet for the portion of trees overhanging sidewalks and 15 feet for the portions of trees overhanging streets.

**B. Street Tree Type.** All street tree types shall conform to the city's approved tree species list and shall be single trunk.

**C. Street Tree Locations and Spacing.** Street trees shall be planted as follows.

1. Minimum per Street Frontage. Each lot is required to have one tree for every 30 feet of street frontage with a minimum of one street tree per street frontage.
2. Location. Street trees shall be located within the planted parkway or furnishings zone of the street type. Refer to the city's most recent Transportation Master Plan.
3. Intersections. Street trees shall be located a minimum distance from the intersection of two streets per 114.14 of the municipal code.<sup>2</sup>
4. Proximity to Paving. Street trees shall be located a minimum of 2 feet from any permanently paved edge or surface in any district.
5. Limited Space. The requirement to provide street trees may be waived by the community development director for existing streets, where

there is no combination of public and/or private land sufficient to provide the following:

- a. In the DX districts, a minimum 6-foot sidewalk with a minimum 4-foot furnishings zone.
- b. In all districts except the DX districts, a minimum 5-foot sidewalk with a minimum 4-foot parkway or furnishings zone.

#### D. Permeable Surface and Modular Pavement Support System.

The permeable surface and modular pavement support system requirements in subsections [135-5.4.5](#) and [135-5.4.6](#) shall be met for all street trees.

<sup>2</sup> See previous footnote. TMP to address. Distance is 70' back along most main street corridors...prefer 45 feet at intersections with required stop.

## Streetscape Requirements

### 135-5.6 Streetscape Requirements

#### 5.6.1 INTENT

To establish attractive, contiguous streetscape with amenities along all mixed use corridors and other streets throughout the city.

#### 5.6.2 APPLICABILITY

The requirements of this section apply to all new streets, realignments of existing streets, major renovations of sidewalks, and new streets.

**A. Applicable Districts.** For all developments in DX, MX, RX, CX, EX, I, and P districts, and any NX district on a major corridor, the following streetscape is required to be installed by the applicant for all new streets and existing streets, unless otherwise stated.

**B. Fee-in-lieu.** For developments with less than 200 feet of primary street frontage, a fee-in-lieu of streetscape will be assessed by the community development director for deposit in the city's streetscape fund.

#### 5.6.3 GENERAL

**A. Streetscape Location.** Streetscape occupies the full pedestrian area of any street right-of-way (back of curb to edge of street right-of-way) and the front yard of all developments as defined by the type of streetscape (see [135-5.6.4](#), below).

**B. Planned Streetscapes.** Proposed or planned streetscape designs shall be considered when determining the applicable area and design elements.

**C. Streetscape Design Continuation.** The approved streetscape design for each street may be utilized by the city for the extension of any street outside the development to provide district continuity.

#### 5.6.4 STREETSCAPE TYPES

**A. Planted Parkway Streetscape.** For all residential and office developments without storefronts in applicable districts, except the DX districts, the following minimum landscape is required on all street frontages.

1. Parkway Planting. The parkway area between the back of curb and the sidewalk shall be planted with street trees and ground vegetation (see [135-5.3](#)). Stormwater accommodations, lighting, and signage may be located in this area, as determined by the community development director.
2. Street Yards. The front and corner side yard

areas shall be planted with a minimum of 30 percent planting bed. The remaining area may be grass or patio area as permitted by the building type.

3. Alternate Design. In these locations, the community development director may approve the use of full pavement with tree beds as defined below, based upon the context of the area.

**B. Full Pavement with Tree Beds.** For all developments with storefront on the front facade and all developments in the DX districts, the following streetscape and landscape is required along all street frontages.

1. Pedestrian Realm. The entire area from edge of the right-of-way to back of curb shall be designed as a combination of hardscape, tree beds and/or planting bed areas, and necessary traffic control elements.
2. Street Yards.
  - a. The front and corner side yard areas shall be designed in conjunction with the pedestrian realm to create a cohesive streetscape.
  - b. Outdoor dining<sup>3</sup> may be incorporated into the street yards based upon the following:
    - i. DX districts. In the DX district, a type 1 design exception is required for outdoor dining located in any street yard. A 6-foot sidewalk width must be clear and there shall be no alternative location for outdoor dining. A sidewalk care permit or lease is required if the outdoor dining extends into the right-of-way.
    - ii. Other districts. In all districts other than the DX districts, outdoor dining is permitted in the right-of-way if a 5-foot sidewalk width remains clear. A sidewalk care permit or lease is required if the outdoor dining extends into the right-of-way.
3. Tree Bed Size and Spacing
  - a. Minimum Bed Area. Tree beds shall be a minimum of 4 feet wide, measured perpendicular to the curb.
  - b. Minimum Bed Length. Tree beds shall be a minimum of 8 feet in length, measured

<sup>3</sup> Needs coordination with outdoor dining accessory use, 134-3.

# 135-5. LANDSCAPE AND STREETSCAPE

General Landscape Maintenance Requirements.

parallel to the curb.

- c. Pass-Through Area. A minimum 15-foot wide space shall be provided between tree beds to allow pedestrian pass-through and furnishings locations.

## 5.6.5 STREETSCAPE DESIGN

**A. Standard Specifications.** Streetscape shall meet any standards defined by the city for sidewalk, curb, access, and parkway construction. The community development director may request additional requirements or waive any requirements.

**B. Streetscape Design.** At a minimum, the streetscape design shall include the following:

1. Street Trees. Trees meeting the minimum requirements of section [135-5.5](#), shall be included in the streetscape design, with details related to tree beds and tree planting.
2. Pavement Design. Paving materials and pattern is required for each street. Pavement design shall include the minimum sidewalk widths required by the city and any extension of the sidewalk to the back of curb included on the private lot.
3. Street Furnishings. For a full block development, benches and/or seatwalls, planters, planter fences, tree grates, tree guards, and trash receptacles shall be specified and quantities and locations listed for each street. For each block face, a minimum of 2 benches and 1 trash receptacle is required.
4. Bicycle Racks. Bicycle racks shall be supplied to meet the minimum bicycle parking requirements of the blockface uses per [135-4.5](#) for required bicycle parking spaces. If rear bicycle parking is utilized, a minimum of 50% of the required ground floor use bicycle parking shall be supplied within the streetscape, coordinated with the community development director.
5. Landscape Design. Ground vegetation per section [135-5.3](#) shall be designated for any landscape bed areas, planter areas, and open tree wells.
6. Lighting. Pedestrian and vehicular lighting shall be specified and locations and quantities noted. All lighting shall meet any requirements of the department of engineering and samples shall be submitted upon request of the community development director.

## 135-5.7 General Landscape Maintenance Requirements.

### 5.7.1 GENERAL

All landscaping shall be maintained for the life of the Certificate of Occupancy in good condition at all times to ensure a healthy and orderly appearance.

**A. Applicability.** All required landscape shall be maintained to adhere to all requirements of this ordinance.

**B. National Standards.** All landscaping and trees shall be maintained according to the most recent edition of the American National Standards Institute, including its provisions on pruning, fertilizing, support systems, lightening protection, and safety

**C. Replacing Unhealthy Landscaping.** Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25 percent of the normal branching pattern.

**D. Maintenance Responsibility.** The owner is responsible for the maintenance, repair, and replacement of all landscaping.

**E. Maintain Quality and Quantity.** Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.

**F. City Inspection.** All landscaped areas regulated by this ordinance may be inspected by the city.

### 5.7.2 TREE MAINTENANCE

Tree pruning, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.

**A. Tree Topping.** Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted. Refer to [135-5.5.3.A](#) for clear branch height of street trees.

**B. Tree Pruning.** Refer to chapter 122 of the city's municipal code for tree pruning.

### 135-5.8 Existing Tree Protection, Removal and Mitigation

#### 5.8.1 INTENT

It is the city's intent to preserve canopied areas and mature trees on private land during development activity. When mature trees cannot be saved, mitigation plans shall be approved as part of the development review process.

#### 5.8.2 PROTECTION OF EXISTING TREES

No damage to any trees or shrubs which are not part of a removal plan shall occur whether installation of protection measures is required or not. Protection of existing trees or shrubs shall be accomplished through compliance with the Supplemental Specification for Tree Protection as amended from time to time.

#### 5.8.3 TREE REMOVAL AND MITIGATION

Preservation of or mitigation for the removal of trees on private land during the development process shall comply with Chapter 42, Article X of the city's municipal code.

### 135-5.9 Frontage Buffer

#### 5.9.1 INTENT & APPLICABILITY

**A. Intent.** To lessen the visual impact of on-site vehicular parking, loading, and other activities from the street or open space.

**B. Applicability.** Applies to lots in all districts where the following occurs:

1. Off-street surface parking and maneuvering areas located adjacent to a street right-of-way or open space, except:
  - a. Parking areas along alleys except when located across an alley from an N or NX district.
  - b. Parking for House A, B, C, and D Building Types utilized for one or two units.
2. Transportation and utility facilities defined in [Chapter 134, Article 3](#).
3. Outdoor display and outdoor storage defined in [Chapter 134, Article 3](#).

**C. Requirement.** One of the following buffer types shall be installed the length of the area to be screened, with the following exceptions:

1. Drives and Walks. The buffer may allow for the perpendicular crossing of driveways and

walkways.

2. Vehicle Sales. Vehicle sales lots are required to install a frontage buffer, except for the fence frontage buffer, the fence is not required.
3. Exception. Alternative frontage buffer designs, fulfilling the intent and general level of screening of these types, may be submitted for a type 1 design exception.

#### 5.9.2 FENCE FRONTAGE BUFFER

Refer to [Figure 5.9-A](#) for illustration of the fence frontage buffer requirements.

**A. Buffer Depth.** The required buffer area shall be a minimum 7 feet in depth, measured from the street-facing lot line. When a building is located on the lot adjacent to the vehicular area, the buffer depth shall be measured 7 feet from the street facade of the building back.

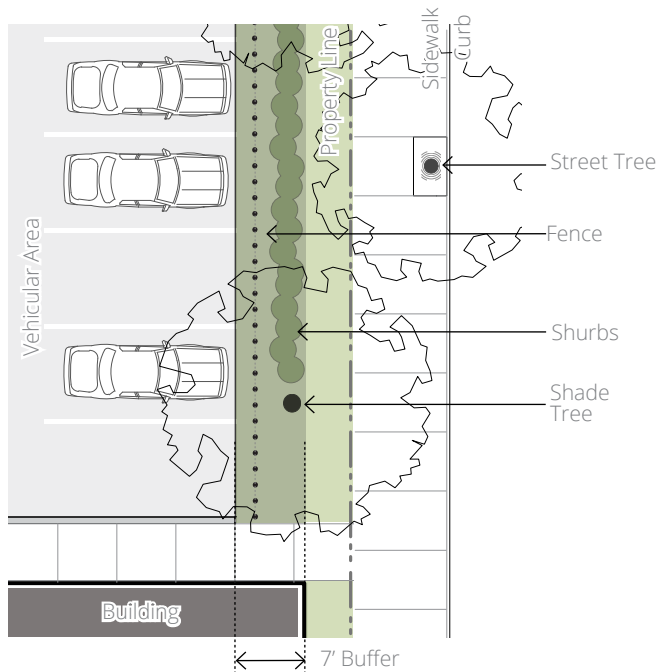
**B. Fence.** The following apply within the buffer.

1. Fence Location. A continuous fence is required, located 2 feet from the back of curb or edge of the vehicular area into the buffer. One pedestrian opening, maximum 4 feet in width, is permitted for every 30 feet of fence.
2. Fence Materials. The fence shall be black, gray, or dark green steel. Masonry columns (maximum 2.5 feet in width) and base (maximum 18" in height) are permitted. Other fence materials may be submitted for a type 1 design exception.
3. Fence Height. The fence shall be 3 feet in height. A type 1 design exception may be approved for a fence height up to 6 feet.
4. Fence Opacity. The fence shall have a minimum opacity of 30%.

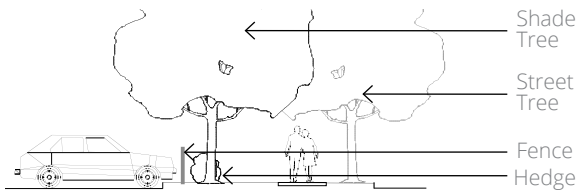
**C. Buffer Landscape.** The following landscape is required within the buffer.

1. Shade Trees. Medium or large shade trees are required at one shade tree for every 40 linear feet of frontage buffer. Where feasible, spacing of the buffer trees shall alternate with street trees.
2. Shrubs. A continuous shrub planting is required<sup>1</sup>. The shrub planting shall consist of a single row of shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 48 inches within 1 year of installation.
3. Existing Vegetation. Existing vegetation may be

<sup>1</sup> on street-side of fence?

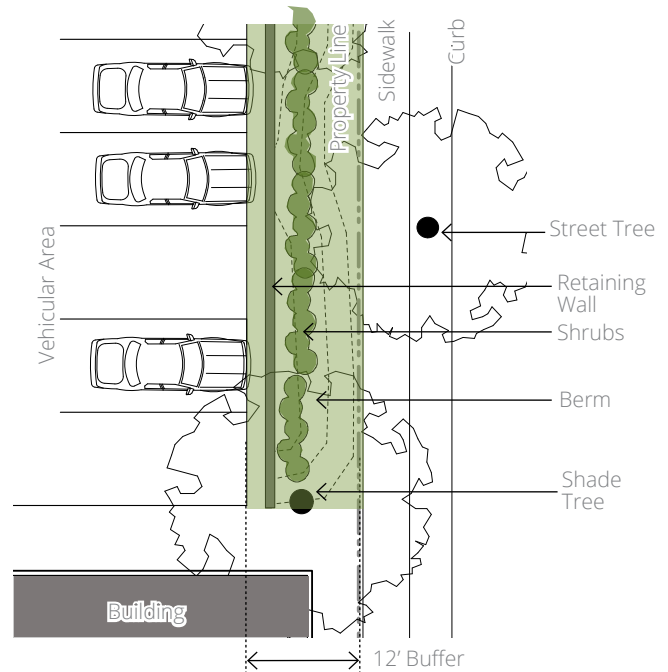


Frontage Buffer Plan

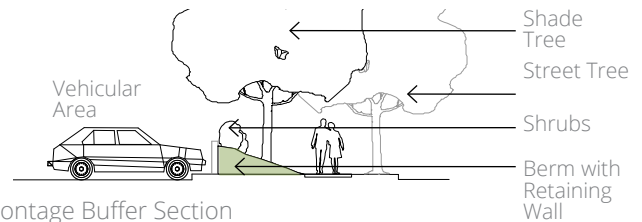


Frontage Buffer Section

Figure 5.9-A. Fence Frontage Buffer Plan &amp; Section



Frontage Buffer Plan



Frontage Buffer Section

Figure 5.9-B. Berm Frontage Buffer Plan &amp; Section

credited toward buffer requirements per the community development director.

### 5.9.3 BERM FRONTAGE BUFFER

Refer to [Figure 5.9-B](#) for illustration of the berm frontage buffer requirements.

**A. Buffer Depth.** The required buffer area shall be a minimum 12 feet in depth, measured from the street-facing lot line.

**B. Berm.** The following apply within the buffer.

1. **Retaining Wall.** A minimum 2.5 foot tall, continuous retaining wall, faced in or constructed of brick or stone is required, located 2 feet from the back of curb or edge of the vehicular area into the buffer. One pedestrian opening, maximum 4 feet in width, is permitted for every 30 feet of fence.
2. **Berm.** A berm shall be located on the street-side of the retaining wall. The berm shall have maximum 3 to 1 slopes, retained on the

vehicular area side by the retaining wall.

3. **Ground Vegetation.** The berm shall be grassed or landscaped per [135-5.3](#).

**C. Buffer Landscape.** The following landscape is required within the buffer.

1. **Shade Trees.** Medium or large shade trees are required at a minimum of 40 feet on center, with at least one shade tree required for each segment of buffer. Where feasible, spacing of the buffer trees shall alternate with street trees.
2. **Shrubs.** Shrubs are required on the street-side of the berm. Shrubs shall have a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 48 inches, within 1 year of installation.
3. **Existing Vegetation.** Existing vegetation may be credited toward buffer requirements per the community development director.



### 135-5.10 Side and Rear Buffer

#### 5.10.1 INTENT & APPLICABILITY

- A. Intent.** To minimize the impact that one zoning district may have on a neighboring district and to provide a transition between districts.
- B. Applicability.** The side and rear buffer is required of lots in the following districts:
1. Any MX, RX, CX, EX, I, or P districts abutting or adjacent to N or A districts.
  2. NX3 district abutting or adjacent to N1, N2, N3, N4, N5 districts.
  3. NM districts abutting N1, N2, N3, N4, N5 districts.
- C. Location.** The side and rear buffer shall be located along the applicable rear and/or side lot line within the rear or side yard of the lot.
- D. Topography.** When terrain contours exceed the minimum required screening height at the property line, either on private property in question or on the adjoining parcel, no screening is required subject to the community development director's approval

#### 5.10.2 LIGHT BUFFER

Refer to [Figure 5.10-A](#) for illustration of these requirements.

- A. Application.** The light buffer is required for the following:
1. All parking lots located abutting alleys across from any N or A district
  2. P districts abutting N or A districts.
- B. Buffer Depth and Location.** The buffer shall be located along the lot line, a minimum 5 feet in depth, measured from the lot line. The buffer may be interrupted to allow for the perpendicular crossing of driveways and walkways.
- C. Buffer Landscape.**
1. Shade Trees. One shade tree for every 40 linear feet-of buffer.
  2. Shrubs. A continuous shrub planting is required, consisting of a single row of shrubs with a minimum mature width of 24 inches each, spaced no more than 36 inches on center, and height maintained no more than 48 inches within 1 year of installation.
  3. Existing Vegetation. Existing vegetation may be credited toward buffer requirements per the community development director.

#### 5.10.3 MEDIUM BUFFER

Refer to [Figure 5.10-A](#) for illustration of these requirements.

- A. Application.** The medium buffer is required for all MX1, MX2, RX1, RX2, NX3, and IX district lots abutting any N or A district.
- B. Buffer Depth and Location.** The buffer shall be located along the lot line, a minimum 5 feet in depth, measured from the lot line. The buffer may be interrupted to allow for the perpendicular crossing of driveways and walkways.
- C. Fence/Wall.** A continuous fence or wall is required along the length of the buffer, located a minimum of 6" off the lot line.
1. Height. The fence/wall shall be 6 feet in height, measured per the fence requirements in [135-5.13](#).
  2. Material. A fence shall be constructed of wood, vinyl, or a combination of wood and metal. A wall shall be faced or constructed of either brick or stone. Other fence materials may be approved with a type 1 design exception per [135-6.2](#).
  3. Opacity. The fence/wall shall be a minimum of 80% opaque.
  4. A landscape hedge may be permitted through a type 1 design exception with agreement from the abutting property owner in writing. The landscape hedge shall provide the same level of opacity as a fence within 1 year of installation.
  5. Existing Vegetation and Topography. Existing vegetation and topography may be credited toward buffer requirements per the community development director.

#### D. Buffer Landscape.

1. Shade Tree. One shade tree for every 40 linear feet-of buffer.
2. Existing Vegetation. Existing vegetation may be credited toward buffer requirements per the community development director.

#### 5.10.4 HEAVY BUFFER

Refer to [Figure 5.10-A](#) for illustration of these requirements.

- A. Application.** The heavy buffer is required for all MX3, CX, and I district lots abutting any N or A district.
- B. Buffer Depth and Location.** The buffer shall be located along the lot line, a minimum 10 feet in depth, measured from the lot line. The buffer

# 135-5. LANDSCAPE AND STREETSCAPE

## Side and Rear Buffer

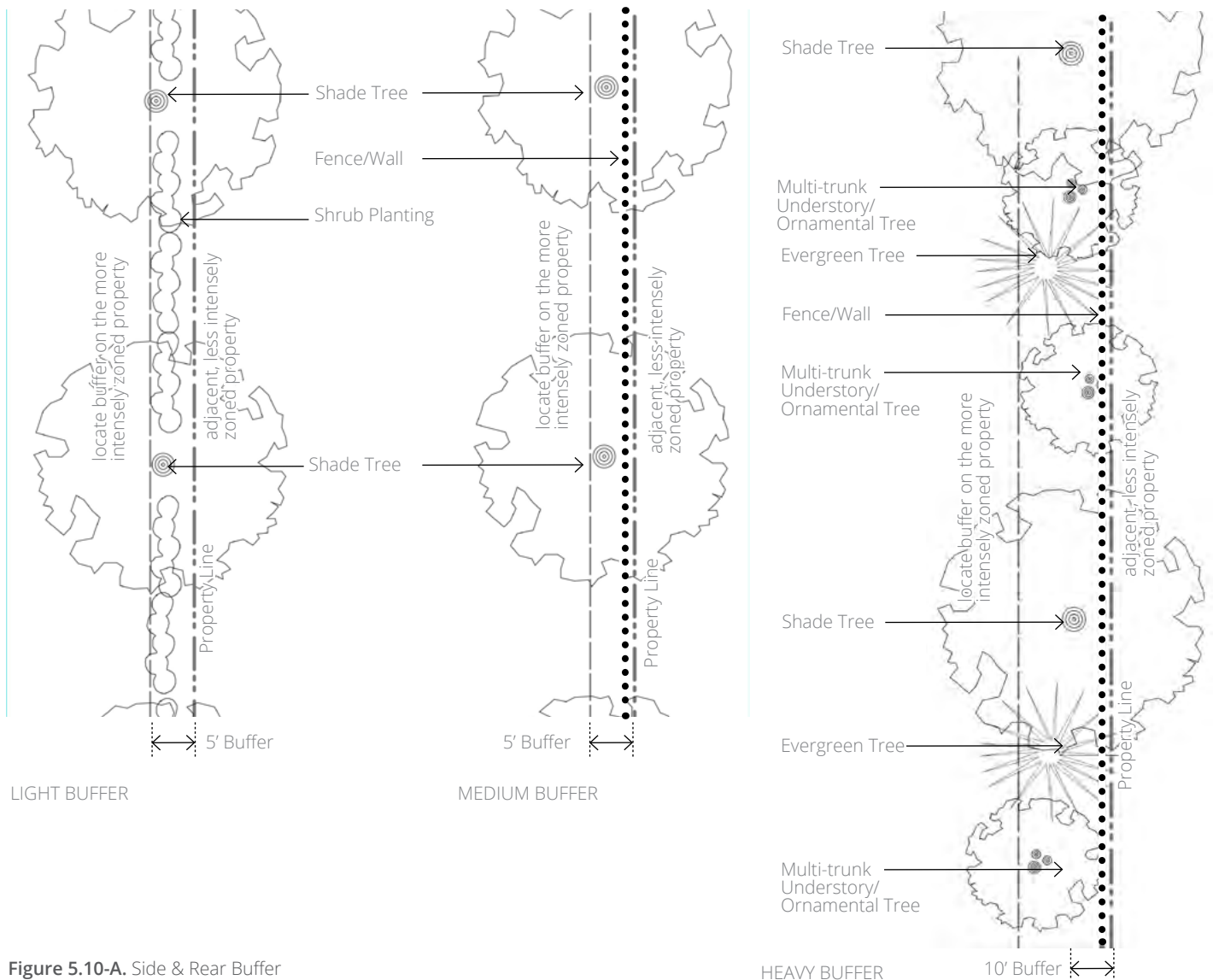


Figure 5.10-A. Side & Rear Buffer

may be interrupted to allow for the perpendicular crossing of driveways and walkways.

**C. Fence/Wall.** A continuous fence or wall is required along the length of the buffer, located a minimum of 6" into the lot off the lot line.

1. Height. The fence shall be a minimum of 6 feet in height, measured per the fence requirements in [135-5.13](#).
2. Material. A fence shall be constructed of wood or a combination of wood and metal. A wall shall be faced or constructed of either brick or stone.
3. Opacity. The fence/wall shall be a minimum of 80% opaque.
4. A landscape hedge may be permitted through

a type 1 design exception with agreement from the abutting property owner in writing. The landscape hedge shall provide the same level of opacity as a fence within 1 year of installation.

### D. Buffer Landscape.

1. Trees. Two shade trees and an equal mix of a minimum of 5 ornamental/understory trees and evergreen trees are required for every 100 linear feet-of buffer. Multi-trunk trees are encouraged.
2. Existing Vegetation. Existing vegetation may be credited toward buffer requirements per the community development director.

# 135-5. LANDSCAPE AND STREETSCAPE

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## Interior Parking Lot Landscape

### 135-5.11 Interior Parking Lot Landscape

Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement, and including any islands or medians.

#### 5.11.1 INTENT & APPLICABILITY

- A. Intent.** To provide shading and screening, and to improve the appearance of parking lots.
- B. Applicability.** All off-street surface parking lots in all districts with more than 10 spaces and/or more than one drive aisle.
- C. Existing Vegetation.** Existing vegetation may be credited toward these requirements per the community development director.

#### 5.11.2 REQUIREMENTS

Refer to [Figure 5.11-A](#) for illustration of these requirements.

##### A. Required Landscape Islands

1. Terminal End Islands. Landscape islands are required at the terminal ends of freestanding

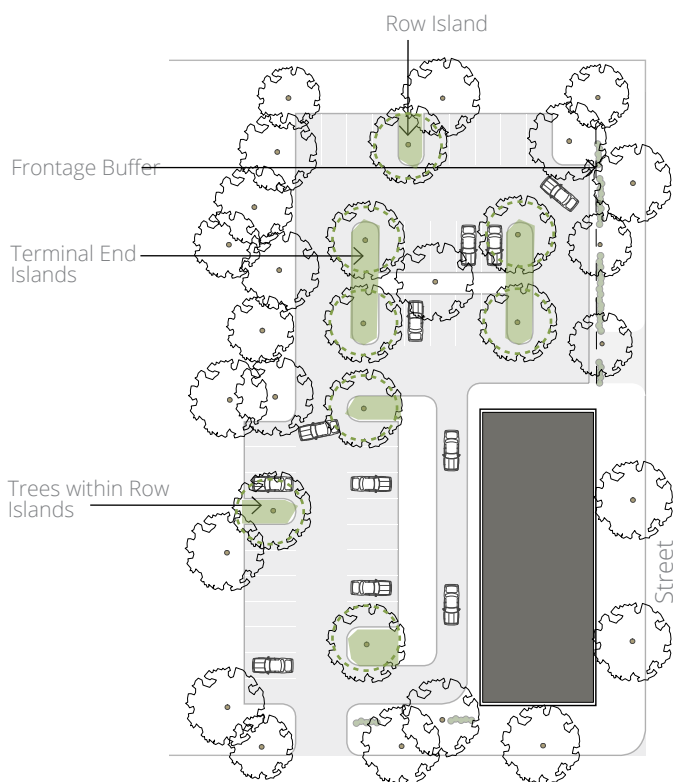


Figure 5.11-A. Interior Parking Lot Landscaping.

rows or bays of parking. Freestanding rows or bays of parking are those not abutting the parking lot perimeter or building face, and may have a single or double row of parking.

2. Row Islands. For rows of parking with more than 8 spaces, a landscape island is required for every 9th parking space with result of no more than 8 continuous parking spaces in a row without a landscape island.
3. Island Size. The minimum width for an island is 5 feet and minimum length is 17 feet.
  - a. Islands shall accommodate the minimum tree requirements of [Table 5.4.5](#).
  - b. Islands that do not meet the requirements of [Table 5.4.5](#) may be required to install an aeration system and utilize permeable paving per the city arborist's direction.
4. Required Island Trees. A minimum of 1 single-trunk, shade tree is required within each island.

##### B. Tree Requirements

1. 50-foot Rule. Each parking space shall be located within 50 feet of a tree planted within the parking lot interior.
2. 5-Space Rule. For parking lots with more than 40 spaces, a minimum of 1 shade tree for every 5 parking spaces shall be planted within the parking lot interior or within 4 feet of the parking lot's edge.
3. Buffer Trees. Trees within any required buffer area may not be utilized to meet these requirements.
4. Shading Requirement. At maturity, tree canopies shall shade a minimum of 30 percent of the interior of the parking lot. Refer to [Table 5.4.2](#) for mature canopy sizes.

##### C. Sidewalk Requirements

1. A minimum 5-foot wide, continuous sidewalk shall connect the public sidewalk along all street frontage to all public doors of the building.
2. Crossings at vehicular areas may count as continuing the sidewalk as long as the sidewalk material shall continue through the vehicular area to signal pedestrian priority.

### 135-5.12 Screening of Necessary Appurtenances

#### 5.12.1 INTENT

To reduce the visibility of open storage, refuse areas, loading, and utility appurtenances from public areas and adjacent properties.

#### 5.12.2 APPLICABILITY

All dumpsters, loading areas, refuse areas, mechanical equipment, and utility appurtenances in all districts shall be screened as follows.

#### 5.12.3 GENERAL

**A. Location on Site.** The location of refuse areas, loading, and utility appurtenances are defined by building type in [Chapter 135, Article 1](#) and in the design requirements of [Chapter 135, Article 2](#).

**B. Concrete Pad.** For all loading, refuse, and utility appurtenances, a concrete pad is required.

#### 5.12.4 LOADING AND REFUSE AREAS

##### A. Opaque Screen

1. Screen Wall. An opaque screen wall is required per the following:
  - a. The wall shall enclose the area around at least 3 sides.
  - b. The screen wall shall be masonry construction matching any masonry from the building's street facade design.
2. Height. The height of the screen wall shall be tall enough to screen the use inside, and a minimum of 6 feet. The community development director may request additional height as needed for complete screening.
3. Visible Openings. Openings visible from the public way or adjacent properties shall include steel gates.
4. Exception. A type 1 design exception per [135-6.2](#) may be approved for alternative materials.

**B. Landscape.** If the area is located within a larger paved area, such as a parking lot, the following applies:

1. Landscape Area. A landscape buffer at least 5 feet in depth shall be located along all 3 sides.
2. One shade tree shall be provided within the landscape buffer.
3. The shade tree shall be located per the island

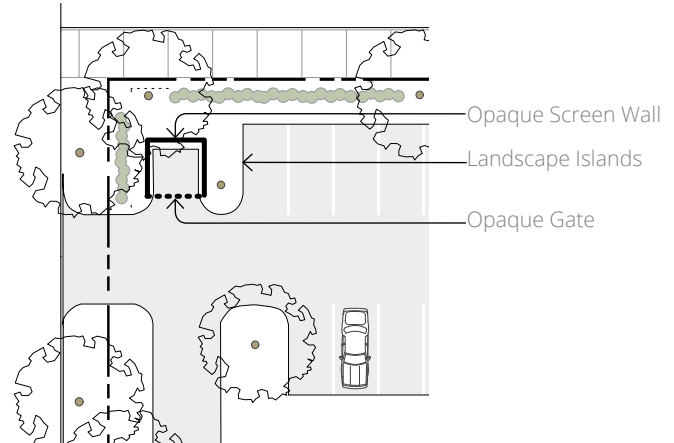


Figure 6.12-A Screening of Open Storage & Refuse Areas.

width requirements in [135-5.11.2.A.3](#). This tree may be utilized to meet the minimum interior parking lot requirements, if located as such.

4. Ornamental grasses, shrubs, or similar landscape material shall cover a minimum of 50% of the buffer area.

#### 5.12.5 MECHANICAL EQUIPMENT AND UTILITY APPURTENANCES

Mechanical equipment and utility appurtenances shall be located as defined in [135-2.5](#). When visible from any street or adjacent property, the equipment and appurtenances shall be screened from view unless the community development director finds that such screening conflicts with the function of the equipment.

**A. Generally.** The form, material, and color of the screening for all equipment and appurtenances shall meet all of the following criteria:

1. Screening, other than landscaping, shall be consistent with the building design, colors, and materials.
2. The height of any screen is the minimum appropriate to adequately screen the mechanical equipment.
3. Screening does not increase the apparent height of the walls of the building.
4. The equipment is a neutral color, such as tan, green, or silver.

**B. Large Private Mechanical Equipment.** Large private mechanical equipment includes ground-

## Screening of Necessary Appurtenances

mounted equipment at least 4 feet in height.

1. **Screen Wall.** An opaque screen wall is required per the following:
  - a. The wall shall enclose the area around at least 3 sides.
  - b. The screen wall shall be masonry construction matching any masonry from the building's street facade design.
2. **Height.** The height of the screen wall shall be tall enough to screen the use inside. The community development director may request additional height as needed for complete screening.
3. **Visible Openings.** Openings visible from the public way or adjacent properties shall include opaque gates.

**C. Small Private Mechanical Equipment.** Small private mechanical equipment includes ground-mounted equipment less than 4 feet in height.

1. **Screening.** Landscape screening with shrubs or ornamental grasses spaced no more than 30" on center shall be utilized, and the equipment shall be fully screened by the plants within 2 years.
2. The community development director may request additional screening as needed to ensure

## 135-5.13 Fence and Wall Requirements

### 5.13.1 GENERAL

- A. Intent.** To reduce the negative impacts of fences and protect the economic and aesthetic values within the city.
- B. Applicability.** The following applies to all fencing in any district.
- C. Sight Clearance at Intersections.** Any fence or wall shall conform to the vision clearance requirements of section 114-14 of the city's municipal code.
- D. Permit Required.** No fence shall be erected until a permit has been approved from the building official, except the following:
  1. Chain link and wire fences 4 feet or less in height.
  2. All other fences 3 feet or less in height.

### 5.13.2 LOCATION AND PLACEMENT

- A. Front Yards.** No fence in any zoning district may be constructed closer than one foot to the front property line. No solid fence may be located in any front yard in the NX or N districts, or on any property used for residential purposes.
- B. Side Yards.** No fence in any zoning district may be constructed in a side yard closer than 6 inches to a side property line.
- C. Rear Yards.** No fence in any zoning district may be constructed in a rear yard closer than 6 inches to a rear property line.
- D. Property Line.** Fences that are built along a property line are allowed, provided that both property owners sign the application for the fence permit.
- E. Face Direction.** All fences shall be erected with the "good," "decorative," or "finished" side facing outward.
- F. Unauthorized Placement Prohibited.** It is unlawful for any person to place or maintain any post, rail, fence, wires or other similar obstruction upon any street, sidewalk or public right-of-way in the city, except as otherwise expressly provided in these regulations or approved by the city for outdoor dining or seating.

### 5.13.3 HEIGHT

- A. Front Yards.** No fence more than 3 feet high shall be constructed in any front yard in any district



except fencing required for buffers (see section [135-5.9](#)).

**B. Side, Corner Side, and Rear Yards.**

1. In the I1, I2, and CX districts, the maximum height of side and rear yard fences is 8 feet except as follows:
  - a. The allowed height of any fence in an I district may be increased by 1 foot for each 2 feet that the fence is set back from the adjoining property line, provided such fence does not exceed 15 feet in height, is constructed of flat or raised seam metal panels, treated wood or other durable materials approved by the community development director, and is maintained in good condition with a uniform earth-tone color.
2. In all other districts, the maximum height of any fence in a rear, side, or corner side yard is 6 feet except the following:
  - a. Fences required for frontage buffers are defined in section [135-5.9](#).
  - b. Where the interior side yard in an N district is less than 5 feet, the maximum height of the fence is 4 feet.<sup>1</sup>
  - c. In rear yards in N districts, where the lot abuts any MX, CX, EX or I district, the maximum height of the fence is 8 feet.

**5.13.4 TYPES AND MATERIALS**

- A.** No fence shall be constructed of barbed wire, concertina wire, razor wire or ribbon, or any other similar type of wire, except in the I districts or for the confinement of agricultural animals lawfully kept in conformance with section 18-4 of the city's code of ordinances.
- B.** No fence shall be electrified, unless all of the following is met:
  1. The fence is electrified by a device approved by Underwriter Laboratories as meeting the standard for safety of electric fence controllers, and bears a certificate stated as such.
  2. The fence is used in accordance with the manufacturer's suggested installation instructions.
  3. The fence is used to confine agricultural animals lawfully kept in compliance with the

requirements of chapter 18 of the city code of ordinances.

- C.** Chain link fencing is prohibited in any front yard in any district, except in the P1 zoning district for sports fields and playgrounds.

**5.13.5 MAINTENANCE**

Fences shall be kept in good repair and replaced if they become prone to collapse or visual deterioration. Fences shall be free of rust, flaking paint, and graffiti.

**5.13.6 EXCEPTIONS**

- A.** Sports Field/Court Fencing, Airport Fencing. Fencing for designated sports fields, ball courts, or airport fencing may be submitted as a type 1 design exception for approval.
- B.** Special Circumstances. Where fencing is required for safety reasons, such as airport fencing, fencing may be submitted as a type 1 design exception for approval.
- C.** Alternative fence design may be submitted as a Type 2 exception for approval.

<sup>1</sup> Removed the allowance for 8 foot high fences in N districts.

## **135-5. LANDSCAPE AND STREETScape**

Fence and Wall Requirements

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## Chapter 135. Planning

# ARTICLE 6. REVIEW AND APPROVAL PROCEDURES

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### 135-6.1 Site Plans

#### 6.1.1 PURPOSE

**A.** It is the intent and purpose of this article to establish a procedure to ensure timely, competent review of site plans as a means of determining whether such plans comply with the applicable regulations of this chapter and Chapter 134, and to enable the city to plan for and review certain proposed improvements of property within specified zoning districts of the city in order to:

1. Implement community policies on physical development;
2. Provide for efficient, rational allocation of scarce facilities and resources;
3. Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development; and
4. Ensure the orderliness, quality and character of the development of property in the city, prevent

foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources.

5. Give due consideration to the preservation of canopied areas and mature trees and to provide for the mitigation of canopied areas and mature trees which are removed for development.

**B.** The site planning review requirements of this article are designed to ensure the orderly and harmonious development of such property in a manner that shall:

1. Promote the most beneficial relation between present and proposed future uses of land and the present and proposed future circulation of traffic throughout the city;
2. Permit present development of property commensurate with fair and orderly planning for future development of other properties in the various areas of the city with respect to the availability and capacity, present and foreseeable, of public facilities and services. The factors to be considered in arriving at a conclusion concerning

## Site Plans

proposed present development of property shall include the following:

- a. The maximum population density for the proposed development, the proposed density of use, and consideration of the effect the proposal will have on the capacity of existing water and sanitary sewer lines to the end that existing systems will not become overloaded or capacity so substantially decreased that site use will inhibit or preclude planned future development;
  - b. Zoning restrictions at the time of the proposal;
  - c. The city's comprehensive plan;
  - d. The city's plans for future construction and provision for public facilities and services; and
  - e. The facilities and services already available to the area which will be affected by the proposed site use;
3. Encourage adequate provision for surface and subsurface drainage, in order to ensure that future development and other properties in various areas of the city will not be adversely affected;
  4. Provide suitable screening of parking, truck loading, refuse disposal, and outdoor storage areas from adjacent residential districts;
  5. Encourage the preservation of canopied areas and mature trees and require mitigation for the removal of trees; and
  6. Consider the smart planning principles set forth in Iowa Code Chapter 18B.

### 6.1.2 APPLICABILITY

- A. The construction, reconstruction, extension, or alteration of any building, structure, site, change of use or use of land is subject to the site plan review procedures of this article except as otherwise expressly stated.
- B. The following are not subject to the site plan review procedures of this article:
  1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
  2. Interior alterations that do not alter the footprint,

height, exterior or use of a building;

3. Routine maintenance and minor repairs (such as painting, replacing roof shingles/lining to match existing, replacement of gutters to match existing) to any part of a building when there is no change in appearance; and
  4. Single-dwelling detached houses.
- C. Development, construction and other activities that are not subject to site plan review may still require building permit review and a determination of compliance with applicable regulations.

### 6.1.3 PREAPPLICATION MEETING

- A. Before submitting an application for site plan review, applicants must schedule and attend a preapplication meeting with community development department staff to discuss applicable procedures and regulations. Preapplication meetings are not required for the following:
  1. Uses and activities that are exempt from site plan review, pursuant to [135-6.1.2](#); and
  2. Residential accessory uses and structures.
  3. The community development director is authorized to allow alternatives to face-to-face preapplication meetings, such as telephone conversations and email correspondence.

### 6.1.4 APPLICATION SUBMITTAL

- A. Applications must be submitted to the community development director on forms and in such numbers as required by the community development director. All applications must include plans and other information necessary to allow for thorough review of the proposed plans, as indicated by the requirements on the site plan review submittal checklists developed by the community development director.
- B. Applications for site plan review must be determined to be a complete submittal before the community development department is required to review the application.
- C. The community development director must make a determination of application completeness within 10 days of application filing.
- D. If a site plan application is determined to be incomplete, the community development director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

### 6.1.5 REVIEW AND DECISION-MAKING AUTHORITY

**A. Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include only one or more requests for a type 1 design exception (see [135-6.2.2](#)) are referred to as “administrative site plans” and must follow a one-step approval process: review and final action by the community development director.

**B. Public Hearing Site Plans.** All site plan applications that include one or more requests for a type 2 design exception (see [135-6.2.3](#)) are referred to as “public hearing site plans” and must follow a two-step approval process: (1) review by the community development director and (2) review and final action by the plan and zoning commission.

### 6.1.6 REVIEW PROCESS

**A. General.** Following receipt of a complete application, the community development director must promptly distribute the application for review by any city departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

#### B. Administrative Site Plans

1. The community development director must make a final decision or provide comments within 30 days of receipt of a complete site plan submittal package, unless the applicant agrees to an extension of time in writing, by letter or email communication.
2. If an application for an administrative site plan is denied, the reasons for denial must be provided through written administrative comment, either electronically or regular mail, and such correspondence must detail the aspects of the site plan that are not in compliance with applicable regulations.
3. If a site plan is denied, a new application may be submitted for consideration.
4. If an administrative site plan requires revisions for approval, the applicant must revise the site plan in accordance with administrative comments. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the community development director must provide any written administrative comments

that require further revision or provide acknowledgment that all administrative comments have been satisfied.

5. If an administrative site plan at any point in the review is determined to require a type 2 exception, the administrative site plan will be denied and the applicant will be directed to make a type 2 site plan submittal.
6. If a revised administrative site plan has satisfied all administrative comments, staff will request that the applicant submit, signed and dated, digital and reproducible copies of the site plan. The community development department will provide written confirmation of approval, along with the date of such approval.
7. The community development department will retain the duly certified copy in the department's permanent files. The applicant is responsible for the securing and submitting duly certified copies of the approved site plan as required to secure building and other permits in accordance with this code and state law.

#### C. Public Hearing Site Plans

1. Upon receipt of a complete application for approval of a public hearing site plan, the community development director must review the proposed site plan and provide administrative review comments within 60 days.
2. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the community development director must provide any written administrative comments that require further revision or establish a date for a public hearing by the plan and zoning commission.
3. The plan and zoning commission must take action to approve the proposed site plan, approve the proposed site plan subject to conditions or deny approval of the proposed site plan within 30 days of the public hearing the required time-frame for action is waived by the applicant.
4. If an application for public hearing site plan approval is denied, the reasons for denial must be stated in writing, specifying the aspects of the plan that are not in compliance with applicable regulations. If a site plan application is denied,



## Site Plans

a new application may be submitted for further consideration.

5. If a public hearing site plan is approved subject to specific conditions and all administrative review comments, the applicant must revise the site plan in accordance with those conditions and comments and resubmit the plan for review. The community development director must act on all resubmitted public hearing site plans within 15 business days of their receipt.
6. If a public hearing site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the community development director, and the community development director must provide written verification of approval, along with the date of approval.
7. The community development department must retain the duly certified copy in the department's permanent files. The applicant is responsible for securing and submitting duly certified copies of the approved site plan as required to secure building and other permits in accordance with this code and state law.

### 6.1.7 EFFECTIVE DATE OF SITE PLAN APPROVAL

An approved site plan becomes effective upon certification by the community development director. If an appeal is filed, a site plan does not become effective until all appeals have been decided.

### 6.1.8 LAPSE OF SITE PLAN APPROVAL

The approval of any site plan required by this article remains valid for 2 years after the date that the site plan is certified as approved, after which time the site plan lapses and is of no further effect unless the development has not been established or actual construction has commenced. For the purpose of this section, "actual construction" means that the installation of permanent construction materials has commenced and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading and excavation, or stockpiling of materials on the site does not constitute actual construction.

### 6.1.9 PERMITS AND CONTINUING COMPLIANCE

- A. No permit may be issued for any development requiring site plan approval until a site plan has been submitted and certified approved for such development in accordance with this article unless the community development director determines

that the site plan is in substantial conformance and phased permits can be issued.

- B. No permanent certificate of occupancy may be issued for such development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for.
- C. Construction, grading, or other development activities may be carried out only in compliance with the certified site plan.
- D. When a site plan has been approved for property pursuant to this article, the property must be used and maintained in compliance with the approved site plan. No person may use property in a manner or physical condition that does not conform to the approved site plan for such property.

### 6.1.10 RESUBMISSIONS AND AMENDMENTS

- A. Resubmission of any site plan due to changes required or made to the site plan as previously submitted may be made in accordance with schedule of fees adopted by the city council.
- B. An approved site plan may be amended in accordance with the site plan review procedures of this article. However, the community development director is authorized to waive applicable review and approval procedures and fees if the community development director determines that a proposed amendment involves only a minor change in the approved site plan. Any such waiver by the community development director must be in writing. Within the meaning of this section, minor changes include, but are not limited to, the following:
  1. A change to move building walls within the confines of the smallest rectangle that would have enclosed each originally approved building or to relocate building entrances or exits or to shorten building canopies.
  2. A change to a more restrictive use, provided there is no reduction in the amount of off-street parking as originally approved.
  3. A change in angle of parking or in aisle width, in accordance with zoning ordinance requirements, provided there is no reduction in the amount of off-street parking as originally approved.
  4. A change in location of ingress and egress drives of not more than 100 feet, provided such change is required by the engineering department.
  5. A substitution of plant species, provided a certified nursery person or landscape architect certifies the substituted species is similar in

nature and in screening effects.

6. A change in type and design of lighting fixtures, provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
  7. A change to increase peripheral yards.
- C.** If a site plan is resubmitted for final approval that, as interpreted by the community development director, does not comply with conditions required by the community development director for an administrative site plan, or by the plan and zoning commission for a public hearing site plan, the applicant may elect to either:
1. Revise the site plan to comply with required conditions in accordance with the interpretation of the conditions by the community development director; or
  2. Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan.

#### 6.1.11 APPEALS

##### A. Appeals of Community Development Director Interpretations and Decisions

1. The applicant may appeal any interpretation or final decision of the community development director by filing a written notice of and reasons for the appeal with the community development director no later than 30 days after the date of the action from which the appeal is sought.
2. All appeals of interpretations or final decisions of the community development director must be placed on the agenda of the plan and zoning commission within 30 days of the date that written notice of the appeal was filed with the community development director unless the applicant agrees to an extension of time for plan and zoning commission action. Except as otherwise expressly stated in chapter, the affirmative vote of at least 8 plan and zoning commission members is required to overturn or modify the action from which appeal is sought.

##### B. Appeals of Plan and Zoning Commission Decisions

1. The applicant may appeal any final decision of the plan and zoning commission by filing a notice of appeal with the city clerk no later than 30 days after the date of the plan and zoning commission action from which the appeal is sought.

2. All appeals of final decisions of the plan and zoning commission must be placed on the agenda of the city council within 30 days of the date that notice of the appeal was filed with the city clerk. A majority vote of the city council is required to overturn the action of the plan and zoning commission.

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### 135-6.2 Design Exceptions

#### 6.2.1 DESIGN EXCEPTIONS GENERALLY

**A. General.** This section establishes regulations governing the granting of requests for exceptions to the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#). These design exception regulations are divided into two categories:

1. Minor, staff-approved exceptions, referred to as type 1 design exceptions (see [135-6.2.2](#)); and
2. More significant type 2 design exceptions, which must be reviewed and approved by the plan and zoning commission (see [135-6.2.3](#)).

**B. Intent.** The design exception provisions of this section are intended to authorize the granting of relief from strict compliance with the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The design exception provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and consistency with the comprehensive plan.

**C. Burden of Proof or Persuasion.** The burden is on the applicant to demonstrate that the requested design exception meets the criteria for approval or demonstrate that the result of the design exception would equal or exceed the results of strict compliance with the subject regulation.

**D. Applications.** Requested design exceptions must be noted on the required application and plan, and the application must include a written statement describing why the exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

#### E. Zoning Relief Not Authorized

Design exceptions may not be used to grant relief from zoning ordinance requirements. Relief from

## Design Exceptions

zoning ordinance requirements may be granted only in accordance with the applicable zoning exception and variance procedures of Chapter 134.

### 6.2.2 TYPE 1 DESIGN EXCEPTIONS

During the site plan review process, the community development director is authorized to approve the type 1 design exceptions of this subsection ([135-6.2.2](#)) and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section [135-6.2.1-B](#):

#### A. Build-to Zone

1. Increase the maximum primary frontage build-to-zone/setback requirement by 15% or 1 foot, whichever is greater.
2. Increase the maximum non-primary frontage build-to-zone/setback requirement by 25% or 2.5 feet, whichever is greater.

**B. Primary Frontage Lot Line Coverage.** Decrease the minimum primary frontage lot line coverage requirement by 15% or 3 feet, whichever is greater.

#### C. Building Setbacks

1. Decrease the minimum interior side setback by up to 15% or 1 foot, whichever is greater.
2. Decrease the minimum rear by up to 15% or 1 foot, whichever is greater.

**D. Building Coverage.** Increase the maximum total impervious coverage allowance by up to 15%, provided that such increase does not result in impervious coverage that exceed the total permitted impervious plus semi-pervious coverage.

#### E. Height

1. Increase or decrease the ground story minimum or maximum height by up to 1.5 feet.
2. Increase or decrease the minimum or maximum height for non-ground floor stories by up to 1 foot.

**F. Occupied Space.** Reduce the minimum depth of required occupied space by up to 15%.

**G. Transparency .** Reduce minimum transparency requirements by up to 15%.

#### H. Other Type 1 Design Exceptions

1. Reduce by up to 10% any minimum requirements of the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressed as a dimension or distance.
2. Increase by up to 10% any maximum

requirements included in the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressed as a dimension or distance.

3. Modify building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are expressly identified as eligible type 1 design exceptions within the text of this chapter.
4. Allow the owner of an existing, lawfully established single-dwelling house to carry out building expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that (most closely matching) House type is permitted within the subject district.
5. Waive or modify applicable building type regulations related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
6. Waive or modify applicable building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) when the community development director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design exception would be the minimum exception necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.

### 6.2.3 TYPE 2 DESIGN EXCEPTIONS

**A.** The plan and zoning commission is authorized to approve requests for relief from strict compliance with the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#) that are not expressly authorized for processing as type 1 design exceptions and to hear and decide appeals of the community development director's decision on any type 1 design exception. The plan and zoning commission is also authorized to approve those type 2 design exceptions that are expressly authorized in this chapter.

**B.** The plan and zoning commission's decision to approve or deny a request for a type 2 design exception must be based on a determination of whether:

1. The requested design exception is consistent with the general intent statement of section 135-

135-6.2.1-B;

2. The requested design exception is consistent with the comprehensive plan and any adopted area plan; and
3. The requested design exception will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the building type regulations of [Chapter 135, Article 1](#) and design regulations of [Chapter 135, Article 2](#).

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### 135-6.3 Site Design Generally

#### 6.3.1 GENERAL SITE DESIGN PRINCIPLES<sup>1</sup>

The general site design principles of this section are necessary to ensure the orderly and harmonious development of property in such a manner as will safeguard the public health, safety and general welfare and to ensure that the future development of property in the city will not be foreclosed by such development. The decision to approve, approve subject to conditions or disapprove a proposed site plan must be based in part on whether the site plan complies with the following general site design regulations:

- A.** The design of the proposed development shall make adequate provisions for surface and subsurface drainage, including submittal of a stormwater runoff control plan in compliance with section 106-136, for connections to water and sanitary sewer lines, each so designed as to neither overload nor to substantially decrease the capacity of existing public utility lines in a fashion that will serve to inhibit or preclude the planned future development of other property within the city and so as not to increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property. The city's comprehensive plan shall be the principal guide in determining the prospective use and population density of other properties. However, the factors to be considered in arriving at conclusions on standards of design shall include those expressly set forth in this article.
- B.** The proposed development 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 properties from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. For purposes of this subsection, the

term "use and enjoyment of adjoining property" shall mean 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" shall mean those uses permitted under the zoning district in which such adjoining property is located.

- C.** The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation patterns as will not unduly increase congestion on adjacent or surrounding public streets and in a manner which will conform to the proposed future circulation of traffic throughout the city and provide for adequate fire protection access.
- D.** To such end as may be necessary and proper to accomplish the standards in paragraphs A., B. and C. of this section, the proposed development shall provide water, sewer, stormwater, street, erosion control or other improvements.
- E.** All electrical, telephone, and cable television transmission systems shall be placed underground whenever reasonably practicable.
- F.** The proposed development shall conform to all applicable provisions of federal and state law and all applicable sections of the municipal code.
- G.** If the private property is connected to the existing skywalk system, as shown on the official skywalk map, or the applicant intends to connect to the planned skywalk system, as shown on the skywalk system plan map, the proposed development shall have such connections to the existing and planned skywalk system and such internal skywalk system pattern as will best permit the optimal expansion of the skywalk system to serve the greatest number of properties possible and best provide for the expected skywalk system traffic through the property. If the private property is not connected to the existing skywalk system, as shown on the official skywalk map, and the applicant does not intend to connect to the planned skywalk system, as shown on the skywalk system plan map, this design standard shall not apply to the proposed site plan.
- H.** The proposed development shall provide landscaping, including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans.
- I.** The proposed development shall comply with the requirements of the tree removal and mitigation ordinance codified in chapter 42, article X.

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<sup>1</sup> From current 82-213



## Enforcement

- J. The stormwater runoff control facilities installed in compliance with the stormwater runoff control plan shall be maintained in compliance with section 106-136.

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### 135-6.4 Enforcement

#### 6.4.1 VIOLATIONS AND PENALTIES

- A. Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this article; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure or premises. Unless otherwise expressly limited by state law, violations may also be subject to the penalties described in section 1-15 and the remedies and enforcement powers identified in [135-6.4.4](#).
- B. The requirements of this article may also be enforced as a violation of subsection 114-361.02(c).

#### 6.4.2 RESPONSIBILITY FOR ENFORCEMENT

The zoning enforcement officer, under the direction and supervision of the community development director, is responsible for enforcing the regulations of this chapter. All departments, officials, agencies and employees vested with the authority to review, recommend or issue development approvals, permits or licenses must act in accordance with the provisions of this chapter.

#### 6.4.3 CONTINUING VIOLATIONS

Each day that a violation continues constitutes a separate violation of this chapter.

#### 6.4.4 REMEDIES AND ENFORCEMENT POWERS

The city has all remedies and enforcement powers allowed by law, including, without limitation, all of the following:

- A. **Fines.** Any person violating any provisions of this chapter or failing to comply with any of its requirements may be deemed guilty of a misdemeanor or municipal infraction punishable in accordance with [section 1-15](#).

B. **Withhold Permit**

1. The community development director may deny or withhold all related permits, certificates or other forms of authorization on any land or structure or improvements upon which there is an existing violation of a provision of this chapter or of a condition or qualification of a permit, certificate, approval or other authorization

previously granted by the city. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for subject violation.

2. Instead of withholding or denying a permit or other authorization, the community development director may grant such authorization subject to the condition that the violation be corrected.

#### C. Revoke Permits

1. A permit, certificate or other form of authorization required under this chapter may be revoked by the community development director when the community development director determines:
  - a. That there are unapproved departures from approved plans or permits; or
  - b. That any provision of this chapter or approval previously granted by the city is being violated.
2. Written notice of revocation must be sent by regular mail to the subject property owner and all persons to whom the permit was issued.

#### D. Stop Work

1. If the zoning enforcement officer finds work being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the zoning enforcement officer is authorized to issue a stop work order.
2. A stop work order must be in writing and must be posted at the site of the violation. A copy of the order must also be provided to the owner of the subject property, to the owner's authorized, or to the person doing the work. Upon issuance of a stop work order, the cited work must cease immediately. The stop work order must state the reason for the order and the conditions under which the cited work is authorized to resume.
3. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, is subject to penalties and enforcement as set out in this section.

- E. **Injunctive Relief.** The city may seek an injunction or other equitable relief in court to stop any violation of this chapter or of a permit, certificate or other form of authorization granted under this or previous ordinances.

**F. Forfeiture and Confiscation of Signs on Public Property.** Any sign installed or placed on public property, including rights-of-way, except in compliance with the regulations of this chapter will be considered forfeited to the public and subject to confiscation. In addition to other remedies and penalties of this article, the city has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

**G. Abatement**

1. The city may seek a court order for abatement, injunction or other action requiring the owner to correct a violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.
2. The city may seek a court order authorizing the city to abate or correct the violation and order that the city's costs for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property on which the violation occurred, or both.

**H. Other Penalties, Remedies and Powers.** The city may seek such other penalties and remedies as are provided by law.

**I. Continuation of Previous Enforcement Actions.** Nothing in this chapter prohibits the continuation of previous enforcement actions, undertaken by the city pursuant to previous ordinances and laws.

**6.4.5 REMEDIES CUMULATIVE**

The remedies and enforcement powers established in this chapter are cumulative, and the city may exercise them in any combination or order.

**6.4.6 PERSONS SUBJECT TO PENALTIES**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

**6.4.7 ENFORCEMENT PROCEDURES**

**A. Non-Emergency Matters.** In the case of violations of this chapter that do not constitute an emergency or require immediate attention, the subject property owner must be given notice by regular mail. Notices of violation must state the nature of the violation

and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

**B. Emergency Matters.** In the case of violations of this chapter that constitute an emergency situation as a result of public health or safety concerns if not remedied immediately, the city may use the enforcement powers available under this chapter without prior notice to the subject property owner.

**6.4.8 APPEALS**

A determination made by the community development director, zoning enforcement officer or other administrative officials that a violation has occurred may be appealed by the affected party in accordance with [135-6.1.11](#).



# 135-6. REVIEW AND APPROVAL PROCEDURES

Enforcement

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## Chapter 135. Planning

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# 7. MEASUREMENTS AND DEFINITIONS

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## Measurement of Building Type Requirements

### 135-7.1 Measurement of Building Type Requirements

The building type requirements outlined in the tables in [135-1.3](#) through [135-1.12](#) shall be measured and calculated consistent with the following standards:

#### 7.1.1 MINIMUM PRIMARY FRONTAGE OR FRONT LOT LINE COVERAGE

The minimum percentage of building facade along the primary frontage of a lot is measured as follows:

**A. Measurement.** The minimum primary frontage or front lot line coverage shall, at a minimum, equal the width of the principal structures, as measured within the build-to zone along the frontage edge, divided by the length of the lot line parallel to the primary street minus side setbacks. Refer to [Figure 7.1-A](#).

**B. Courtyards.** For some building types, courtyards located along the facade in the build-to zone count towards the minimum coverage. Refer to building type requirements of [135-1.3](#) through [135-1.12](#).

#### 7.1.2 BUILD-TO ZONE

The build-to zone shall be calculated and measured as follows. Refer to [Figure 7.1-B](#).

**A. Measurement.** If no additional pedestrian area is required, the build-to zone is measured from the right-of-way line into the lot perpendicular to the frontage.

**B. Additional Pedestrian Area.** When additional pedestrian area is required per the building type notes, the build-to zone is measured from the edge

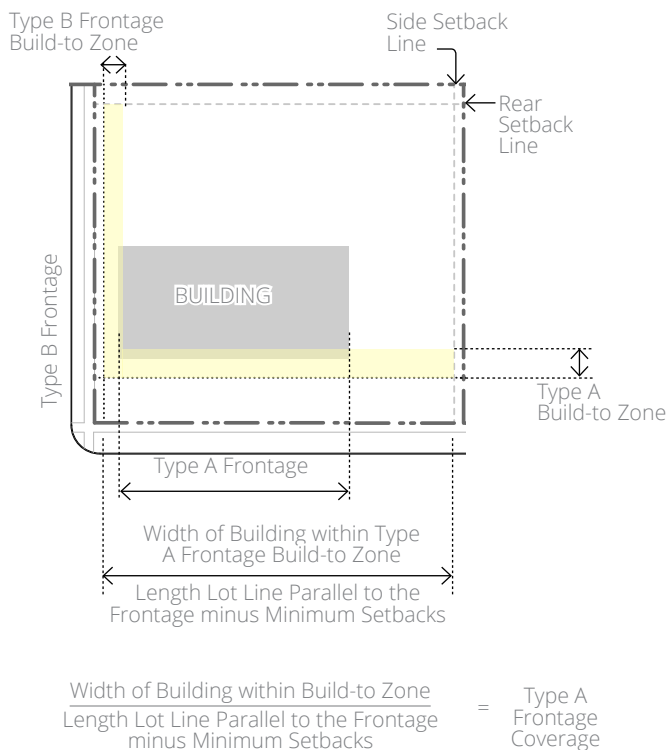


Figure 7.1-A. Minimum Primary Frontage Coverage

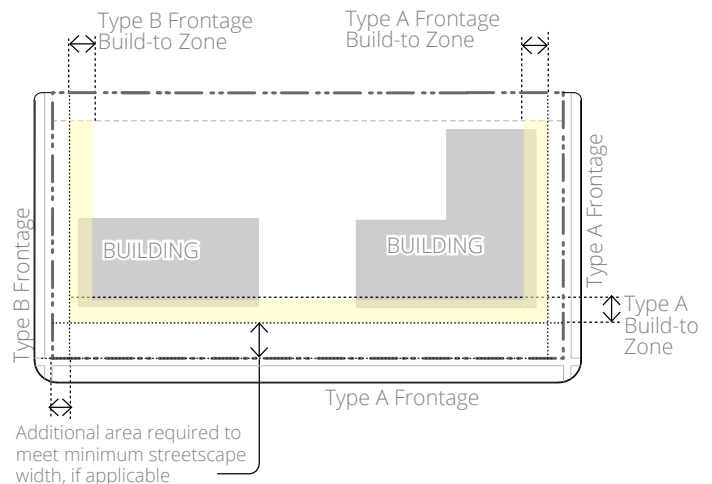


Figure 7.1-B. Build-to Zones

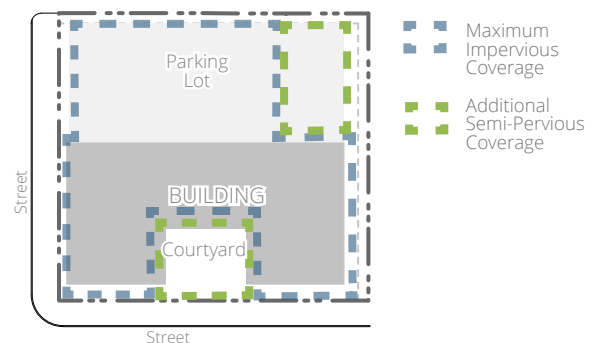


Figure 7.1-C. Site Impervious and Semi-Pervious Coverage

## 7. MEASUREMENTS AND DEFINITIONS

### Measurement of Building Type Requirements

of the new pedestrian area public easement into the lot.

- C. Height.** All building facades located within the build-to zone shall meet the required minimum building height.
- D. Recessed Balconies.** Upper story recessed balcony facades are not required to be located within the build-to zone.
- E. Encroachments.** Awnings, steps, porches, balconies, and building mounted signage may extend beyond the build-to zone/ into any yard area, but shall not extend into the street right-of-way unless approved subject to chapter 102 of the municipal code.

#### 7.1.3 FRONT SETBACK AVERAGE

The front setback average shall be calculated as follows.

- A. Measurement.** The average of the front yard depths of the next two buildings on either side of the lot on the same side of the street.
- B. Corner Lots.** For corner lots, the average of the front yard depths of the next two buildings adjacent to the lot on the same side of the street.
- C. Specific Ranges.** For lots in the Sherman Hills neighborhood, refer to XXX<sup>1</sup> for allowable build-to zones by street.

#### 7.1.4 BUILDING WIDTH

Minimum and maximum building width applies to all facades parallel and facing the front lot line and is measured horizontally across those facades.

#### 7.1.5 BUILDING AND SITE COVERAGE

Building coverage, site impervious, and additional semi-pervious coverage shall be calculated and measured as follows. Refer to [Figure 7.1-C](#).

- A. Maximum Building Coverage.** The maximum building coverage is the maximum percentage of a lot permitted to be covered by principal and accessory buildings.
- B. Maximum Site Impervious Coverage.** The maximum site impervious coverage is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.
- C. Additional Semi-Pervious Coverage.** In addition to the allowable impervious coverage on a site, a maximum amount of additional semi-pervious coverage is permitted.

<sup>1</sup> Add pages to this section or keep on file at the city.

#### 7.1.6 OVERALL MINIMUM AND MAXIMUM HEIGHT

Refer to [Figure 7.1-D](#).

- A. Minimum Overall Height.** Each building type requires a minimum number of stories. The building must meet the minimum required height along all primary frontage facades and measured a minimum of 30 feet deep into the building.
- B. Maximum Overall Height.** Maximum heights are specified in number of stories. This requirement applies to the entire building.
- C. Towers.** Where specifically allowed in the building type tables, [135-1.3](#) through [135-1.12](#), towers may exceed the overall maximum height of the building type per [135-1.17.6](#).
- D. Roof Type.** Where specified in [135-1.17.6](#), certain roof types may allow additional height.
- E. Two Half Stories.** If a building has both a half story within the roof and a half story that is partially above and partially below grade, the combined height of the two half stories shall be considered one full story.

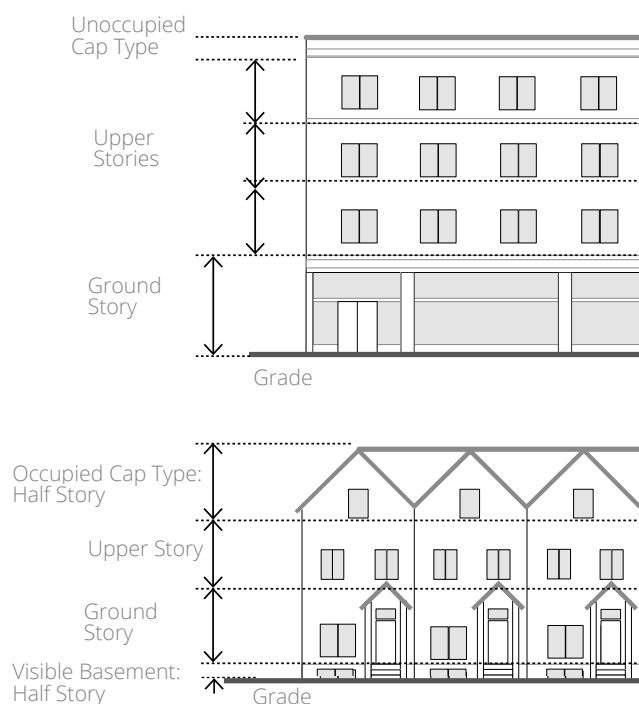


Figure 7.1-D. Measuring Stories with Floor-to-Floor Height

# 7. MEASUREMENTS AND DEFINITIONS

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## Measurement of Building Type Requirements

**F. Minimum and Maximum Height per Story.** Each story is measured with a range of permitted floor-to-floor heights. Refer to [Figure 7.1-D](#).

1. Measurement. All story heights shall be measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met along facades for a minimum of 80% of each story.
2. Primary Frontage Ground Story. Where noted as a separate height range, the primary frontage ground story height shall extend from the primary frontage facade into the building a minimum of 30 feet. The remainder of the ground story may meet either the primary frontage ground story heights or the height range permitted for all stories.
3. Single Story Buildings and Top Story Measurement. For single story buildings and the uppermost story of a multiple story building, the minimum floor-to-floor height shall be measured from the floor of the story to the ceiling.<sup>1</sup>
4. Mezzanines. Mezzanines may be included within the floor-to-floor height of any story. Mezzanines occupying more than 30 percent of the floor area below and extending above the story's allowable floor-to-floor height shall count as an additional story and shall meet transparency requirements per building type.
5. Taller Spaces. Spaces exceeding the allowable floor-to-floor heights of the building type are not permitted on primary frontage facades.

### 7.1.7 MINIMUM REQUIRED TRANSPARENCY.

Per the requirements of each building type, a minimum amount of transparency is required on all stories of street, courtyard, and public way facades.

**A. Definition of Transparency.** For the purposes of this chapter, transparency is the measurement of the percentage of a facade that contains highly transparent, low reflectance glass.

1. Storefront. Where transparency is required separately for primary street ground story facades, glass shall be a minimum of 60 percent transmittance factor and a reflectance factor of not greater than 0.25.
2. All Other Windows. Transparency for all window and door glass other storefront glass shall be a

<sup>1</sup> Need to verify floor to floor heights of ranch style and cottages in field

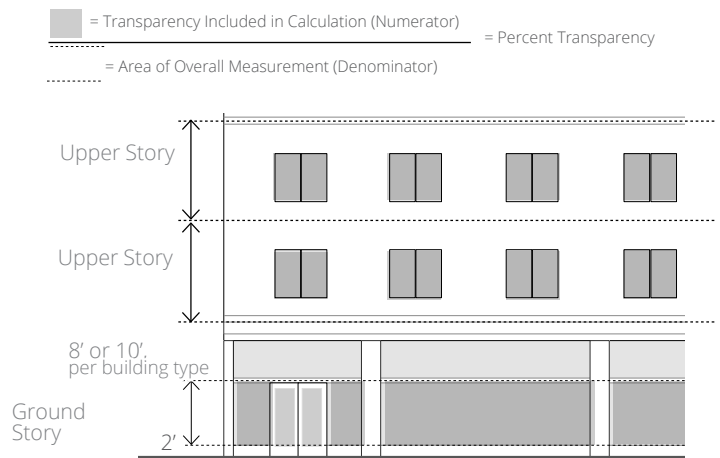


Figure 7.1-E. Measuring Minimum Facade Transparency

Examples of rectangular areas measured per story on a building facade, measuring less than 30% of the story and meeting the blank wall limitation requirement

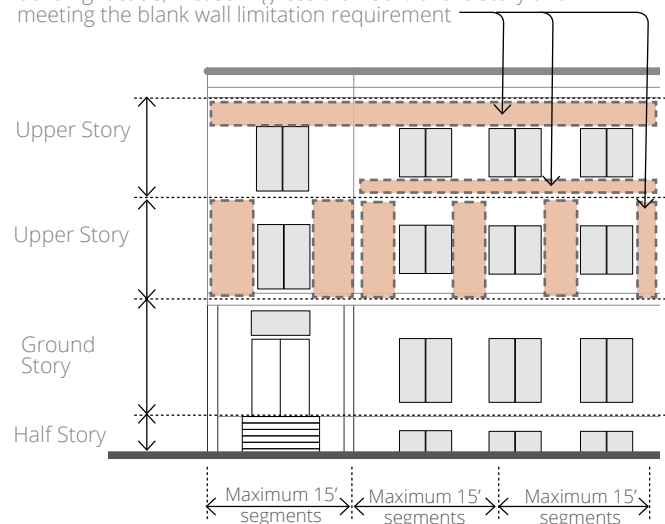


Figure 7.1-F. Measuring Blank Wall Limitations



## 7. MEASUREMENTS AND DEFINITIONS

### Measurement of Building Type Requirements

minimum of 50 percent transmittance factor and a reflectance factor of not greater than 0.25.

**B. Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground story transparency as defined below. Refer to [Figure 7.1-E](#). Transparency requirements shall be met with windows or glass in doors meeting the standards for transparency as defined in [A](#), above. The measurement may include the frame, mullions, and muntins, but shall not include trim or casing.

**C. Blank Wall Segments.** No rectangular area greater than 30 percent of the story's facade, as measured floor to floor, shall be without transparency. Additionally, no horizontal segment of a story's facade greater than 15 feet in width shall be without transparency. Refer to [Figure 7.1-F](#).

**D. Exception.**<sup>2</sup> When the facade of any story is located less than 6 feet from another parallel building facade, no minimum transparency is required for that story.

**E. Minimum Ground Story Transparency.** When a separate minimum ground story transparency is required per the building types requirements of [135-1.3](#) through [135-1.12](#), the following applies:

1. Ground story transparency shall be measured between 2 feet and either 8 or 10 feet, as specified per building type, from the average grade at the base of the facade.
2. The minimum ground story transparency requirements supersedes the minimum transparency required per story for the building type. The facade design shall fulfill that requirement in addition to a minimum of transparency for the remainder of the ground story.

**F. Mezzanines.** Mezzanines shall be treated as a separate story and include the required upper story transparency amounts.

**G. Tall Stories.** Stories that are 18 feet or taller in height shall include additional transparency consistent with the following standards. Refer to [Figure 7.1-G](#).

1. Separate Ground Story Transparency Required. When a separate minimum ground story transparency is required per the building types requirements of [135-1.3](#) through [135-1.12](#), the facade design shall fulfill that requirement in

<sup>2</sup> Only needed if transparency is required for facades other than public way facades.

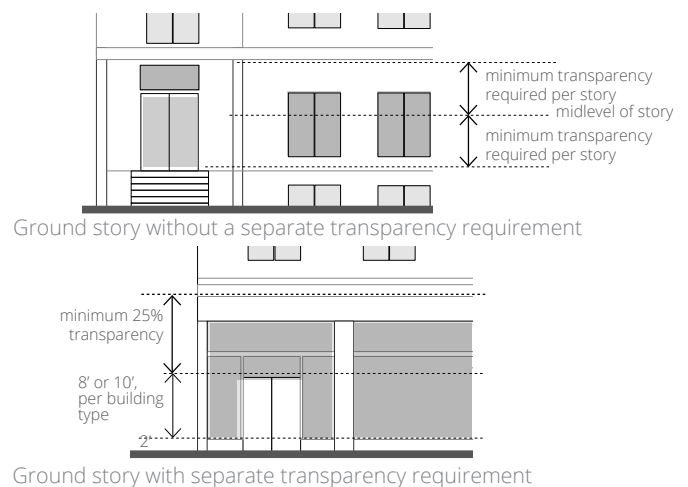


Figure 7.1-G. Transparency on Tall Stories

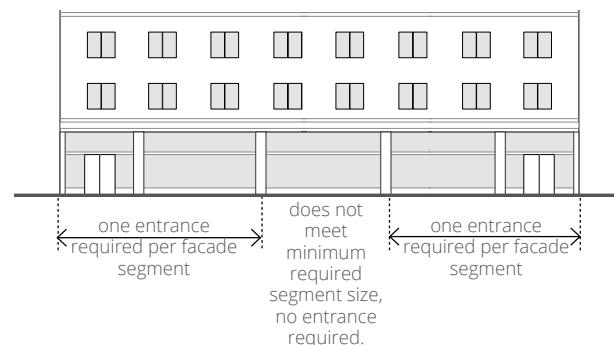


Figure 7.1-H. Number of Required Entrances

## 7. MEASUREMENTS AND DEFINITIONS

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### Measurement of Building Type Requirements

addition to the minimum transparency for the remainder of the ground story.

2. No Separate Ground Story Transparency Required. Except on a ground story facade to which a primary frontage ground story facade transparency requirement applies, a tall story shall be treated as 2 separate stories, divided in half horizontally, with the minimum transparency per story applied to each half.

**H. Half Stories.** All half stories located within the roof structure and within visible basements are required to meet the minimum required transparency.

#### **7.1.8 MINIMUM NUMBER OF REQUIRED ENTRANCES.**

Entrances shall be provided consistent with the entrance location and number requirements established for the building type and consistent with [Figure 7.1-H](#).

## 135-7.2 Definitions<sup>1</sup>

### 7.2.1 GENERAL

Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

### 7.2.2 USE DEFINITIONS

See [Chapter 134, Article 3](#) for an explanation of the use categorization system used in this zoning code and for use type definitions.

### 7.2.3 MEASUREMENT-RELATED TERMS

See [135-7.1](#) for an explanation of various lot and building regulation terms, such as "lot area," "building height," "setbacks" and "build-to zone."

### 7.2.4 TERMS BEGINNING WITH "A"

**Abut (or abutting):** to touch or share a contiguous boundary or border.

**Accessory building:** refer to [134-9.4](#)

**Accessory use:** refer to [134-9.4](#).

**Adjacent:** lying near or in the immediate vicinity

**Alley:** a public or private way, other than street, 20 feet or less in width through approximately the center of a block, with at least two access points and affording access to abutting lots.

**Applicant:** refer to [134-9.4](#)

**Awning:** refer to [134-9.4](#)

### 7.2.5 TERMS BEGINNING WITH "B"

**Basement:** a story having grade but not more than one-half of its height below grade.

**Basement, Visible:** A half story partially below grade and partially exposed above with required transparency on any street facade.

**Building:** refer to [134-9.5](#)

**Build-to Zone:** An area in which the front and street side facade of a building must be placed. Build-to zone requirements establish minimum and maximum setbacks from street lot lines. See [135-7.1.2](#).

**Building:** any structure designed or intended for the support, enclosure, shelter or protection of persons,

animals or property, but not including signs or billboards.

**Building frontage:** that wall or side of a building which is adjacent and most nearly parallel to a street.

### 7.2.6 TERMS BEGINNING WITH "C"

**Canopy:** refer to [134-9.6](#)

**Carport:** a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building is considered a part of the principal building and subject to all yard requirements in this chapter.

**Car-share Program:** a system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

**Car-share Vehicle:** a motor vehicle from a car-share program fleet.

**Court or Courtyard:** An outdoor area enclosed by building on at least 3 sides, open from the ground to the sky, and the 4th side is open to a public way, street, or open space/park.

### 7.2.7 TERMS BEGINNING WITH "D"

**Dwelling:** refer to [134-9.7](#)

**Dwelling unit:** refer to [134-9.7](#)

**Dormer:** a roof projection no wider than 8 feet from an attic space containing a window.

### 7.2.8 TERMS BEGINNING WITH "E"

**Electric Vehicle:** any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

**Electric Vehicle (EV) Charging Station:** a public or private parking space that is served by battery charging station equipment.

<sup>1</sup> Section needs more revision

# 7. MEASUREMENTS AND DEFINITIONS

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## Definitions

**Electric Vehicle Parking Space:** any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

### 7.2.9 TERMS BEGINNING WITH “F”

### 7.2.10 TERMS BEGINNING WITH “G”

**Garage, private:** an enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.

### 7.2.11 TERMS BEGINNING WITH “H”

RESERVED

### 7.2.12 TERMS BEGINNING WITH “I”

**Impervious Surface (or Cover):** any surface that cannot effectively absorb or infiltrate rainfall, including driveways, sidewalks, patios, swimming pools, and areas of a site covered by buildings.

### 7.2.13 TERMS BEGINNING WITH “J”

RESERVED

### 7.2.14 TERMS BEGINNING WITH “K”

RESERVED

### 7.2.15 TERMS BEGINNING WITH “L”

**Lot:** refer to [134-9.15](#)

**Lot, corner:** a lot abutting upon two or more streets at their intersection.

**Lot, depth:** the mean horizontal distance between the front and rear lot lines.

**Lot, double frontage:** a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

**Lot, Flag:** a lot with only enough width along the street for a driveway and full lot width behind another lot.

**Lot frontage:** the portion of a lot which abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lot frontage.

**Lot, interior:** a lot other than a corner lot.

**Lot lines:** refer to [134-9.15](#)

**Lot of record:** refer to [134-9.15](#)

**Lot width:** the width of a lot measured at the required front yard setback line and at right angles to its depth. The minimum lot width shall be maintained from the required front yard setback line to the front of the principal building.

### 7.2.16 TERMS BEGINNING WITH “M”

**Manufactured home:** refer to [134-9.16](#)

**Mobile home:** refer to [134-9.16](#)

**Mobile home park or trailer park:** refer to [134-9.16](#)

**Modular home:** refer to [134-9.16](#)

### 7.2.17 TERMS BEGINNING WITH “N”

RESERVED

### 7.2.18 TERMS BEGINNING WITH “O”

**Occupied space:** interior floor space within a building that is regularly occupied by building users. Occupied space does not include storage areas, utility space, or parking areas.

**Off-street parking and loading area:** any portion of a property used for parking of employee, customer or resident vehicles; storage, parking and display of any commercial vehicles, commercial equipment or contractor's equipment; and/or storage or placement of any merchandise.

### 7.2.19 TERMS BEGINNING WITH “P”

**Parking lot:** any portion of a property used for parking of employee, customer, or resident vehicles; storage, parking or display of any commercial vehicles, commercial equipment or contractor's equipment;

**Parking lot, main:** any set of parking aisles and lanes with more than 60 percent of the parking for the building on the lot.

**Parking space:** a permanently surfaced area which includes the parking stall plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way, except as permitted by the city engineer.

**Patio:** a paved and landscaped area on a lot for the gathering of people, not vehicles. Seating, eating and drinking, or retail sales may occur on a patio as permitted by the district.

**Pedestrian way:** a pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

**Person:** an individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity.

**Pervious surface (or cover):** any surface that allows for the absorption or infiltration of rainwater into the ground or into plant material, including vegetated roofs.

**Porch:** a roofed projection which has no more than 50 percent of each outside wall area enclosed by a building or siding material other than meshed screens.

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

**Primary frontage:** the portion of a lot abutting a primary street right-of-way. [See 135-1.1.6.](#)

**Primary street:** a street that receives priority over other streets in terms of setting front lot lines and locating building entrances. [See 135-1.1.6](#) and [135-3.3.1.](#)

**Principal use:** refer to [134-9.19](#)

**Public way:** a street that receives priority over other streets in terms

## 7.2.20 TERMS BEGINNING WITH “Q”

RESERVED

## 7.2.21 TERMS BEGINNING WITH “R”

RESERVED

## 7.2.22 TERMS BEGINNING WITH “S”

**Semi-pervious surface (or cover):** a material that allows for at least 40% rainfall to be absorbed into the ground or plant material. Typical examples include pervious pavers, permeable asphalt, permeable concrete, and gravel.

**Shadow line:** An architectural feature consisting of a decorative, 3-dimensional, horizontal or vertical linear element that protrudes or is recessed at least 2 inches from the exterior facade of a building, casting a shadow to reinforce the feature. Shadow lines typically delineate the top or bottom of floors in a building through the use of cornices, pilasters, or stepped brick coursing.

**Story:** that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling or roof next above it.

**Story, ground:** the first full story of a building as measured from the front or primary lot line.

**Story, half:** a story located either in the base of the building, partially below grade and above grade, between 2.5 feet and 1/2 the height of a full story (see “basement, visible”), or a space under a sloping roof where the intersection of roof decking and wall face is not more than 4 feet above floor level.

**Story, upper:** the floors in a building located above the

ground story of the building. Also referred to as upper floor.

**Street facade or street-facing facade:** the facade of a building that faces a street right-of-way.

**Street line:** refer to [134-9.22.](#)

**Street, major:** for the purposes of Chapter 135, major streets includes Merle Hay Road, Martin Luther King Jr, Beaver Avenue, 6th Avenue, E 14th Street, Hubbell Avenue, Easton Boulevard, SE 14th Street, SW 9th Street, Fleur Drive, Douglas Avenue, Euclid Avenue, Hickman Road, University Avenue, Ingersoll Avenue, Grand Avenue, NE 23rd Ave, E Martin Luther King Jr. Parkway, E Army Post Road, and any other street similar in scale, speed, and character as determined by the community development director.<sup>2</sup>

**Street, minor:** for the purposes of Chapter 135, minor streets includes Lower Beaver Road, Urbandale Avenue, Forest Avenue, 2nd Avenue, Polk Boulevard, 42nd Street, Ea 30th Street, Park and E Park Avenue, Indianola Avenue, Watrous Avenue, McKinley and E McKinley Avenue and any other street similar in scale, speed, and character as determined by the community development director.<sup>3</sup>

**Street, private:** any private way meeting the base street requirements in [135-3.2.2](#) and approved by the city council after recommendation by the plan and zoning commission.

**Street, public:** any thoroughfare or public way not less than 30 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 the effective date of the ordinance from which this chapter derives, provided it is 40 feet or more in width.

**Structural alteration:** refer to [134-9.22](#)

**Structure:** refer to [134-9.22](#)

## 7.2.23 TERMS BEGINNING WITH “T”

**Trailer park:** See Mobile home park.

**Transparency:** See [135-7.1.7.](#)

## 7.2.24 TERMS BEGINNING WITH “U”

RESERVED

## 7.2.25 TERMS BEGINNING WITH “V”

**Vision clearance triangle:** at street intersections, a triangular area as required by section 114-14 of this

<sup>2</sup> Needs further coordination in articles 1 and 3, then will need revision upon adoption of the TMP

<sup>3</sup> Needs further coordination in articles 1 and 3, then will need revision upon adoption of the TMP

# 7. MEASUREMENTS AND DEFINITIONS

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## Definitions

Code.

### 7.2.26 TERMS BEGINNING WITH “W”

RESERVED

### 7.2.27 TERMS BEGINNING WITH “X”

RESERVED

### 7.2.28 TERMS BEGINNING WITH “Y”

**Yard:** the unoccupied and unobstructed space that exists between a building and a lot line.

**Yard, front:** a yard extending from the front facade of the principal building along the full length of the front or primary lot line, between the side lot lines or, on a corner lot, between the side and street-side lot lines.

**Yard, rear:** a yard extending from the rear building facade along the rear lot line between the side yards or, on a corner lot, the street side and side yards.

**Yard, side:** a yard extending from the side building facade along the side lot line between the front yard and rear lot line.

**Yard, street-side:** a side yard abutting a street lot line.

### 7.2.29 TERMS BEGINNING WITH “Z”

RESERVED



## **7. MEASUREMENTS AND DEFINITIONS**

Measurement of Building Type Requirements