

CHAPTER 134 – MAJOR REVISIONS

Article 1:

1. Map Interpretations

- a. **Issue:** State more explicitly that zoning districts apply to the center of the public right-of-way line for lots adjoining right-of-way, in part to address permitting.

Amendment: 134-1.10.4.B: Delete “lines.” and replace with “lines, unless such lot lines are adjacent to streets, highways, alleys or other public rights-of-way in which event the boundaries must be construed to follow the centerlines of such streets, highways, alleys or other public rights-of-way.”

Article 2:

1. Legacy Planned Unit Development (PUD) Districts

- a. **Issue:** Clarify applicability of Zoning Ordinance to Legacy PUD zoning districts and create administrative approval option for certain PUD Plan amendments.

Amendment: 134-2.2.9: (1) Subsection C: Delete text and replace with “**C.** In the event that the ordinance approving a PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans, including amendments thereto, do not regulate any subject(s) addressed in this chapter, the regulations of this chapter related to said subject(s) shall apply to, and be enforceable on, all land classified in said Legacy PUD district on and after the effective date of this chapter.” (2) Add subsection D as follows: “**D.** All Legacy PUD final development plans that substantially conform to the applicable PUD conceptual development plans, and all amendments to Legacy PUD conceptual development plans and final development plans determined by the development services director to be minor in scope, must be reviewed and approved by the development services director, following the same general process as a Type 1 zoning exception pursuant to section 134-6.5 of this chapter; conditions of approval or denials may be appealed to the plan and zoning commission and city council following the same general process as a zoning map amendment pursuant to sections 134-6.3.5-9 of this chapter. All amendments to Legacy PUD conceptual development plans determined by the development services director to be major in scope 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 pursuant to section 134-6.3 of this chapter. Review pursuant to this subsection shall include review by the development services department for conformance with chapter 135 of this code.”

Article 3:

1. General Revisions to Principal Uses and Principal Use Table

- a. **Issue:** Eliminate ground-floor commercial use requirement and allow residential use on ground floor in CX and MX3 zoning districts.

Amendment: Table 134-3.1-1, Residential, Household Living, 5 to 8 households (per lot) and 9 or more households (per lot) rows: Delete “○” and replace with “●” in MX3 and CX columns.

- b. Issue: Add uses to various zoning districts as described below.

Amendment: Table 134-3.1-1: (1) Commercial, Commercial Service, Consumer Maintenance and Repair row: Delete “—” and replace with “●” in I1 column. (2) Commercial, Eating and Drinking Places: (a) Restaurant row: Delete “—” and replace with “●” in I1 column. (b) Bar row: Delete “—” and replace with “○” in I1 column. (3) Commercial, Retail Sales, Limited, General and Large-Format rows: Delete “—” and replace with “●” in EX and I1 columns.

- c. Issue: Incorporate transfer station into principal permitted use as described below.

Amendment: 134-3.6.4: (1) Subsection A: Add new text at end of subsection as follows: “For purposes of this chapter and chapter 135 of this code, references to “junk or salvage yard” include solid waste transfer stations and appliance demanufacturing.” (2) Subsection B: Add new subsection 7 as follows: “7. Any junk or salvage yard requiring a license or permit from the Iowa Department of Natural Resources or similar State agency shall provide proof of valid license or permit, as applicable, to the neighborhood services department prior to commencing such use and following any amendment or renewal to said license or permit.”

2. Alcoholic Liquor, Wine or Beer Sales (Tables 134-3.1-1 and 134-3.1-2; Principal and Accessory Use Requirements)

- a. Issue: Adjust Tables 134-3.1-1 and 134-3.1-2 (new Table 134-3.9-1) to make more user-friendly for staff and public, add option for sales in EX and I1 districts to address certain existing or proposed uses, and clarify that sales are accessory to other principal uses unless specified.

Amendment: (1) 134-3.1.2.G: Delete “of this article” and replace with “of this article, and of Table 134-3.9-1 of this article when applicable” in second sentence. (2) Table 134-3.1-1: (a) Commercial, Retail Sales use subcategory: Add new rows for “Liquor Store” and “Tobacco Store” as follows: Liquor Store row, add “○” to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to section 134-3.5.15; Tobacco Store row, add ○ to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to 134-3.5.15; (b) Delete “Other – Alcoholic Liquor, Wine, or Beer Sales” row. (3) Table 134-3.1-2 – Delete Table in its entirety and replace with new Table, in form attached hereto as Exhibit 1, relocate Table to new accessory uses section 134-3.9.9, and rename table to Table 134-3.9-1. (4) 134-3.5.9.A-B: Delete final sentences of each subsection. (5) Add new section 134-3.5.15.D as follows: “**D. Liquor Store.** Limited retail sales establishment primarily engaged in the sale of off-premise consumption of alcoholic liquor, wine and beer, where more than 40% of gross receipts is derived from the sale of alcoholic liquor, wine, beer and tobacco. The regulations of section 134-3.9.9

of this article and Table 134-3.9-1 of this article shall apply to this principal use.” (6) Add new section 134-3.5.15.E as follows: “**E. Tobacco Store.** Limited retail sales establishment primarily engaged in the retail sale of tobacco and tobacco-related products, provided however that no more than 25% 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. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.” (7) 134-3.8.1: (a) Relocate section to new accessory uses section 134-3.9.9. (b) Subsection A (new subsection 134-3.9.9.A): Delete in its entirety and replace with: “**A. Description.** The retail sale of alcoholic liquor, wine and beer is permitted as a principal use, or as an accessory use to a permitted principal use where determined by the neighborhood services director that said accessory use is customary and incidental to such permitted principal use, only in the zoning districts and subject to the conditions indicated in Tables 134-3.1-1 and 134-3.9-1 of this article and pursuant to this section.” (c) Subsection B (new subsection 134-3.9.9.B): Delete first sentence in its entirety and replace with “Conditional use approval is required for the use of a premises, either as principal or accessory use, for the sale of alcoholic liquor, wine or beer, under the circumstances identified in Tables 134-3.1-1 and 134-3.9-1 of this article.” (d) Subsection C (new subsection 134-3.9.9.C): Replace “general conditions” with “supplemental use regulations” in title and text; first sentence, delete “use of a premises” and replace with “use of a premises, either as principal or accessory use,”. (e) Subsection D (new subsection 134-3.9.9.D): (i) delete “from sales, from the sale” and replace with “from the sale”; (ii) delete “alcoholic beverages from the sale” and replace with “alcoholic beverages, from the sale”. (f) Subsection F (new subsection 134-3.9.9.E): Delete “from sales from the sale” and replace with “from the sale”. (8) 134-3.8.2: Renumber section to 134-3.8.1.

3. Short-Term Commercial Rental Use

- a. Issue: Revise short-term commercial rental use regulations to convert said use from a primary commercial, lodging use to an accessory use to household living, and to eliminate restrictions preempted by recent State legislation.

Amendment: (1) Table 134-3.1-1: Delete Commercial, Lodging, Short-Term Commercial Rental row. (2) 134-3.5.12.C: Delete subsection in its entirety. (3) 134-3.9.8: Reformat existing text as subsection A; add new subsection B as follows: “**B.** The use of a household unit, or part of a household unit, for commercial lodging use, also known as short-term rental use, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days, is allowed as an accessory use to a household living principal use.” (4) 134-6.4.8: Delete subsection B in its entirety and reformat subsection A to constitute section 134-6.4.8. (5) 134-6.4.10: Delete subsection C and renumber subsections D and E to C and D, respectively.

4. Accessory Use

- a. Issue: Add use restrictions and cross-reference for new general accessory structure type being added to Chapter 135, Planning and Design Ordinance.

Amendment: 134-3.9.1.B: (1) Add new subsection 4 as follows: “4. If the proposed allowed accessory use will be located in a “bus shelter or bench for public transit use” as defined and regulated by section 135-2.22.3.K of this code, then said use may be accessory either to a principal use or structure, or accessory to a lot that is vacant and does not contain a principal use or structure.” (2) Add new subsection 5 as follows: “5. If the proposed allowed accessory use will be located in an “other outdoor automated accessory structure” as defined and regulated by section 135-2.22.3.L of this code, then said accessory use shall be restricted to dispensing only products that are accessory to a retail sales use or financial service use that is permitted in the applicable zoning district of the lot on which said uses are to be located, and shall not dispense alcoholic liquor, wine, beer, or tobacco products.”

- b. Issue: Add review and approval process for home occupation accessory uses as a Type 1 zoning exception for Type 2 home occupations, and as a conditional use for Type 3 and 4 home occupations, which will also address termination of home occupation approval in the event that home occupation accessory use lapses.

Amendment: (1) 134-3.9.4.E.1: Delete “uses for the following” and replace with “uses, as Type 1 zoning exceptions pursuant to section 134-6.5 of this chapter, for the following”; (2) 134-6.5.2: (a) Subsection 9: Delete “; and” and replace with “;”. (b) Subsection 10: Renumber to subsection 11. (c) Add new subsection 10 as follows: “Exceptions to allow Type 2 home occupation accessory uses pursuant to section 134-3.9.4 of this chapter; and”. (3) 134-3.9.4.F.1: Delete “approve Type 3 home occupation uses for the following” and replace with “approve conditional uses for Type 3 home occupations uses, as conditional uses pursuant to section 134-6.4 of this chapter, for the following”.

- c. Issue: Expand Type 3 home occupation options to include artisan production (i.e. bottling honey; selling crafts; home bakeries/meal services).

Amendment: (1) 134-3.6.1.A: Delete “creation of art works” and replace with “creation of baked goods, meals or food products, art works”. (2) 134-3.9.4.F.1: (a) Subsection b, delete “and”. (b) Subsection c: delete period and replace with “; and”. (c) Add new subsection d to state “Fabrication and production, artisan as defined by section 134-3.6.1.A of this article.”

- d. Issue: Allow expansion of off-site parking as an accessory use to an adjoining permitted principal non-residential use, similarly to prior Zoning Code.

Amendment: Add new section 134-3.9.10 as follows: “**ACCESSORY OFF-SITE PARKING USE** Required off-street parking as an accessory use to a permitted principal non-residential use, occurring off-site in a zoning district where non-accessory parking or the use to be served by the parking are not allowed, as follows: **A.** The accessory off-site parking use will be on a lot abutting the permitted principal non-residential use, which abutting lot is connected to the lot containing the permitted principal non-residential use by declaration of zoning lot filed with the county recorder and is owned or controlled by the operator of the permitted principal non-residential use. **B.** The accessory off-site parking use complies with the planning and design requirements of chapter 135, including approval of the off-site parking lot through the Type 2 design alternative procedures of

section 135-9.2 of this code in accordance with section 135-6.6.4.C.3. **C.** The accessory off-site parking use is intended for customer and employee personal vehicles only. Limited commercial truck parking shall be permitted only for single rear-axle pickups or vans weighing no more than 6,000 pounds (gross vehicle weight rating). No exterior power apparatus is allowed. This will not permit trailers or other equipment storage. **D.** A directional sign shall be placed in the accessory off-site parking use lot on the boundary line separating the two districts, which shall read “no truck parking behind this point except limited commercial pickups or vans weighing under 6,000 lbs. (G.V.W.R.)” or similar wording. **E.** A Type 1 zoning exception reviewed and approved in accordance with section 134-6.5.2 of this chapter is required for the accessory off-site parking use.”

Article 5:

1. Zoning Relief

- a. Issue: Allow Type 1 and Type 2 zoning exceptions, rather than variances, from Zoning Board of Adjustment (ZBOA) for relief from all signage requirements except as related to prohibited signs and sign characteristics, electronic and multi-vision displays, and general advertising signs.

Amendment: 134-5.3: Add new section 134-5.3.5 as follows: “**ZONING RELIEF** Exclusive of sections 134-5.2, 134-5.7 and 134-5.8 of this article, and unless otherwise expressly specified in this article, all signage regulations of this article are eligible for Type 1 zoning exceptions when applicable pursuant to section 134-6.5 of this chapter, and eligible for Type 2 zoning exceptions pursuant to section 134-6.6 of this chapter when Type 1 relief is not applicable.”

2. Allowed Signage

- a. Issue: Clarify allowed signage for fuel stations.

Amendment: 134-5.6.7: Add new subsection (C) as follows: “C. A canopy accessory to a fuel station may contain one non-illuminated, static sign per street frontage, which sign shall not exceed thirty square feet of sign area, in addition to wall signs. Such canopy sign shall not project more than 2.5 feet above the top of the canopy. A canopy accessory to a fuel station that is installed in free-standing sections shall be considered one canopy for purposes of this section.”

- b. Issue: Allow signage for permitted commercial uses in the A and NX zoning districts.

Amendment: Table 134-5.5-1: Add third section, “Commercial Uses”, as follows: (1st column) “Permitted Uses – A and NX Districts Only; (2nd column) 1; (3rd column) 24; (4th column) 8”.

- c. Issue: Allow limited signage for permitted uses in F (flood) zoning district to balance the needs of the floodplain with the needs of the property owner or tenant, in part to address Zoning Board of Adjustment concern presented to City Council.

Amendment: (1) 134-5.6: From title heading, delete “I and P Districts” and replace with “I, P and F Districts”. (2) 134-5.6.1: Delete “I and P districts” and replace with “I, P and F districts”. (3) 134-5.6.2: Delete “I and P zoning districts” and replace with “I, P and F zoning districts”. (4) 134-5.6.3: (a) Subsection A: Delete “I- and P-zoned” and replace with “I-, P- and F-zoned”. (b) Subsection B: Delete “I and P districts” and replace with “I, P and F districts”. (6) 134-5.6.4.A: Delete “I and P districts” and replace with “I, P and F districts”. (7) 134-5.6.6.A: Delete “I, and P districts” and replace with “I, P, and F districts”. (8) Table 134-5.6-1: Add F zoning district column; copy regulations from MX1/MX2 zoning district column into new F district column except as follows: “Permitted Sign Types” section, “Monument” row: include “—”; “Monument Signs” section, all rows: include “—”; “Roof Signs” section, all rows: include “—”; “Electronic and Multi-Vision Displays on Monument Signs”, “Regulations” row: include “—”.

- d. Issue: Allow signs accessory to legal nonconforming uses consistently with prior Zoning Code.

Amendment: 134-5.4: Add new section 134-5.4.8 as follows: “**SIGNS ACCESSORY TO NONCONFORMING USES** Signs accessory to principal nonconforming uses, as defined in section 134-7.1 of this chapter, are permitted on a lot containing any nonconforming use as follows: **A.** Nonconforming commercial and industrial uses located on lots in A, N, NX and NM districts shall be allowed MX1 district signage pursuant to this article. **B.** Nonconforming uses located on lots in commercial or industrial districts shall be allowed the signage permitted for such lots, as applicable, pursuant to this article. For example, a nonconforming commercial, small assembly use located on a lot in the I1 district shall be allowed the signage permitted for an I district pursuant to this article. **C.** Nonconforming uses located on lots in the F district shall be allowed F district signage pursuant to this article.

- e. Issue: Add time limit to temporary signage allowance.

Amendment: 134-5.4.6.A-B: Delete “six months” and replace with “six months during each calendar year”.

- f. Issue: Clarify signage allowances in Legacy Planned Unit Development (PUD) zoning districts.

Amendment: 134-5.3: Add new section 134-5.3.6 as follows: “**SIGNS IN LEGACY PLANNED UNIT DEVELOPMENTS (PUDS)** Any signs installed, erected, placed, altered, expanded, or enlarged on a lot or lot(s) within a Legacy Planned Unit Development (PUD) zoning district after the effective date of this zoning ordinance shall comply with this chapter unless (1) the Legacy PUD includes signage allowances and requirements in the PUD Conceptual Plan and/or PUD Final Development Plan, and (2) the sign, or alteration, expansion, or enlargement thereto, conforms with all signage allowances and requirements in said Plan(s). For purposes of this article, signs within a Legacy PUD in which the majority of the lots contain principal commercial or industrial uses shall be allowed the signage applicable to the MX1 zoning district, and signs within a Legacy PUD

in which the majority of the lots contain principal household living uses shall be allowed the signage applicable to the N zoning districts; in the event of uncertainty, the neighborhood services director shall make the final determination regarding the applicable majority principal use.”

- g. Issue: Create a marquee panel signage option for assembly use, such as movie theaters.

Amendment: (1) Table 134-5.6-1: (a) Permitted Sign Types section, Projecting row: Delete “Projecting” and replace with “Projecting; Marquee”; (b) Projecting Signs section: Delete section heading and replace with “Projecting and Marquee Signs”; revise “Other Regulations” row to delete text and replace with “See section 134-5.6.6 of this article and 134-5.6.9 of this article.” (2) Add new section 134-5.6.9 as follows: “**MARQUEE SIGNS**
A. Maximum Number, Area and Height The maximum number, area and height of all marquee signs allowed in DX, MX, RX, CX, EX, I, P and F districts may not exceed the limits established in Table 134-5.6-1 of this article. **B. Supplemental Regulations** 1. Marquee signs are permitted only as an accessory use appurtenant to a permitted principal small or large assembly or entertainment use. 2. A triangular marquee sign is considered one sign for purposes of this article. 3. Marquee signs shall only be located on the front facade of a building.”

- h. Issue: Clarify option for signage by public regional transit services for public purposes as integral to the City’s street and transportation system.

Amendment: (1) 134-5.2.19 (new section 134-5.2.S): Revise section to delete “code;” and replace with “code, or the sign is otherwise permitted pursuant to agreement with and on behalf of the city as required for public safety or governmental interest;”. (2) 134-5.4.7: (a) Delete “public safety, traffic safety” and replace with “public safety, public regional transit services, traffic safety”. (b) Add new subsection C as follows: “**C.** Where the city, by agreement, permit, or otherwise, allows or requires signage within public right-of-way for a public purpose. If the city agreement, permit, or similar arrangement describes the form and dimensions of the sign, the sign must comply with those requirements; otherwise, when not defined, the sign shall comply with the requirements of this article.”

Article 9:

1. Definition of “Sign”

- a. Issue: Identify scoreboard as an accessory use to a principal educational, campus, or outdoor sports and recreation use.

Amendment: 134-9.22, “Sign”: Delete “street, are not considered” and replace with “street, and scoreboards as defined and regulated by section 135-2.22.3 of this code, are not considered”.