

CHAPTER 135 – MAJOR REVISIONS

Article 1:

1. Legacy Planned Unit Development (PUD) Districts
 - a. Issue: Clarify applicability of Planning and Design Ordinance to Legacy PUD zoning districts.

Amendment: 135-1.7: Add new subsection 4 as follows:

135-1.7.4 PUD, PLANNED UNIT DEVELOPMENT (LEGACY) DISTRICT

- A.** Land classified in a Planned Unit Development (PUD) zoning district on the effective date specified in section 135-1.2 of this article will continue to be classified in a Legacy PUD district and governed by the ordinance approving the PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans associated with the approved development until the subject PUD is rezoned to another (non-PUD) classification. If the provisions of this planning and design ordinance are inconsistent with or conflict with an ordinance approving the PUD zoning designation or applicable conditions of approval, conceptual plans, or development plans associated with the approved PUD, the applicable provisions of said ordinance, conditions, or plans associated with the approved PUD govern.
- B.** 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 a 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.

Article 2:

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

Amendment: (1) Table 135-2.1-1 (formerly Table 135-2.2-1): Building Types, General Building row: Add “●” in MX3 and CX columns. (2) 135-2.7.3, General Building Regulations: Add MX3 and CX to NX3 column heading.

- b. Issue: Add uses and zoning districts to various building types as described below to allow for added uses in Chapter 134, Article 2.

Amendment: (1) Table 135-2.1-1 (formerly Table 135-2.2-1): (a) Building Types: Storefront row, add “●” in EX and I1 columns. (b) Commercial Cottage row, add “●” in EX and I1 columns. (2) 135-2.5.3, Storefront Regulations: Add EX and I1 to CX column heading. (3) 135-2.6.3, Commercial Cottage Regulations: Add I1 to RX1/EX column. (4) 135-2.9.3.C.14: Delete “All permitted uses” and replace with “All permitted uses, except Eating and Drinking Places or Retail.”

- c. Issue: Clarify and allow limited number of surface parking, loading bays and garage entrances on front facades of Workshop/Warehouse buildings by Type 1 design alternative.

Amendment: (1) 135-2.9.1: (a) Revise first sentence to delete “that allows loading bays or garage entrances on the front facade”. (b) Delete second sentence and replace with “A limited amount of surface parking or number of loading bays or entrances may be allowed on the front facade of a Workshop/Warehouse building, subject to approval by the development services director in appropriate circumstances identified in section 135-2.9.3.E.4 of this article.” (2) 135-2.9.3.A.8, “References” column: Add “See section 135-2.9.3.E.4 for consideration of Type 1 design alternative for surface parking/loading and garage/loading entrance locations.” (3) Add new subsection 135-2.9.3.E.4 as follows: “4. Surface parking, loading bays, or garage entrances on the front facade may be allowed for Workshop/Warehouse buildings by a Type 1 design alternative, in number and form determined by the development services director, under the following circumstances: a. Workshop/Warehouse building is not fronting a primary street on the city’s primary streets map; b. Workshop/Warehouse building is located within a designated business park; c. Constraints of the lot upon which the Workshop/Warehouse building will be located, including dimensions, topography, utility locations or easement, and similar constraints as demonstrated by the applicant and confirmed by the city engineer, prevent construction of the building providing for rear or interior side surface parking, loading bays or garage entrances; d. The properties immediately adjoining the lot upon which the Workshop/Warehouse building shall be located contain surface parking, loading bays, or garage entrances on the front facade; and e. The predominant character of the business park, as determined by the development services director, includes surface parking, loading bays, or garage entrances on the front facades of existing buildings.”

- d. Issue: Adjust window transparency requirements for House building types.

Amendment: (1) 135-2.13.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N2a and N2b columns: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades except garage doors”. (2) 135-2.14.3.D.18: Subsection title: Add “**(Street Frontage Facades)**”. (3) 135-2.15.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N4 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades”. (4) 135-2.16.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N5 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (d) NX2, NX2a column: Delete text and replace with “18% for

primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front and street side facade”.

- e. Issue: Reformat Capitol Dominance Area Design Alternatives section for consistency with remainder of chapter.

Amendment: 135-2.18.3: (1) Subsection A: Delete in entirety; renumber current subsection B to replace current subsection A and replace reference to “135-2.18.3.B.3” with “135-2.18.2.A”. (2) Subsection B: Delete in entirety and replace with “**B. TYPE 2 DESIGN ALTERNATIVE.** 1. Considerations. A Type 2 design alternative may be requested for relief from the height limitations set forth in section 135-2.18.2, in accordance with the following considerations: a. Compliance with the purpose statement in this section. b. The applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum: i. proximity to the Capitol; ii. proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan; iii. impact on views to and from the Capitol; and iv. any other illustrations as required by the development services director. 2. A Type 2 design alternative may be requested for relief from the height limitations set forth in section 135-2.18.2, subject to the considerations set forth above, when: a. an applicant is not eligible to request a Type 1 design alternative; or b. an applicant is requesting relief from height limitations for towers, utilities and other appurtenances set forth in section 135-2.18.2.B of this article.”

2. Accessory Structures

- a. Issue: Incorporate requirement that accessory structures are constructed in locations that will ensure future maintenance of said structures and the principal structures located on the same lot.

Amendment: 135-2.22.1.D: (1) Subsection 3: Add new subsection d as follows: “d. All walls of an accessory structure must be separated from any walls of a primary structure on the same lot, and from any walls of any other accessory structure on the same lot, by the greater of the minimum distance required by chapters 26 and 46 of this code or three feet, to ensure maintenance of all exterior surfaces of the primary and accessory structure(s).” (2) Add new subsection 8 as follows: “8. Maintenance. Accessory structures shall be designed and constructed to ensure that the long-term maintenance of the accessory structure itself, and of the primary structure on the same lot and of all other accessory structure(s) on the same lot, will not be diminished or impaired due to the location or design of the accessory structure.”

- b. Issue: Allow scoreboards as accessory structures to principal educational, campus, and outdoor sports and recreation structures and uses.

Amendment: (1) Table 135-2.22-1, Accessory Structure Table: Add Scoreboard row to Accessory Outdoor Paving & Structures category, and add “●*” in DX, MX, RX, CX, EX, I, and P district columns and “—” in all other district columns in said row. (2) 135-2.22.3: Create new subsection J as follows: **J. Scoreboard.** Pylon or monument sign installed as accessory use to principal permitted school, college or university or similar campus use, public recreation area, or outdoor private/participant sports and recreation use, and

primarily intended for viewing by attendees within the applicable field or open space. 1. Lighting, size, number, and placement of scoreboards shall not create a nuisance for adjoining properties, and shall be compatible with the size and design of the applicable field or open space.”

- c. Issue: Create accessory structures categories to allow for additional uses (seasonal building; bus shelter or bench for public transit agency; outdoor automated accessory structures).

Amendment: (1) Table 135-2.22-1: Add Seasonal Building row to Accessory Buildings section, and add “●*” to the MX, CX, EX, I and P district columns and “—” to all other district columns in said row. (2) 135-2.22.2: Create new subsection 135-2.22.2.G as follows: “**G. Seasonal Building.** A temporary structure typically associated with seasonal sales, such as snow-cones or holiday decorations. 1. Yards and Setbacks. Permitted in all yards, and a minimum of five feet from all lot lines. 2. Requires an accessory use approval in accordance with chapter 134 of this code. 3. Seasonal buildings associated with an accessory use shall be located on a lot for no more than 180 days per calendar year. 4. Seasonal buildings shall not contain drive-through facilities. 5. Each seasonal building on a lot shall provide three dedicated off-street motor vehicle parking spaces on said lot in addition to the required parking spaces for the principal use(s) on the lot, and shall not displace or inhibit any required parking for the principal use(s) on the lot. 6. Height shall not exceed 17 feet.” (3) Table 135-2.22-1: (a) Add Bus Shelter or Bench for Public Transit Agency and Outdoor Automated Accessory Structures rows, respectively, to Accessory Outdoor Paving & Structures. (b) Bus Shelter or Bench for Public Transit Agency row: add “●*” in all zoning district columns. (c) Outdoor Automated Accessory Structures row: add “●*” to the DX, MX, RX, CX, EX and I1 district columns and “—” to all other district columns. (4) 135-2.22: Add new sentence to end of section as follows: “Bus shelters used and maintained by a public transit agency, as regulated by section 135-2.22.3.K of this article, may be accessory to lots containing a principal use or to lots that are vacant.” (5) 135-2.22.3: (a) Create new subsection 135-2.22.3.K as follows: “**K. Bus Shelter or Bench for Public Transit Agency.** 1. Location; Yards and Setbacks. A bus shelter or bench for a public transit agency may be located as follows: a. in existing public right-of-way pursuant to city approval of vacation of necessary right-of-way and easement allowing a bus shelter, or license agreement with the city allowing a bench; or b. in any yard on a lot pursuant to an easement for the bus shelter or bench and located a minimum of five feet from any side or rear lot line. 2. Design. A bus shelter or bench for public transit agency shall be located on a concrete surface, connected by a paved travel surface to the street curb and subject to the public transit agency’s general design requirements for shelters and benches unless otherwise specified by the easement or license agreement.” (b) Create new subsection 135-2.22.3.L as follows: “**L. Outdoor Automated Accessory Structures.** Examples of outdoor automated accessory structures include automated teller machines (ATM), automated movie rental, automated grocery delivery, and similar uses accessory to a principal retail sales use or financial service use allowed in the applicable zoning district. 1. Location; Yards and Setbacks. Outdoor automated accessory structures are permitted in any side yard or rear yard provided that they are located within five feet of the principal building or under a canopy for an accessory drive-through facility and no closer to a street right-of-way line than the street facing facade of the principal building or accessory drive-

through facility. 2. Said structures must be placed on a concrete surface. 3. Said structures shall be located a minimum of 70 feet from the rear property line when abutting an N or NX district. 4. Said structures shall comply with building and canopy-mounted lighting requirements of section 135-4.3.14 of this chapter. 5. Said structures shall not emit any sound that is audible from any adjoining property.”

Article 4:

1. Facade Materials

- a. Issue: Reduce requirements for side and rear facade materials for House building types.

Amendment: 135-4.2.2.C: Delete text and replace with “C. Side and Rear Facades. Allowed major materials, as shown in Table 135-4.2-1 of this article, shall continue around the corner of a building from the primary street facade(s) onto the side or rear facade as follows: 1. For no less than 20 feet along the side or rear facade; or 2. For House A-D building types containing one or two households and utilizing brick or stone as a major facade material on the primary street facade, for no less than 2 feet from the primary street facade along the non-primary street facade(s).”

Article 5:

1. Large-Scale Development Plan

- a. Issue: Define process and approval requirements for large-scale development plans.

Amendment: 135-5.1.5.B: (1) Retitle section as “**Large-Scale Development Plan Submittal and Approval.**” (2) Renumber existing text to subsection 1 and subsections a-d, respectively. (3) Add new subsection 2 as follows: “2. The development services director shall review the large-scale development plan as follows: a. Review shall be completed for conformance with this chapter in accordance with the administrative site plan review process set forth in section 135-9.3 of this chapter. The development services director may approve a large-scale development plan, as submitted or with revisions or conditions required by said director, or may deny a large-scale development plan. b. If approved as submitted or with revisions or conditions, the large-scale development plan shall be submitted to city council to receive and file concurrently with the public hearing on consideration of any required rezoning or separately when rezoning is not applicable. c. The applicant may request further review of the development services director’s conditional approval or denial of a large-scale development plan in accordance with section 135-9.3.9.A of this chapter. Said further review shall be presented to the plan and zoning commission and city council, respectively, concurrently with the rezoning process when applicable or separately pursuant to section 135-9.3.9 of this chapter when rezoning is not applicable.”

- b. Issue: Clarify Capitol dominance area requirements for large-scale development plans.

Amendment: 135-5.6: Add new section 135-5.6 as follows:

135-5.6 VIEW CORRIDOR REQUIREMENTS

Large-scale development plans incorporating lots within the Capitol Dominance Area, as described by section 135-2.18 of this chapter, must comply with the requirements of said section unless a design alternative is granted thereunder. The large-scale development plan

must show compliance with the purpose statement in section 135-2.18.1 of this chapter, and the applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum:

1. Proximity to the Capitol;
2. Proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan;
3. Impact on views to and from the Capitol; and
4. Any other illustrations as required by the development services director.

Article 6:

1. Parking Space Calculations

- a. Issue: Describe principal use applicability for motor vehicle and bicycle parking space calculations.

Amendment: 135-6.2.2: (1) Delete section title and replace with “Multiple Uses or Use Types”. (2) Delete text and replace with: “Lots containing more than one principal use or tenant must provide both motor vehicle and bicycle parking in amounts equal to the total aggregate number of spaces required for each principal use or tenant on the lot except when a shared parking arrangement is approved in accordance with section 135-6.5.4 of this article. In the event that a single principal use on a lot is associated with more than one specific use type, the specific use type requiring more parking spaces shall apply for purposes of this article for all zoning districts other than DX, MX1 and MX2 districts.”

2. Off-Site Motor Vehicle Parking

- a. 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: 135-6.6.4: Add new subsection F as follows: “**F. Supplemental Regulations** The following shall also apply to off-site parking areas: 1. The off-site parking area may only be established 100 feet into the zoning district where non-accessory parking or the use to be served by the parking are not permitted uses. 2. Where feasible, the entrance to the access shall be from an adjoining alley or the lot within the district allowing the primary use. 3. In N and NM districts, the accessory off-site parking use shall be located outside of the front yard setback.”

Article 7:

1. Landscape Calculations

- a. Issue: Clarify landscape calculation process.

Amendment: 135-7.1: Add new section 135-7.1.4 as follows:

135-7.1.4 CALCULATIONS

Landscape calculations shall be stated on all site plans or alternate design documentation, as applicable. In calculating required landscape materials as either a percentage of, or as a ratio

to, a specific area or to lineal footage measurement, or otherwise, rounding shall occur to the next highest whole number in the event of a decimal.”

2. Fence Requirements

- a. Issue: Clarify fence requirements for double-frontage lots.

Amendment: 135-7.11.2: (1) Subsection B: Delete “line.” and replace with “line on lots without multiple street frontages. On lots with multiple street frontages, any side yard shall be considered a front yard for purposes of this section 135-7.11.2 of this article unless the development services director determines that a fence is in character with the neighborhood as part of a Type 1 design alternative review.” (2) Subsection C: Delete “line.” and replace with “line on lots without multiple street frontages. On lots with multiple street frontages, any rear yard shall be considered a front yard for purposes of this section 135-7.11.2 of this article unless the development services director determines that a fence is in character with the neighborhood as part of a Type 1 design alternative review.”

Article 8:

1. Sidewalk Installation Requirements

- a. Issue: Add allowance for waiver or deferral of sidewalk installation.

Amendment: 135-8.5.2: Add new subsection B as follows: “**B.** A Type 1 design alternative may be approved for infill development on lots surrounded by existing buildings: 1. to waive sidewalk installation for sidewalks identified in the city’s transportation master plan as priority level 2 and priority level 3 sidewalk gaps; or 2. to defer sidewalk installation on sidewalks identified in the city’s transportation master plan as priority level 1 sidewalk gaps in the event of written deferral agreement between the property owner(s) and city in form approved by the development services director.”

Article 9:

1. Garage Requirement

- a. Issue: Allow for reduction in size of garage or waiver of garage requirement for House Types B, C and D when a shed is provided, regardless of adjoining lots, surrounding neighborhood character, or other review criteria.

Amendment: (1) 135-9.2.3.A.9: Delete all text after “principal household dwelling on the property”, including subsections a and b, and replace with period. (2) 135-2.14.3.E.3; 135-2.15.3.E.4; 135-2.16.3.E.5: Delete all text after “principal household dwelling on the property”, including subsections a and b, and replace with period.

2. Building Type Flexibility

- a. Issue: Provide for more flexibility in common scenarios for existing buildings through use of Type 1 design alternatives.

Amendment: 135-9.2.3.B: (1) Renumber subsection 13 to subsection 15. (2) Add new subsection 13 as follows: “13. Allow replacement of an existing parking lot in a front yard

when no reasonable alternative is available on the lot, as determined by the development services director.” (3) Add new subsection 14 as follows: “14. Allow placement of a dumpster enclosure in a front or street-side yard when no reasonable alternative is available on the lot, as determined by the development services director.”

3. House Building Type Expansions

- a. Issue: Allow for Type 1 design alternative relief to waive or reduce basement requirement for expansion or enlargement of a House Type A building.

Amendment: 135-9.2.3.A.10: (1) Delete “N2a district in” and replace with “N2a district (a) in”. (2) Delete “city engineer” and replace with “city engineer, or (b) for expansion or enlargement of a House Type A building with no basement, or with a partial basement that does not adjoin the added area.”

4. Pre-Application Meetings

- a. Issue: Reformat pre-application meetings from in-person with department-approved exceptions to electronic (virtual) with department-approved exceptions.

Amendment: 135-9.3.2.B: Delete text and replace with “The development services director is authorized, but not required, to allow alternatives to electronic (virtual) pre-application meetings, such as in-person (face-to-face) meetings, telephone conversations and email correspondence.”

5. Site Plan Application Requirements

- a. Issue: Add option to commence site plan review and approval process prior to, and subject to, applicant demonstrating property owner consent.

Amendment: 135-9.3.3.A: Delete second sentence and replace with the following: “Applications for site plan review may also be filed upon determination by the development services director, following consultation with the legal department, that a majority but not all of the record titleholders and contract purchasers of the lot(s) involved in the application have consented to the application; any such application shall require:

1. public hearing review pursuant to section 135-9.3.4 of this article;
2. the provision of written notice, at applicant’s expense and in form acceptable to the development services director, to all record titleholders and contract purchasers of all lot(s) involved in the application prior to public hearing by the plan and zoning commission; and
3. a condition of approval requiring written consent of all record titleholders and contract purchasers of the lot(s) involved in the application prior to written verification of approval of the public hearing site plan by the development services director and prior to issuance of grading or building permits.”

6. Site Plan Lapse of Approval

- a. Issue: Add an option to extend the duration of approved site plans/alternate design documentation, or phases thereof, for good cause or undue hardship that has delayed proposed development.

Amendment: 135-9.3.6: Add new subsection D as follows: “**D.** One extension may be granted by the development services director for any approved site plan or alternate design documentation, or any phase thereof of phased projects. Said extension must be requested prior to lapse of approval pursuant to this section, and, if approved, shall delay lapse of approval for up to two years commencing on the date of written grant of extension by the development services director. Said extension shall only be granted for good cause or undue hardship as determined by the development services director based on sufficient documentation provided by the property owner(s) requesting the extension.”

Article 11:

1. Enforcement Procedures

- a. Issue: Explain delegation of enforcement authority for the Planning and Design Ordinance, with Development Services Department enforcement until issued building permits are completed and final permit inspection is approved (i.e. issuance of certificate of occupancy), and with Neighborhood Services Department enforcement after final permit inspection (i.e. issuance of certificate of occupancy), both under the direction of the Development Services Director.

Amendment: (1) 135-11.1.3: (a) Delete section title and replace with “Enforcement Officers”. (b) Delete text and replace with “There is established within the development services department a permit and development administrator who shall be appointed by and responsible to the development services director, and within the neighborhood services department a zoning enforcement officer who shall be appointed by and responsible to the neighborhood services director except as otherwise stated in this article.” (c) Subsection A: Delete text and replace with “The permit and development administrator and the zoning enforcement officer, collectively “officer” for purposes of this subsection, shall be responsible for enforcement during their respective enforcement periods specified in section 135-11.2.1.A-B of this article. Said officers shall exercise the following powers and duties during said respective enforcement periods:”. (d) Subsections A.1-5: Delete “zoning enforcement”. (2) 135-11.2.1: (a) Add new subsection A as follows: “**A.** The permit and development administrator, under the direction and supervision of the development services director, is responsible for enforcing the regulations of this chapter prior to and until final building permit inspection and approval under chapter 26 of this code (the first enforcement period) for any work requiring a site plan or alternate design documentation.” (b) Subsection B: Delete first sentence and replace with “The zoning enforcement officer, under the direction of the development services director, is responsible for enforcing the regulations of this chapter upon and after final building permit inspection and approval under chapter 26 of this code (the second enforcement period) and otherwise upon request of the development services director.” (c) Subsection C: Delete “The zoning enforcement officer is” and replace with “The officer and his or her designees are”. (3) 135-11.2.4.D.1: Delete text and replace with “1. If the permit and development administrator or 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, either such officer is authorized to issue a stop work order.”

Article 12:

1. Off-Street Parking and Loading Areas

- a. Issue: Revise definition of off-street parking and loading areas to define circumstances covered and better reflect prior zoning code and established Iowa case law.

Amendment: 135-12.17: Delete definition of “off-street parking and loading area” and replace with “**Off-street parking and loading area, or off-street motor vehicle parking:** any portion of a lot or property used for parking of vehicles, or used for storage, parking and display of any commercial vehicles, commercial equipment or contractor’s equipment, or used for storage or placement of any merchandise. Notwithstanding any statement to the contrary in this chapter, off-street parking and loading areas are not limited to the parking of private passenger automobiles (vehicles) of occupants, patrons, or employees of the principal use served on a lot, and instead include such parking as well as storage, parking, display, and placement of vehicles, equipment, items, and similar objects related to the principal use on a lot.”