

**Unified Development Code of the City of  
Dubuque, Iowa**

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## **SECTION 1—GENERAL PROVISIONS**

### **Chapter 1: In General**

#### **1-1 Title**

This ordinance shall be known and may be cited and referred to as the “Unified Development Code of the City of Dubuque, Iowa,” herein referred to as the “Code.”

#### **1-2 Purpose**

This Code as herein established has been made for the purpose of promoting the health, safety, sustainability and general welfare of the community, and for the protection and preservation of places and areas of historical and cultural importance and significance.

This Code has been designed to lessen congestion in the streets; to secure safety from fire and other hazards; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, and parks; and to encourage sustainable design and development.

This Code has been made with reasonable consideration of the character of the district and its suitability for the particular uses, and with a view of conserving the value of buildings, encouraging the most appropriate use of land throughout the community.

#### **1-3 Minimum Requirements Interpretation**

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience, comfort, prosperity, sustainability, and general welfare.

#### **1-4 Relationship to City Code**

The use of buildings and land within the City of Dubuque shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Code, whether or not those other provisions of the City Code are specifically cross-referenced in this Code. Cross-reference to other provisions of the City Code found in this Code are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

#### **1-5 Relationship to Comprehensive Plan**

It is the intention of this Code to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Code and any amendment made to this Code shall conform to adopted planning policies, the City acknowledges its intent that neither this Code nor any amendment of this Code may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

#### **1-6 Applicability of Prior Regulations**

- A. All violations of prior zoning or other regulations of the City, existing on the effective date of this Code, shall continue to be violations and shall not be considered to be legal nonconforming situations under this Code. The City shall have the same authority to secure civil remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Code.
- B. All permits, applications, certificates and other authorizations submitted or approved prior to the effective date of this Code shall be governed by the regulations in effect at the time of the submission or approval.

#### **1-7 Administration**

The provisions of this Code shall be administered and enforced by the City Planner.

## 1-8 Issuance of Building Permits

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit therefore, issued by the Building Official. However, no such building permit shall be issued by the Building Official except in conformity with the provisions of this Code, unless the Building Official receives a written order from the Zoning Board of Adjustment in the form of an administrative review, conditional use permit, special exception or variance.

## 1-9 City Planner

The City Planner shall be responsible for the enforcement and administration of this Code. The City Planner may be provided with the assistance of such other persons as the City Manager may direct.

### 1-9.1 Duties of City Planner

The City Planner shall have the following duties and responsibilities:

- A. To enforce the provisions of this Code by investigating information concerning violations thereof, and taking such actions or issuing such orders or directives as are deemed appropriate to ensure compliance with the Code.
- B. To keep accurate and complete records of all investigations, enforcement proceedings, site plans, PUD preliminary or final development plans, zoning correspondence and such other records as the City Planner may be required to keep under the provisions of this Code.
- C. To faithfully and promptly execute all other duties or responsibilities delegated to the City Planner under this Code.

### 1-9.2 Interpretation by City Planner

In making any judgment, interpretation, or decision authorized by this Code, the City Planner shall consider and be guided by the particular provisions of this Code and relevant statements of intent contained herein, provided, however, that nothing herein shall be deemed to authorize the City Planner in the performance of the City Planner's duties to permit any exception to, or variance from the provisions or requirements of this Code, or to otherwise impinge upon the powers vested in the Zoning Board of Adjustment.

## 1-10 Violations and Penalties

### 1-10.1 Complaints Regarding Violations

Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a complaint of such alleged violation with the City Planner stating fully the facts or grounds upon which the complaint is based. The City Planner shall promptly record and investigate such complaint and take appropriate action as provided by this Code.

### 1-10.2 Enforcement Procedure

Whenever the City Planner finds that any of the provisions of this Code are being violated, the City Planner shall promptly notify in writing both the person(s) responsible for such violations and the City Manager, indicating in such notice the nature of the violation and the actions ordered to correct it. The City Planner shall in all cases take such actions or issue such orders or directives as are authorized by this Code to ensure compliance with or to prevent violations of its provisions.

### 1-10.3 Orders and Directives

In addition to all other powers conferred upon the City Planner by this Code, the City Planner shall have the power to issue appropriate written orders or directives to any person deemed to be responsible for a violation of this Code, as provided in **Section 1-9.1**. A failure to promptly comply with such lawful orders or directives shall be deemed a violation of this Code, punishable as provided herein. Such orders or directives shall include, but shall not be limited to: orders to discontinue illegal use of land, buildings, or structures; orders to remove illegal buildings or structures, or illegal additions, alterations or structural changes to buildings or structures; orders to

discontinue illegal work or construction or any other appropriate orders to prevent or correct violations of this Code.

### **1-11 Repeal of Conflicting Ordinances**

Upon the effective date and publication of this Code, all existing ordinances in conflict herewith and all amendments thereto shall be, and the same hereby are repealed. However, in the event that this Code shall fail to become effective for any reason whatsoever, all existing ordinances and all amendments thereto shall remain in full force and effect.

### **1-12 Not a Licensing Ordinance**

Nothing contained in this Code shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

### **1-13 Private Agreements**

This Code is not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant or other private agreement of legal relationship, the regulations of this Code shall govern.

### **1-14 Overlapping or Contradictory Regulations**

Where the conditions imposed by any provision of this Code upon the use of land, buildings, or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

### **1-15 Code References**

Any references herein to sections of the City Code are to those sections in force on the effective date of this Code and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.

### **1-16 Cumulative Provisions**

The provisions of this Code are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Code.

### **1-17 Severability**

It is hereby declared to be the intention of the City Council that the provisions of this Code are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Code to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

### **1-18 Effective Date**

This Code shall be in force and effect on the day of its final passage, adoption and publication as provided by law.

Passed, approved and adopted this **19th day of October, 2009**.

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## Chapter 2: Definitions

### 2-1 Rules

For the purpose of this Code, the following rules shall apply:

- A. Words used in the present tense include the future;
- B. Words in the singular number include the plural and words in the plural number include singular;
- C. The word “shall” or the word “must” is mandatory and not discretionary;
- D. The words “used for” includes the meaning “arranged for,” “designed for,” “occupied or intended to be occupied for;”
- E. The particular controls the general;
- F. In case of a difference of meaning or implication between the text of the Code and the captions for each section, the text shall control;
- G. All references to the City Manager shall include the City Manager or appropriate designee;
- H. The City Manager hereby designates the Planning Services Manager as the City Planner as referenced in this Code.
- I. The City Manager hereby designates the Building Services Manager as the Building Official as references in this Code.
- J. Computation of Time. Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday, which shall be included in the computation of time. All acts must be completed within the time frame specified subject to extension periods provided herein.

### 2-2 Acronyms

For the purpose of this Code, the following abbreviations and acronyms shall apply:

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
COE	U.S. Army Corps of Engineers
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
HPC	Historic Preservation Commission
HUD	U. S. Department of Housing and Urban Development
IDNR	Iowa Department of Natural Resources
IDOT	Iowa Department of Transportation
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
USDA	United States Department of Agriculture
ZAC	Zoning Advisory Commission
ZBA	Zoning Board of Adjustment

### 2-3 Definitions

Words contained in this Chapter are those having a special meaning relative to the purposes of this Code. Words not listed in this Chapter shall be defined by reference to: (1) The current building code adopted by the City of Dubuque or, if not defined therein, in (2) the Webster’s Dictionary, unabridged, which documents are hereby incorporated by reference as if herein set forth in their entirety. Words and terms not defined in this Chapter but defined elsewhere in the Code shall be given the meanings set forth therein.

**Abandonment:** to cease or discontinue a use or activity not to be construed as short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**Abut, Abutting:** to border on, being contiguous with or have property or district lines in common, including property separated by a right-of-way or railroad.

**Access or Accessway:** the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Code.

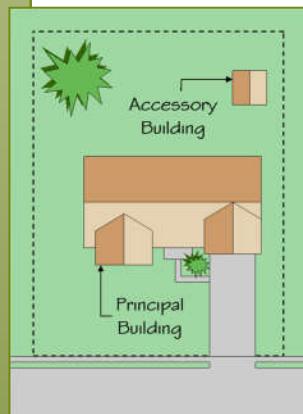
**Accessory Building or Structure:** a detached subordinate building or structure, located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Dwelling Unit:** a dwelling unit, but not a mobile home, allowed as a conditional use as defined by this Code.

**Accessory Living Quarters:** living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**Accessory Use:** see Use, Accessory.

**Acreage:** any tract or parcel of land which does not qualify as a farm or development.



**Adjacent:** near or close; for example, an Industrial District across the street or highway from a Residential District shall be considered as adjacent.

**Adult Day Services, Licensed:** a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day.

**Adult Entertainment Establishment:** see Chapter 8 of the City Code.

**Agricultural and Farm Buildings or Structures:** any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired help, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

**Agricultural Operations:** see Farming.

**Agriculture:** land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

**Alley:** a public right-of-way with a width of 20 feet or less which affords a secondary means of access to abutting properties, not to be considered a street.

**Alteration:** any change, addition or modification in construction or occupancy of an existing structure.

**Alteration, Structural:** see Structural Alteration.

**Amendment:** a change in the wording, context, or substance of this Code, an addition or deletion or a change in the district boundaries or classifications upon the Official Zoning Map.

**Amphitheater:** an outdoor area or structure characterized by tiers of seating, specifically designed and used as a place of assembly during spectacles and contests.

**Amusement Arcade:** a building or a part of a building where the primary uses are pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**Amusement Park:** a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

**Animal Feeding Operation:** a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any 12-month period, and all structures used for the storage of manure from animals in the operation. An animal feeding operation does not include a livestock market. Open feedlots and confinement feeding operations are considered to be separate animal feeding operations.

**Animal Grooming Service:** any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

**Animal Hospital:** see Hospital, Animal.

**Animals, Domestic:** see Household Pet.

**Antenna:** any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also see Satellite Dish Antenna and Tower.

**Antique Shop:** a place offering primarily antiques for sale. An antique for the purpose of this Code shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.

**Apartment:** a room or a suite of rooms within an apartment house or multiple-family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. Also see Dwelling Unit.

**Apartment House:** see Dwelling, Multiple-Family.

**Appearance:** the outward aspect visible to the public.

**Appropriate:** shall mean sympathetic, or fitting, to the context of the site and the whole community.

**Appurtenance:** the visible, functional objects accessory to and part of buildings.

**Architectural Character or Concept:** the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

**Architectural Feature:** a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

- A. **Lines:** visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
- B. **Mass:** the volume, bulk of a building or structure.
- C. **Texture:** the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

**Architectural Style:** the characteristic form and detail, as of buildings of a particular historic period.

**Artisan Production Shop:** a building or portion thereof used for the creation of original handmade works of art or craft items by artists or artisans, as either a principal or accessory use.

**Artist Studio:** a place designed to be used, or used as, a place of work or a combination of both a dwelling place and a place of work, by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

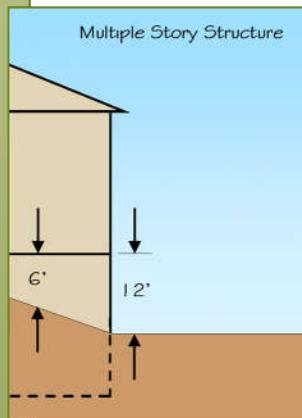
**Assessor:** the Dubuque City Assessor or appointed designee.

**Assisted Living Facility:** a provision of housing with services which may include but not limited to health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.

**Attached, Permanently:** attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

**Auditorium:** a building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

**Auto Salvage Dealer:** any person who engages in the business of buying motor vehicles, motorcycles, motorized bicycles or parts thereof or tires for resale in whole or in part as junk or as used parts.

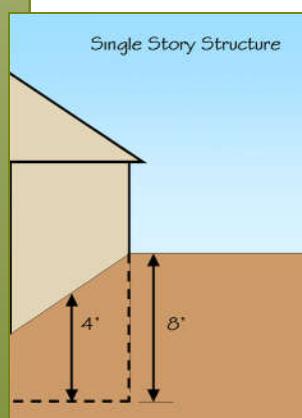


**Automatic Teller Machine (ATM):** an automated device that performs banking or financial functions on-site or at a location remote from the controlling financial institution.

**Average Ground Level:** a measurement that is determined by calculating the vertical distance between the ground and the first floor level at the front of a structure at several locations and then averaging the distance.

**Ballroom:** a place or hall used for dancing, other than those listed under the definition of "Adult Cabaret" (see Chapter 8 of the City Code). Ballrooms shall also be used for reunions, weddings and receptions.

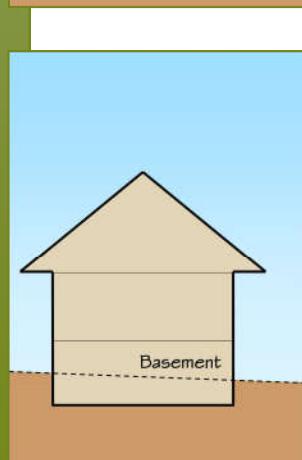
**Bar:** any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also see Nightclub.



**Basement:** any floor level below the first story in a building, except that a floor level in the building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story. (See diagram for story.)

**Beacon:** any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Bed and Breakfast Home:** a structure containing a single dwelling unit, which provides lodging and meals for overnight guests only, in which no more than five sleeping rooms are available for guests and is the principal residence (as defined in the Internal Revenue Code) of a person owning not less than 30 percent of the fee title to the property. Each sleeping room in a bed and breakfast home shall be at least 140 square feet in area.



**Bed and Breakfast Inn:** a structure containing a single dwelling unit with a full-time resident owner or resident manager which provides lodging and meals for overnight guests only and has no more than nine sleeping rooms available. Each sleeping room shall be at least 140 square feet in area.

**Bedroom:** a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door or doorway.

**Berm:** a raised form of earth to provide screening or to improve the aesthetic character.

**Big Box Retail Store:** see Retail Commercial.

**Biofiltration:** a pollution control technique that employs living material to capture, sequester and/or biologically degrade pollutants.

**Biofuels Plant:** a facility where the conversion of corn or other biomass material into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

**Biomass:** plant material, used for the production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

**Block:** a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatte land, City-County boundaries, or adjoining property lines.

**Block Frontage:** see Frontage, Block.

**Board:** the Zoning Board of Adjustment of the City of Dubuque, Iowa.

**Boarding or Rooming House:** a building containing a single dwelling unit and provisions where lodging is provided, with or without meals, for compensation.

**Boat Dock:** a structure built over or floating upon water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

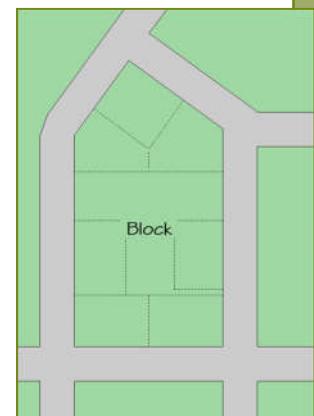
**Breezeway:** a roofed open passage connecting two otherwise detached buildings. Breezeway connections shall not be construed to alter the detached status of the buildings so connected.

**Brew On-Premises Store:** a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

**Brewery:** an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

**Brewery, Micro:** a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

**Brewpub:** a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.



**Broadcasting Tower:** a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however, that non-commercial radio towers not exceeding 100 feet in height shall not be considered broadcast towers.

**Buffer:** a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also see Screening.

**Buffer Zone:** an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

**Buildable Area:** the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**Building:** any structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind, but shall not include temporary buildings as defined in “Structure, Temporary.” Operable and licensed trailers, with wheels, shall not be considered as buildings.

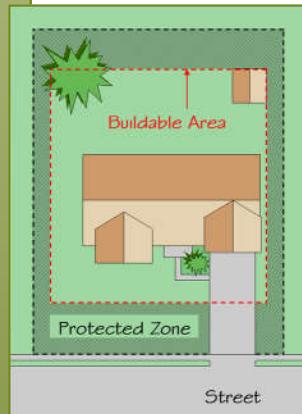
**Building Code:** the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the adopted building code of the City, and other codes adopted by the City that pertain to building construction.

**Building Footprint:** the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards, measured on a horizontal plane at finished grade. For residential structures, it includes residences, attached garages, covered carports, and accessory structures, but not trellises, patios, and areas of porches, decks and balconies less than 30 inches from finished grade. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

**Building Height:** the vertical distance from the average ground level at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**Building Permit:** a document issued under the authority of the Building Services Department, which authorizes the construction or modification of a structure on a property.

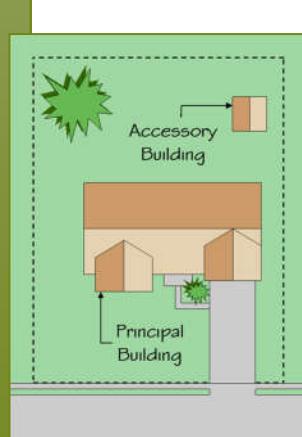
**Building, Principal:** shall mean a building within which the main or principal use of the lot or premises is located. Also see Use, Principal.



**Bulk Regulations:** an indication of size and setback of buildings and their location with respect to one another including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard and building height.

**Business Services:** uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios and similar uses.

**Campground:** a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.



**Carwash, Full Service:** a building or section thereof containing facilities for washing motor vehicles, using production line methods or mechanical devices and does not include customer self-service.

**Carwash, Industrial:** a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

**Carwash, Self Service:** a building or section thereof containing facilities for washing motor vehicles by providing spaces, water and hand-held equipment for washing of motor vehicles by the customer.

**Carport:** a roofed structure with not more than two enclosed sides used or intended to be used for vehicle shelter and storage.

**Cellar:** See Basement.

**Cemetery:** land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums and mausoleums.

**Channel:** the geographical area within either the natural or artificial banks of a watercourse or drainageway.

**Child Care:** the care or supervision of a child by a person other than the child's parent/guardian or custodian for periods of less than 24 hours per day per child on a regular basis. Child Care does not include a Licensed Child Care Center.

**Child Care Center, Licensed:** a facility providing child care or preschool services for children that requires State of Iowa licensure.

**City:** the City of Dubuque, Iowa.

**City Manager:** the Dubuque City Manager or any other City staff designated by the City Manager to carry out the implementation and enforcement of this Code, including but not limited to, the Building Services Department, City Attorney's Office, Engineering Department, and Planning Services Department.

**City Standards:** the design and improvement standards and specifications established annually by the City Manager.

**Club:** an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**Club, Private:** a nonprofit voluntary association of persons for the promotion of same purposes or philosophy. The permitted uses of a building owned or leased by such an association shall include all customary club activities such as lectures, discussions, meetings, social or recreational events, and similar activities, and shall also include as an accessory use the sale of food or beverages, but only where limited to club members and guests and only in conformance with all State and Federal regulations.

**Clustered Development:** a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

**College, Seminary, or University:** a post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

**Commercial Feeding Operation:** see Animal Feeding Operation.

**Commission:** the Zoning Advisory Commission of the City of Dubuque, Iowa.

**Common Area or Property:** a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a clustered/mixed use development or condominium development.

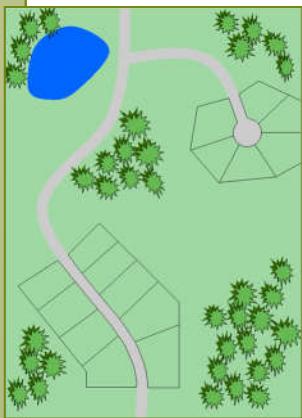
**Community Center:** a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

**Community Garden:** a publicly or privately owned parcel where people gather to grow produce and flowers.

**Compatible Land Uses:** a land use which is congruous with, tolerant of, and has limited adverse effects on existing neighboring uses.

**Comprehensive Plan:** the adopted Comprehensive Plan for the City of Dubuque, Iowa.

**Conditional Use:** see Use, Conditional.



**Conditional Use Permit:** a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of **Chapter 8** and any additional conditions placed upon, or required by said permit.

**Condominium:** a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

**Confinement Feeding Operation:** an animal feeding operation in which animals are confined to areas which are totally roofed.

**Conflicting Land Use:** a land use which transfers negative economic or environmental effects over neighboring property lines.

**Congregate Housing:** a residential facility for four or more persons age 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.

**Conservation:** the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

**Conservation Area:** environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**Conservation Easement:** an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses or preserving the ability said land to be used for specific purposes such as on site wastewater treatment systems.

**Contiguous:** see Abut, Abutting.

**Convenience Store:** a retail store containing less than 2,500 square feet of gross floor area engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop-and-go traffic.

**Convention Center:** a facility used for service organization, business, and professional gatherings, such as conventions, conferences, and seminars, and limited to accommodations for attendees. Accessory uses may include accommodations for sleeping, eating, and recreation. Such facility is not designed to be only utilized by the general public for overnight purposes.

**Council:** the City Council of the City of Dubuque, Iowa.

**Crematorium:** a location containing properly installed, certified apparatus intended for use in the act of cremation.

**Cul-De-Sac:** see Street, Cul-De-Sac.

**Deck:** a flat, floored, roofless structure.

**Density:** the number of dwelling units per acre of land allowable on a given tract or parcel of land.

**Dental or Medical Lab:** a facility providing diagnostic or pathological testing and analysis for the healthcare industry.

**Department Store:** a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.

**Detention Basin:** a normally dry bottom facility for the temporary storage of stormwater runoff.

**Development:** any change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**Disability:** having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such impairment.

**Discount Store:** a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued and discounted to another retailer.

**District:** any zoning district created for the purpose of regulating specific uses within a defined area.

**District Energy System:** a small-scale heating, cooling and/or power facility connected to a building or cluster of buildings.

**Dog Kennel:** see Kennel.

**Dormitory:** a building intended or used principally for sleeping accommodations and congregant living where such building is related to a public, educational, or religious institution.

**Downzoning:** a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a higher density to a lower density residential district.

**Drainageway:** a depression below the surrounding land serving to give direction to a current of water having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

**Drive-In Facility:** an establishment where customers can be served without leaving the confinement of their vehicle.

**Drive, Private:** an unplatted, private passageway providing access to a street.

**Driveway:** a vehicular access to an off-street parking space or loading facility.

**Duplex:** see Dwelling, Two Family.

**Dwelling:** a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in state law, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.

**Dwelling, Multiple-Family:** a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

**Dwelling, Single-Family:** a building having accommodations for or occupied exclusively by one family which meet all the following standards:

- A. The home shall have no less than 700 square feet of floor area, above grade, for single story construction;
- B. The home shall have no less than an 20 foot exterior width;

- C. The home shall have a roof material that is or simulates asphalt or wood shingles, tile, or is a standing seam residential grade metal material, or rock, or is a green roof; the home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
- D. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
- E. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

**Dwelling, Single-Family Attached:** see Townhouse.

**Dwelling, Two-Family:** a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

**Dwelling Unit:** one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

**Easement:** an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

**Elder Group Home:** a single-family residence that is operated by a person who is providing room, board, and personal care and may provide health-related services to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity, and which is staffed by an on-site manager 24 hours per day, seven days per week, and which is certified by the State as an elder group home in accordance with State law.

**Encroachment:** an advancement or intrusion beyond the lines or limits as designated and established by the City Code.

**Erected:** constructed upon or moved onto a site.

**Existing and Lawful:** the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process of being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

**Expansion:** the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**Expressway:** a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

**Exterior Building Component:** an essential and visible part of the exterior of a building.

**External Design Feature:** the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

**Extraterritorial Jurisdiction (ETJ):** the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise subdivision review and is exercising such powers.

**Exurban:** the area that lies beyond the corporate limits and its suburbs.

**Façade:** the exterior wall of a building exposed to public view.

**Factory:** a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

**Family Home:** a community-based residential home which is licensed as a residential care facility or as a child foster care facility under state law, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed by the state.

**Farming:** the raising of field crops and livestock, horticulture, forestry, animal husbandry and similar agricultural activities.

**Federal:** the federal government of the United States of America.

**Fence:** a structure serving as an enclosure, barrier or boundary.

**Floor Area:** whenever the term “floor area” is used in this Code as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

**Foundation:** a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

**Freestanding Canopy:** a permanent, freestanding, unenclosed roof structure designed to provide patrons shelter from the elements.

**Freight Terminal:** a building or area in which freight brought by motor truck, barge, air, or rail is received, assembled or stored and dispatched for routing and may include storage.

**Frontage, Block:** that section of a block fronting on a street between two intersecting streets or other block boundary.

**Frontage, Lot:** see Lot Frontage.

**Frontage, Street:** see Lot Frontage.

**Frontage Road:** a street parallel and adjacent to a major arterial or collector, primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

**Funeral Home or Mortuary:** a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

**Garage:** a structure or building or portion thereof in which one or more vehicles may be parked or stored. For purposes of this Code, garages include carports.

**Garage Sale:** a residential accessory use whereby items accumulated during the everyday residential use of a dwelling are sold on-premise.

**Garden, Noncommercial:** a plot of ground where fruit, herbs, flowers, vegetables or other plants are grown and for which the owner or operator derives no compensation on the site.

**Gas Station:** a building and/or premises where gasoline, oil and minor auto accessories may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services in addition to the sales of gasoline, see Service Station.

**General Merchandise Retailer:** a business that stocks and sells products and services to the general public for a cost.

**General Merchandise Wholesaler:** a business that sells general merchandise or specific types of goods typically at a wholesale or reduced price.

**Grade:** the average of the finished ground level along a building wall.

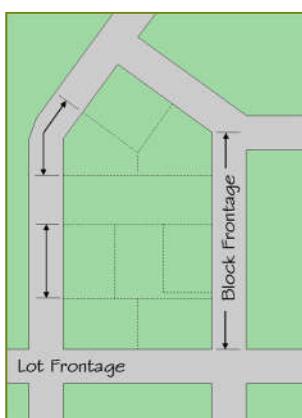
**Green Roof:** a roof covering of vegetation material, typically consisting of the following components: an insulation layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from penetrating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotextile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket.

**Green Roof, Extensive:** a green roof system that ranges from as little as one to five inches in soil depth. Extensive green roof systems generally add less load and require less maintenance than intensive green roof systems.

**Green Roof, Intensive:** a green roof system that requires a minimum of one foot of soil depth to create a more traditional rooftop garden, with large trees, shrubs and other manicured landscapes. They are multiple-layer constructions, often including elaborate irrigation and drainage systems, adding considerable load to a structure, and requiring intensive maintenance.

**Greenhouse, Commercial:** a building or premises used for growing plants, preparation of floral arrangements, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, including for sale on or off the premises.

**Greenhouse, Noncommercial:** a building constructed for the cultivation of plants but not for sale on the premises.



**Greenway:** a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar accessway.

**Grocery Store:** a retail establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of less than 60,000 square feet.

**Ground Cover:** plant material used in landscaping which remain less than 12 inches in height at maturity. Also see Landscaping.

**Ground Water:** water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**Group Home:** any group of persons not meeting the definition of Family and occupying a single dwelling unit living together as a single housekeeping unit, but not including a boarding or rooming house.

**Guest Room:** a room which is designed to be occupied by one or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

**Hard Surfaced:** any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, cinder, or surface sealants.

**Hazardous Waste:** waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

**Health Club:** privately owned for-profit facilities such as gymnasiums, athletic clubs, recreational clubs, reducing salons, and weight control establishments.

**Hedge:** a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

**Historic District:** an area designated as an “Historic District” by ordinance and which contains within definable geographic boundaries, properties, or buildings, that may or may not be landmarks but which contribute to the overall historic character of the designated area.

**Home Improvement Center:** a facility, of at least 60,000 gross square feet, engaged in the retail sale of various basic hardware lines, such as tools, builders’ hardware, paint and glass, house wares and household appliances, garden supplies, and cutlery.

**Home-Based Business:** any occupation or activity conducted within a dwelling unit which is clearly incidental and subordinate to the use of the premises for dwelling purposes.

**Homeless Shelter:** see Temporary Shelter.

**Homeowners Association:** a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

**Horse:** a large solid-hoofed herbivorous mammal (*equus caballus*, family *equidae*, the horse family) domesticated since a prehistoric period and used as a beast of burden, a draft animal, or for riding.

**Hospice:** a medical and residential facility for terminally ill people, providing inpatient services and support services for families of the residents and patients.

**Hospital:** an institution that provides medical, surgical or psychiatric care and treatment for the sick and injured.

**Hospital, Animal:** any establishment or business maintained and operated by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including indoor boarding of animals under treatment or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under State law.

**Hotel:** a building or portion thereof offering transient lodging accommodations on a daily rate to the general public and may provide associated services such as restaurants, meeting rooms, and recreational facilities. For purposes of this Code, “hotel” includes motels and inns.

**Household Pet:** an animal that is customarily kept for personal use or enjoyment within the home. A household pet does not include livestock.

**Housing for the Elderly and Persons with Disabilities:** a multiple-family structure designed, maintained and operated for exclusive occupancy by the elderly and/or persons with disabilities as defined by the regulations of HUD and providing that one dwelling unit may be used for a resident manager who shall be exempt from occupancy age limitations or disabilities.

**Impermeable Surface:** a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, clay, conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.

**Improvement:** any change to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways and other public works and appurtenances.

**Industrial Park:** a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Industrial Use:** the manufacture, fabrication, processing, reduction, destruction or storage of any article, substance or commodity, or any other treatment thereof.

**Infill Development:** the construction of a building or structure on a vacant parcel located in a predominately built up area.

**Inoperable Motor Vehicle:** any motor vehicle which:

- A. Does not have a current state license plate, or
- B. Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by state law for operation upon streets or highways.
- C. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

**Institution:** a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, hospital, public agency, or tax-exempt organization.

**Intensification of Use:** any change, alteration, extension, expansion or enlargement of a use or use and structure in combination where the off-street parking requirements of this Code would be calculated at a higher ratio and/or would require that additional off-street parking spaces be provided.

**Intensity:** the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

**Irregular Tract:** a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

**Junk:** old or scrap copper, brass, wire, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, wrecked, or parts of, motor vehicles, motorcycles, or motorized bicycles, or iron, steel, or other old or scrap ferrous or nonferrous material.

**Kennel:** an enclosed building or structure for the commercial keeping, sheltering, training, or selling of dogs, cats, or other small domestic animals with attached outdoor runs or exercise areas permitted for use by animals. Such outdoor runs or exercise areas shall not exceed the square footage of the attached, enclosed building or structure.

**Landfill:** a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with State and Federal requirements.

**Landscape:** plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

**Landscape Design and Installation:** a business engaged in the design, installation, and maintenance of commercial and residential landscapes, which may include an office and indoor or outdoor storage areas for materials and equipment.

**Landscaping:** the installation of vegetation, hardscape and/or xeriscaping, in conformity with the requirements of this Code and the continued maintenance thereof.

**Laundromat:** an establishment providing for the self-service washing, drying, and cleaning of clothes or linens.

**Life Care Facility:** a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. Also see Housing for the Elderly and Persons with Disabilities.

**Live/Work Space:** buildings or spaces within buildings that combine residential living space with an integrated work space for use by one or more residents.

**Livestock:** animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, ducks, chickens and turkeys.

**Loading Space:** an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**Lot:** a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.

**Lot Area:** the total horizontal area included within the boundaries of the lot lines of a lot.

**Lot, Corner:** a lot located at the intersection of two or more streets.

**Lot Coverage:** that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

**Lot Depth:** the average distance from the front property line to the rear property line, measured in the general direction of the side property lines of the lot.

**Lot, Double Frontage:** a lot having a frontage on two streets, as distinguished from a corner lot.

**Lot, Flag:** a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

**Lot Frontage:** all sides of a lot abutting a street and measured along the front property line as it abuts the street right-of-way or roadway easement line.

**Lot, Interior:** a lot other than a corner lot with only one frontage on a street.

**Lot Line:** the property line bounding a lot.

**Lot Line, Front:** the property line abutting a street right-of-way or roadway easement line.

**Lot Line, Rear:** a lot line not abutting a street which is opposite and generally most distant from the front lot line.

**Lot Line, Side:** any lot line not a front lot line or rear lot line.

**Lot, Nonconforming:** a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which

does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Code.

**Lot, Through:** see Lot, Double Frontage.

**Lot of Record:** a lot which is part of a subdivision recorded in the office of the county recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.

**Lot Width:** the horizontal distance between the side property lines measured at the front property line as it abuts the street or along the street right-of-way line on unplatted streets, except that on cul-de-sacs, the lot width shall be measured at the required front yard setback line.

**Lot, Zoning:** a zoning lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Code.

**Luminaire, Cut-Off:** a luminaire with elements, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 72 degrees.

**Manufactured Home:** a factory-built structure built under the authority of 42 U.S.C. §5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976.

**Manufacturing, Primary:** the initial manufacture, compounding, and processing of raw or unprocessed materials, or the manufacture of component parts that require additional processing, fabrication, or assembly prior to use by the consumer.

**Manufacturing, Secondary:** the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, and the blending of materials, such as lubricating oils, plastics, resins, or liquors, for final use or consumption.



**Microbrewery:** see Brewery, Micro.

**Mini-Storage or Mini-Warehouse:** a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**Mixed Use:** properties where various uses, such as office, commercial, institutional, and/or residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**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 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 shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. 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 Code 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:** a parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.

**Mobile Home Subdivision:** any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by mobile homes.

**Modular Home:** a factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.

**Moratorium:** a temporary halting of specific development activities for a specific timeframe.

**Motel:** see Hotel.

**Museum:** an institution devoted to the procurement, care, study, and display of objects of lasting interest and value.

**Nightclub:** a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, except when defined as adult entertainment. Also see Bar.

**Nonconforming Building:** a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**Nonconforming Use:** a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

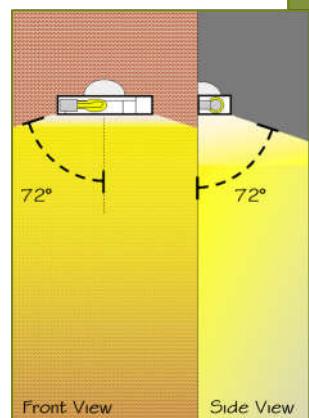
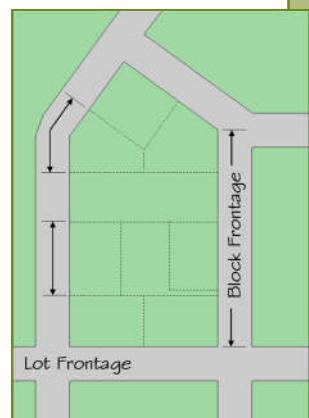
**Non-Farm Buildings:** all buildings except those buildings utilized for agricultural purposes on a farm.

**Nursery:** the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**Nursing or Convalescent Home:** an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.

**Office, General:** a business establishment, or portion thereof, where consulting, record keeping, bookkeeping and clerical work are performed, but not to include medical offices or clinics.

**Office, Medical:** a business establishment, or portion thereof, furnishing medical, surgical or other service to individuals, including the offices of physicians, dentists, and other health practitioners, accessory medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.



**Official Map:** see Zoning Map, Official.

**Office Park:** a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Open Feedlot Operation:** an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.

**Open Space:** that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways or any principal or accessory use.

**Open Space, Common:** a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**Open Space, Usable:** an area of land or water or combination of land and water which may include complementary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

**Outlet Store:** a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

**Overlay District:** a district in which additional requirements act in conjunction with the underlying zoning district.

**Owner:** one or more persons, including corporations, who have title to the property, building or structure in question.

**Parcel:** a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

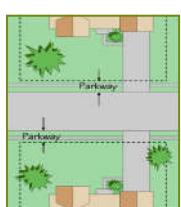
**Park:** any public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking, Off-Street:** all hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

**Parking, On-Street:** the space designated for parking a vehicle within the paved portion of the street right-of-way.

**Parking Space:** a paved area, other than a street or alley, designed for the parking of a vehicle.

**Parking Structure:** a structure or portion thereof composed of one or more levels or floors used exclusively for the parking of vehicles.



**Parkway:** the area, excluding the sidewalk, if any, between the property line and the curb, or in the absence of a curb, between the property line and the nearest edge of the street paving.

**Performance Guarantee:** a financial guarantee to ensure that all improvements, facilities, or work required by this Code will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

**Permeable Pavement:** a hard surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Code this does not include gravel, cinders, crushed rock or seal coat.

**Permitted Use:** see Use, Permitted.

**Person:** an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

**Pet Daycare:** an establishment where a household pet can be left for a period of time less than 24 hours, where kenneling does not occur.

**Planned Unit Development (PUD):** a planning process and district for the purpose of providing for a unique and flexible arrangement of residential, business, or industrial uses in accordance with an approved conceptual plan.

**Plat:** a map showing the location, boundaries, and legal description of individual properties prepared by a licensed land surveyor.

**Plat of Survey:** a graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.

**Policy:** a statement or document of the City, such as the Comprehensive Plan, that forms the basis for enacting legislation or making decisions.

**Pony:** a small horse, especially one of any of several breeds of very small stocky animals.

**Premises:** a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

**Preschool:** see Child Care Center, Licensed.

**Principal Use:** see Use, Principal. Also see Building, Principal.

**Processing or Assembly:** the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**Prohibited Use:** see Use, Prohibited.

**Property Line:** the legal, platted boundary of a lot or parcel of land.

**Public Facility:** any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

**Public Use:** a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

**Public Utility:** all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable communication or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.

**Public Utility Easement:** a portion of a lot or block in which the City and all public utilities enfranchised by the City have a rite of passage and/or a right to install and maintain pipes, wires, poles, conduits, and other equipment necessary to carry out public or quasi-public services.

**Quarry:** an excavation activity designed to mine, extract, or remove specific natural resources for commercial purposes. This does not include underground mining and extraction.

**Racetrack:** a measured course where animals or machines are entered in competitions against one another or against time.

**Railroad:** the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

**Recorder:** the Dubuque County Recorder.

**Recreational Facility:** indoor and outdoor facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events.

**Recreational Vehicle (RV):** a vehicular unit designed for recreational camping or travel use under its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

**Recreational Vehicle Park:** a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

**Redevelopment:** the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.

**Registered Child Development Home:** a facility providing childcare or preschool services for children that requires State of Iowa registration. Registered child development home does not include a licensed childcare center.

**Residence:** a building used, designed, or intended to be used as a home or dwelling place for one or more families.

**Resource Recovery/Recycling Center:** indoor facilities for obtaining useful materials or energy from solid waste or recycled materials. Materials can be reused for their original purpose, packaged and shipped elsewhere, reprocessed for a different purpose or converted into energy, not to include a biofuels plant or a salvage yard.

**Restaurant, Drive-In/Carryout:** any business establishment or portion thereof where food is prepared for sale for consumption off the premises and/or served in disposable containers or wrappers, including all fast food restaurants equipped with a drive-through service and/or having a carryout service, and not serving beer, wine or alcoholic beverages.

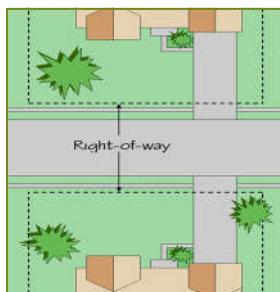
**Restaurant, Indoor:** any business establishment or portion thereof where food is prepared for sale for consumption on the premises, including all sit-down restaurants, where food and beverage are served in nondisposable containers and which may involve carryout service and the serving of beer, wine and alcoholic beverages on the premises of a limited nature as an accessory use to the restaurant, as defined in this section.

**Retail Commercial:** a stand-alone building with a large parking lot or a part of a larger commercial center, with a gross floor area of 60,000 square feet or more, including but not limited to department store, supermarket, wholesale club operation, discount store, general merchandise retailer, specialized product store (i.e., electronics,

building materials or pet supplies), outlet store, general merchandise wholesaler open to the public, warehouse club, and similar uses.

**Retail Sales or Service:** establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesale, processing or manufacturing operations with an accessory retail outlet on the premises.

**Retention Basin:** a facility for the temporary storage of stormwater with a permanent water surface.



**Rezoning:** an amendment to or change in the Official Zoning Map.

**Right-of-Way (ROW):** an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities and/or pedestrians.

**Road:** see Street.

**Rooming House:** see Boarding or Rooming House.

**Salvage Yard:** any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal including but not limited to: machinery, appliances, farm equipment, and including motor vehicles, parts and equipment that are a result of the dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials.

**Satellite Dish Antenna:** a parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

**Scale:** proportional relationship of the size of parts to one another and to the human figure.

**Scenic Easement:** an easement for the purpose of limiting land development in order to preserve a view or scenic area.

**School or Nursery:** see Child Care Center, Licensed.

**School, Elementary, Junior High, or Senior High:** public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by state law.

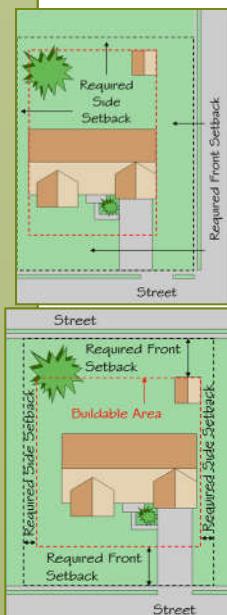
**Screening:** a structure or planting that conceals from view from public ways the area behind such structure or planting.

**Selective Clearing:** the careful and planned removal or trees, shrubs, and plants using specific standards and protection measures.

**Self-Service Station:** establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**Separate Ownership:** ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**Service Station:** a building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.



**Setback:** the distance required between a property line or roadway easement line and the buildable area on a lot.

**Setback Line, Building:** the minimum distance as prescribed by this Code between any property line or roadway easement line and the closest point of the building line or face of any building or structure related thereto.

**Setback, Front:** a line which defines the required minimum distance between a building or structure and the right-of-way or roadway easement line. The front setback line shall be parallel with the right-of-way line or roadway easement line. Corner lots and double-frontage lots shall have a front setback along both street frontages.

**Setback, Rear:** a line which defines the required minimum distance between a building or structure and the property line opposite the right-of-way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double-frontage lots.

**Setback, Side:** a line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line.

**Shopping Center:** a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

**Shopping Center, Neighborhood:** a group of commercial establishments with off-street parking on the property that are generally planned and developed as an architectural unit, with a primary trade area of the neighborhood (s) in which it is located.

**Shopping Center, Regional:** a group of commercial establishments with off-street parking on the property that are planned and developed as an architectural unit, a centrally managed facility requiring a highway or arterial location for their most beneficial operation, the market area of which includes the metropolitan area.

**Shrub:** a multiple-stemmed woody plant other than a tree.

**Sidewalk Café:** an area adjacent to a street level eating or drinking establishment located within the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof to maintain the required public sidewalk access.

**Sight Triangle:** see Visibility Triangle.

**Similar Use:** the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**Simple Division:** any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.

**Site Plan:** a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, utilities, landscape features, and other principal site development improvements for a specific parcel of land.

**Skate Park:** a recreational facility containing ramps and other obstacle courses and devices for use with skateboards and skates.

**Skateboard Pipe:** a structure which is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

**Skateboard Ramp:** a structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

**Specialized Product Store:** a retail commercial use that typically merchandises products of a similar nature such as, but not limited to electronics, jewelry, greeting cards.

**Spot Zoning:** the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest.

**Stadium:** a large, usually open structure for sports events with tiered seating for spectators.

**State:** the State of Iowa.

**Storage:** the keeping, in a roofed or unroofed area, of any goods, material, merchandise, or vehicles.

**Storm Drain:** conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

**Stormwater Detention:** any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.

**Stormwater Management:** the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

**Stormwater Runoff:** surplus surface water generated by rainfall that does not seep into the earth but flows over land.

**Story:** that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered as a story.

**Story, First:** the lowest story in a building which qualifies as a “story,” as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade as defined herein for more than 50 percent of the total perimeter, or more than eight feet below grade, as defined herein, at any point.

**Street:** a public thoroughfare, right-of-way or roadway easement dedicated, deeded, or recorded for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Code.

**Street, Arterial:** a street primarily intended to carry traffic from one part of the City to another and secondarily intended to provide access to abutting properties.

**Street, Collector:** a street primarily intended to gather traffic from a subdivision and carry it to an arterial street, but also intended to provide direct access to abutting properties.

**Street, Cul-De-Sac:** a local street terminating in a turnaround and having only one outlet.

**Street, Local:** a street intended to provide direct access to abutting properties.

**Street, Private:** a platted and recorded lot of common ownership, usually by a property-owner association, not dedicated to the City, giving access to the other lots of the subdivision and to the adjoining street pattern.

**Street, Public:** a dedicated, platted, recorded and accepted passageway for public travel.

**Street Centerline:** the centerline of a street right-of-way as established by official surveys.

**Street Frontage:** see Frontage, Street.

**Street Hardware:** man-made objects other than buildings that are part of the streetscape; examples include: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.

**Streetscape:** the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

**Structural Alteration:** any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls.

**Structure:** anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, mobile homes, walls, fences, billboards, poster panels, above ground storage tanks, and similar uses.

**Structure, Temporary:** a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

**Subdivision:** a tract of land divided into three or more lots.

**Subdivision Plat:** a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

**Supermarket:** a retail food establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of 60,000 square feet or more.

**Swale:** see Drainageway.

**Tanning Studio:** any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons.

**Tattoo Parlor and Body Piercing Studio:** an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

**Tavern:** see Bar.

**Temporary Shelter:** a structure used as a day facility or temporary dwelling for abuse victims, transient or homeless individuals, but not including orphanages or foster homes, operated by a nonprofit religious, educational, or philanthropic institution.

**Temporary Use:** see Use, Temporary.

**Terrace:** a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

**Theater:** a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received. This use is not included with any type of adult establishment.

**Theme Park:** see Amusement Park.

**Tour Home:** a residence usually of major local or regional historical or architectural interest visited on a regularly scheduled basis by an organization or tour company for a fee.

**Tourist Home:** a private home which is rented to tourists or travelers.

**Tower:** a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also see Antenna.

**Townhouse:** a one-family dwelling unit, with a private entrance in a group of three or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation.

**Transit Facility:** a small-scale covered waiting area for buses, taxis, and mass transit stops, typically with a separate loading lane.

**Tree:** any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.

**Tree Cover:** an area directly beneath the crown and within the dripline of the tree.

**Upzoning:** a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

**Use:** the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

**Use, Accessory:** a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**Use, Conditional:** a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

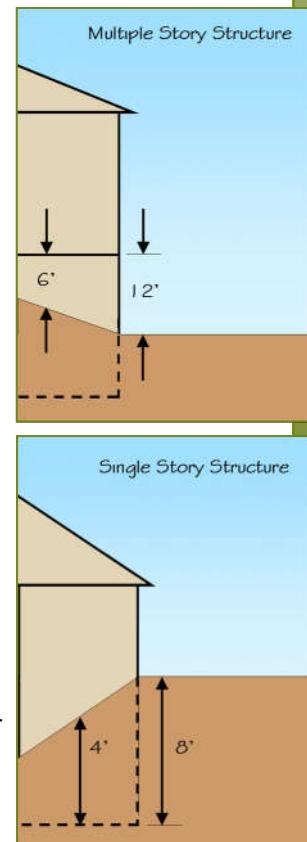
**Use, Permitted:** any land use allowed without condition within a zoning district.

**Use, Principal:** the main use of land or structure, as distinguished from an accessory use. Also see Building, Principal.

**Use, Prohibited:** any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

**Use, Temporary:** impermanent uses of an occasional nature not exceeding six months maximum duration. Temporary uses shall not involve the use of permanent structures, permanent signs or portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent building shall not be considered temporary uses.

**Utility Easement:** see Easement.



**Utility Service:** any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, wastewater and communications into a building or development.

**Variance:** a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the ZBA according to the provisions of this Code.

**Vehicle:** a vehicle shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land or water, including, but not limited to, automobiles, trucks, bicycles, motorcycles, snowmobiles, boats, trailers, campers, wagons, etc.

**Vehicle Body Shop:** a facility which provides vehicle collision repair services, including body frame straightening, replacement of damaged parts, and painting, but does not include mechanical engine or power train repair.

**Vehicle Sales:** the storage and display for the retail or wholesale sale, rental, or lease of more than two new or used vehicles, and which may include facilities for the incidental repair or body work of vehicles.

**Vehicle Service or Repair:** a facility providing major vehicle repair such as tire capping, bodywork, frame straightening, welding, painting, storage of nonoperable vehicles and the sale of motor fuels, tires and lubricants for retail sale directly to the motorist consumer. As an accessory use, the selling of vehicles with salvage titles may occur on a limited basis provided they are stored in a building. Vehicles with salvage titles may be stored in the rear yard of the property provided the vehicles are not stacked on top of other vehicles and materials and are permanently screened from view to a height of at least six feet with at least 50 percent opacity. The sale of used parts other than as an incidental part of the business is prohibited.



**Visibility Triangle:** a triangular shaped portion of a lot located at a street, alley or driveway intersection in which nothing can be placed, planted or constructed that will materially impede vision from within vehicles between a height of two feet and eight feet. The visibility triangle is formed by lines that join points placed 10 feet from the property corner along both frontages.

**Warehouse:** a building used primarily for the storage of goods and materials.

**Warehouse Club Operation:** an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

**Warehouse, Distribution:** use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Wetland:** those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands may include, but are not limited to, swamps, marshes, and bogs.

**Wholesale Club:** a retail store that sells a limited assortment of merchandise to customers who are “members” of the club.

**Wholesale Establishment:** an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wholesale Trade:** a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or com-

modity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

**Wildlife Conservation Area:** an area dedicated to conservation of wildlife and wildlife habitat.

**Window:** an opening in the wall of a building for the transmission of air or light, or both, commonly fitted with a frame in which are set movable or nonmoveable sashes containing panes of glass or plastic, whether transparent or translucent, and is viewable from the interior of the building.

**Xeriscaping:** landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

**Yard:** a required open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this Code.

**Yard, Front:** the area between a principal building and the right-of-way line or roadway easement line, and extending between interior property lines.

**Yard, Rear:** the area between a principal building and the property line opposite the right-of-way line or roadway easement line, and extending between interior property lines. In the case of corner lots and double-frontage lots, there will be no rear yards, but only front and side yards.

**Yard, Required:** See Setback.

**Yard, Side:** the area between a principal building and an interior property, and extending between the front yard and rear yard. In the case of double-frontage lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

**Yard, Special:** a required yard other than the required front yard so oriented that neither the terms “side yard” nor “rear yard” clearly apply. In such cases the City Planner shall determine, based on topography, location, orientation and pattern of adjacent structures and development which yard requirement is more appropriate.

**Zoning District:** a section of the City in which zoning regulations and standards are uniform.

**Zoning Map, Official:** map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Dubuque City Council and on file in the office of the Planning Services Department.

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## SECTION 2—LAND USE REGULATIONS

### Chapter 3: General Provisions

#### 3-1 Provisions of Code Declared to be Minimum Standards

The provisions of this Code are the minimum requirements for promoting the health, safety, sustainability, and general welfare of the community.

#### 3-2 General Lot Size Requirements and Standards

No building shall be built upon a lot without the required minimum frontage along an improved private or public street built to minimum City street standards. No building shall be built upon a lot without a City approved driveway access to a public or private street or alley.

#### 3-3 Application and Scope of Regulations

- A. No building, structure, or part thereof, shall hereafter be built, moved or altered, and no building, structure or land shall hereafter be used or occupied upon a lot which is smaller in area than the minimum lot area or minimum lot area per dwelling unit; narrower than the minimum lot width; or shallower than the minimum lot depth required in the zoning district in which the building, structure or land is located.
- B. No existing building or structure shall hereafter be built or altered so as to conflict or further conflict with this Code.
- C. Bulk Regulations: This Code expresses bulk regulations in terms of maximum building or structure height, maximum lot coverage, and minimum front, side and rear yards. Unless permitted elsewhere in this Code, no building, structure or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy so as to exceed the maximum building or structure height, or maximum lot coverage specified for the zoning district in which the building or structure is located.
- D. Within residential districts, only one principal permitted use or structure shall be located on a single zoning lot. In other districts, any number of structures or uses permitted by this Code may be built, moved, altered, used or occupied, provided that the individual district regulations can be met.

#### 3-4 Reduction in Lot Area Prohibited

No lot existing on the effective date of this Code shall be reduced in dimension or area below the minimum requirements set forth herein.

#### 3-5 Obstructions to Vision at Street Intersections Prohibited

- A. On any corner lot, a visibility triangle shall be provided in which nothing shall be erected, placed, planted or allowed to grow as to materially impede vision from within motor vehicles, between a height of two feet and eight feet above the average grades of the intersecting property lines, in the area bounded by said lines, and a line joining the points of such property lines at a distance of 10 feet from the intersection.
- B. On any lot, except for those with single-family detached dwellings, duplexes or townhouses of not more than two units, a visibility triangle shall be provided in which nothing shall be erected, planted or allowed to grow so as to materially impede vision from within motor vehicles, between a height of two feet and eight feet above the average grades of the intersecting property line and driveway edge, in an area bounded by said lines and a line joining the points of said property line and driveway edge at a distance of 10 feet from the intersection.

#### 3-6 Yard Requirements

- A. All yards required by this Code shall be provided and remain as open, unobstructed space.
- B. No part of a yard or open space required by this Code for any structure shall be included as part of a yard or open space for any other structure, unless otherwise allowed by this Code.

C. The following may be located within an otherwise required yard provided they are used in conjunction with a use permitted in the underlying zoning district:

1. All Required Yards: Awnings, shutters, canopies; arbors and trellises; swimming or wading pools less than 18 inches deep; play equipment; chimneys projecting not more than 24 inches into the required yard; flagpoles; steps necessary for access to a building or lot; fences and walls as provided in **Section 3-21**; hedges and other vegetation, and accessibility ramps and landings, except that landings which exceed five feet in any horizontal dimension shall meet setback requirements. Poles, posts, and other customary yard accessories, ornaments, and furniture may be located in any yard subject to requirements limiting obstruction of visibility and height limitations.
2. Required Front Yards: Bay windows, oriels, or balconies projecting not more than five feet into the required front yard; overhanging eaves and gutters projecting into the required front yard not more than one-third the distance to the front property line from an exterior wall; off-street parking.
3. Required Rear Yards: Accessory uses, buildings or structures as permitted by **Sections 3-7 and 3-8**; open and unroofed off-street parking spaces, patios and terraces; bay windows projecting not more than five feet into the required rear yard; overhanging eaves and gutters projecting into the required rear yard not more than one-third the distance to the rear property line from an exterior wall.
4. Required Side Yards: Accessory uses, buildings or structures as permitted by **Sections 3-7 and 3-8**; overhanging eaves and gutters projecting into the required side yard not more than one-third the distance to the side property line from an exterior wall; open off-street parking, except as provided for in **Chapter 14**.
5. Continuing Maintenance Required: The maintenance of any yard, open space, minimum lot area, or off-street parking spaces required by this Code shall be a continuing obligation of the owner of the property to which such requirements apply. No yard, open space, lot area, or off-street parking area required by this Code for any building, structure or use shall, by virtue of change of ownership or any other reason be used to satisfy any yard, open space, lot area, or off-street parking area required for any other building, structure, or use, except as may be otherwise specifically provided herein. In addition, no yard or lot existing at the effective date of this Code (March 18, 1985) shall be reduced in dimension or area below the minimum requirements set forth herein for the district in which such yard or lot is located.

### **3-7 Accessory Structures and Uses in Residential and Office Residential Districts**

#### **3-7.1 Accessory Structures and Uses Permitted**

Accessory structures and uses shall only be permitted as specifically authorized within each individual district of this ordinance, and shall be subordinate to and on the same zoning lot with the principal structure or use in conjunction with which it is maintained.

#### **3-7.2 Bulk Regulations**

- A. Location: No accessory use or structure permitted by this Code may be located in a required front yard, except as otherwise specifically authorized. No accessory structure, equipment or material of any kind exceeding five feet in height may be located in a required side yard.
- B. Accessory Use/Structure Coverage: The lot coverage of permitted accessory uses and/or structures and the principal structure it serves shall be calculated together for the purpose of complying with the specified lot coverage as a percent of lot area. The maximum lot coverage shall not be exceeded within the district in which it is located and in no case shall permitted accessory structures or uses exceed the lot coverage of the principal structure it serves, with a maximum of 1,000 aggregate square feet for all detached structures.
- C. Accessory Structure Height Limitations: No accessory structure permitted by this Code shall exceed a height of 15 feet measured from average ground level. Satellite receiving dishes, wind energy conversion systems, and building-mounted wind turbines shall comply with the bulk regulations of **Chapter 7**.
- D. Side and Rear Yard Setbacks: Side yard setbacks for all permitted accessory structures or uses shall be the same as required for the principal permitted use in the bulk regulations section of the specific zoning district. Rear yard setbacks for all permitted accessory structures or uses shall be six feet for all zoning districts. Side

and rear yard setbacks for detached storage sheds no larger than 120 square feet in area shall be three feet for all zoning districts, provided such structure is located at least six feet from the primary structure.

### **3-7.3 Residential Use Prohibited**

No accessory structure may be used for residential dwelling purposes at any time, except as allowed in **Section 8-5**.

### **3-8 Accessory Structures and Uses in All Other Zoning Districts**

In all other zoning districts, accessory structures and uses shall be permitted with or without conditions if the City Planner deems the structure or use customarily incidental to and subordinate to the principal structure or use it serves. Such structures and uses within nonresidential districts shall comply with the specific bulk regulations listed within the district in which it is located, except that gas and service stations shall be allowed pumps, pump islands and canopies in a required front yard subject to site plan review, and satellite receiving dishes shall comply with the requirements established in **Section 7-2.14** and wind turbines (building-mounted) shall comply with the requirements established in **Section 7-3.7**.

### **3-9 Accessory Uses Subject to Site Plan Review**

The following accessory uses shall require site plan approval in accordance with **Chapter 12** and, where applicable, compliance with additional supplemental land use regulations as established in **Chapter 7**, prior to their establishment on the premises:

- A. Greenhouses over 100 square feet in area
- B. Wind energy conversion systems
- C. Satellite receiving dishes
- D. Swimming pools

### **3-10 Permitted Modifications of Height Restrictions**

The following may exceed the prescribed height limit provided they are required for a use permitted in the district in which they are erected or constructed: chimneys, cooling towers, condensers, elevator bulkheads, bellfries, stacks, ornamental towers, monuments, cupolas, domes, spires, stair towers, and other necessary mechanical appurtenances and their protective housing but not to include equipment penthouse that constitutes more than 30 percent of the roof area.

### **3-11 Administrative Waiver—Freestanding Solar Array**

- A. The purpose of the administrative waiver process for residential freestanding solar array is to facilitate the installation of freestanding solar arrays in residential and office districts while ensuring compatibility with existing development patterns and protecting investments made by surrounding property owners.
- B. The City Planner shall issue a waiver only for freestanding solar arrays that comply with the following criteria. If the following criteria are not met, then the applicant still has the opportunity to apply for a Special Exception through the Zoning Board of Adjustment.
- C. Criteria:
  1. An administrative waiver for a freestanding solar array is available in the following residential and office zoning districts: R-1, R-2, R-2A, R-3, R-4, OR and OC Districts.
  2. An administrative waiver is available for a freestanding solar array up to a maximum of 20 feet in height and 500 square feet in area.
  3. That all abutting property owner(s), including property owner(s) directly across the street, alley or platted public right-of-way agree to the requested freestanding solar array by signing a waiver form supplied by the Planning Services Office.

4. That a site plan depicting the location of the freestanding solar array on the property and its distance to the side and rear property lines shall be prepared by the applicant, reviewed for completeness by the Planning Services Office staff.
5. That an elevation rendering of the freestanding solar array indicating maximum height and width of the installation shall also be prepared by the applicant, reviewed for completeness by Planning Services Office.
6. The applicant shall meet with each property owner and review with them the site plan and elevation rendering for the proposed solar array installation. Each property owner will need to agree to the proposal by signing a waiver form

D Planning Staff will verify that the application is complete, that all waiver forms are signed, have the applicant sign before a Notary that they met with all the neighboring property owners and received their signatures, and notify the Building Services Department that an administrative waiver has been approved.

### 3-12 Fees

Any application for action taken under this Code shall be submitted along with the required fee, as established by resolution of the City Council. All required fees shall be submitted to the City Planner for deposit with the City Treasurer. No fee is required for applications filed in the public interest by members of the City Council, Zoning Advisory Commission, Zoning Board of Adjustment, City Manager, or other City Department.

### 3-13 Prohibited Uses

Uses not listed within this Code shall be prohibited, except that uses similar in nature and intensity to those specifically listed may be allowed, provided the City Planner determines that such use presents a character and compatibility consistent with other uses in the same zoning district, and is consistent with the spirit and intent of this Code.

### 3-14 Exemption from Regulation

The following structures or uses are exempt from the regulations of this Code and shall be permitted in any district:

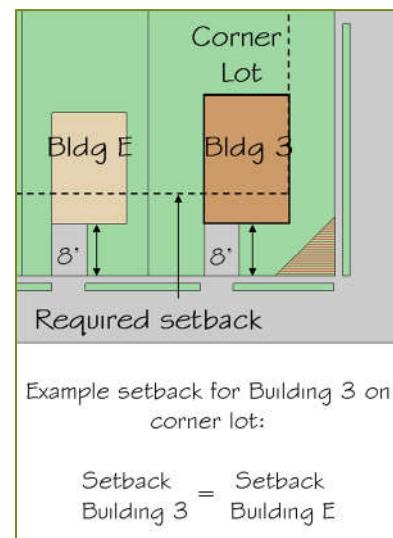
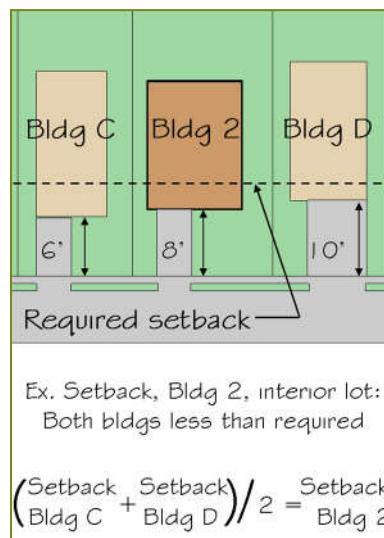
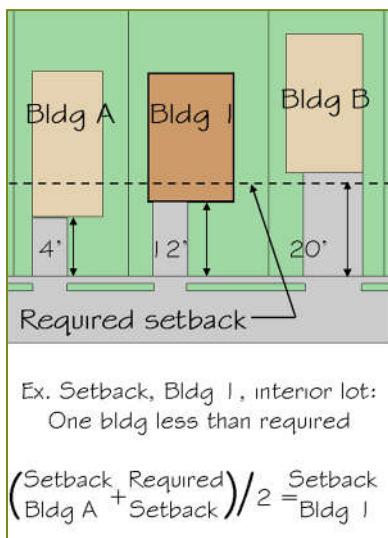
- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricCity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility.
- B. Individually owned residential antennas not including satellite receiving dishes over four feet in diameter.
- C. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.
- D. Communication towers used to transmit and/or receive television, radio, cellular, or other communication signals shall not be exempt from this Code.

### 3-15 Off-Street Parking and Loading

No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum off-street parking required by the provisions of **Chapter 14** in this Code are provided. No structure or use already established on the effective date of this Code shall be enlarged, expanded or increased in area or intensity of use unless the minimum off-street parking spaces which would be required by the provisions of this Code for such enlargement, expansion or increase in area or intensity of use are provided.

### 3-16 Public Buildings and Uses

All buildings, structures, signs, or uses owned or operated by the City shall be exempt from the regulations of this Code and shall be permitted in any district, provided a site plan is submitted and approved in accordance with the provisions of **Chapter 12**.



### 3-17 Adjustment of Front Yard Setbacks in R-1, R-2, R-2A, and R-3 Districts

The required front yard setback may be adjusted by the City Planner as follows.

- Interior lots: Where dwellings exist on both abutting lots and both have setback less than required by the underlying zoning district, the setback for the interior lot need not exceed the average of the setbacks of the two abutting dwellings. Where dwellings exist on both abutting lots and only one has a setback less than required by the underlying zoning district, the setback for the interior lot need not exceed the average of the required setback and the smaller setback.
- Corner lots: Where a dwelling exists on an abutting lot and has a setback less than required by the underlying zoning district, the setback for the corner lot need not exceed the setback of the abutting lot on the same street frontage, provided the required visibility triangle is maintained.
- In no event shall any structure extend beyond the front property line of a lot.

### 3-18 Limited Setback Waiver

- The purpose of the limited setback waiver for one and two-family residential structures that meet the following criteria established by the City Council is to encourage reinvestment and infill housing, and to maintain property values in the City's residential neighborhoods. The City Planner shall issue a waiver only for such setback adjustments that meet the following criteria. No public hearing or Zoning Board of Adjustment Review shall be required if the following criteria can be met. If these criteria are not met, then the applicant still has the opportunity to apply for a special exception from the Zoning Board of Adjustment, in which case the criteria for the special exception, not the limited setback waiver, would apply.
- The limited setback waiver requested is 33.3 percent or less of the required setback(s).
- That all abutting property owner(s), including property owners directly across the street, agree(s) to the setback waiver(s) on a notarized letter stating they have no objection to the request.
- The setback waiver requested for an additional or an accessory structure is the same or greater than the setback(s) of the existing structure.
- The setback waiver request for reconstruction of an addition or an accessory structure is the same or greater than the setback(s) of a previously existing structure that has been removed.

### 3-19 Temporary Uses

Within any zoning district, temporary uses shall be allowed only as listed as a temporary use within the zoning district in which the proposed temporary use is located, provided that:

- A site plan, indicating the proposed use, its duration, off-street parking, and traffic circulation be submitted with the appropriate filing fee as established by resolution of the City Council and approved by signature of

the City Planner except as otherwise provided for in the district regulations. For allowed temporary uses, the City Planner may waive site development standards for the duration of the temporary use; and

- B. The use is of a limited and temporary duration, and in no case, shall exceed six months per calendar year unless the City Planner grants an extension upon showing of good cause. The City Planner may grant a maximum of two 90-day extensions; and
- C. The use will serve a public need or contribute to the public convenience and welfare; and
- D. The use bears some functional or other beneficial relationship to a permitted use within the district; and
- E. The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

### **3-20 Construction Promotion Activity**

- A. Within any lot subject to a valid building permit, temporary construction buildings, storage trailers, materials, and/or equipment, including a temporary batch plant, necessary for construction authorized by a valid building permit, shall be permitted, provided the location of the building, trailer, materials, equipment, and batch plant has been approved by the Building Official.
- B. Within any platted subdivision, the following uses shall be permitted:
  1. A subdivision sales office under the following conditions:
    - i. The purpose of the subdivision sales office shall be to promote the sales of lots or homes in the subdivision;
    - ii. Any office or similar premises used in connection with the subdivision sales office shall be located within a subdivision display home and no exterior reconstruction or any permanent alteration of the display home shall be permitted in establishing the subdivision sales office;
    - iii. There shall be no sign on the premises other than those permitted by this Code;
    - iv. The subdivision sales office may continue for a period of one year from the issuance of the first building permit to a builder, contractor, or subdivider within the subdivision. A renewal permit may be issued by the Building Official to allow continuation of the subdivision sales office after an evaluation of the location of the subdivision sales office, the type of development in the immediate area, and the effect of the sales office on the adjacent area.
  2. Subdivision display homes which do not contain any subdivision sales offices or continuing sales activities or continuing displays, shall exempt from this section.

### **3-21 Fences located on Residential Lots**

#### **3-21.1 Residential Districts**

On any residential lot, fences may be erected to a height of seven feet in all yards except that fences erected in required front yards shall not exceed four feet in height provided that 10 feet of clear visibility shall be maintained on corner lots in accordance with **Section 3-5**. Fences surrounding pools shall also comply with all applicable standards required by the Building Code.

#### **3-21.2 Fences Located at Schools or in Nonresidential Districts**

Fences surrounding school yards or located in nonresidential zoning districts shall be exempt from the provisions of **Section 3-21.1** provided that visibility at intersections is not hindered in accordance with **Section 3-5**.

#### **3-21.3 Barbed Wire and Electric Fences**

Barbed wire and electric fences shall not be permitted below eight feet in height, except when used in the AG Agriculture District for purposes of containing livestock.

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## Chapter 4: Nonconformities

It is the intent of this Code to recognize the legitimate interests of owners of lawful nonconformities by allowing such lawful nonconformities to continue, subject to the provisions contained herein. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and value of other property in the same zoning district, property that is itself subject to the regulations and terms of this Code. In order to secure eventual compliance with the City's Comprehensive Plan and with the standards of this Code, it is therefore necessary to carefully regulate lawful nonconformities and to prohibit the reestablishment of such nonconformities that have been discontinued.

### 4-1 Nonconformities Generally

- A. Within the zoning districts established by this Code or its subsequent amendment, there exist uses, lots, and structures, which were lawful before this Code was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this Code or its subsequent amendment. Such nonconformities shall hereafter be considered lawful nonconformities.
- B. To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this Code and upon which actual building construction has been carried on diligently.
- C. "Actual building construction" is hereby defined to include the placement of construction materials in permanent position and fastened in a permanent manner.

### 4-2 Nonconformity Created by Change in Law or Boundary

Whenever a use, lot, or structure becomes nonconforming due to a change in this Code or the zoning district boundaries, such use, lot, or structure may be continued in conformance with this Chapter.

### 4-3 Effect on Nonconformities that were Illegal under Prior Law

Nothing in this Code shall be interpreted as authorization for, or approval of, the continuance of a use, lot, or structure which was in violation of zoning regulations in effect immediately prior to the effective date of this Code or was otherwise illegal.

### 4-4 Nonconforming Uses

- A. Any lawful nonconforming use of a lot or structure may be continued so long as it remains otherwise lawful and provided there is no enlargement, increase or extension of the use which would result in a greater area of the zoning lot being occupied than was occupied at the time of the adoption of this Code, and that no additional structures or additions to structures existing at the time of the adoption of this Code shall be constructed on the same zoning lot. Further, no such use shall be increased in intensity or moved or relocated in whole or in part to any other portion of the zoning lot on which it was located at the time of the adoption of this Code.
- B. A lawful nonconforming use may be extended throughout any parts of the structure in which it is located, provided said structure or parts thereof were manifestly arranged or designed for such use at the time of the adoption of this Code.
- C. If any lawful nonconforming use of a lot or structure ceases for any reason for a period of more than one year, any subsequent use of such lot or structure shall conform to the requirements of this Code.
- D. Whenever a lawful nonconforming use is superseded by a permitted use, such nonconforming use shall not thereafter be resumed.
- E. When a building or structure housing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to an extent of more than 75 percent of its fair market value, such building or structure shall not be restored unless the use of the same shall thereafter conform to the uses permitted in the district in which it is located, except that lawful nonconforming residential uses may be resumed.

**4-5 Nonconforming Lots**

- A. Any lot having insufficient area, width or depth for the zoning district in which it is located, lacking frontage on an improved public street or an improved private street of a planned district, or any combination thereof, shall be considered a lawful nonconforming lot only if it was conforming, lawfully platted, and filed in the Office of the Dubuque County Recorder prior to the adoption of this Code or if a deed or other instrument in the owner's chain of title creating or containing a legal description consistent with the current dimensions of such lot was lawfully recorded and filed in the Office of the Dubuque County Recorder prior to the adoption of this Code.
- B. On any single, lawful nonconforming lot located within a zoning district which permits single-family detached residential dwellings, one such dwelling may be constructed by right, provided that setbacks (yards), height, lot coverage, and off-street parking requirements of the zoning district within which the parcel is located are complied with, and all appropriate permits are obtained prior to any construction activity.

**4-6 Nonconforming Structures**

- A. Structures that were lawfully constructed prior to the adoption of this Code, but which could not be constructed under the terms of this Code by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures, shall hereafter be considered lawful nonconforming structures. They may continue to exist so long as they remain otherwise lawful, provided that no reconstruction, enlargement or alteration of said structures shall occur that will increase their nonconformity except as provided herein. However, any lawful nonconforming structure or portion thereof may be altered to reduce its nonconformity.
- B. Alterations conducted by order of the City to comply with building or life safety code provisions shall be permitted.
- C. When a lawful nonconforming structure is damaged by fire, explosion, act of God, or the public enemy to an extent of more than 75 percent of its fair market value, such structure shall not be restored except in conformance with the requirements of the district in which it is located. However, lawful nonconforming structures used solely for residential uses may be reconstructed to their location, size, and external dimensions that existed at the time of damage. Residential lawful nonconformities may be expanded provided they comply with the schedule of R-2A Alternate Two-Family Residential District regulations.

**4-7 Nonconforming Characteristics of Use**

Whenever, due to the adoption or amendment of this Code, off-street parking, paving of parking area, landscaping, screening, and similar site improvements do not conform to the requirements of this Code, the deficiencies shall be considered lawful nonconforming characteristics of such use. Said deficiencies shall be brought into conformance whenever the use, lot, or structure with which they are associated is expanded by 25 percent or more of building area existing at the time of adoption of this Code.

## Chapter 5: Zoning Districts

### 5-1 Generally

#### 5-1.1 Application of Zoning District Regulations

In order to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied; the size of the yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the City and the area within its extraterritorial jurisdiction is hereby divided into zoning districts.

#### 5-1.2 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts shown on the Official Zoning Map, the following rules apply:

- A. The district boundaries are the centerlines of either streets or alleys unless otherwise shown, and where the districts designated on the Official Zoning Map are bounded approximately by street or alley centerlines, the street or alley centerline shall be construed to be the boundary of the district;
- B. Where the property has been or may hereafter be divided into blocks and platted lots, the district boundaries shall be construed to coincide with the nearest platted lot lines; and where the districts designated on the Official Zoning Map are bounded approximately by platted lot lines, the platted lot line shall be construed to be the boundary of the district;
- C. In unsubdivided property, the district boundary lines on the Official Zoning Map shall be determined by use of the scale appearing on the map.

#### 5-1.3 Official Zoning Map

- A. The City is hereby divided into districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk together with the date of adoption of this Code. The Official Zoning Map shall be located in the Office of Planning Services.
- B. No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedure set forth in this Code.

#### 5-1.4 Zoning Districts Established

In order to carry out the purposes of this Code, the following districts are hereby established:

Residential: R-1 Single-Family Residential  
R-2 Two-Family Residential  
R-2A Alternate Two-Family Residential  
R-3 Moderate Density Multiple-Family Residential  
R-4 Multiple-Family Residential

Office: OR Office Residential  
OS Office Service  
OC Office Commercial

Commercial: C-1 Neighborhood Commercial  
C-2 Neighborhood Shopping Center  
C-2A Mixed Use Neighborhood  
C-3 General Commercial  
C-4 Downtown Commercial  
C-5 Central Business  
CS Commercial Service and Wholesale  
CR Commercial Recreation

Industrial: LI Light Industrial

HI Heavy Industrial  
MHI Modified Heavy Industrial

Special Purpose: AG Agriculture  
ID Institutional  
POS Public Open Space  
PUD Planned Unit Development

Overlays: Flood Hazard Overlay District  
OTN Old Town Neighborhood Overlay District  
SOD Sign Overlay District  
RROD Rural Residential Overlay District  
RHOD Restricted Height Overlay District

### **5-1.5 Annexation Zoning Policy**

All unincorporated territory which may come within the jurisdiction of the City limits by virtue of annexation to the City shall be placed and continued in the AG Agriculture District, unless prior to annexation, such land is classified, effective upon annexation, as another zoning district. If voluntary annexation of the territory is requested, but the territory is not classified as requested by the applicant, the applicant may withdraw the voluntary annexation request. If not so classified, the territory shall be classified AG Agriculture District, and shall remain in that classification pending request for reclassification in accordance with the provisions of **Section 9-5**.

### **5-1.6 Conformance to Code Required**

- A. No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part hereof, shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. Regulations within each district shall be applied uniformly to each class or kind of structure or land.
- B. Unless permitted elsewhere in this Code, no building, structure, or part thereof, shall hereafter be built, moved or remodeled, and no building, structure or land shall hereafter be used, occupied or designed for use or occupancy:
  1. So as to exceed the maximum building or structure height, or maximum lot coverage specified for the zoning district in which the building or structure is located; or
  2. So as to provide any front, side, or rear yard or other open space that is less than the minimum specified for the zoning district in which such building, structure or use of land is located or maintained, or
  3. So as to exceed the maximum number of units specified for the zoning district in which such building is located.



**Single-family detached dwelling**

## 5-2 R-1 Single-Family Residential

The R-1 District is the most restrictive residential district and is intended to protect low density residential areas from the encroachment of incompatible uses. The principal use of land in this district is for low density single-family dwellings and related recreational, religious and educational facilities.

### 5-2.1 Principal Permitted Uses

The following uses are permitted in the R-1 District:

1. Cemetery, mausoleum, or columbarium
2. Place of religious exercise or assembly
3. Public or private parks, golf course, or similar natural recreation areas
4. Public, private or parochial school approved by the State of Iowa (K-12)
5. Railroad or public or quasi-public utility, including substation
6. Single-family detached dwelling
7. Community Gardens

### 5-2.2 Conditional Uses

The following conditional uses may be permitted in the R-1 District, subject to the provisions of **Section 8-5**:

1. Accessory dwelling unit
2. Bed and breakfast home
3. Keeping of horses or ponies
4. Licensed adult day services
5. Licensed child care center
6. Mortuary, funeral home, or crematorium
7. Off street parking
8. Tour home
9. Tourist home
10. Wind energy conversion system

### 5-2.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off street parking and storage of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation, or outdoor cooking equipment
10. Storage building
11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. The keeping of hens for egg production.
14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).

### 5-2.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-2.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-2.6 Signs

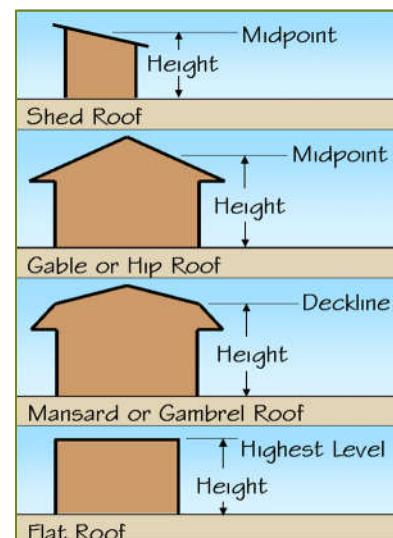
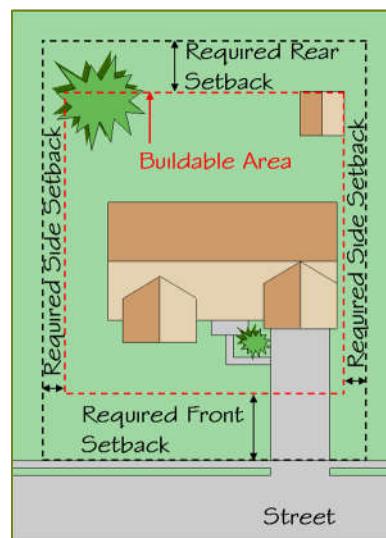
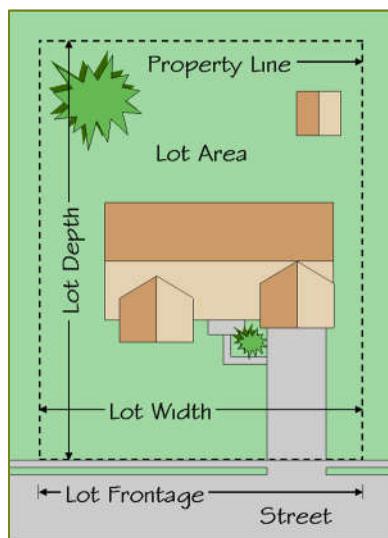
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-2.7 Bulk Regulations

\* See Section 3-17 for adjustment of minimum front yard setbacks.

R-1 Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)	
				Front (feet)		Min Side (feet)	Min Rear (feet)		
				Min	Max				
<b>Permitted Uses</b>									
Place of religious exercise or assembly, School	20,000	100	40	20	---	20	20	75 <sup>1</sup>	
Single-family detached dwelling	5,000	50	40	20	50	6	20	30	
<b>Conditional Uses</b>									
Bed and breakfast home	5,000	50	40	20	50	6	20	30	
Licensed adult day services, Licensed child care center	5,000	50	40	20	---	6	20	30	
Mortuary, funeral home or crematorium	20,000	100	40	20	---	20	20	30	

<sup>1</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.





**Single-family detached dwelling**

### 5-3 R-2 Two-Family Residential

The R-2 District is intended to provide residential areas characterized by single-family and two-family dwellings. Increased densities and the introduction of two-family housing types are intended to provide greater housing options while maintaining the basic qualities of a low density residential neighborhood. The principal use of land in this district is for low density single- and two-family dwellings and related recreational, religious and educational facilities.

#### 5-3.1 Principal Permitted Uses

The following uses are permitted in the R-2 District:

1. Cemetery, mausoleum, or columbarium
2. Place of religious exercise or assembly
3. Public or private parks, golf course, or similar natural recreation areas
4. Public, private, or parochial school, approved by the State of Iowa (K-12)
5. Railroad or public or quasi-public utility, including substation
6. Single-family detached dwelling
7. Townhouse (maximum two dwelling units)
8. Two-family dwelling (duplex)
9. Community Gardens

#### 5-3.2 Conditional Uses

The following conditional uses may be permitted in the R-2 District, subject to the provisions of **Section 8-5**:

1. Bed and breakfast home
2. Hospice
3. Licensed adult day services
4. Licensed child care center
5. Mortuary, funeral home, or crematorium
6. Off street parking
7. Tour home
8. Tourist home
9. Wind energy conversion system
10. Accessory dwelling unit

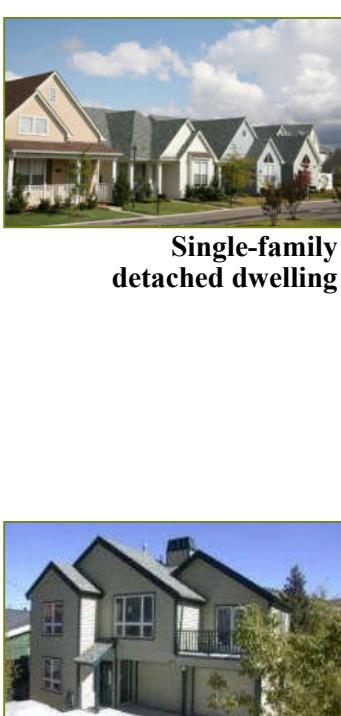
#### 5-3.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off street parking and storage of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation, or outdoor cooking equipment
10. Storage building
11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. The keeping of hens for egg production.
14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).

#### 5-3.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.



**Two-family dwelling**



**Bed and breakfast home**



**Wind energy conversion system**

### 5-3.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-3.6 Signs

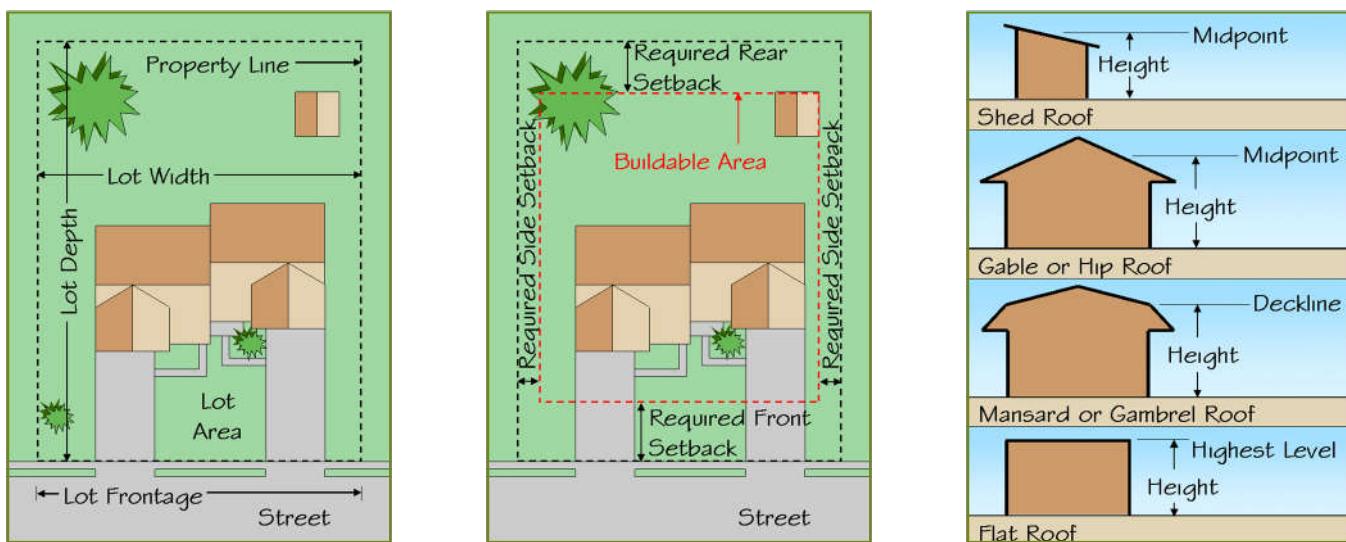
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-3.7 Bulk Regulations

R-2 Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)	
				Front (feet)		Min Side (feet)		
				Min	Max			
<b>Permitted Uses</b>								
Place of religious exercise or assembly, School	20,000	100	40	20	---	20	20	
Single-family detached dwelling	5,000	50	40	20	50	6	20	
Townhouse (two du max)	3,000/du	25/du	40	20	50	6/0	20/0	
Two-family dwelling	6,000	50	40	20	50	6	20	
<b>Conditional Uses</b>								
Bed and breakfast home	5,000	50	40	20	50	6	20	
Hospice	5,000	50	40	20	---	6	20	
Licensed adult day services, Licensed child care center	5,000	50	40	20	---	6	20	
Mortuary, funeral home, or crematorium	20,000	100	40	20	---	20	20	

<sup>1</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.

\* See **Section 3-17** for adjustment of minimum front yard setbacks.





**Single-family detached dwelling**

#### 5-4 R-2A Alternate Two-Family Residential

The R-2A District is intended to provide for the protection of certain older areas of the community developed principally as single-family and two-family uses. Characteristics of the R-2A District are: smaller than average lot widths and area, established building lines much closer to the public right-of-way and required setback lines, and/or greater lot coverage than allowed in the more recent developing areas where such requirements can be provided. The R-2A District is intended to be located in those areas displaying one or more of the above characteristics. The purpose of this district is to stabilize and preserve the residential character of existing areas through the establishment of bulk regulations in conformity with existing conditions.

##### 5-4.1 Principal Permitted Uses

The following uses are permitted in the R-2A District:

1. Cemetery, mausoleum, or columbarium
2. Place of religious exercise or assembly
3. Public or private parks, golf course, or similar natural recreation areas
4. Public, private, or parochial school approved by the State of Iowa (K-12)
5. Railroad or public or quasi-public utility, including substation
6. Single-family detached dwelling
7. Townhouse (maximum two dwelling units)
8. Two-family dwelling (duplex)
9. Community Gardens



**Two-family dwelling**

##### 5-4.2 Conditional Uses

The following conditional uses may be permitted in the R-2A District, subject to the provisions of **Section 8-5**:

1. Bed and breakfast home
2. Hospice
3. Licensed adult day services
4. Licensed child care center
5. Off premises residential garage
6. Off street parking
7. Tour home
8. Tourist home
9. Wind energy conversion system
10. Accessory dwelling unit

##### 5-4.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off street parking and storage of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation, or outdoor cooking equipment
10. Storage building
11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. The keeping of hens for egg production.
14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).



**Licensed adult day services**



**Solar collector**

#### 5-4.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### 5-4.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

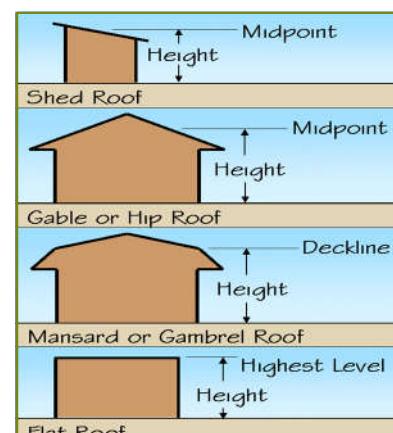
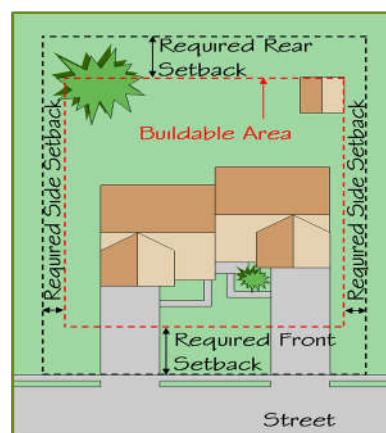
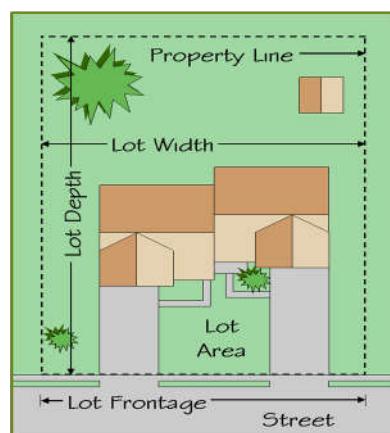
#### 5-4.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

#### 5-4.7 Bulk Regulations

\* See **Section 3-17** for adjustment of minimum front yard setbacks.

R-2A Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)
				Front (feet)	Min Side (feet)	Max Rear (feet)		
<b>Permitted Uses</b>								
Place of religious exercise or assembly, chool	20,000	100	40	10	---	20	20	75 <sup>2</sup>
Single-family detached dwelling	2,500	25	50	10	50	3	10	30
Townhouse (two du max)	2,500/du	25/du	50	10	50	3/0	10/0	30
Two-family dwelling	2,500	25	50	10	50	3	10	30
<b>Conditional Uses</b>								
Bed and breakfast home	2,500	25	50	10	50	3	10	30
Hospice	2,500	25	50	10	---	3	10	30
Licensed adult day services, Licensed child care center	2,500	25	50	10	---	3	10	30
Off-premise residential garage	---	---	---	10	---	3	6	15
<sup>1</sup> Minimum 20 feet for garages facing a street.								
<sup>2</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.								





Two-family dwelling

## 5-5 R-3 Moderate Density Multiple-Family Residential

The R-3 District is intended to provide locations for a variety of dwelling types ranging from single-family to low-rise multiple-family dwellings. The R-3 District also serves as a transition between residential and nonresidential districts.

### 5-5.1 Principal Permitted Uses

The following uses are permitted in the R-3 District:

1. Cemetery, mausoleum, or columbarium
2. Multiple-family dwelling (maximum six dwelling units)
3. Place of religious exercise or assembly
4. Public or private parks, golf course, or similar natural recreation areas
5. Public, private, or parochial school approved by the State of Iowa (K-12)
6. Railroad or public or quasi-public utility, including substation
7. Single-family detached dwelling
8. Townhouse (maximum six dwelling units)
9. Two-family dwelling (duplex)
10. Community Gardens

### 5-5.2 Conditional Uses

The following conditional uses may be permitted in the R-3 District, subject to the provisions of **Section 8-5**:

1. Bed and breakfast home
2. Group home
3. Hospice
4. Housing for the elderly or persons with disabilities
5. Individual zero lot line detached dwelling
6. Licensed adult day services
7. Licensed child care center
8. Mortuary, funeral home, or crematorium
9. Nursing or convalescent home
10. Off-premise residential garage
11. Off-street parking
12. Rooming or boarding house
13. Tour home
14. Tourist home
15. Wind energy conversion system
16. Accessory dwelling unit

### 5-5.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off street parking and storage of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation, or outdoor cooking equipment
10. Storage building
11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. The keeping of hens for egg production.
14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).



Off-premises residential garage



Noncommercial greenhouse

### 5-5.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-5.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-5.6 Signs

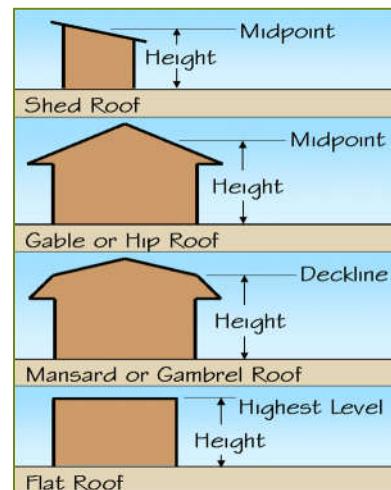
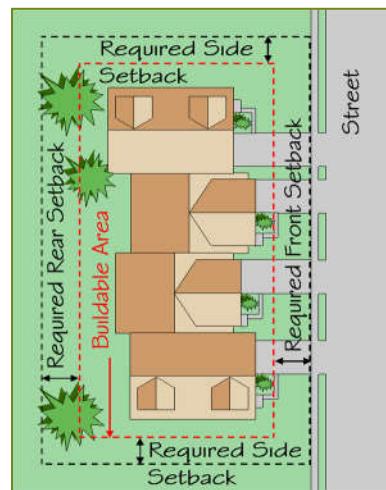
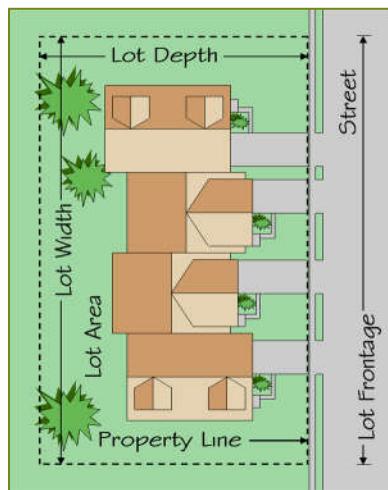
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-5.7 Bulk Regulations

\* See **Section 3-17** for adjustment of minimum front yard setbacks.

R-3 Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min	Max	
<i>Permitted Uses</i>							
Multiple-family (six du max)	2,000/du	50	40	20	---	4	20
Place of religious exercise or assembly, School	20,000	100	40	20	---	20	20
Single-family detached dwelling	5,000	50	40	20	50	4	20
Townhouse (six du max)	1,600/du	16/du	40	20	---	4/0	20/0
Two-family dwelling	5,000	50	40	20	50	4	20
<i>Conditional Uses</i>							
Individual zero lot line dwelling	5,000	50	40	20	50	10/0	20
Bed and breakfast home	5,000	50	40	20	50	4	20
Group home	5,000	50	40	20	---	4	20
Hospice	5,000	50	40	20	---	4	20
Housing for the elderly or disabled	20,000	100	40	20	---	20	20
Licensed adult day services, Licensed child care center	5,000	50	40	20	---	4	20
Mortuary, funeral home or crematorium	20,000	100	40	20	---	20	20
Nursing or convalescent home	20,000	100	40	20	---	20	20
Off-premise residential garage	---	---	---	20	---	4	6
Rooming or boarding house	5,000	50	40	20	---	4	20

<sup>1</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.





**Multiple-family dwelling**



**Townhouse**



**Nursing home**



**Off-street parking**

## 5-6 R-4 Multiple-Family Residential

The R-4 District is intended to provide residential areas of moderate to high density developments located adjacent to a major street and serves as a buffer or transition between commercial development, non-residential uses, or heavy automobile traffic and medium density residential development.

### 5-6.1 Principal Permitted Uses

The following uses are permitted in the R-4 District:

1. Cemetery, mausoleum, or columbarium
2. Multiple-family dwelling (three to 12 units per buildings)
3. Place of religious exercise or assembly
4. Public or private parks, golf course, or similar natural recreation areas
5. Public, private, or parochial school approved by the State of Iowa (K-12)
6. Railroad or public or quasi-public utility, including substation
7. Single-family detached dwelling
8. Townhouse (three to 12 units laterally attached)
9. Two-family dwelling (duplex)
10. Community Gardens

### 5-6.2 Conditional Uses

The following conditional uses may be permitted in the R-4 District, subject to the provisions of **Section 8-5**:

1. Bed and breakfast home
2. Bed and breakfast inn
3. Group home
4. Hospice
5. Housing for the elderly or persons with disabilities
6. Licensed adult day services
7. Licensed child care center
8. Mortuary, funeral home, or crematorium
9. Multiple-family dwelling of 13 or more units
10. Nursing or convalescent home
11. Off-premises residential garage
12. Off-street parking
13. Rooming or boarding house
14. Tour home
15. Tourist home
16. Wind energy conversion system
17. Accessory dwelling unit

### 5-6.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off-street parking and storage of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation, or outdoor cooking equipment
10. Storage building
11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. The keeping of hens for egg production.

14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).

#### **5-6.4              Temporary Uses**

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### **5-6.5              Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-6.6              Signs**

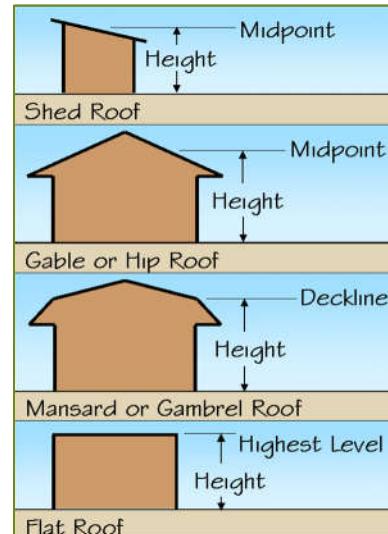
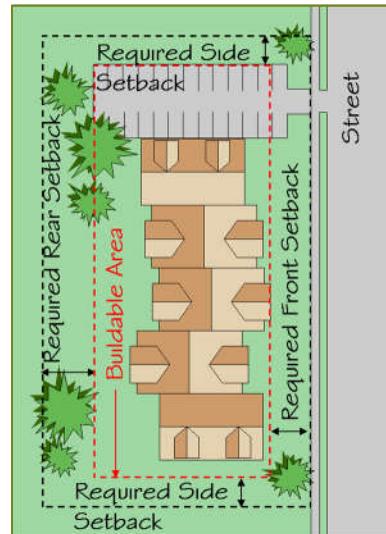
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-6.7 Bulk Regulations

R-4 Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)	
				Front (feet)		Min Side (feet)		
Permitted Uses				Min	Max			
Single-family detached dwelling	5,000	50	40	20	50	4	20	30
Multiple-family	2,000/du	50	40	20	---	3 <sup>1</sup>	20	40
Place of religious exercise or assembly, School	20,000	100	40	20	---	20	20	75 <sup>2</sup>
Townhouse (12 du max)	1,600/du	16/du	40	20	---	0/3 <sup>1</sup>	20/0	40
Two-family dwelling	5,000	50	40	20	50	4	20	30
Conditional Uses								
Bed and breakfast home	5,000	50	40	20	50	4	20	30
Bed and breakfast inn	5,000	50	40	20	50	4	20	30
Group home	5,000	50	40	20	---	3 <sup>1</sup>	20	40
Hospice	5,000	50	40	20	---	3 <sup>1</sup>	20	40
Housing for the elderly or disabled	20,000	100	40	20	---	20	20	40
Licensed adult day services, Licensed child care center	5,000	50	40	20	---	3 <sup>1</sup>	20	40
Mortuary, funeral home or crematorium	20,000	100	40	20	---	20	20	40
Nursing or convalescent home	20,000	100	40	20	---	20	20	40
Off-premise residential garage	---	---	---	20	---	3	6	15
Rooming or boarding house	5,000	50	40	20	---	3 <sup>1</sup>	20	40

<sup>1</sup> Plus one additional foot per floor above the second floor.

<sup>2</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.



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Townhouse



General office



Group home



Wind energy conversion system

## 5-7 OR Office Residential

The OR District is intended to serve as a transition zone between commercial and single- and two-family residential areas permitting adaptive reuse of existing building stock, which will normally be residential in character. This OR District is not intended to have any application in undeveloped or newly developing areas of the City or on land made vacant through intentional demolition. Development standards remain flexible to allow conservation and reuse of existing buildings. This district should be located in areas abutting arterial and/or collector streets which are, because of location and trends, suitable for development of low intensity office uses, and high intensity residential uses.

### 5-7.1 Principal Permitted Uses

The following uses are permitted in the OR District:

1. Art gallery, museum or library
2. Artist studio
3. General office
4. Hospice
5. Housing for the elderly or persons with disabilities
6. Medical office
7. Mortuary or funeral home
8. Multiple-family dwelling
9. Nursing or convalescent home
10. Parking structure
11. Place of religious exercise or religious assembly
12. Public, private, or parochial school approved by the State of Iowa (K-12)
13. Railroad or public or quasi-public utility, including substation
14. School of private instruction
15. Single- or two-family dwelling unit within an existing structure only
16. Townhouse (two or more laterally attached units)
17. Licensed child care center
18. Community Gardens
19. Registered Child Development Home

### 5-7.2 Conditional Uses

The following conditional uses are permitted in the OR district, subject to the provisions of **Section 8-5**:

1. Bed and breakfast home
2. Bed and breakfast inn
3. Group home
4. Licensed adult day services
5. Off-premises residential garage
6. Off-street parking
7. Photographic studio
8. Private club
9. Rooming or boarding house
10. Tour home
11. Tourist home
12. Wind energy conversion system
13. Accessory dwelling unit

### 5-7.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Crematorium accessory to a mortuary or funeral home
2. Detached garage
3. Fence
4. Garage sale; no more than three per calendar year or three consecutive days per sale

5. Home-based business
6. Noncommercial garden, greenhouse or nursery
7. Off-street parking and storage of vehicles
8. Satellite receiving dish
9. Solar collector
10. Sport, recreation, or outdoor cooking equipment
11. Storage building
12. Tennis court, swimming pool or similar permanent facility
13. Wind turbine (building-mounted)
14. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).

#### **5-7.4                   Temporary Uses**

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### **5-7.5                   Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-7.6                   Signs**

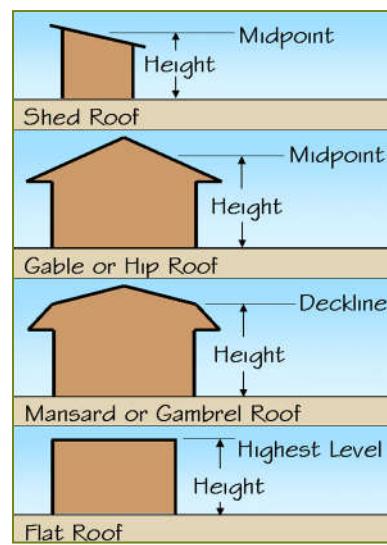
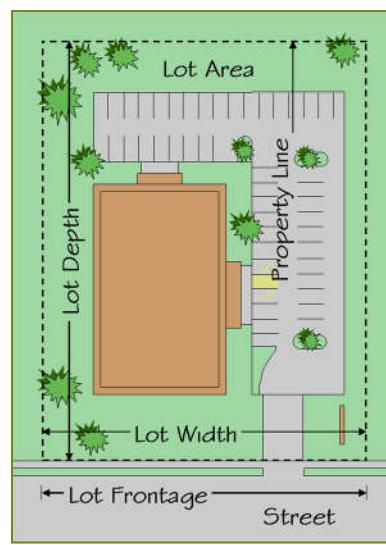
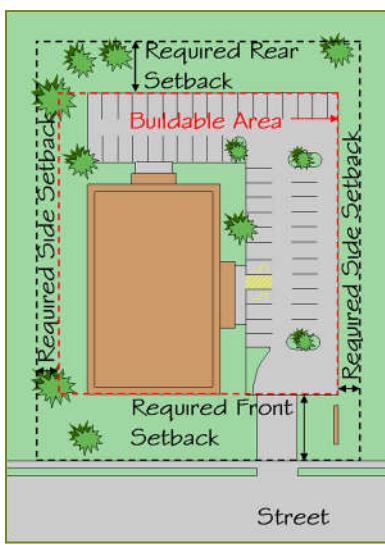
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

#### **5-7.7                   Bulk Regulations**

OR Office/Residential	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)	
				Front (feet)		Min Side (feet)	Min Rear (feet)		
				Min	Max				
<b>Permitted Uses</b>									
General office	---	---	50	20	---	3	10	40	
Hospice	5,000	50	50	20	---	3	10	40	
Housing for the elderly or disabled	10,000	---	---	---	---	3 <sup>1</sup>	10	40	
Medical office	---	---	50	20	---	3	10	40	
Mortuary, Funeral home	---	---	50	20	---	3 <sup>1</sup>	10	40	
Multi-family	1,200/du	50	50	20	---	3	10	40	
Nursing or convalescent home	10,000	100	50	20	---	3 <sup>1</sup>	10	40	
Place of religious exercise or assembly, School	20,000	100	50	20	---	3	10	75 <sup>2</sup>	
Single-family detached dwelling	5,000	50	50	20	50	3	10	40	
Townhouse	1,200/du	16/du	50	20	---	3/0	10/0	40	
Two-family dwelling	5,000	50	50	20	50	3	10	40	
All other permitted uses	---	---	50	20	---	3	10	40	
<b>Conditional Uses</b>									
Bed and breakfast home	5,000	50	50	20	50	3	10	40	
Bed and breakfast inn	---	---	50	20	50	3	10	40	
Group home	5,000	50	50	---	---	3	10	40	
Licensed adult day services, Licensed child care center	5,000	50	50	20	---	3	10	40	
Off-premise residential garage	---	---	50	20	---	3	10	15	
Photographic studio	---	---	50	20	---	3	10	40	
Private club	---	---	50	20	---	3	10	40	
Rooming or boarding house	5,000	50	50	20	---	3	10	40	

<sup>1</sup> When abutting a residential district, a six foot side setback is required.

<sup>2</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.



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Medical office

## 5-8 OS Office Service

The OS District is intended to encourage and permit professional office uses in newly developing areas of the City, and is intended to be used as a transition between commercial and residential area.

### 5-8.1 Principal Permitted Uses

The following uses are permitted in the OS District:

1. Art gallery, museum, or library
2. Artist studio
3. Barber or beauty shop
4. Dental or medical lab
5. General office
6. Medical office
7. Parking structure
8. Photographic studio
9. Place of religious exercise or assembly
10. Public, private, or parochial school approved by the State of Iowa (K-12)
11. Railroad or public or quasi-public utility, including substation
12. Residential use above the first floor only
13. School of private instruction
14. Licensed child care center
15. Registered Child Development Home



Residential above first floor

### 5-8.2 Conditional Uses

The following conditional uses may be permitted in the OS District, subject to the provisions of **Section 8-5**:

1. Licensed adult day services
2. Off-street parking
3. Private club
4. Wind energy conversion system



Private club

### 5-8.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Wind turbine (building-mounted)



Wind turbine (building mounted)

### 5-8.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-8.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-8.6 Signs

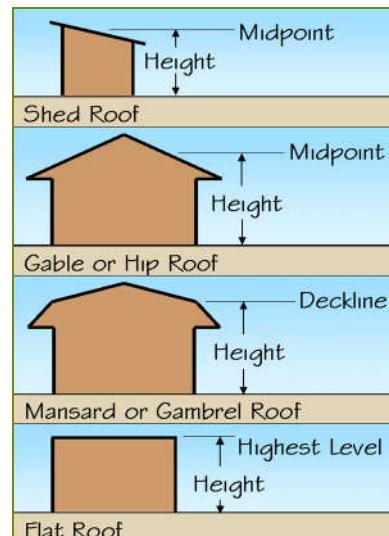
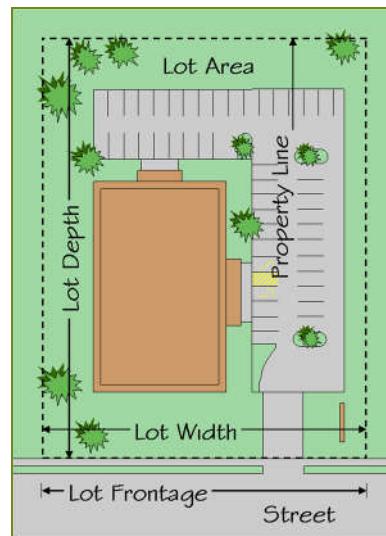
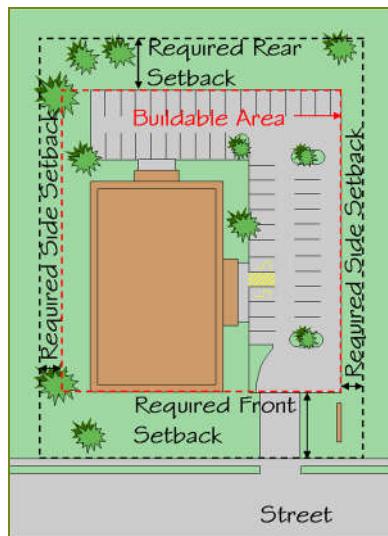
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-8.7 Bulk Regulations

OS Office/Service	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)
				Front (feet)	Min	Max	Min Side <sup>1</sup> (feet)	Min Rear <sup>2</sup> (feet)
<b>Permitted Uses</b>								
All Permitted Uses	---	---	---	20	---	---	---	75
<b>Conditional Uses</b>								
Licensed adult day services, Licensed child care center	3,500	50	50	20	---	---	---	---
All Other Conditional Uses	---	---	---	20	---	---	---	75

<sup>1</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.





Art Gallery



General office



Restaurant



Building mounted wind turbine

## 5-9 OC Office Commercial

The OC District is intended to encourage and permit the establishment of commercial business uses in mixed use specialty areas. This district will generally be located in areas which have developed, or are appropriate to develop, as limited retail districts. This district should also be located in areas adjacent to established commercial districts, in historic and/or architecturally significant areas where the adaptive reuse of existing buildings is encouraged, in areas of particular tourist interest and along arterial and/or collector streets which are suitable for more intensive commercial development.

### 5-9.1 Principal Permitted Uses

The following uses are permitted in the OC District:

1. Art gallery, museum or library
2. Artist studio
3. Bakery (retail only)
4. Barber or beauty shop
5. General office
6. Medical office
7. Multiple-family dwelling
8. Parking structure
9. Photographic studio
10. Place of religious exercise or assembly
11. Retail sales and service
12. School of private instruction
13. Single-family detached dwelling
14. Two-family dwelling
15. Any other specialty retail use of a similar nature and intensity
16. Licensed child care center
17. Registered Child Development Home

### 5-9.2 Conditional Uses

The following conditional uses may be permitted in the OC District subject to the provisions of **Section 8-5**:

1. Bar or tavern
2. Bed and breakfast home
3. Bed and breakfast inn
4. Licensed adult day services
5. Off-street parking
6. Private club
7. Restaurant
8. Tour home
9. Wind energy conversion system
10. Accessory dwelling unit

### 5-9.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Detached garage
2. Fence
3. Garage sale; no more than three per calendar year or three consecutive days per sale
4. Home-based business
5. Noncommercial garden, greenhouse or nursery
6. Off-street parking of vehicles
7. Satellite receiving dish
8. Solar collector
9. Sport, recreation or outdoor cooking equipment
10. Storage building

11. Tennis court, swimming pool or similar permanent facility
12. Wind turbine (building-mounted)
13. Solar Collector (freestanding array[s] are limited to not more than 100 aggregate square feet and 10 feet in height).

#### **5-9.4                   Temporary Uses**

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### **5-9.5                   Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**, except that a 25 percent reduction shall be allowed in the OC District for both permitted and conditional uses.

#### **5-9.6                   Signs**

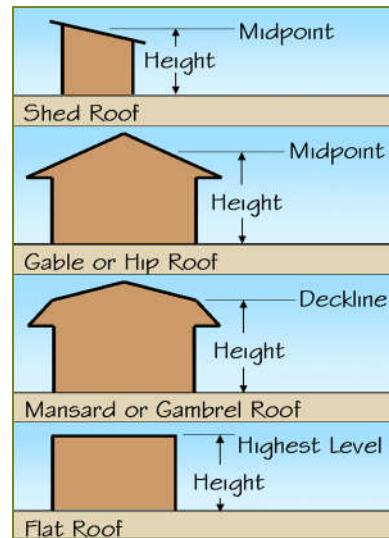
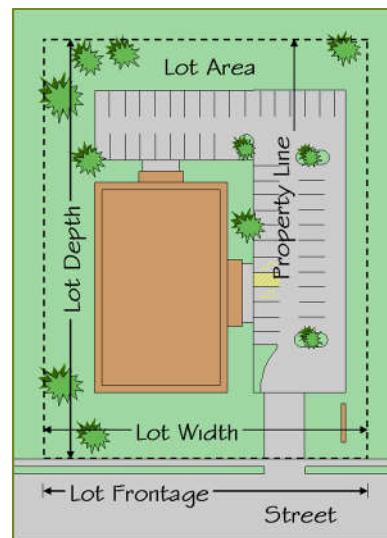
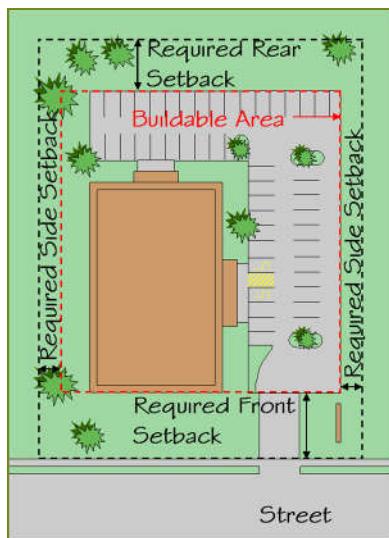
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

5-9.7

OC Office/Commercial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Min Front (feet)	Min Side (feet)	Min Rear (feet)	
<b>Permitted Uses</b>							
Single-family detached dwelling	5,000	50	50	10	3	20	40
Two-family dwelling	5,000	50	50	10	3	20	40
Multiple-family	1,200/du	---	50	10	3 <sup>1</sup>	20	40
Place of religious exercise or assembly	20,000	100	50	10	10	20	75 <sup>2</sup>
All Other Permitted Uses	---	---	50	10	3 <sup>1</sup>	20	40
<b>Conditional Uses</b>							
Bed and breakfast home			50	10	3	20	40
Bed and breakfast inn	---	---	50	10	3	20	40
Off-street parking lot	---	---	---	---	---	---	---
Parking structure	---	---	---	10	3	3	40
All Other Conditional Uses	---	---	50	10	3 <sup>1</sup>	20	40

<sup>1</sup> Plus one additional foot per floor above the second floor.<sup>2</sup> May be erected to a height not exceeding 75 feet, provided that such buildings shall provide at least one additional foot of yard space on all sides for each additional foot by which such building exceeds the maximum height limit of the district in which it is located.

### Bulk Regulations





Grocery store



School of dance



Medical office



Licensed child care center

## 5-10 C-1 Neighborhood Commercial

The C-1 District is intended to be established on a very limited basis, to provide individual parcels for commercial and residential uses in older buildings in the City's established neighborhoods, while maintaining neighborhood character and fostering opportunities for affordable housing.

### 5-10.1 Principal Permitted Uses

The following uses are permitted in the C-1 District:

1. Bakery (retail only)
2. Barber or beauty shop
3. Flower shop, garden store, or commercial greenhouse
4. General office
5. Grocery or drug store (maximum 3,500 square feet)
6. Laundromat
7. Multiple-family dwelling (maximum six dwelling units)
8. Place of religious exercise or assembly
9. Railroad or public or quasi-public utility, including substation
10. Retail sales and service
11. School of private instruction
12. Shoe repair
13. Single-family detached dwelling
14. Townhouse (maximum six dwelling units)
15. Two-family dwelling (duplex)
16. Licensed child care center
17. Registered Child Development Home

### 5-10.2 Conditional Uses

The following conditional uses may be permitted in the C-1 District, subject to the provisions of **Section 8-5**:

1. Gas station (not including service station)
2. Indoor restaurant
3. Licensed adult day services
4. Medical office
5. Wind energy conversion system
6. Accessory dwelling unit

### 5-10.3 Accessory Uses

The following uses may be permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Wind turbine (building-mounted)

### 5-10.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-10.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-10.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-10.7 Bulk Regulations

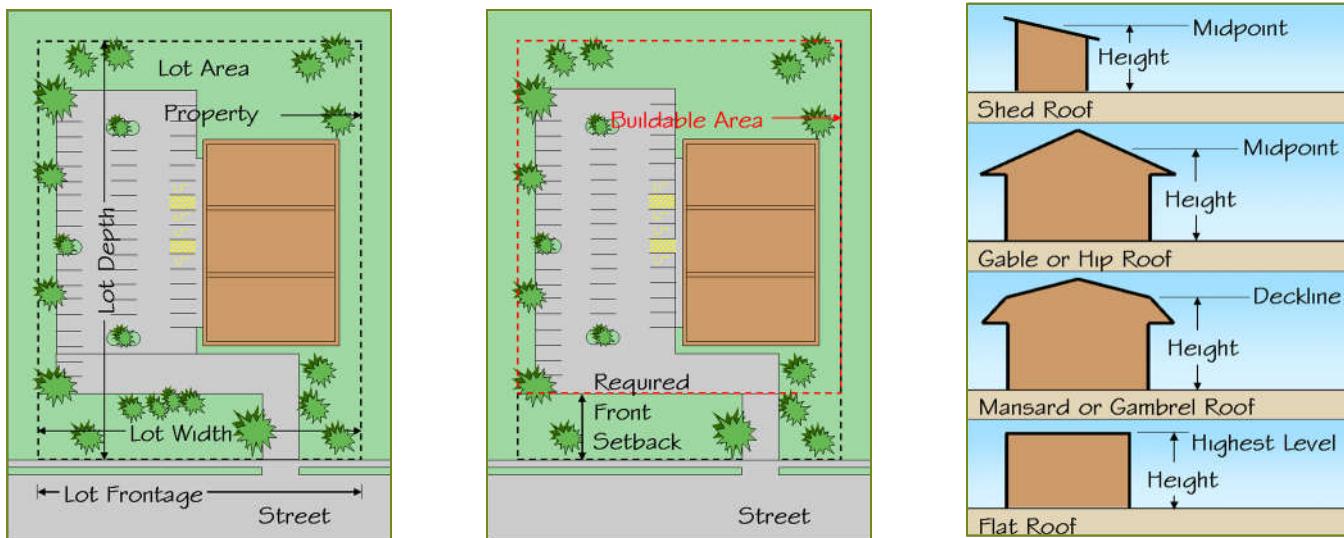
C-1 Neighborhood Commercial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)
				Front (feet)		Min Side <sup>2</sup> (feet)	Min Rear <sup>3</sup> (feet)	
				Min	Max	(feet)	(feet)	
All Uses	---	---	---	10 <sup>1</sup>	---	---	---	30

<sup>1</sup> Minimum 20 feet for garages facing a street.  
<sup>2</sup> When abutting a residential or office-residential district, a six foot side setback is required.  
<sup>3</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

### 5-10.8 Standards for Nonresidential Uses

The following standards shall apply to all nonresidential permitted and conditional uses in the C-1 District:

- A. The use shall be established in an existing structure that was designed for public, quasi-public, commercial, office, institutional, or industrial use.
- B. The structure was never converted to a residential use after the effective date of this section.
- C. The use shall be conducted entirely within the structure.
- D. There shall be no outdoor storage of equipment or materials on the property or adjacent public right-of-way.
- E. All vehicles in excess of two, used in conjunction with the use shall be stored within a building when they remain on the property overnight or during periods of nonuse, unless an alternate parking location is provided in a properly zoned area.





Drycleaner



Retail sales and service



Animal hospital



Passenger transfer facility

## 5-11 C-2 Neighborhood Shopping Center

The C-2 District is intended to ensure that the size of the commercial center, the nature of uses permitted and the locational characteristics are such that the grouping of such uses will not adversely affect surrounding residences and do not detract from the residential purpose and character of the surrounding neighborhoods.

### 5-11.1 Principal Permitted Uses

The following uses are permitted in the C-2 District:

1. Appliance sales or service
2. Artist studio
3. Automated gas station
4. Bank, savings and loan, or credit union
5. Barber or beauty shop
6. Furniture upholstery or repair
7. Furniture or home furnishing sales
8. Gas station
9. General office
10. Indoor restaurant
11. Laundry, dry cleaner, or laundromat
12. Medical office
13. Neighborhood shopping center
14. Photographic studio
15. Place of religious exercise or assembly
16. Public or private parks, golf course, or similar natural recreation areas
17. Railroad or public or quasi-public utility, including substation
18. Residential use above the first floor only
19. Retail sales and service
20. School of private instruction
21. Licensed child care center
22. Registered Child Development Home
23. Commercial Greenhouse

### 5-11.2 Conditional Uses

The following conditional uses may be permitted in the C-2 District, subject to the provisions of **Section 8-5**:

1. Animal hospital or clinic
2. Carwash, self-service
3. Licensed adult day services
4. Passenger transfer facility
5. Pet daycare or grooming
6. Restaurant, drive-in or carryout
7. Tattoo parlor
8. Wind energy conversion systems

### 5-11.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Wind turbine (building-mounted)

### 5-11.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

## 5-11.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

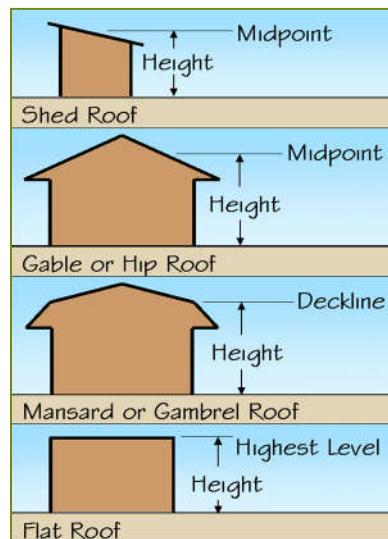
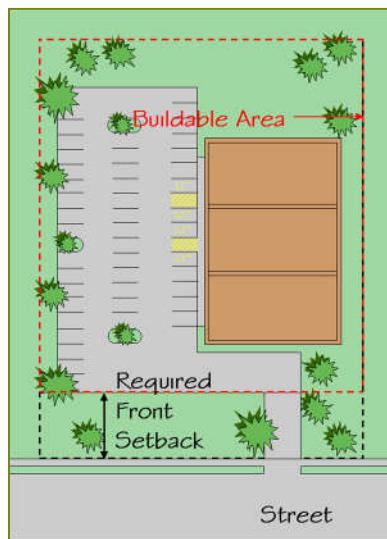
## 5-11.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

C-2 Neighborhood Shopping Center	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min Side <sup>2</sup> (feet)	Min Rear <sup>3</sup> (feet)	
All Uses	---	---	---	10 <sup>1</sup>	---	---	30

<sup>1</sup> Minimum 20 feet for garages facing a street.  
<sup>2</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.  
<sup>3</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

## 5-11.7



## Bulk Regulations



**Bank, savings and loan, or credit union**



**Residential above first floor**



**Pet daycare**



**Building mounted wind turbine**

## 5-12 C-2A Mixed Use Neighborhood

The C-2A District is intended to provide locations for small mixed use and commercial developments that are separated by at least one-quarter mile, and contain less than two acres in total developed area that serve one or more neighborhoods. The C-2A District is intended to be compatible with and serve surrounding residential areas by providing the goods and services for daily living. The C-2A District is intended to reduce the need for vehicular trips and provide a pedestrian-friendly walkable development.

### 5-12.1 Principal Permitted Uses

The following uses are permitted in the C-2A District:

1. Bank, savings and loan, or credit union
2. Barber or beauty shop
3. General office
4. Grocery store (less than 30,000 square feet)
5. Indoor restaurant (less than 100 seats)
6. Laundromat
7. Place of religious exercise or assembly
8. Railroad or public or quasi-public utility, including substation
9. Residential use located entirely above the first floor only
10. Retail sales and service (less than 3,500 square feet per business)
11. School of private instruction
12. Licensed child care center
13. Registered Child Development Home
14. Commercial Greenhouse

### 5-12.2 Conditional Uses

The following conditional uses may be permitted in the C-2A District, subject to the provisions of **Section 8-5**:

1. Animal hospital or clinic
2. Licensed adult day services
3. Pet daycare or grooming
4. Wind energy conversion systems

### 5-12.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Wind turbine (building-mounted)

### 5-12.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-12.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

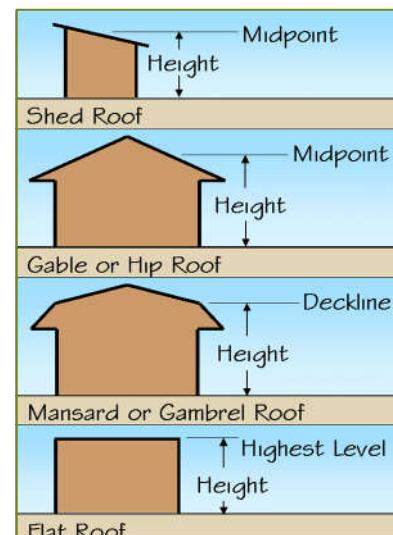
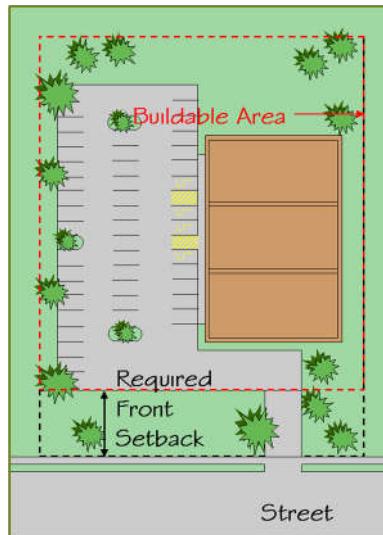
## 5-12.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

C-2A Mixed Use Neighborhood	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min Side <sup>2</sup> (feet)	Min Rear <sup>3</sup> (feet)	
All Uses	---	---	---	10 <sup>1</sup>	---	---	30

<sup>1</sup> Minimum 20 feet for garages facing a street.  
<sup>2</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.  
<sup>3</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

## 5-12.7 Bulk Regulations



**Department store****Indoor amusement arcade****Mini warehouse****Vehicle sales or rental**

## 5-13 C-3 General Commercial

The C-3 District is intended to provide locations for commercial uses which are designed to serve the motoring public or uses requiring highway or arterial locations.

### 5-13.1 Principal Permitted Uses

The following uses are permitted in the C-3 district:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Artist studio
4. Auditorium or assembly hall
5. Bakery (wholesale/commercial)
6. Bank, savings and loan, or credit union
7. Bar or tavern
8. Barber or beauty shop
9. Business services
10. Carwash, full service
11. Carwash, self service
12. Construction supply sales or service
13. Contractor shop or yard
14. Dental or medical lab
15. Department store (60,000 square feet maximum)
16. Farm implement sales or service
17. Furniture upholstery or repair
18. Gas station
19. General office
20. Grocery store
21. Hotel
22. Indoor amusement arcade
23. Indoor recreation facility
24. Indoor restaurant
25. Indoor theater
26. Laundry, dry cleaner, or laundromat
27. Medical office
28. Mini-warehouse
29. Mobile or manufactured home sales or service
30. Mortuary or funeral home
31. Moving or storage facility
32. Museum or library
33. Neighborhood shopping center
34. Parking structure
35. Pet daycare or grooming
36. Photographic studio
37. Place of religious exercise or assembly
38. Printing or publishing
39. Private club
40. Public or private parks, golf course, or similar natural recreation areas
41. Railroad or public or quasi-public utility, including substation
42. Residential use above the first floor only
43. Restaurant, drive in or carryout
44. Retail sales and service

45. School of private instruction
46. Service station
47. Tattoo parlor
48. Tour home
49. Vehicle body shop
50. Vehicle sales or rental
51. Vehicle service or repair
52. Vending or game machine sales or service
53. Wholesale sales or distributor
54. Licensed child care center
55. Registered Child Development Home
56. Commercial Greenhouse

#### **5-13.2            Conditional Uses**

The following conditional uses may be permitted in the C-3 District, subject to the provisions of **Section 8-5**:

1. Licensed adult day services
2. Outdoor recreation or outdoor amusement center
3. Passenger transfer facility
4. Wind energy conversion system

#### **5-13.3            Accessory Uses**

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Crematorium accessory to a mortuary or funeral home
3. Wind turbine (building-mounted)

#### **5-13.4            Temporary Uses**

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### **5-13.5            Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-13.6            Signs**

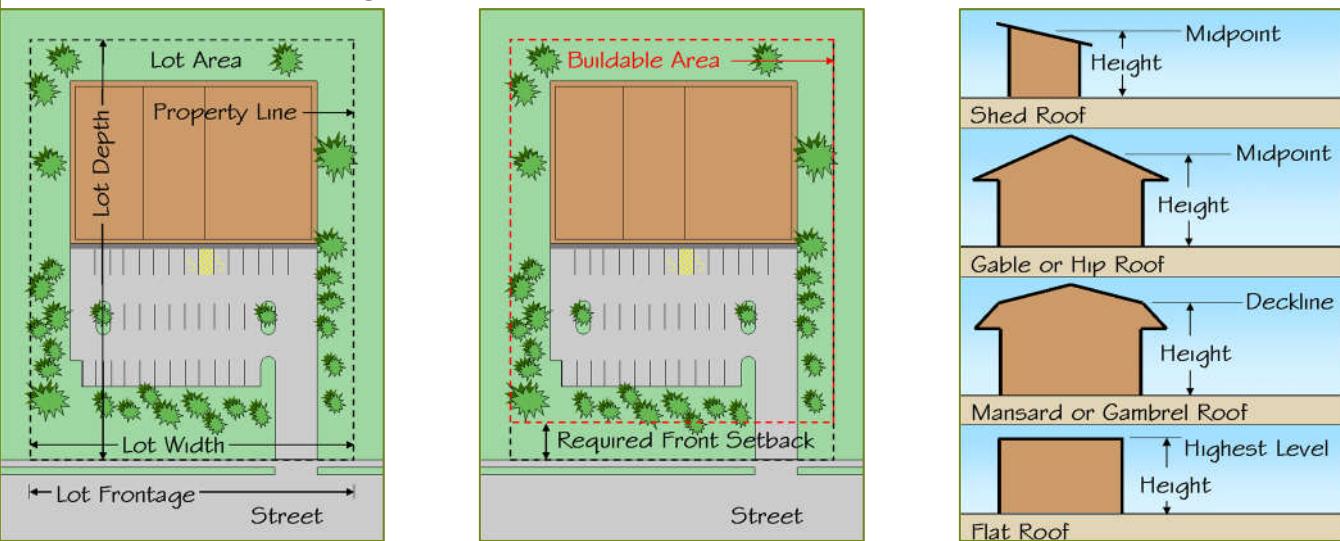
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

C-3 General Commercial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)
				Front (feet)		Min Side <sup>1</sup>	Min Rear <sup>2</sup>	
				Min	Max	(feet)	(feet)	
Licensed adult day services, Licensed child care center	5,000	50	50	20	---	---	---	40
Vehicle sales	20,000	---	---	20	---	---	---	40
All Other Uses	---	---	---	20	---	---	---	40

<sup>1</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

### 5-13.7 Bulk Regulations



**Department store**

## 5-14 C-4 Downtown Commercial

The C-4 District is intended to provide locations in the downtown commercial areas of the City for a large variety of uses. The C-4 District is not intended to have any application in undeveloped or newly developing areas of the City. The regulations for this district are designed to encourage the maintenance of existing uses and the private reinvestment and redevelopment of new uses.

### 5-14.1 Principal Permitted Uses

The following uses are permitted in the C-4 District:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Appliance sales or service
4. Art gallery, museum, or library
5. Artist studio
6. Auditorium or assembly hall
7. Automated gas station
8. Bakery (wholesale/commercial)
9. Banks, savings and loan, or credit union
10. Bar or tavern
11. Barber or beauty shop
12. Business services
13. Catalog center
14. Construction supply sales or service
15. Contractor shop or yard
16. Dental or medical lab
17. Department store
18. Furniture upholstery or repair
19. Furniture or home furnishing sales
20. Gas station
21. General office
22. Grocery store
23. Hotel
24. Housing for the elderly or persons with disabilities
25. Indoor amusement center
26. Indoor recreation facility
27. Indoor restaurant
28. Indoor theater
29. Laundry, drycleaner, or laundromat
30. Medical office
31. Mortuary or funeral home
32. Neighborhood shopping center
33. Parking structure
34. Pet daycare or grooming
35. Photographic studio
36. Place of religious exercise or assembly
37. Printing or publishing
38. Private club
39. Public, private or parochial school approved by the State of Iowa (K-12)
40. Railroad or public or quasi-public utility, including substation
41. Residential use above the first floor only
42. Retail sales or service
43. School of private instruction
44. Service station
45. Shoe repair
46. Supermarket

**Museum****Service station****Parking structure**

47. Tailor or alteration shop
48. Tattoo Parlor
49. Tour home
50. Upholstery shop
51. Vending or game machine sales or service
52. Wholesale sales or distributor
53. Licensed child care center
54. Registered Child Development Home
55. Commercial Greenhouse

#### 5-14.2 Conditional Uses

The following conditional uses may be permitted in the C-4 District, subject to the provisions of **Section 8-5**:

1. Carwash
2. Licensed adult day services
3. Off-street parking
4. Passenger transfer facility
5. Restaurant, drive-in or carryout
6. Vehicle body shop
7. Vehicle sales or rental
8. Vehicle service or repair
9. Wind energy conversion system

#### 5-14.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Crematorium accessory to a mortuary or funeral home
3. Drive-up automated bank teller
4. Wind turbine (building-mounted)

#### 5-14.4 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

#### 5-14.5 Parking

Off-street parking is not required. New surface off-street parking lots are prohibited unless approved by the City Council. Underground and above-ground parking garages are allowed provided they are an integral part of a new or existing building.

#### 5-14.6 Signs

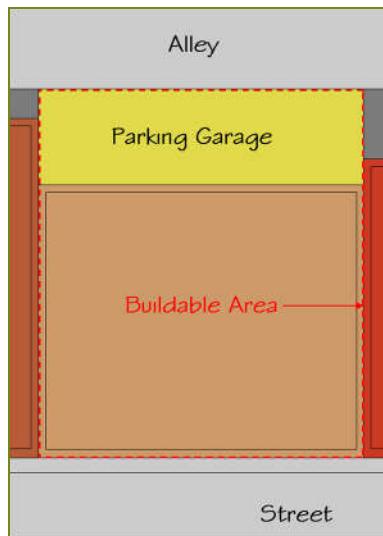
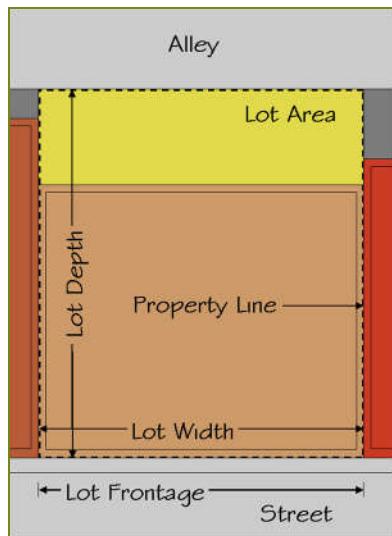
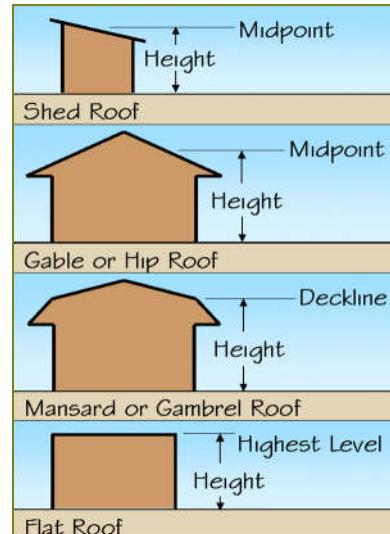
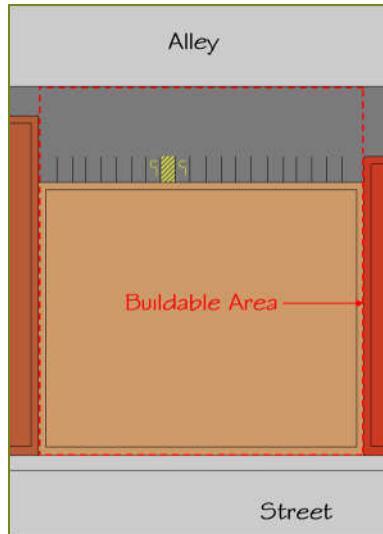
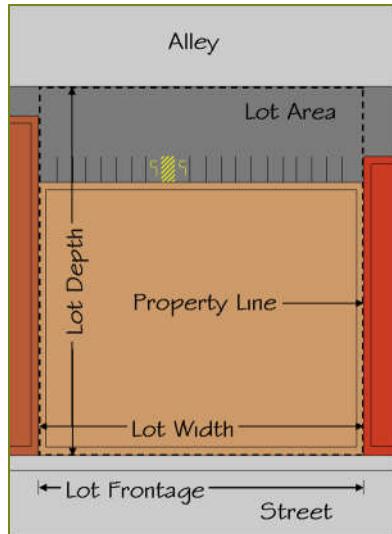
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

C-4 Downtown Commercial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Min Front (feet)	Min Side <sup>1</sup> (feet)	Min Rear <sup>2</sup> (feet)	
<i>Permitted Uses</i>							
Residential above 1st floor	---	---	---	---	---	---	75
Vehicle sales	20,000	---	---	---	---	---	75
All Other Permitted Uses	---	---	---	---	---	---	75
<i>Conditional Uses</i>							
Licensed adult day services, Licensed child care center	3,500	50	50	---	---	---	75
All Other Conditional Uses	---	---	---	10	---	---	75

<sup>1</sup> When abutting a residential or office-residential district, a six foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

### 5-14.7 Bulk Regulations



**General office**

## 5-15 C-5 Central Business

The C-5 District is intended to provide locations for a wide variety of uses. The district is intended to be applied to a very limited downtown business core.

**Hotel**

### 5-15.1 Principal Permitted Uses

The following uses are permitted in the C-5 district:

1. Appliance sales or service
2. Art gallery, museum, or library
3. Artist studio
4. Auditorium or assembly hall
5. Automated gas station
6. Bank, savings and loan, or credit union
7. Bar or tavern
8. Barber or beauty shop
9. Business services
10. Carryout restaurant (not including drive-in)
11. Catalog center
12. Convention center
13. Dental or medical lab
14. Department store
15. Furniture or home furnishing sales
16. Gas station
17. General office
18. Hotel
19. Housing for the elderly or persons with disabilities
20. Indoor amusement center
21. Indoor recreation facility
22. Indoor restaurant
23. Indoor theater
24. Laundry or dry cleaner
25. Medical office or clinic
26. Parking structure
27. Photographic studio
28. Places of religious exercise or assembly
29. Printing or publishing
30. Private club
31. Railroad or public or quasi-public utility, including substation
32. Regional shopping center
33. Residential use above the first floor only
34. Retail sales or service
35. School of private instruction
36. Service station
37. Shoe repair
38. Sport arena
39. Supermarket

**Retail sales and service****Sport arena**

40. Tailor or alteration shop
41. Tattoo parlor
42. Licensed child care center
43. Registered Child Development Home

#### **5-15.2 Conditional Uses**

The following conditional uses may be permitted in the C-5 district, subject to the provisions of **Section 8-5**:

1. Licensed adult day services
2. Passenger transfer facility
3. Wind energy conversion system

#### **5-15.3 Accessory Uses**

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Drive-up automated bank teller

#### **5-15.4 Temporary Uses**

The following uses may be permitted as temporary uses in the C-5 district in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district
2. Temporary surface parking lot may be allowed as part of a construction or redevelopment project
3. Wind turbine (building-mounted)

#### **5-15.5 Parking**

Off street parking is not required. New surface off-street parking lots are prohibited unless approved by the City Council. Underground and above-ground parking garages are allowed provided they are an integral part of a new or existing building.

#### **5-15.6 Signs**

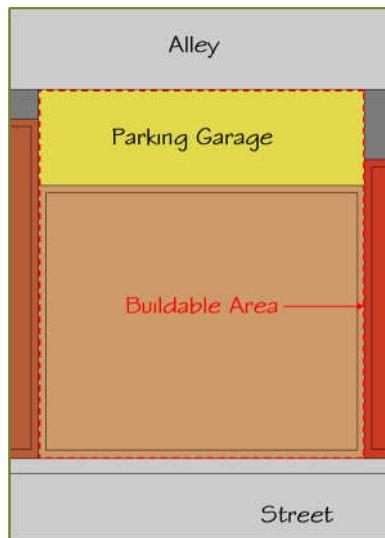
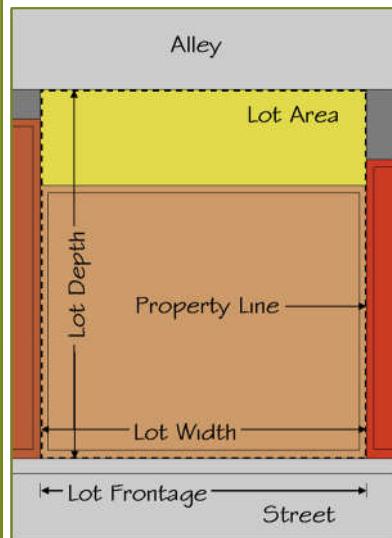
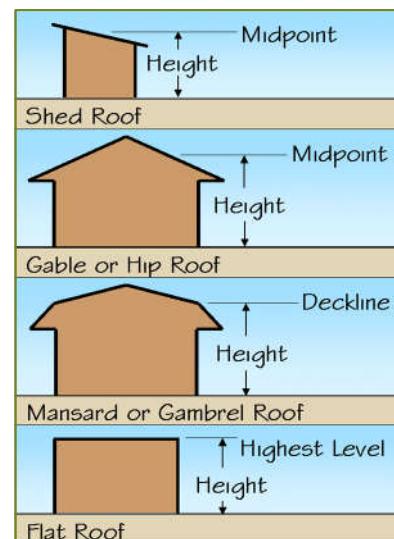
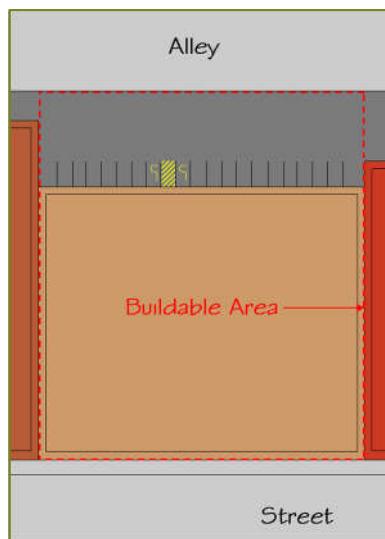
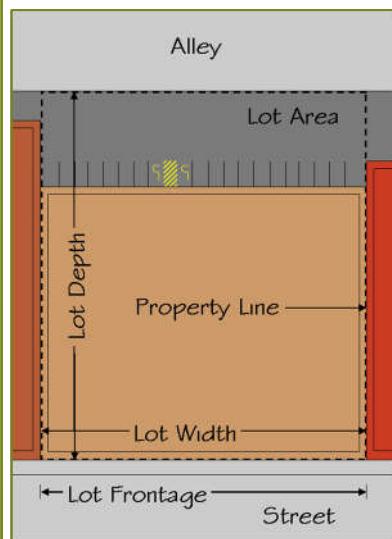
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

## 5-15.7

## Bulk Regulations

C-5 Business	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min	Max	
All Uses	---	---	---	---	---	---	---

<sup>1</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.





**Auto part sales or service**

## 5-16 CS Commercial Service and Wholesale

The CS District is intended to provide locations for a variety of business services, office uses, limited industrial activity and major wholesale operations. The CS uses are primarily characterized by large storage space requirements, high volume truck traffic and low volume customer traffic. It is intended that the CS District is one that provides a transitional zone that can be used between industrial and commercial uses and in cases where topography establishes a transitional area due to physical limitations between industrial and higher density residential development.

### 5-16.1 Principal Permitted Uses

The following uses are permitted in the CS District:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Appliance sales or service
4. Auto part sales or supply
5. Business services
6. Construction supply sales or service
7. Contractor shop or yard
8. Dental or medical lab
9. Farm implement sales or service
10. Freight transfer facility
11. Fuel or ice dealer
12. Furniture upholstery or repair
13. Furniture or home furnishing sales
14. General office
15. Kennel
16. Landscaping services (not including retail sales as primary use)
17. Lumberyard or building material sales
18. Mail order house
19. Mini warehousing
20. Moving or storage facility
21. Off street parking lot
22. Office supply
23. Pet daycare or grooming
24. Printing or publishing
25. Processing or assembly
26. Passenger transfer facility
27. Resource recovery/recycling center (indoor only)
28. Railroad or public or quasi-public utility, including substation
29. Refrigeration equipment sales or service
30. Upholstery shop
31. Vehicle body shop
32. Vehicle sales or rental
33. Vehicle service or repair
34. Vending or game machine sales or service
35. Wholesale sales or distributor
36. Licensed child care center
37. Registered Child Development Home
38. Commercial Greenhouse

### 5-16.2 Conditional Uses

The following conditional uses may be permitted in the CS district, subject to the provisions of **Section 8-5**:

1. Licensed adult day services



**Furniture or home furnishing sales**



**General office**



**Resource recovery/recycling center**

## 2. Wind energy conversion system

### 5-16.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves.
2. Wind energy turbine (building-mounted)

### 5-16.4 Temporary Uses

The following uses shall be permitted as temporary uses in the CS district in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district

### 5-16.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

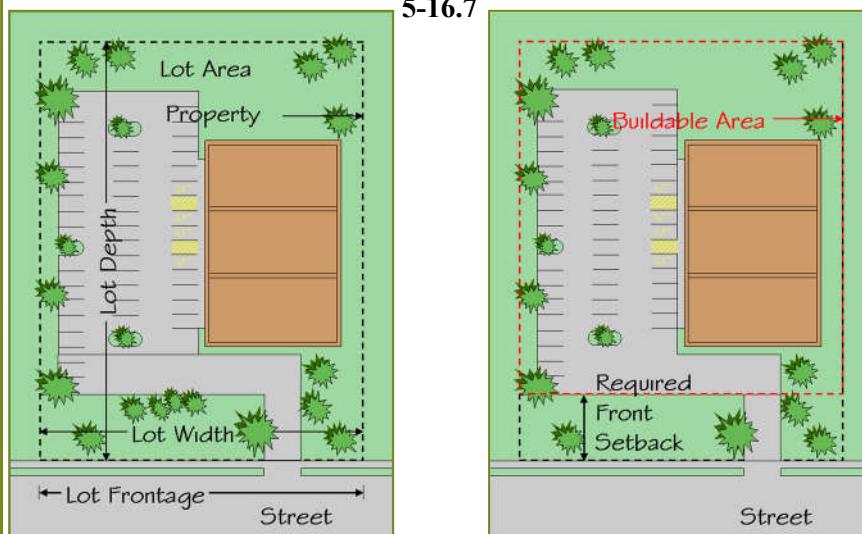
### 5-16.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

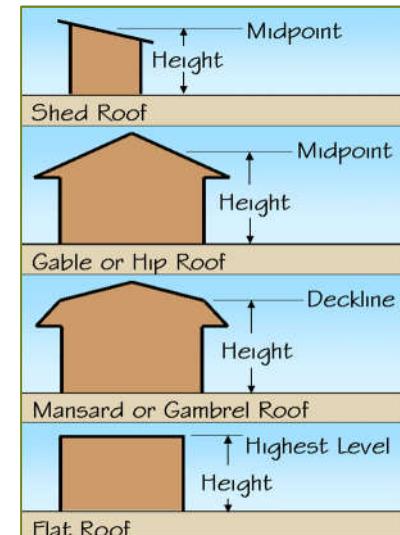
CS Commercial Service and Wholesale	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min	Max	
Vehicle sales	20,000	---	---	20	---	---	40
All Other Uses	---	---	---	20	---	---	40

<sup>1</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.

### 5-16.7



**Bulk Regulations**





**Health, sport, recreation, or athletic club or organization**



**Indoor theater**



**Marine vehicle sales or rental**



**Public or private park, golf course, or similar recreation area**

## 5-17 CR Commercial Recreation

The CR District is intended to provide for commercial recreation facilities, together with their supporting uses, which generally require large tracts of land and/or generate substantial volumes of traffic.

### 5-17.1 Principal Permitted Uses

The following uses are permitted in the CR district:

1. Art gallery, museum or library
2. Athletic field, stadium or sport arena
3. Auditorium or assembly hall
4. Bowling alley
5. Campground or recreational vehicle park
6. Carwash, self-service
7. Convention center
8. Dog and horse racing or track operation
9. Excursion boat or boat services
10. Gambling facility licensed by the State of Iowa
11. Health, sport, recreation or athletic club or organization
12. Hotel
13. Indoor amusement center
14. Indoor recreation facility
15. Indoor restaurant
16. Indoor theater
17. Laundry, dry cleaner or laundromat
18. Marine vehicle body shop
19. Marine vehicle sales or rental
20. Marine vehicle service or repair
21. Off street parking lot
22. Outdoor recreation
23. Parking structure
24. Passenger transfer facility
25. Place of religious exercise or assembly
26. Pleasure craft harbor
27. Private club
28. Public or private parks, golf course, or similar natural recreation areas
29. Railroad or public or quasi-public utility, including substation
30. Residential use above the first floor only
31. Retail sales and service
32. Tour home
33. Licensed child care center
34. Registered Child Development Home

### 5-17.2 Conditional Uses

The following conditional uses may be permitted in the CR district, subject to the provisions of **Section 8-5**:

1. Bar or tavern
2. Drive-up automated bank teller
3. Gas station
4. Licensed adult day services
5. Restaurant, drive-in or carryout
6. Wind energy conversion system

### 5-17.3 Accessory Uses

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves

## 2. Wind turbine (building-mounted)

**5-17.4 Temporary Uses**

The following uses shall be permitted as temporary uses in the CR District in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district.

**5-17.5 Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

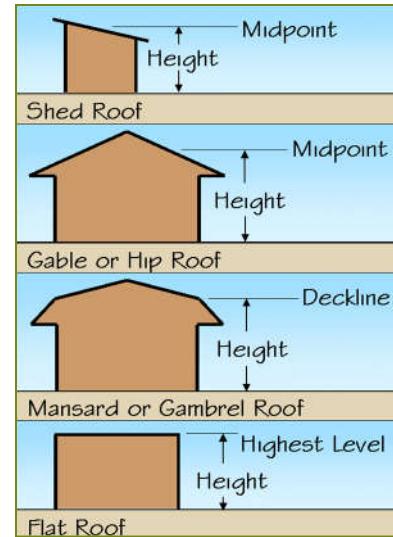
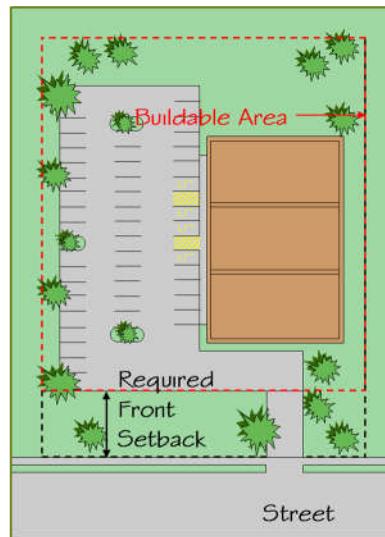
**5-17.6 Signs**

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

CR Commercial Recreation	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max lot Coverage (% lot area)	Setbacks			Max Height (feet)	
				Front (feet)		Min Side <sup>1</sup> (feet)		
				Min	Max			
Bar or tavern	---	---	---	20	---	---	40	
Gas station	---	---	---	20	---	---	40	
Drive thru or carryout restaurant	---	---	---	20	---	---	40	
All Other Uses	---	---	---	20	---	---	100	

<sup>1</sup> When abutting a residential or office-residential district, a 20 foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20 foot rear setback is required.

**5-17.7 Bulk Regulations**



**Cold storage or locker plant**

## 5-18 LI Light Industrial

The LI District is intended to provide locations for a variety of uses associated primarily in the conduct of light manufacturing, assembling and fabrication, warehousing, wholesaling and commercial service operations that require adequate accessibility to transportation facilities. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

### 5-18.1

#### Principal Permitted Uses

The following uses are permitted in the LI district:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Auto part sales
4. Automated gas station
5. Bakery (wholesale/commercial)
6. Bank, savings and loan, or credit union
7. Bar or tavern
8. Business services
9. Carwash, full service
10. Carwash, self service
11. Cold storage or locker plant
12. Construction supply sales or service
13. Contractors shop or yard
14. Dental or medical lab
15. Drive up automated bank teller
16. Farm implement sales, service or repair
17. Freight transfer facility
18. Fuel or ice dealer
19. Furniture upholstery or repair
20. Gas station
21. General office
22. Grocery store
23. Indoor recreation facility
24. Indoor restaurant
25. Kennel
26. Laboratory for research or engineering
27. Lumberyard or building materials sales
28. Mail order house
29. Manufacturing, secondary
30. Mini-warehousing
31. Mobile home sales
32. Moving or storage facility
33. Off street parking lot
34. Outdoor recreation facility
35. Parking structure
36. Passenger transfer facility
37. Pet daycare or grooming
38. Printing or publishing



**Laboratory for research or engineering**



**Lumberyard or building materials sales**



**Outdoor recreation facility**

39. Processing, packaging, or storing meat, dairy or food products, but not including slaughterhouses or stock-yards
40. Railroad or public or quasi-public utility, including substation
41. Restaurant, drive in or carryout
42. Service station
43. Tool, die, or pattern making
44. Resource recovery/recycling center (indoor only)
45. Upholstery shop
46. Vehicle body shop
47. Vehicle sales or rental
48. Vehicle service or repair
49. Vending or game machine sales or service
50. Warehousing or storage facility
51. Welding services
52. Wholesale sales or distributor
53. Licensed child care center
54. Registered Child Development Home

#### **5-18.2 Conditional Uses**

The following conditional uses may be permitted in the LI district, subject to the provisions of **Section 8-5**:

1. Licensed adult day services
2. Residential use
3. Wind energy conversion systems

#### **5-18.3 Accessory Uses**

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Drive-up automated bank teller
3. Wind turbine (building-mounted)

#### **5-18.4 Temporary Uses**

The following uses may be permitted as temporary uses in the LI district in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district.

#### **5-18.5 Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-18.6 Signs**

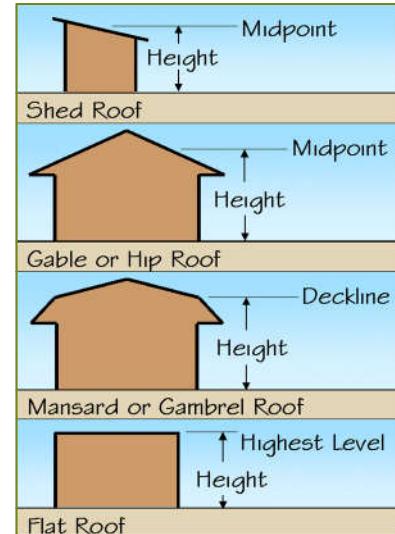
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-18.7 Bulk Regulations

LI Light Industrial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)		Min Side <sup>1</sup> (feet)	
				Min	Max	Min Rear <sup>2</sup> (feet)	
Vehicle Sales	20,000	---	---	---	---	---	50
All Other Uses	---	---	---	---	---	---	50

<sup>1</sup> When abutting a residential or office-residential district, a 20-foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20-foot rear setback is required.





Grain or barge terminal



Manufacturing, primary



Sewage treatment plant



Wind energy conversion system

## 5-19 HI Heavy Industrial

The HI District is intended to provide locations for industrial uses which by their nature generate levels of smoke, dust, noise, odors, or other visual impacts that render them incompatible with virtually all other land uses. The district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

### 5-19.1 Principal Permitted Uses

The following uses are permitted in the HI district:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Auto part sales
4. Automated gas station
5. Bakery (wholesale/commercial)
6. Bank, savings and loan, or credit union
7. Bar or tavern
8. Business services
9. Carwash, full-service
10. Carwash, self-service
11. Cold storage or locker plant
12. Construction supply sales and service
13. Contractors shop or yard
14. Convenience store
15. Crematorium, reduction plant, foundry, forge or smelter
16. Dental or medical lab
17. Drive-up automated bank teller
18. Farm implement sales, service or repair
19. Freight transfer facility
20. Fuel or ice dealer
21. Furniture upholstery or repair
22. General office
23. Grain or barge terminal
24. Indoor recreation facility
25. Indoor restaurant
26. Junkyard or salvage yard
27. Kennel
28. Laboratory for research or engineering
29. Lumberyard or building material sales
30. Mail order house
31. Manufacturing, primary
32. Manufacturing, secondary
33. Mini-warehousing
34. Mobile home sales
35. Moving or storage facility
36. Off street parking lot
37. Packaging, processing, or storing meat, dairy or food products
38. Passenger transfer facility
39. Parking structure
40. Resource recovery/recycling center (indoor only)
41. Pet daycare or grooming
42. Printing or publishing
43. Railroad or public or quasi-public utility, including substation

44. Restaurant, drive in or carryout
45. Sanitary landfill
46. Service station
47. Sewage treatment plant
48. Slaughterhouse or stockyard
49. Tool, die, or pattern making
50. Upholstery shop
51. Vehicle body shop
52. Vehicle sales or rental
53. Vehicle service and repair
54. Vending or game machine sales or service
55. Warehousing, packaging, distribution or storage facility
56. Welding services
57. Wholesale sales or distributor
58. Licensed child care center
59. Registered Child Development Home

#### **5-19.2 Conditional Uses**

The following conditional uses may be permitted in the HI district, subject to the provisions of **Section 8-5**:

1. Licensed adult day services
2. Retail sales and service
3. Residential use
4. Wind energy conversion system

#### **5-19.3 Accessory Uses**

The following uses are permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Drive-up automated bank teller
3. Wind turbine (building-mounted)

#### **5-19.4 Temporary Uses**

The following uses may be permitted as temporary uses in the HI district in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district.

#### **5-19.5 Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-19.6 Signs**

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

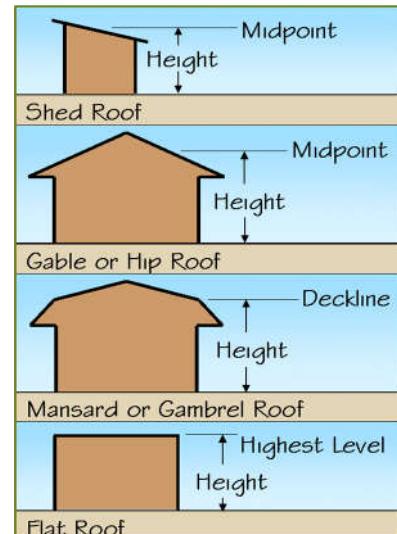
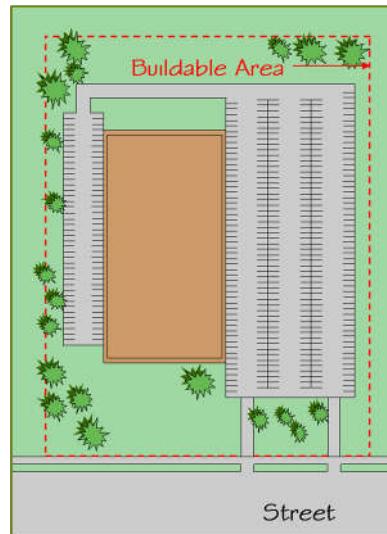
## 5-19.7

## Bulk Regulations

HI Heavy Industrial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)
				Front (feet)	Min	Max	
Vehicle sales	20,000	---	---	---	---	---	150
All Other Uses	---	---	---	---	---	---	150

<sup>1</sup> When abutting a residential or office-residential district, a 20-foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20-foot rear setback is required.





Dental or medical lab

## 5-20 MHI Modified Heavy Industrial

The MHI District is intended to provide locations for most heavy industrial uses, while also serving as a buffer for transitional and redeveloping areas, particularly along the U.S. 61/151 freeway corridor, from the most intense industrial uses which, by their nature, generate levels of smoke, dust, noise, odors, or other visual impacts that render them incompatible with virtually all other land uses. This district is also intended to provide locations for a limited amount of commercial development that will serve employees of surrounding industrial uses.

### 5-20.1 Principal Permitted Uses

The following uses are permitted in the MHI district:

1. Agricultural supply sales
2. Animal hospital or clinic
3. Auto part supply
4. Automated gas station
5. Bakery (wholesale/commercial)
6. Bank, savings and loan, or credit union
7. Bar or tavern
8. Business services
9. Carwash, full service
10. Carwash, self-service
11. Cold storage or locker plant
12. Construction supply sales or service
13. Contractors shop or yard
14. Convenience store
15. Dental or medical lab
16. Drive-up automated bank teller
17. Farm implement sales, service or repair
18. Freight transfer facility
19. Fuel or ice dealer
20. Furniture upholstery or repair
21. General office
22. Indoor recreation facility
23. Indoor restaurant
24. Kennel
25. Laboratory for research or engineering
26. Lumberyard or building material sales
27. Mail order house
28. Manufacturing, primary
29. Manufacturing, secondary
30. Mini-warehousing
31. Mobile home sales
32. Moving or storage facility
33. Off street parking lot
34. Passenger transfer facility
35. Parking structure
36. Pet daycare or grooming
37. Printing or publishing
38. Processing, packaging, or storing meat, dairy or food products, but not including slaughterhouse or stockyard
39. Railroad or public or quasi-public utility, including substation
40. Resource recovery/recycling center (indoor only)
41. Restaurant, drive-in or carryout
42. Service station
43. Tool, die, or pattern making
44. Upholstery shop



Farm implement sales, service or repair



Freight transfer facility



General office

45. Vehicle body shop
46. Vehicle sales or rental
47. Vehicle service or repair
48. Vending or game machine sales or service
49. Warehousing, packaging, distribution, or storage facility
50. Welding services
51. Wholesale sales or distributor
52. Licensed child care center
53. Registered Child Development Home

#### **5-20.2 Conditional Uses**

The following conditional uses may be permitted in the MHI district, subject to the provisions of **Section 8-5**:

1. Grain or barge terminal
2. Licensed adult day services
3. Residential use
4. Wind energy conversion system

#### **5-20.3 Accessory Uses**

The following uses shall be permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves
2. Drive-up automated bank teller
3. Wind turbine (building-mounted)

#### **5-20.4 Temporary Uses**

The following uses shall be permitted as temporary uses in the MHI district in conformance with the provisions of **Section 3-19**:

1. Any use listed as a permitted use within the district

#### **5-20.5 Parking**

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

#### **5-20.6 Signs**

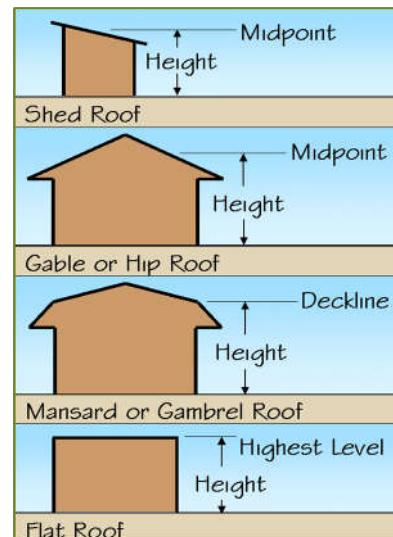
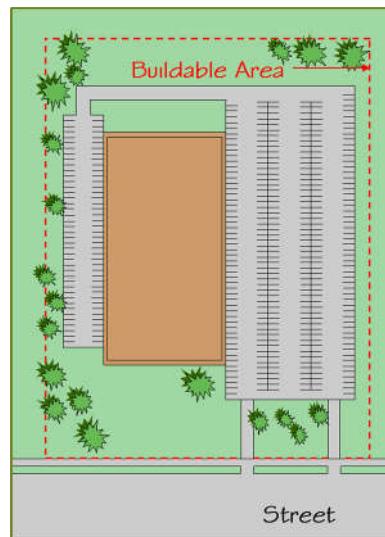
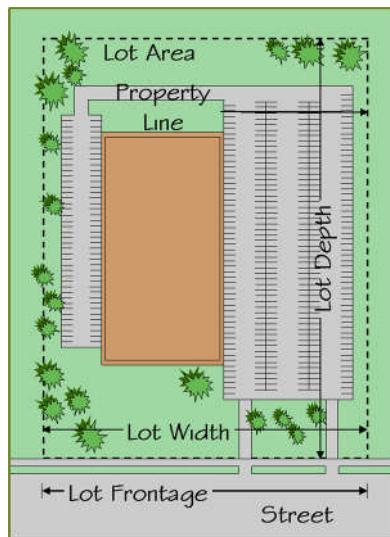
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

#### **5-20.7 Bulk Regulations**

MHI Modified Heavy Industrial	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height (feet)	
				Front (feet)		Min Side <sup>1</sup> (feet)	Min Rear <sup>2</sup> (feet)		
				Min	Max				
Vehicle sales	20,000	---	---	---	---	---	---	150	
All Other Uses	---	---	---	---	---	---	---	150	

<sup>1</sup> When abutting a residential or office-residential district, a 20-foot side setback is required.

<sup>2</sup> When abutting a residential or office-residential district, a 20-foot rear setback is required.





Farm, field crops

## 5-21 AG Agriculture

The AG District is intended to conserve farm land for agricultural purposes and to serve as a “holding” zone to prevent the premature development of large land acreages and of recently annexed land for which the most appropriate future use has not yet been determined.

### 5-21.1 Prohibited Uses

The following uses are prohibited in the AG district:

1. Feedlot
2. Livestock confinement operation

### 5-21.2 Principal Permitted Uses

The following uses are permitted in the AG district:

1. Farming and agriculture, including the raising of field crops and livestock, horticulture, forestry, animal husbandry, and similar farming activities
2. Noncommercial nursery
3. Railroad or public or quasi-public utility, including substation

### 5-21.3 Conditional Uses

The following conditional uses may be permitted in the AG district, subject to the provisions of **Section 8-5**:

1. Kennel
2. Retail sale of agricultural products
3. Wind energy conversion system
4. Winery

### 5-21.4 Accessory Uses

The following uses may be permitted as accessory uses as provided in **Section 3-7**:

1. Barbed wire or electric fences when used for livestock containment
2. Barn, shed or similar structure
3. Seasonal sale of produce grown on site
4. Single-family detached dwelling, provided it is located on a lot of 10 acres or more and is incidental and subordinate to an active agricultural use it serves
5. Wind turbine (building-mounted)

### 5-21.5 Temporary Uses

Temporary uses shall be regulated in conformance with the provisions of **Section 3-19**.

### 5-21.6 Parking

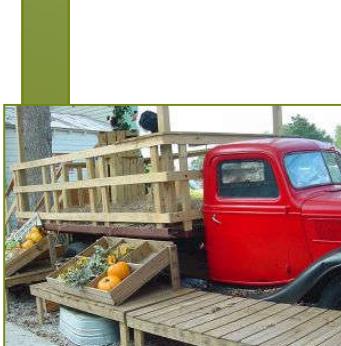
Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-21.7 Signs

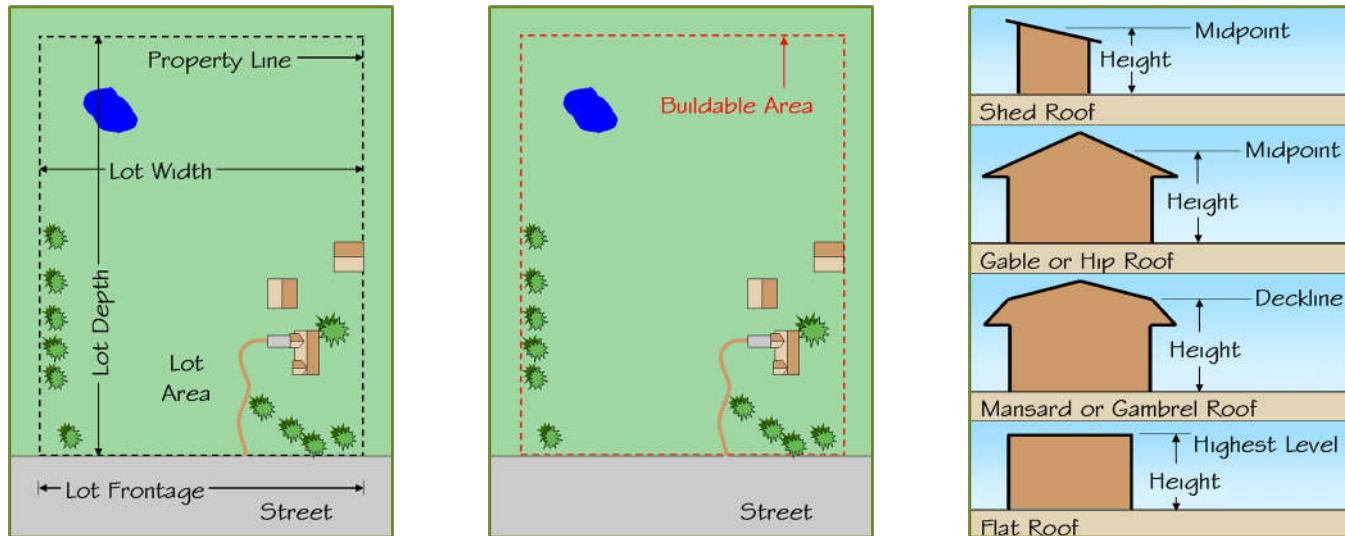
Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-21.8 Bulk Regulations

*Reserved for future use*



Seasonal sale of produce grown on site





Hospital

## 5-22 ID Institutional

The City Council finds that several factors distinguish institutions from other land use activities. The most significant feature of institutions is their tendency to function as substantially separate communities within the City. They maintain a large and definable resident population within a more or less discrete geographical area. Typically, a broad range of essential living services and facilities are provided by the institutions internally for both its resident and transitory populations. A second common feature of institutions is a primary educational, medical, religious, or charitable purpose. This distinguishes them from commercial nursing homes, hotels, boarding houses, and similar uses.



Library

The ID Institutional District is intended to address the particular problems and characteristics of Dubuque's many institutional facilities. It is the intent of this Code that this district shall only be applied to facilities possessing the characteristics of an institutional use set forth in this section.

It is further the intent of this Code that, because of the very substantial impact institutional uses may have upon the surrounding community, no expansion of an existing ID District will be permitted except in accordance with the provisions of this section, which requires a conceptual development plan to be filed and approved prior to institutional reclassification or substantial on-premises expansions.

### 5-22.1 Principal Permitted Uses

The following uses are permitted in the ID District, subject to the limitations found in this Section:

1. Business and secretarial school
2. Classroom, laboratory, lecture hall, auditorium or similar place of institutional assembly
3. College or university
4. Existing private use or structure for which the R-3 district standards shall apply
5. Farm, garden, nursery or greenhouse
6. Hospital
7. Library or museum
8. Medical facility and operation for the diagnosis, care, and treatment of human health disorders, including examination or operating rooms, physical therapy or X-ray facilities, psychiatric treatment, convalescent care, and similar hospital related uses. This provision shall include separate doctors' clinic, drugstore, or other medical facility not owned or operated by the principal institution, but only where such facility is functionally related to the institution and is included within the original institutional district boundary or the approved preliminary development plan.
9. Nursing or convalescent home for institutional residents or affiliates
10. Office for administrative personnel or other institutional employees or affiliates
11. Outpatient care facility
12. Place of religious worship or exercise
13. Recreational or athletic facility for the primary use and benefit of institutional residents or affiliates
14. Residential care facility
15. Seminary
16. Single-, two-, or multiple-family dwelling to house institutional residents or affiliates
17. Vocational school

### 5-22.2 Conditional Use

The following uses may be permitted in the ID Institutional District, subject to the provisions of **Section 8-5**:

1. Wind energy conversion system



Vocational school

### 5-22.3 Accessory Uses

The following uses may be permitted as accessory uses as provided in **Section 3-7**:

1. All other uses customarily incidental to the principal permitted use in conjunction with which such accessory use is operated or maintained, but not to include commercial uses outside a principal building
2. As an accessory use to a medical institution, and located entirely within a principal building, a facility for the compounding, dispensing, or sale of drugs or medicines, prosthetic devices, lotions and preparations, dental care supplies, eyewear, bandages or dressings, and similar medical or health-related supplies
3. As an accessory use to an educational institution and located entirely within a principal building, bookstore, or bar seating not more than 75 persons at one time and located not closer than 200 feet from the nearest residential or office-residential district
4. Licensed adult day services
5. Licensed child care center
6. Off-street parking and loading
7. Restaurant or cafeteria; flower shop; gift shop; and candy, cigar, or magazine stand; but only when operated and located entirely within a principal building
8. Wind turbine (building-mounted)

### 5-22.4 Procedures for District Establishment, Expansion, and Modification

- A. Application and Conceptual Development Plan Submission: Application for district establishment, expansion, or modification of new or existing structures within an established ID district shall be filed, along with the appropriate filing fee with the Planning Services Department. The application shall be accompanied by a conceptual development plan including:
  1. Written Information:
    - i. Legal description and address of property;
    - ii. Name, address and phone number(s) of the property owner(s);
    - iii. Proposed construction and landscaping schedule indicating the timing and sequence of each development activity;
    - iv. Existing and proposed uses for all buildings or structures;
    - v. Total area of property and all structures, existing and proposed; and
    - vi. Present and proposed type and number of parking spaces on the property
  2. Graphic Materials:
    - i. Complete property dimensions;
    - ii. The location, grade, and dimensions of all present and/or proposed streets or other paved surfaces and engineering cross sections of proposed new curbs and pavement;
    - iii. Proposed parking and traffic circulation plan, if applicable, showing location and dimensions of parking stalls, dividers, planters or similar permanent improvements; perimeter screening treatment, including landscaping, etc.;
    - iv. Location and dimensions of all buildings or major structures, both proposed and existing, showing exterior dimensions, number and area of floors, location, number and type of dwelling units, height of buildings, etc.;
    - v. Existing and proposed contours of the property taken at regular contour intervals not to exceed five feet, or two feet if the City Planner determines that greater contour detail is necessary to satisfactorily make the determinations required by this Code;
    - vi. The general nature, location, and size of all significant existing natural land features, including, but not limited to, sidewalks or paths, tree or bush masses, all individual trees over six inches in diameter, grassed areas, surface rock and/or soil features, and all springs, streams, or other permanent or temporary bodies of water; and

- vii. A location map or other drawing at appropriate scale showing the general location and relation of the property to surrounding areas, including, where relevant, the zoning and land use pattern of adjacent properties, the existing street system in the area, location of nearby public facilities, etc.
- B. Commission Hearing: A public hearing shall be held by the Zoning Advisory Commission on the application and conceptual development plan in the same manner and with the same public notice procedure as required for zoning classifications.
- C. Commission Recommendation: The Zoning Advisory Commission's recommendation shall be transmitted to the City Council with a statement of reasons in support of the recommendation. If the recommendation is one of approval, it shall contain recommended conditions or restrictions to be included in an ordinance authorizing the establishment or expansion of the ID District or its uses. The conditions or restrictions shall include, but not be limited to:
  1. Time limitations, if any, for submission of final development plans and commencement of construction.
  2. Uses permitted in this district.
  3. Lot and bulk and performance standards for the development and operation of the permitted uses.
  4. Requirement that any transfer of ownership or lease of property in the district include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the district.
- D. Conceptual Development Plan Approval: The Zoning Advisory Commission shall not approve the conceptual development plan unless and until the commission determines that such plan conforms to each of the following standards:
  1. The conceptual development plan is in substantial conformance with adopted comprehensive plans to guide the future growth and development of Dubuque.
  2. Expansions contemplated by the plan are justifiable and reasonable in light of the projected needs of the institution and the public welfare.
  3. The proposed additions or expansions are designed so as to be functionally integrated with the existing institutional facilities, with due regard to maintenance of safe, efficient, and convenient vehicular and pedestrian traffic.
  4. The proposed additions or expansions of use are permitted in the district and are of a location, size, and nature such that they are not likely to interfere with the appropriate use and enjoyment of property in abutting districts.
  5. The conceptual development plan will not violate any provision or requirement of this Code.
  6. Approval of the conceptual development plan shall be valid for a period of three years, provided that after the first year, if no final site development plan has been filed, the commission or council may require the resubmission of a conceptual development plan in conformity with the procedures and standards of this section.
  7. A new or amended conceptual development plan may be filed at any time following council approval.
- E. Council action. Upon receiving the recommendation of the Commission, the City Council shall act in the manner provided by law to approve or disapprove the requested zoning reclassification of the property. The affirmative vote of at least three-fourths of all the membership of the council shall be necessary to approve the conceptual development plan when the commission has recommended disapproval thereof, or to remove any conditions, requirements, or limitations imposed by the commission in approving the conceptual development plan.
- F. Submission of final site development plan. After passage of the ordinance authorizing the establishment of an ID Institutional District by the City Council, the applicant shall submit final site development plans to the City Planner within the period of time, if any, specified in said ordinance. The plans shall include detailed information as required of a final site plan for adequate consideration of the plans. The City Planner will judge the final site development plan for its conformance with the approved conceptual development plan, and if found to be in conformance with said plan, the issuance of building permits shall be permitted. Following approval of the final site development plan, no construction may take place except in substantial con-

formance with such plan. If the project is phased, then each phase would be considered on its own merit and be evaluated on the specific ordinance requirements establishing the district. The plans shall satisfy the subdivision regulations and other pertinent City ordinances where applicable.

**G. Development according to final site development plan.**

1. Site development plan review. No building permit shall be issued on any site unless a site development plan has been submitted and approved in accordance with the provisions of **Chapter 12** and such plan conforms with the conditions of the adopted conceptual development plan.
2. Construction of improvements or posting of bond. No buildings may be erected and no uses may occupy any portion of the district until the required related off-site improvements are constructed or appropriate security as determined by the zoning commission is provided to ensure construction. If the institutional district is to be developed in phases, all improvements necessary to the proper operation and functioning of each phase even though same may be located outside of the section, must be constructed and installed, or appropriate security as determined by the zoning commission must be provided to ensure their construction.

**H. Changes from plan.** After recording of a final site development plan, changes not inconsistent with the purpose or intent of this section may be approved by the Zoning Advisory Commission. Changes affecting the purpose or intent of this section shall require a new petition to be filed.

**5-22.5 Prohibition on Commencement of Use by Parties Unassociated with the Principal Institution**

- A. Within an existing ID Institutional District, no principal use other than those provided for in this district may be commenced by any person(s) except:
  1. The principal institution or its agent; or
  2. A person under contractual or other legally binding obligation to provide services to such institution (e.g., the independent operator of a student cafeteria); or
  3. The person or persons operating a doctors' clinic or other facility permitted under the principal permitted uses of this section.
- B. The purpose of this provision is to prohibit the commencement of principal uses unrelated to the promotion of the primary educational, charitable, religious, or medical purpose of the institution, by requiring purchasers of institutional land and/or buildings to seek appropriate reclassification of the property prior to commencement of any noninstitutional use on the premises.

**5-22.6 District Standards**

The specific ordinance establishing a particular institutional district, or resolutions adopted pursuant thereto, shall provide standards for the design, development, operation and maintenance of uses and structures. These standards may include, but are not limited to:

- A. Control of operations outside of enclosed buildings.
- B. Control of lighting and utilities.
- C. Provision of landscaping and protection of natural areas.
- D. Control of refuse collection areas.
- E. Off-street parking and loading requirements. When parking requirements are not included in the adopting ordinance establishing the specific ID District, then **Chapter 14** shall apply.
- F. Control of signage. When signage requirements are not included in the adopting ordinance establishing the specific ID District, then **Chapter 15** shall apply.

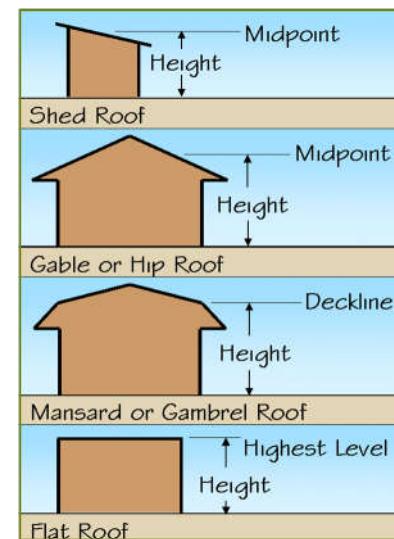
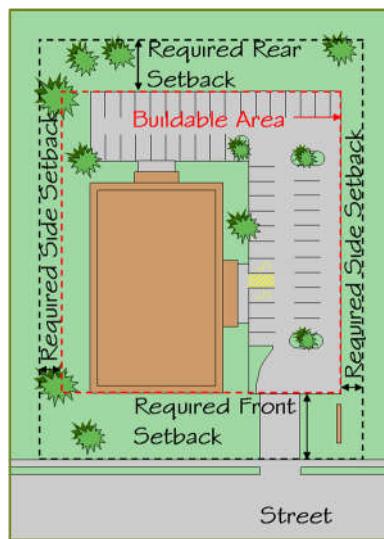
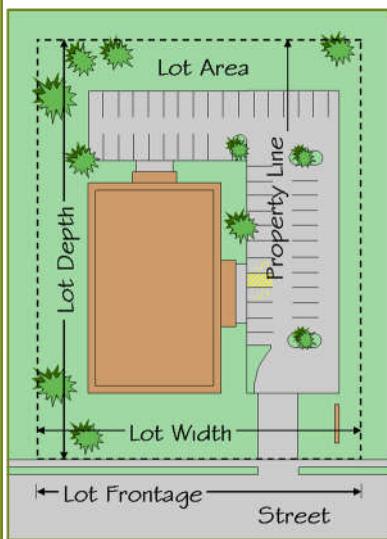
## 5-22.7

## Bulk Regulations

ID Institutional	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks				Max Height <sup>2</sup> (feet)
				Front (feet)	Min	Max	Min Side <sup>1</sup> (feet)	Min Rear <sup>1</sup> (feet)
All Uses	---	---	---	20	---	10	10	120

<sup>1</sup> When abutting a residential or office-residential district, the setback shall be increased by an additional two feet per story above the first.

<sup>2</sup> Height shall be measured from the lowest at-grade elevation along any wall.





Public park



Natural recreation area

## 5-23 POS Public Open Space

The POS District is intended to provide open space for passive recreation, to protect and conserve natural, historic or cultural resources, to provide habitat for wildlife, to prevent development in environmentally sensitive locations such as bluffs, wetlands, floodplains and drainageways; to serve as a buffer between differing land uses or to provide natural beauty in an urban environment.

### 5-23.1 Principal Permitted Uses

The following uses are permitted in the POS District:

1. Public or private park, golf course, or similar natural recreation area
2. Railroad and public or quasi-public utility, including substation, but not including offices or storage

### 5-23.2 Conditional Uses

The following conditional uses may be permitted in the POS district, subject to the provisions of **Section 8-5**:

1. Recreational use

### 5-23.3 Accessory Uses

The following uses may be permitted as accessory uses as provided in **Section 3-7**:

1. Any use customarily incidental and subordinate to the principal use it serves

### 5-23.4 Temporary Uses

The following uses may be permitted as temporary uses in the POS district in conformance with the provisions of **Section 3-19**:

1. Uses of a recreational or amusement nature

### 5-23.5 Parking

Minimum parking requirements shall be regulated in conformance with the provisions of **Chapter 14**.

### 5-23.6 Signs

Signs shall be regulated in conformance with the provisions of **Chapter 15**.

### 5-23.7 Bulk Regulations

POS Public Open Space	Min Lot Area (square feet)	Min Lot Frontage (feet)	Max Lot Coverage (% lot area)	Setbacks			Max Height (feet)	
				Front (feet)		Min Side (feet)		
				Min	Max			
All Uses	N/A	N/A	N/A	25	N/A	25	25	

## 5-24 PUD Planned Unit Development

### 5-24.1 Purpose

- A. The Planned Unit Development (PUD) District is intended to encourage flexible and innovative design in the development of appropriate sites as integrated project units. Regulations for this district are designed to:
  1. Allow a workable, interrelated mix of diverse land uses;
  2. Encourage flexibility in design for efficiency and cost savings for the developer and the community;
  3. Maximize the potential for large-scale office, residential, commercial and industrial development and at the same time reduce to a minimum the impact of the development on surrounding land uses and the natural environment;
  4. Encourage new development to preserve and utilize existing land characteristics and features which offer visual recreational benefits or other amenities;
  5. Promote the economic, attractive, innovative and harmonious arrangement and design of new buildings, streets, utilities and other improvements or structures;
  6. Provide a living, working and shopping environment within the layout of the site that contributes to a sense of community and a coherent lifestyle;
  7. Provide for the creation and preservation of more and larger useable public or common open spaces than would normally be provided under conventional development;
  8. Encourage the careful design and planning of larger development projects;
  9. Give developers reasonable assurances regarding project approvals before the unnecessary expenditure of design efforts, while providing the City with appropriate assurances that approved PUD's will retain the character envisioned at the time of project approval.
- B. Property may be reclassified to the planned unit development designation when the proposed development plan will promote the purpose of the district and this ordinance and is formulated in conformance with the review procedures and standards of this section.

### 5-24.2 General Requirements

A PUD may be established on any parcel of two acres or more in size for residential, office, commercial or industrial development. A PUD is required for all retail commercial uses open to the public or members which have over 60,000 square feet of building area. A PUD is also required for regional shopping centers, manufactured home parks, biofuels production facilities, commercial wind energy conversion systems and for all new industrial parks and all new office parks. Any structure existing at the time of adoption of this Code which is expanded for retail commercial use to over 60,000 square feet of building area and which expansion constitutes an increase of 25 percent or more to the building area shall be subject to this section, including rezoning to PUD. Such PUD district designation(s) shall be shown on the Official Zoning Map as a P followed by a letter designating the primary use, C (commercial), O (office), I (industrial), or R (residential); i.e. PC, PO, PI, and PR.

### 5-24.3 Development Regulations

Lots, uses, signs and structures shall conform to the bulk, sign, parking and any other development regulations specifically provided in the ordinance establishing the PUD; however, PUD districts established prior to adoption of this Code without specific bulk, sign, parking and other development regulations shall be regulated by the regulations of the most compatible district allowing the existing uses which are in the PUD. In all PUDs the following minimum standards shall be met:

#### A. General Standards:

1. The density and design of the PUD shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
2. The PUD shall take into consideration the impact in existing streets and utilities.
3. The economic, environmental and neighborhood impacts of the development shall be considered.

4. The PUD shall conform to the adopted Comprehensive Plan.

B. Specific Standards:

1. Maximum land coverage of all buildings and impermeable areas shall be established.
2. Minimum open space shall be established and continued maintenance of the open space shall be provided in the specific PUD ordinance.
3. Minimum interior and perimeter setbacks shall be established.
4. Maximum height limitations shall be established.
5. Minimum landscape screening requirements shall be established.
6. Sign regulations for the PUD development shall be established.
7. Provision for the continued maintenance of all improvements shall be noted within the ordinance establishing the PUD district.

C. Other Conditions: Other conditions may be required, if found necessary to protect and promote the best interests of the surrounding property or the neighborhood. These conditions may include, but are not limited to, the following:

1. Improvement of traffic circulation for vehicles and pedestrians in the proposed development and adjoining properties and streets.
2. Specific landscaping/screening/lighting requirements to maintain privacy or reduce impacts in adjoining properties.
3. Joint use of private open space or amenities by adjoining property owners.

D. Due consideration shall be given to the natural topography and major grade changes shall be avoided. If the development includes hillsides and slopes, special evaluation is given to geological conditions, erosion and topsoil loss.

E. If unfavorable development conditions exist, the Zoning Advisory Commission and City Council may restrict clearing, cutting, filling, or other substantial changes in the natural conditions of the affected area.

#### **5-24.4 Procedure to Establish, Amend, or Expand a PUD**

A. Preapplication Conference: Prior to any application for PUD district establishment, the applicant and/or their representative shall meet with planning services staff to determine the applicability of the development, timing of procedure, and any other information pertinent to the proposal.

B. Application and Submission of Conceptual Development Plan: After the preapplication conference, the application for PUD district establishment shall be filed with the established filing fee with the Planning Services Department. The application shall be submitted with a conceptual development plan including the following:

1. Legal description and address of property.
2. Name, address and phone number(s) of the property owner(s).
3. Number, type and general location of residential units.
4. General location and type of nonresidential uses including commercial, office and industrial uses.
5. List of principal permitted uses, conditional uses, accessory uses, and temporary uses.
6. General location and type of recreational (passive and active) and open space (usable and nonusable) areas.
7. Location of existing infrastructure and utilities, including: streets with appropriate grades, sidewalks; access drives; water, sanitary sewer and storm sewer drainage systems, where appropriate.
8. Proposed access to public right-of-way, including approximate grades, traffic projections and general indication of traffic control measures.

9. Sketches to indicate the general design of building types and the overall character of development.
10. Existing contours of the property taken at regular contour intervals.
11. Proposed parking facilities, including surface lots, ramps and loading/delivery areas.
12. Location of natural features, including woods, bluffs, waterway courses, floodways and meadows.
13. Conceptual landscape plan showing berms, plantings and fences.
14. Proposed development conditions for bulk, sign and parking regulation.
15. A location map or other framing at appropriate scale showing the general location and relation of the property to surrounding areas, including the zoning and land use pattern of adjacent properties, the existing street system in the area, and location of nearby public facilities.
16. Other information as required by the Planning Service Department as necessary.

C. Commission Hearing. A public hearing shall be held by the Zoning Advisory Commission on the PUD application in the same manner and with the same public notice procedure as required for zoning reclassification.

#### **5-24.5 Plan Approval Standards**

The PUD shall not be approved unless and until the City Council determines that the conceptual development plan conforms to each of the following standards:

- A. The conceptual development plan is in substantial conformance with the Comprehensive Plan to guide the future growth and development of the City.
- B. The proposed development is designed so as to be functionally integrated with existing City streets, sanitary and storm sewer and water service.
- C. The proposed development shall not interfere with the appropriate use and enjoyment of property on abutting districts.
- D. The conceptual development plan will not violate any provision or requirement of this Code.
- E. Natural drainage areas are retained as appropriate and improved if necessary.
- F. Due consideration is given to preserving natural site amenities and minimizing the disturbance to the natural environment.
- G. Existing trees are preserved wherever possible, and the location of trees will be considered in designing building locations, underground services, and paved areas.
- H. If the development includes floodplain areas, any development within the floodplain shall conform to the Floodplain Hazard Overlay District regulations in accordance with **Section 6-4**.

#### **5-24.6 Commission Recommendation**

The Zoning Advisory Commission's recommendation shall be transmitted to the City Council with a statement of reasons in support of, or in opposition to, the application, and with recommended conditions or restrictions to be included in an ordinance authorizing the PUD district. The conditions or restrictions shall include, but not be limited to:

- A. Time limitations, if any, for submission of final site plans and commencement of construction.
- B. Uses permitted in the District.
- C. Lot, bulk and performance standards for the development and operation of the permitted uses.
- D. Requirement that any transfer of ownership or lease of property in the District include in the transfer or lease agreement a provision that the purchaser or lessee acknowledges awareness of the conditions authorizing the establishment of the District.
- E. The submittal and approval of a final site plan may be required by the Zoning Advisory Commission to determine if the final detailed plans are in conformance with the conceptual development plan.

**5-24.7                    Council Action**

- A. Upon the recommendation of the Zoning Advisory Commission, the City Council shall act in the manner provided by law to approve or disapprove the requested PUD zoning reclassification of the property. The affirmative vote of at least three-fourths of all the membership of the Council shall be necessary to approve the conceptual development plan when the Commission has recommended disapproval thereof, or to remove any conditions, requirements, or limitations imposed by the Commission in approving the conceptual development plan.
- B. The ordinance authorizing the establishment, expansion, or amendment of a PUD district shall be recorded in the office of the Dubuque County Recorder at the applicant's expense.

**5-24.8                    Development to Follow Approved Site Plan**

- A. Submission of Final Site Plan. After adoption of the ordinance establishing the PUD by the City Council, the applicant shall submit a final site plan to the City Planner prior to development. The final site plan shall be in substantial conformance with approved conceptual development plan.
- B. Site Plan Review. No building permit shall be issued for any site unless a final site plan has been submitted and approved in accordance with the provisions of **Chapter 12** and unless such plan conforms with the conditions of the adopted conceptual development plan and PUD ordinance.
- C. Construction of Improvements and Posting of Bond. No buildings may be erected and no uses may occupy any portion of the PUD district until the required related off-site improvements are constructed or appropriate security as determined by the City Manager is provided to ensure construction. If the PUD district is to be development in phases, all improvements necessary for the proper operation and functioning of each phase, even though some improvements may be located outside of the section, must be constructed and installed or appropriate security as determined by the City Manager must be provided to ensure their construction.
- D. Changes from Conceptual Plan. After recording of a final site plan, nonmaterial changes consistent with the purpose or intent of this Section may be approved by the City Planner. Material changes affecting the purpose or intent of this Section shall require a new application to be filed.

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## Chapter 6: Overlay Districts

### 6-1 RROD Rural Residential Overlay District

The RROD Rural Residential Overlay District is intended to accommodate change and encourage development, to reduce obstacles to desirable development, and to avoid the creation of nonconformities for agricultural property.

#### 6-1.1 Applicability

Areas designated as RROD shall be identified on the Official Zoning Map. The overlay zoning district designation supplements, but does not replace the underlying AG Agriculture zoning district except as otherwise provided herein.

#### 6-1.2 Establishment of R-1 Single-Family Residential Zoning District

At the time of approval of an application for an R-1 Single-Family Residential subdivision the underlying AG Agriculture zoning classification on the subdivision shall automatically cease, and the regulations of the R-1 Single-Family Residential District shall apply. The City Planner shall remove the existing underlying AG Agriculture zoning district from the Official Zoning Map at the next regular updating thereof, and establish R-1 Single-Family Residential District, as set forth in **Section 5-2**, as the new zoning district for the property.

#### 6-1.3 Reclassification to Original Underlying or Any Other Zoning District

Any person may request a reclassification of property within this overlay district to the original underlying zoning district or any other zoning district listed in **Section 5-1.4**. The procedure for such a reclassification shall be that established by **Section 9-5**. The overlay district shall be replaced by the new zoning district.

### 6-2 RHOD Restricted Height Overlay District

It is recognized that in addition to height restrictions in other sections of this Code, certain areas shall need to be further restricted in terms of height of structures or natural objects. Such restrictions are necessary for emergency communication transmission and reception and other legitimate public safety concerns.

#### 6-2.1 Applicability

- A. Areas designated as RHOD shall be identified on the Official Zoning Map.
- B. The overlay zoning district designation supplements, but does not replace the underlying zoning district except as otherwise provided herein.
- C. Such designation shall not affect usage of the property within the parameters of its zoning classification except that no structure shall be allowed to exceed the height above sea level specified in **Section 6-2.2**.

#### 6-2.2 Area Designations and Height Limitations

The following areas shall be designated as RHOD districts, within which the following height limits shall be observed:

- A. A strip of land 100 feet wide from the communication tower at Sunnycrest Care Facility to the communication tower at the Peosta Water Tower, insofar as said strip of land exists within the corporate limits of the City. The maximum height allowed in this corridor shall be 1,000 feet above mean sea level as determined by a qualified engineer licensed under the laws of the State of Iowa.
- B. A strip of land 100 feet wide extending a point which is 670 feet above mean sea level at the Dubuque Law Enforcement Center to a point which is 930 feet above mean sea level at Sunnycrest Manor in which no structure may be built to a height exceeding the relative height of a line drawn between these two elevations. The maximum height allowed in this corridor shall be determined by a qualified engineer licensed under the laws of the State of Iowa.

### 6-3 SOD Freeway 61/151 Corridor Signage Overlay District

#### 6-3.1 Purpose

The Signage Overlay District (SOD) has been established along the three mile long Freeway 61/151 corridor to:

- A. Acknowledge the importance of the freeway corridor as a unique gateway to and through the City;
- B. Identify the lands lying along and adjacent to the freeway and extending to the Mississippi River as requiring special attention in terms of visual aesthetics;
- C. Protect and enhance the vistas both from and to the City and the Mississippi River valley along the freeway;
- D. Eliminate the potential visual clutter viewable from the freeway while allowing the opportunity for signage, where possible, which is appropriate in terms of size, height and spacing; and
- E. Create clearly understandable and enforceable regulations for a specially defined district in the City.

### **6-3.2                   Boundary**

The SOD shall encompass the land as indicated on the official SOD map of the City, adopted separately and incorporated herein by reference, which district is generally described as all land within 660 feet of the westerly or northerly edge of the Freeway 61/151 right-of-way, from Grandview Avenue north to and including Schmitt Island, and extending east to the City's corporate limits, and including the area lying east of the upper bluff line between Southern Avenue and First Street, excluding the area within the Port of Dubuque. The SOD is further divided into subareas, as follows:

- A. Area A: all land east of Locust Street from Grandview Avenue north to Camp Street north of the U.S. Highway 61/151 right-of-way and the extension of Railroad Avenue east of U.S. 61/151 right-of-way east to the City's corporate limits;
- B. Area B: all land west of Locust Street from the intersection of Locust Street and Southern Avenue north to Dodge Street and extending west to the upper bluff line;
- C. Area C: all land east of the shoreline of Peosta Channel, including Schmitt Island;
- D. Area D: all remaining land within the SOD;
- E. Area X: all land east of Locust Street from Camp Street north to Dodge Street and the Julien Dubuque Bridge, and extending east to the railroad right-of-way;
- F. Area Y: all land west of Locust Street from Dodge Street north to First Street and east of Locust Street from Dodge Street north to Third Street extending west to Freeway 61/151; and
- G. Area Z: all land east of Freeway 61/151 from the Third Street overpass, including its extension east to the corporate limits, north to Peosta Channel, and extending easterly and northerly to the City's corporate limits, including all lands within the shoreline of the Dove Harbor peninsula, except for that land within 660 feet of the easterly edge of the Freeway 61/151 right-of-way from the Third Street overpass north to the extension of Eighth Street.

### **6-3.3                   Sign Regulations**

- A. Within the SOD, no off-premise signs are allowed in the following areas:
  1. Area A on the Official Zoning Map generally described as all the land in the SOD east of Locust Street from Grandview Avenue north to Camp Street north of the U.S. Highway 61/151 right-of-way and the extension of Railroad Avenue east of U.S. 61/151 right-of-way east to the City's corporate limits;
  2. Area B on the Official Zoning Map generally described as all the land in the SOD west of Locust Street from the intersection of Locust Street and Southern Avenue north to Dodge Street and extending west to the upper bluff line;
  3. Area C is eliminated as it lies entirely within the Port of Dubuque PUD; and
  4. Area D on the Official Zoning Map generally described as all the land in the SOD east of the shoreline of Peosta Channel, including Schmitt Island.
- B. Within the SOD, off-premises signs in the following areas shall be subject to the standards set forth in **Section 15-12** of this Code:

1. Area X of the Official Zoning Map generally described as all the land in the SOD east of Locust Street from Camp Street north to Dodge Street and the Julien Dubuque Bridge, and extending east to the railroad right-of-way;
2. Area Y on the Official Zoning Map generally described as all the land in the SOD west of Locust Street from Dodge Street north to First Street and east of Locust Street from Dodge Street north to Third Street extending west to Freeway 61/151; and
3. Area Z on the Official Zoning Map generally described as all the land in the SOD east of Freeway 61/151 from the Third Street overpass, including its extension east to the corporate limits, north to Peosta Channel, and extending easterly and northerly to the City's corporate limits, including all lands within the shoreline of the Dove Harbor peninsula, except for that land within 660 feet of the easterly edge of the Freeway 61/151 right-of-way from the Third Street overpass north to the extension of Eighth Street (area G on the Official Zoning Map).

C. Other Areas: Off-premise signs in all other areas on the Official Zoning Map (E, F, G) in the SOD shall meet the standards as set forth in **Section 15-12** of this Code or set forth in this section, whichever are more restrictive.

1. Height: No portion of any sign or sign structure within 660 feet of the Freeway 61/151 right-of-way shall be visible to a person of normal visual acuity traveling on Freeway 61/151, but in no event higher than 25 feet.
2. Size: 300 square feet.
3. Spacing: 500 feet (lineal measurement for signs visible to oncoming traffic).

D. Variance: The Zoning Board of Adjustment may grant a variance to increase the standards pertaining to height and size or reduce spacing requirements for any lawful sign.

## 6-4 Flood Hazard Overlay Districts

### 6-4.1 Definitions

Unless specifically defined below or in Chapter 2 of this title, words or phrases used in Section 6-4 shall be interpreted so as to give them the meaning they have in common usage and to give Section 6-4 its most reasonable application.

1. APPURTENANT STRUCTURE - A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”).
3. BASE FLOOD ELEVATION (BFE) - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. BASEMENT - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. ENCLOSED AREA BELOW LOWEST FLOOR - The floor of the lowest enclosed area in a building when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 6-4-7(2)(D)(1) of Title 16, and
- B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
- D. The enclosed area is not a “basement” as defined in this section.

7. EXISTING CONSTRUCTION - Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.
8. EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. FACTORY-BUILT HOME - Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of Section 6-4 factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. FACTORY-BUILT HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. FIVE HUNDRED (500) YEAR FLOOD - A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
13. FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. FLOOD INSURANCE RATE MAP (FIRM) - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. FLOOD INSURANCE STUDY (FIS) - A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. FLOODPLAIN - Any land area susceptible to being inundated by water as a result of a flood.
17. FLOODPLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. **FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. **FLOODWAY** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
20. **FLOODWAY FRINGE** - Those portions of the Special Flood Hazard Area outside the floodway.
21. **HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. **HISTORIC STRUCTURE** - Any structure that is:
  - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
  - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.
23. **LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.
24. **MAXIMUM DAMAGE POTENTIAL DEVELOPMENT** - Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. **MINOR PROJECTS** - Small development activities (except for filling, grading and excavating) valued at less than \$500.
26. **NEW CONSTRUCTION** - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. **NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
28. **RECREATIONAL VEHICLE** - A vehicle which is:
  - A. Built on a single chassis;
  - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES - Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- C. Basement sealing;
- D. Repairing or replacing damaged or broken window panes;
- E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. SPECIAL FLOOD HAZARD AREA (SFHA) - The land within a community subject to the “base flood”. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

33. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”.

- B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

36. VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### **6-4.2 Statutory Authority, Findings of Fact and Purpose**

- 1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- 2. Findings of Fact
  - A. The flood hazard areas of the City of Dubuque are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
  - B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
  - C. Section 6-4 relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- 3. Statement of Purpose

It is the purpose of Section 6-4 to protect and preserve the rights, privileges and property of the City of Dubuque and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 6-4-2(2)(A) of Title 16 Unified Development Code with provisions designed to:

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

#### **6-4.3 General Provisions**

- 1. Lands to Which Unified Development Code Section 6-4 Apply

The provisions of Section 6-4 shall apply to all lands within the jurisdiction of the City of Dubuque shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, and General Floodplain (Overlay) Districts, as established in Section 6-4-5.

## 2. Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Dubuque County and Incorporated Areas, City of Dubuque, Panels 19061C0215F, 0217F, 0220F, 0236F, 0237F, 0238F, 0239F, 0241F, 0330F, 0332F, 0335F, 0351F, 0352F, 0354F, 0358F, 0365F, 0370F, dated August 10th, 2021, and Panels 19061C0242F, 0243F, 0244F, 0356F, 0360F, dated August 19th, 2013 which were prepared as part of the Flood Insurance Study for Dubuque County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of Section 6-4.

## 3. Rules for Interpretation of District Boundaries

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the City Planner shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Planner in the enforcement or administration of Section 6-4.

## 4. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of Section 6-4 and other applicable regulations which apply to uses within the jurisdiction of Section 6-4.

## 5. Abrogation and Greater Restrictions

It is not intended by Section 6-4 to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where Section 6-4 imposes greater restrictions, the provision of Section 6-4 shall prevail. All other ordinances inconsistent with Section 6-4 are hereby repealed to the extent of the inconsistency only.

## 6. Interpretation

In their interpretation and application, the provisions of Section 6-4 shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

## 7. Warning and Disclaimer of Liability

The standards required by Section 6-4 are considered reasonable for regulatory purposes. Section 6-4 does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. Section 6-4 shall not create liability on the part of the City of Dubuque or any officer or employee thereof for any flood damages that result from reliance on Section 6-4 or any administrative decision lawfully made there under.

## 8. Severability

If any section, clause, provision or portion of Section 6-4 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of Section 6-4 shall not be affected thereby.

### **6-4.4                    Administration**

#### 1. Appointment, Duties and Responsibilities of Local Official

- A. The City Planner is hereby appointed to implement and administer the provisions of Section 6-4 and will herein be referred to as the Administrator.
- B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
  - 1) Review all floodplain development permit applications to assure that the provisions of Section 6-4 will be satisfied.
  - 2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
  - 3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
  - 4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
  - 5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of Section 6-4.
  - 6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
  - 7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.
  - 8) Review subdivision proposals to ensure such proposals are consistent with the purpose of Section 6-4 and advise the Board of Adjustment of potential conflict.
  - 9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
    - a. Development placed within the Floodway (Overlay) District results in any of the following:
      - i) An increase in the Base Flood Elevations, or
      - ii) Alteration to the floodway boundary
    - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
    - c. Development relocates or alters the channel.
  10. Perform site inspections to ensure compliance with the standards of Section 6-4.
  11. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
2. Floodplain Development Permit

- A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials or equipment, excavation or drilling operations), including the placement of factory-built homes.
- B. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - 1) Description of the work to be covered by the permit for which application is to be made.
  - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
  - 3) Location and dimensions of all structures and additions.
  - 4) Indication of the use or occupancy for which the proposed work is intended.
  - 5) Elevation of the base flood.
  - 6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
  - 7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
  - 8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of Section 6-4.
- C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of Section 6-4 and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.
- D. Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of Section 6-4. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of Section 6-4, prior to the use or occupancy of any structure.

#### **6-4.5 Establishment of Floodplain (Overlay) Districts**

The floodplain areas within the jurisdiction of Section 6-4 are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) - those areas identified as Floodway on the Official Floodplain Zoning Map;
2. Floodway Fringe (Overlay) District (FF) - those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway;
3. General Floodplain (Overlay) District (GF) - those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of Section 6-4 is granted after due consideration by the Board of Adjustment.

#### **6-4.6 Floodway (Overlay) District (FW)**

##### **1. Permitted Uses**

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

##### **2. Performance Standards**

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- A. No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All development within the Floodway District shall:
  - 1) Be consistent with the need to minimize flood damage.
  - 2) Use construction methods and practices that will minimize flood damage.
  - 3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

#### **6-4.7 Floodway Fringe (Overlay) District (FF)**

##### **1. Permitted Uses**

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

## 2. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

### A. All development shall:

- 1) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- 2) Use construction methods and practices that will minimize flood damage.
- 3) Use construction materials and utility equipment that are resistant to flood damage.

### B. Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

### C. Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When flood-proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

### D. All new and substantially improved structures

- 1) Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
  - a. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- 2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 3) New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities (including ductwork) elevated to a minimum of one (1) foot above the base flood elevation.

**E. Factory-built homes**

- 1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.
- 2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

**F. Utility and Sanitary Systems**

- 1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- 2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
- 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

**G. Storage of materials and equipment** that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

**H. Flood control structural works** such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

**I. Watercourse alterations or relocations** must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

**J. Subdivisions** (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Develop-

ment associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of Section 6-4. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

**K. Accessory Structures to Residential Uses**

- 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
  - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
  - b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
  - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
  - f. The structure's walls shall include openings that satisfy the provisions of Section 6-4-7(2)(D)(1) of Title 16 Unified Development Code.
- 2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

**L. Recreational Vehicles**

- 1) Recreational vehicles are exempt from the requirements of Section 6-4-7(2)(E) of Title 16 Unified Development Code regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
  - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- 2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 6-4-7(2)(E) of Title 16 Unified Development Code regarding anchoring and elevation of factory-built homes.

**M. Pipeline river and stream crossings** shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

**N. Maximum Damage Potential Development** - All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall

certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

#### **6-4.8 General Floodplain (Overlay) District (GF)**

##### **1. Permitted Uses**

- A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
- B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
  - 1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
  - 2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

##### **2. Performance Standards**

- A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District Section 6-4-6.
- B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District Section 6-4-7.

#### **6-4.9 Appointment and Duties of Board of Adjustment**

1. Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) appeals and (ii) requests for variances to the provisions of Section 6-4, and shall take any other action which is required of the Board.
2. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Section 6-4, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of Section 6-4 that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Section 6-4 will result in unnecessary hardship. Variances granted must meet the following applicable standards:
  - A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
  - C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by Section 6-4, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
  - E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
4. Hearings and Decisions of the Board of Adjustment
  - A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
  - B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of Section 6-4, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of Section 6-4 and may prescribe such conditions as contained in Section 6-4-9(B)(2).
    - 1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of Section 6-4 and:
      - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
      - b. The danger that materials may be swept on to other land or downstream to the injury of others.

- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- m. Such other factors which are relevant to the purpose of Section 6-4.

2) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of Section 6-4. Such conditions may include, but not necessarily be limited to:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.
- c. Imposition of operational controls, sureties, and deed restrictions.
- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of Section 6-4.
- e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

5. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

## **6-4.10**

### **Nonconforming Uses**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of Section 6-4, but which is not in conformity with the provisions of Section 6-4, may be continued subject to the following conditions:
  - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to Section 6-4.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
  - C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of Section 6-4. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
2. Except as provided in Section 6-4-10(1)(B), any use which has been permitted as a Variance shall be considered a conforming use.

## **6-4.11**

### **Penalties for Violation**

Violations of the provisions of Unified Development Code Section 6-4 or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates Section 6-4 or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (FIVE HUNDRED DOLLARS) or imprisoned for not more than 30 (THIRTY) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of Dubuque from taking such other lawful action as is necessary to prevent or remedy violation.

## **6-4.12**

### **Amendments**

The regulations and standards set forth in Unified Development Code Section 6-4 may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

## **6-5 Airport Overlay District**

### **Reserved**

## **6-6 OTN Old Town Neighborhood Overlay District**

It is recognized that the older areas of Dubuque primarily in the downtown and surrounding neighborhoods require site design standards that respect the historic context of their development.

### **6-6.1**

#### **Purpose**

- A. The OTN is characterized by older building stock and a mix of densely developed commercial and residential structures built on small lots served by alleys. The OTN includes Dubuque's historic downtown core, the Central Avenue and Rhomberg Avenue business corridors, older neighborhood commercial nodes often located on corner lots and a mix of single and multiple-family housing located on separate lots or as upper story apartments.
- B. The purpose and intent of the OTN is to conserve the character and integrity of historic building stock in areas of the City where strict application of site design standards for new commercial and multiple-family residen-

tial development are difficult to apply due to the dense development patterns of these older areas. Often, application of such “suburban-style” standards may lead to demolition of existing structures or may limit redevelopment of commercial and multiple-family structures or properties in the OTN.

#### **6-6.2              Boundary**

The OTN includes the City’s locally-designated historic districts, conservation districts, and conservation planning areas as defined in **Chapter 10** of this Code, and those areas included in the City’s phased Historic/Architectural Survey/Evaluation.

#### **6-6.3              Design Guidelines**

OTN design guidelines enable property owners to renovate, redevelop or expand their businesses or buildings within a framework compatible to their neighborhood character and surrounding environs.

#### **6-6.4              Applicability**

This section shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map as being within the OTN Old Town Neighborhood District Overlay.

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**Chapter 7: Supplemental Use Regulations****7-1 Home-Based Businesses****7-1.1 General Provisions**

- A. Home based businesses shall be permitted as accessory uses within principal residential dwellings provided they meet the following provisions and the requirements of the district in which located. A home-based business shall not be permitted that:
  - 1. Changes the outside appearance of the dwelling or is visible from the street;
  - 2. Generates traffic, parking, sewerage or water use in excess of what is normal in the residential neighborhood;
  - 3. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance;
  - 4. Results in outside storage or display of any kind;
  - 5. Employs other than self or family members residing on the premises;
  - 6. Occupies more than 50 percent of the total floor area of the dwelling unit;
  - 7. Requires deliveries of materials to and from the premises involving the use of vehicles over two ton capacity, except parcel post or similar parcel service vehicles;
  - 8. Produces noise, vibration, smoke, odors, heat or glare as a result of a home-based business which would exceed that normally produced by a single residence as determined by the City Planner;
  - 9. Advertises with a sign on-site or off-premises.
- B. Customer and client contact shall be primarily by telephone, mail, fax, email, or website and not on the premises of the home-based business, except those home-based businesses such as tutoring, teaching, child care or personal services which cannot be conducted without personal contact and as permitted in the following section.
- C. Services or sales conducted on the premises shall be by appointment only and shall not be oriented toward, or attract, off-the-street customer or client traffic.

**7-1.2 Permitted Home-Based Business Uses**

The following are permitted as home-based businesses, provided such professional, business, or office activities are conducted in a manner that is clearly accessory and incidental to the residential use of the premises:

- 1. Adult day services (not including licensed adult day care)
- 2. Art studio
- 3. Cake decorating
- 4. Ceramics
- 5. Computer programming
- 6. Consultant services
- 7. Child care (not including licensed child care center).
- 8. Dressmaking, sewing and tailoring
- 9. Film processing
- 10. Home cooking and preserving
- 11. Home crafts
- 12. Home office
- 13. Home products distributors
- 14. Income tax preparations

15. Insurance sales persons
16. Mailing services
17. Online business
18. Painting, sculpting and writing
19. Teaching or tutoring limited to four persons at one time
20. Telephone answering
21. Typist/stenographer

### **7-1.3 Prohibited Home-Based Business Uses**

The following uses shall be specifically prohibited as home-based businesses:

1. Antique/furniture refinishing for resale on the premise or as a service for the general public
2. Automobile repair, except that an individual residing on the premises may service such individual's own vehicle providing that the provisions of **Section 7-1.1** are met and that no repairs shall take place between the hours of 9:00 p.m. to 9:00 a.m.
3. Barber and beauty shops
4. Contractor's shop
5. Recycling or salvage operations
6. Small engine repair
7. Welding services

### **7-1.4 Home-Based Businesses as Conditional Uses**

Any proposed home-based businesses not specifically permitted or prohibited or that employs up to two people who do not reside within the home herein shall be considered a conditional use and be granted or denied by the Zoning Board of Adjustment upon finding that the proposed home-based business can meet the provisions of this section.

## **7-2 Towers and Antennas**

The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (Act) grants the FCC exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service.

### **7-2.1 Definitions**

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the FCC. As used in this Section, the following terms shall have the following meanings:

**Accessory Facility or Structure:** an accessory facility or structure serving or being used in conjunction with an antenna, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to utility or transmission equipment, storage sheds or cabinets.

**ANSI:** American National Standards Institute.

**Antenna:** any exterior transmitting, reception or receiving device mounted on a tower, building or freestanding structure and used in transmission or reception of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

**Antenna Array:** a grouping of antennas that encompasses both transmitter(s) and receiver(s) of a single wireless telecommunication provider.

**Antenna Support Structure:** any structure other than a communications tower which can be used for supporting an antenna or antenna array attached to a host structure which does not extend more than 30 feet above the highest point of the host structure.

**Communications Tower:** any ground-mounted structure that is designed, constructed and used for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

**Height:** when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

**Satellite Dish Antenna:** an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

**Stealth Construction:** any telecommunications facility, tower, or antenna which is designed to enhance compatibility with the surrounding environment.

Zoning District	Use Type	Minimum Setback	Maximum Height
Agricultural, Residential, Office, Commercial, Institutional, PUD	Conditional Use Permit	100% of tower height	Single-user: 75 feet OR Multiple-user: 150 feet
Industrial	Permitted		Height allowed by underlying district

ibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

**Support Facilities:** support buildings, boxes, cabinets or similar structures containing electrical or mechanical equipment and developed for the reception or transmission of electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

**Telecommunications:** the transmission and/or reception of audio, video, data and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

**Tower Height:** the distance measured from the grade level at the base of the tower to the highest point on the tower, including any antenna mounted on the tower.

## 7-2.2 Applicability

- A. Nonessential Services: Wireless telecommunication towers and antennas shall be regulated pursuant to this section and not regulated as essential service, public utility or private utility.
- B. Exclusions: The following shall be exempted from this Code:
  - 1. Fire, police, transportation or other public service facilities owned and operated by local governments.
  - 2. Any facilities expressly exempt from the City's siting, building, and permitting authority.
  - 3. Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations

(TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.

4. Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications.
5. Facilities exclusively for providing unlicensed spread spectrum technologies where the facility does not require a new tower.

### **7-2.3 Communication Tower Standards**

- A. No communication tower or associated support facilities shall be constructed, except in conformance with this section.
- B. Guy wires and other support facilities shall conform to the setback requirements for the underlying zoning district.
- C. Communication towers are prohibited within POS Districts.
- D. Communication towers are prohibited within historic districts and within 1,000 feet of a historic district.
- E. Communication Towers are subject to the following bulk regulations:
- F. Site plans for communication towers shall be submitted and reviewed as major site plans. Site plan applications shall be prepared to show all information currently required by the City, a list of which shall be available from the Planning Services Department.
- G. Processing of Major Site Plans generally take 10-21 days, depending on the quality of the submitted site plan. Applicants shall be notified within 30 days of filing a site plan if the application is incomplete. If the City of Dubuque has not approved, denied, or returned the application as incomplete within 150 days, the application shall be deemed approved.

### **7-2.4 Antennas**

Antennas, and their essential support facilities, shall be allowed as a permitted use in any zoning district subject to the following:

- A. A simple site plan shall be submitted for each antenna or antenna array providing the following information:
  1. Mounting location of proposed antenna or antenna array on host structure.
  2. Description of antenna or antenna array height and width, including a photo (if available) or other visual representation.
  3. Proof of ownership of the proposed site or authorization to utilize it.
  4. Processing of a simple site plan generally takes 1-5 days depending on the quality of the submitted site plan. Applicants shall be notified within 30 days of filing a site plan if the application is incomplete. If the City of Dubuque has not approved, denied, or returned the application as incomplete within 90 days, the application shall be deemed approved.
- B. The antenna does not extend more than 30 feet above the highest point of the host structure.
- C. Antennas may be mounted on nonresidential structures, including, but not limited to, existing towers, traffic signals, streetlights, water towers, billboards, telephone tower and emergency signal poles, bridges, and parking deck structures.
- D. Antennas or antenna arrays shall comply with the maximum height requirement of the zoning district in which they are located. Applicants proposing an antenna higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
- E. No antenna or antenna array may, by virtue of this Section, occupy, encroach or "overhang" any public right -of-way without the expressed approval of the City.
- F. Each antenna installation shall require a separate building permit.

- G. A building permit for the installation of an antenna in an historic district requires the prior issuance of a Certificate of Appropriateness from the Historic Preservation Commission.
- H. Antennas. Modification of existing facilities, including co-location, removal and replacement of transmission equipment that does not substantially change the physical dimensions of the existing facility, does not require submittal of a simple site plan. A building permit may be required.

#### **7-2.5 Conditional Use Permit Application**

- A. An applicant proposing a communication tower that requires a conditional use permit for construction in the zoning district for which it is proposed shall submit all information currently required by the City, a list of which shall be available from the Planning Services Department.
- B. After receipt of an application for a conditional use permit, the Planning Services Department shall schedule a public hearing before the Zoning Board of Adjustment, following all statutory requirements for publication and notice, to consider such application. The Zoning Board of Adjustment shall receive evidence on the conditional use permit. The Zoning Board of Adjustment may approve the conditional use permit as requested in the pending application with any conditions or safeguards, including stealth construction, it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application.

#### **7-2.6 Security Fencing**

All self-supporting lattice or guyed communication towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole communication towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

#### **7-2.7 Exterior Finish**

Communication towers not requiring FAA painting or marking shall have a neutral exterior finish which is compatible with adjacent land uses and reduces visual impact, subject to review and approval by the Zoning Board of Adjustment as part of the application approval process.

#### **7-2.8 Landscaping**

All tracts of land on which communication towers, antenna support structures, support facilities and/or antennas are located shall be subject to the following landscaping requirements:

- A. Support facilities and communication tower bases shall be landscaped with a buffer of plant materials that effectively screens from view the tower base and any support facilities from adjacent property or street. The plantings installed shall be of a size and species that can achieve a height of six feet and 75 percent opacity within three growing seasons.
- B. In locations where the visual impact of the tower and support facilities would be minimal, the landscape requirement may be reduced or waived by the City Planner.
- C. Existing mature tree growth and natural land forms on the property shall be preserved to the maximum extent possible. Natural growth around the property perimeter may be considered a sufficient buffer for a proposed tower and support facilities as determined by the City Planner.

#### **7-2.9 Lighting**

Towers shall not be illuminated unless required to conform to FAA or other governmental regulations.

#### **7-2.10 Maintenance, Repair, and Modification**

- A. All communication towers, antenna support structures, support facilities and antennas constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section. Any modification or reconstruction of a tower, antenna support structure, sup-

port facilities and antennas constructed or under construction on the date of approval of this Code shall be required to comply with the requirements of this Section.

B. Communication Towers, antenna support structures, support facilities and antennas constructed under authority of this section shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

#### **7-2.11 Support Facilities**

- A. Support facilities shall be of a color and construction that is compatible with surrounding development.
- B. Support facilities shall not be more than 400 square feet of gross floor area and more than 12 feet in height.
- C. Setbacks for support facilities shall be the same as the setbacks required for other structures in the zoning district in which they are located.

#### **7-2.12 Removal of Communication Towers and Antennas**

- A. The operator of a communication tower shall provide the City with a copy of any notice submitted to the FCC stating their intent to cease operations. The operator or the land owner shall have 90 days from the last date of operations to remove the tower and support facilities.
- B. Any antenna or communication tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the operator of such antenna or tower or the land owner shall remove the same within 90 days of notice from the City to remove the tower or antenna. A maximum of two 12 month extensions may be granted by the City Planner if the tower operator is actively seeking tenants for the tower.
- C. If the operator or land owner of a tower fails, after notice, to remove the tower, the City shall begin the civil citation process.

#### **7-2.13 Nonconforming Communication Towers and Antennas**

Any existing communication tower or antenna which becomes nonconforming on the effective date hereof or becomes nonconforming at any future date shall be regulated according to the rules set forth in **Chapter 4**, except as follows:

- A. New antennas and support facilities may be mounted on a nonconforming communication tower.
- B. A nonconforming communication tower within 1,000 feet of an historic preservation district shall be considered a legal nonconforming tower. As such, the tower may remain until it has been abandoned.
- C. Should any lawful nonconforming communication tower be destroyed by any means to an extent of more than 75 percent of its replacement cost at the time of destruction, it may only be reconstructed in conformance with the provisions of this Section, provided that the destruction was caused by an accident or act of God occurring after the adoption of this Section and such reconstruction does not increase the degree of nonconformity that existed prior to destruction.

#### **7-2.14 Satellite Dish Antenna Regulations**

Satellite dish antennas may be permitted as accessory uses provided a site plan is submitted and approved in accordance with **Chapter 12**.

- A. Not more than one ground mounted dish shall be placed on any lot less than one-half acre; and
- B. Dishes shall not exceed 10 feet in diameter; and
- C. Dishes shall be made of noncombustible and corrosive resistant material and erected in a secure, wind resistant manner according to the specifications of the Building Official; and
- D. Dishes shall not be used as signs or billboards (on or off premises signs); and
- E. Ground mounted dishes shall only be permitted in rear yards, except that on corner lots dishes shall be allowed in side yards; and
- F. Roof mounted satellite dishes shall be allowed in all nonresidential districts provided that the additional requirements shall apply:

1. The height does not exceed the maximum height restrictions of buildings within the zoning district; and
2. The dish location is a minimum of five feet from any property line; and
3. In lieu of a site plan a building elevation drawing shall be required to indicate compliance with height and setback regulations; and
4. Shall not exceed either 10 feet in diameter for circular shapes or 40 square feet for other than circular shapes.

### 7-3 Wind Energy Conversion Systems

#### 7-3.1 Purpose

In order to balance the need for clean, renewable energy resources and the necessity to protect the health, safety, sustainability and welfare of the community, the City of Dubuque finds these regulations are necessary to ensure that wind energy conversion systems are appropriately sited within the community.

#### 7-3.2 Definitions

For purposes of this Section, the following terms shall have the meaning herein ascribed to them:

**Building-Mounted Wind Turbine (BMWT):** a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.

**Commercial Wind Energy Conversion System (CWECS):** an electrical generating facility comprised of one or more wind turbines and accessory facilities generating capacity, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy generated will be used by a utility company for off-site use.

**FAA:** Federal Aviation Administration.

**FCC:** Federal Communications Commission.

**Hub Height:** the distance from ground level as measured to the centerline of the rotor.

**Residential Wind Energy Conversion System (RWECS):** a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

**Rotor Diameter:** the diameter of the circle described by the moving rotor blades.

**Small Wind Energy Conversion System (SWECS):** a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power.

**Total Height:** the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

**Tower Height:** the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

**Wind Energy Conversion System (WECS):** an aggregation of parts including the base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.

**Wind Turbines:** any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

### 7-3.3 Residential Wind Energy Conversion System (RWECS)

- A. The requirements for siting and construction of all Residential Wind Energy Conversion Systems regulated by this section shall include the following:
  1. Wind energy towers shall to the extent possible blend into the surrounding environment and architecture, including painting to reduce visual obtrusiveness. The City Planner may require a photo of an RWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
  2. RWECS shall not be artificially lighted unless required by the FAA or appropriate authority.
  3. No tower should have any sign, writing, or picture that may be construed as advertising.
  4. RWECS shall not exceed 60 decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
  5. An RWECS shall be located on a parcel that is at least one acre in size.
  6. The applicant shall provide evidence that the proposed height of the RWECS does not exceed the height recommended by the manufacturer or distributor of the system.
  7. The applicant will provide information demonstrating that the system will be used primarily to off-set on-site consumption of electricity.
  8. The minimum distance between the ground and any protruding blades utilized on an RWECS shall be 20 feet, as measured at the lowest point on the arc of the blades. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
- B. Compliance with FAA regulations: An RWECS must comply with applicable regulations of the FAA, including any necessary approvals for installations close to airports.
- C. Compliance with the International Building Code: Building permit applications for an RWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the State of Iowa shall also be submitted.
- D. Compliance with National Electric Code: Building permit applications for an RWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
- E. The requirements for siting and construction of an RWECS may be modified by special exception in accordance with **Section 8-7**.

### 7-3.4 Small Wind Energy Conversion Systems (SWECS)

- A. The requirements for siting and construction of all Small Wind Energy Conversion Systems regulated by this section shall include the following:
  1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to match the finish on the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusion. The City Planner may require a photo of an SWECS of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
  2. An SWECS shall not be artificially lighted unless required by FAA or appropriate authority.
  3. No tower should have any sign, writing, or picture that may be construed as advertising.
  4. An SWECS shall not exceed 60 decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.

5. The applicant shall provide evidence that the proposed height of the SWECS tower does not exceed the height recommended by the manufacturer or distributor of the system.
6. The minimum distance between the ground and any protruding blades utilized on an SWECS shall be 20 feet, as measured at the lowest point of the arc of the blades. No blades shall extend over parking areas, driveways or sidewalks. The supporting tower shall also be enclosed with a six foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.

B. Compliance with FAA Regulations: An SWECS must comply with applicable regulations of the FAA, including any necessary approvals for installations close to airports.

C. Compliance with International Building Code: Building permit applications for an SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted.

D. Compliance with National Electric code: Building permit applications for an SWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.

E. The requirements for siting and construction of an SWECS may be modified by variance in accordance with **Section 8-6**.

### 7-3.5 Commercial Wind Energy Conversion Systems (CWECS)

A. A Commercial Wind Energy Conversion System shall be allowed only as a Planned Unit Development District in accordance with **Section 5-24**. The requirements and application information to be supplied for the siting and construction of all CWECS regulated by this section shall include the following:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification from an engineer certified by the State of Iowa.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other wind energy conversion system, within 10 rotor distances of the proposed CWECS not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed CWECS.
11. An acoustical analysis that certifies that the noise requirements within this Code can be met.
12. The applicant shall supply the emergency management agency and/or Fire Department with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
14. Evidence that there will be no interference with any commercial and/or public safety communication towers.
15. Decommissioning Plan as required by this Code.

B. All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between the lowest point of their arc and the ground.
2. All CWECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a CWECS, shall be installed with a tubular monopole type tower.
4. Color and finish:
  - i. All wind turbines and towers that are part of a CWECS shall be white, grey or another non-obtrusive color.
  - ii. Blades may be black in order to facilitate deicing.
  - iii. Finishes shall be matte or non-reflective.
5. Lighting:
  - i. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.
  - ii. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds.
  - iii. Red pulsating incandescent lights shall be prohibited.
6. All signage shall comply with the sign regulations found in these regulations.
7. All communications and feeder lines installed as part of a CWECS shall be buried, where feasible.

Turbine Type	Zoning District	Use Type	Minimum Setback	Maximum Height
RWECS	Residential, Office	CUP required	100% of total system height	80 feet
SWECS	PUD, Commercial	CUP required		120 feet
CWECS	PUD	PUD required	Pursuant to PUD	Pursuant to PUD

8. No CWECS shall exceed 50 decibels at the nearest structure or use occupied by humans.
9. Interference.
  - i. The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWECS.
  - ii. The applicant shall notify all communication tower operators within five miles of the proposed CWECS location upon application to the City for permits.
10. Roads, applicant shall:
  - i. Identify all county, municipal or township roads to be used for the purposes of transporting CWECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the CWECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
  - ii. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
  - iii. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
11. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the CWECS.

C. The requirements for siting and construction of a CWECS may be modified as part of the review process to establish the PUD in accordance with **Section 5-24**.

#### 7-3.6 Freestanding WEC Bulk Standards

#### 7-3.7 Building-Mountable Wind Turbines (BMWT)

A BMWT and its essential support facilities shall be allowed as a permitted accessory use when attached to the principle structure in any zoning district subject to the following:

- A. A simple site plan shall be submitted for each BMWT providing the following information:
  1. Mounting location of the BMWT on the principle structure.
  2. Description of the BMWT height and width, including a photo (if available) or other visual representation.
- B. BMWT shall not exceed 60 decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- C. BMWT shall comply with the maximum height requirement of the zoning district in which it is located. Applicants proposing an installation higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
- D. No BMWT may occupy, encroach or “overhang” any public right-of-way without the expressed approval of the City of Dubuque.
- E. Each BMWT installation shall require a separate building permit.
- F. A building permit for the installation of a BMWT in a historic district requires the prior issuance of a Certificate of Appropriateness from the Historic Preservation Commission.

#### 7-3.8 Repair; Abandonment; Removal

- A. Small Wind Energy Conversion Systems: Any SWECS found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state and local safety standards, or removed within six months. If any SWECS is not operated for a continuous period of 12 months, the City shall notify the landowner by registered mail that such SWECS is deemed abandoned, and provide 45 days for a response. In their response, the landowner shall set forth reasons for the operational difficulty and provide a timetable for corrective action not exceeding six months. If the corrective action is not completed with six months, the City shall notify the landowner that such SWECS shall be removed within 12 days of receipt of the notice.
- B. Commercial Wind Energy Conversion Systems: A CWECS shall be considered a discontinued use after 12 months without energy production, unless a plan is developed and submitted to the City outlining the steps and schedule for returning the CWECS to service. All CWECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. Additional time may be granted upon acceptable proof of weather delays. Each CWECS shall have a decommissioning plan outlining the anticipated means and cost of removing CWECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.

### 7-4 Adult Entertainment Establishments (as defined in Chapter 8 of the City Code)

#### 7-4.1 Purpose

- A. The special provisions of this Section are intended to regulate the location of adult entertainment establishments as herein defined, by specifying districts in which such uses may be permitted and requirements for spatial separation of such uses. Nothing in this Code shall be construed or interpreted to permit adult entertainment establishments in areas other than those set forth herein.

- B. Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surroundings, and upon the use and enjoyment of adjacent property. It is the intent of these regulations to provide for the confinement of adult entertainment establishments to those commercial and industrial areas in which these special impacts are judged to be least disruptive to the use and enjoyment of adjacent properties. These regulations are further intended to require that adult entertainment establishments shall not be permitted to locate in such concentration that their operational features may establish the dominant character of any commercial or industrial area.
- C. A simple site plan shall be submitted for each BMWT providing the following information:
  1. Mounting location of the BMWT on the principle structure.
  2. Description of the BMWT height and width, including a photo (if available) or other visual representation.
- A. These regulations are further intended to protect and balance lawful rights of expression with other lawful rights to the enjoyment and use of property, and are made with full consideration of the legal and constitutional issues heretofore adjudicated.
- B. The provisions of this Section shall govern the location and spatial separation of adult entertainment establishments in commercial districts and industrial districts, and no such regulated use, as defined, may be permitted except in conformance with these provisions.

#### **7-4.2 Siting Requirements**

- A. Adult Entertainment Establishments may be established within any commercial or industrial zoning district, but shall not be located within 1,200 feet of any residential or institutional district, or a public or private (parochial) primary or secondary school (K-12) property approved by the State of Iowa.
- B. No Adult Entertainment Establishment shall be located within 2,500 feet of any other adult entertainment establishment.

### **7-5. Pay Day Lending Establishments**

#### **7-5.1 Purpose**

- A. The special provisions of this Section are intended to regulate the location of pay day lending establishments as herein defined, by specifying districts in which such uses may be permitted and requirements for spatial separation of such uses. Nothing in this Code shall be construed or interpreted to permit pay day lending establishments in areas other than those set forth herein.
- B. The provisions of this Section shall govern the location and spatial separation of pay day lending establishments in commercial districts and industrial districts, and no such regulated use, as defined, may be permitted except in conformance with these provisions.

#### **7-5.2 Definition: Pay Day Lender: a company that; 1) accepts a check dated subsequent to the date it was written, and/or; 2) accepts a check on the date it was written and holds the check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representations made to, the maker of the check, whether expressed or implied.**

#### **7-5.3 Pay Day Lending – Siting Requirements**

- A. Establishments may be established within any commercial or industrial zoning district, but shall not be located within 1,200 feet of any residential district.
- B. No pay day lending establishment shall be located within 2,500 feet of any other pay day lending establishment.

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**Chapter 8: Zoning Board of Adjustment Applications and Procedures****8-1 Zoning Board of Adjustment**

- A. Board Created. There is hereby created the Zoning Board of Adjustment.
- B. Purpose: The purpose of the board is to review applications regarding criteria for granting of special exceptions, conditional use permits, or variances; to decide citizens' appeals of orders, requirements, decisions, or determinations made by Planning Services staff; and to hear cases given by applicants and decide whether the request should be granted based on the criteria set forth in the Zoning Ordinance.
- C. Internal Organization and Rules: The board may adopt rules and regulations to govern its organizational procedures as may be necessary and which are not in conflict with this Code of Ordinances or the Iowa Code.
- D. Procedures for Operation: All administrative, personnel, accounting, budgetary, and procurement policies of the city govern the board in all its operations.
- E. Membership:
  - 1. The board comprises five (5) residents of the city, appointed by the city council.
  - 2. Residents must be eighteen (18) years of age or older.
  - 3. Two (2) members from the board must be appointed as cross-representatives to the Airport Zoning Board of Adjustment, with city council approval.
  - 4. A majority of the members of the board must be persons representing the public at-large and must not be involved in the business of purchasing or selling real estate.
  - 5. Membership on the board must comply with the provisions of Iowa Code §69.16A, relating to gender balance. No person can be appointed or reappointed to the board if that appointment or reappointment would cause the number of members of one gender to be greater than one-half ( $\frac{1}{2}$ ) of the membership of the board plus one (1). If the city has made a good faith effort to appoint a qualified person to fill a vacancy on the board for a period of three (3) months but has been unable to make a compliant appointment, the city must utilize a fair and unbiased method of selecting the best qualified applicants.
- F. Oath: Each person, upon appointment or reappointment to the board, must execute an oath of office at the first meeting of the board following the appointment or reappointment or at the city clerk's office any time prior to the first meeting of the board.
- G. Terms. The term of office for members of the board is five (5) years or until such member's successor is appointed and qualified. The terms of the cross-representative appointees to the Airport Zoning Board of Adjustment must serve a term on the Airport Zoning Board of Adjustment which coincides with their terms on the Zoning Board of Adjustment.
- H. Vacancies: Vacancies must be filled in the same manner as original appointments.
- I. Officers/Organization: The board must choose annually a chairperson and vice-chairperson, each to serve a term of one (1) year. The chairperson must appoint a secretary, who need not be a member of the board. The board must fill a vacancy among its officers for the remainder of the officer's unexpired term.
- J. Meetings.
  - 1. Meetings. Meetings may be called by the chairperson or at the written request of a majority of the members.
  - 2. Open Meetings. All meetings must be called and held in conformance with the Iowa open meetings law.

3. Attendance:

A. In the event a member of the board has been absent for three (3) or more consecutive meetings of the board, without being excused by the chairperson, such absence will be grounds for the board to recommend to the city council that the position be declared vacant and a replacement appointed.

B. Attendance must be entered upon the minutes of all meetings.

4. Minutes: A copy of the minutes of all regular and special meetings of the board must be filed with the city council within ten (10) working days after each meeting, or by the next regularly scheduled city council meeting, whichever is later.

5. Quorum: The concurring vote of three (3) members of the board is necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

K. Compensation: Members serve without compensation, provided that they may receive reimbursement for necessary travel and other expenses while on official board business within the limits established in the city administrative policies and budget.

L. Removal: The city council may remove any member for cause upon written charges and after a public hearing.

M. Powers: The board has the following powers, duties, and responsibilities:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Iowa Code Chapter 414, as such may be amended from time to time, or any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of this Code upon which such board is required to pass under such ordinance, in accordance with the general regulations of the zone in which the property is located and specific standards contained herein.

3. To hear and decide conditional use permits under the terms of this Code upon which such board is required to pass under such ordinance, in accordance with the general regulations of the zone in which the property is located and specific standards contained herein.

4. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance must be observed and substantial justice done.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

## 8-2 General Board Procedures

A. Meetings: Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board may in addition adopt general rules of procedure consistent with the provisions of this Code.

B. Vote of the Board. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Code, or to effect any variation in such Code, or to adopt, repeal, or amend any rule of procedure adopted pursuant to this section.

### **8-3 General Powers**

The Board shall have the following powers:

- A. Appeals from the Administrative Official. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any ordinance adopted pursuant to Iowa Code chapter 414, as such may be amended from time to time.
- B. Conditional Uses. To hear and decide applications for conditional use permits upon which such Board is required to pass under the provisions of this Code.
- C. Variances. To authorize upon appeal in specific cases such variance from the bulk regulation provisions of this Code, parking and sign requirements of this Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of these provisions will result in unnecessary hardship, and so that the spirit of these provisions shall be observed and substantial justice done.
- D. Special Exceptions. To hear and decide applications for special exceptions to the terms of this Code, in accordance with the general regulations of the zone in which the property is located and specific standards contained herein.

### **8-4 Appeal from Administrative Official**

#### **8-4.1 Authorization**

Appeals may be made by any person aggrieved or any Municipal officer, department, board or bureau affected by any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.

#### **8-4.2 Appeal Procedure**

Appeals may only be filed within 30 days immediately following the date of the administrative action which is the subject to the appeal. An appeal is filed by delivering to the administrative office involved and to the Board a completed notice of appeal, together with the required fee. Official notice of appeal forms shall be available without cost from the City Planner. The notice of appeal must, in addition to all other information required by the form, specify the particular grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all documents constituting the record upon which action appealed from was taken.

#### **8-4.3 Effect of Appeal**

An appeal stays all proceedings in accordance with Iowa Code chapter 414.11.

#### **8-4.4 Board Decision on Appeal**

In exercising its powers of appeal, the Board may, in conformity with the provisions of this Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

### **8-5 Conditional Use Permit Procedure**

#### **8-5.1 Generally**

The Zoning Board of Adjustment may allow as conditional uses only those uses classified as conditional uses in this Code. No conditional use shall be allowed in a particular district unless such use is specifically permitted as a conditional use in the regulations for that district, except as provided in **Chapter 4**, and the Board shall not act upon any conditional use permit application unless and until the requirements for each conditional use within the specific district in which it is located have been met.

### 8-5.2 Application

- A. Any person may file an application to use property for one of the conditional uses permitted in the district in which the property is located. All applications for a conditional use permit shall be made upon the official form for such applications which shall be available from the Planning Services Department.
- B. Review of the application for a conditional use permit may be obtained by delivering the completed application form to the Planning Services Department together with payment of the required fee.
- C. The Board may require the applicant for a conditional use permit to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determinations required by **Section 8-5.4**.

### 8-5.3 Notice and Meeting Requirements

Following receipt of the completed application form the Board shall, with due diligence, hold a public meeting to consider the application for a conditional use permit. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven days and not more than 20 days prior to such hearing. The Board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of property within 200 feet of the property at which the conditional use permit is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the Board.

### 8-5.4 Standards for Granting a Conditional Use Permit

No conditional use permit shall be granted unless the Board determines on the basis of specific information presented at the public meeting or contained in the application for such use that each of the following conditions has been satisfied:

- A. The proposed conditional use will comply with all applicable regulations of this Code, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.
- B. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided.
- C. Adequate access roads or entrances and exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. The use shall not commence until applicant has provided written evidence that all necessary permits and licenses required for the operation of the conditional use have been obtained.
- E. All exterior lighting fixtures are shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
- F. The location and size of the conditional use, the nature and intensity of the activities to be involved or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to the conditional use, shall be such that it will be in harmony with the appropriate and orderly development of the district and neighborhood in which it is located.
- G. The location, nature and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.
- H. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.

### 8-5.5 Conditions and Restrictions on a Conditional Use Permit

- A. **Imposition of Conditions and Restrictions:** In granting a conditional use permit, the Board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of **Section 8-5.4**, to reduce or eliminate any detrimental effect of the proposed conditional use permit upon the neighborhood or the district, or to carry out the general purposes and intent of this Code.

- B. Modification of Conditions and Restrictions: Any subsequent change or modification of a condition or restriction imposed by the Zoning Board of Adjustment in granting a conditional use permit must be approved in the same manner and with the same requirements as the original application for a conditional use permit.
- C. Violation of Conditions and Restrictions: A violation of such conditions and restrictions, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Code.

#### **8-5.6 Decision and Records**

The Board shall render a written decision on an application for a conditional use permit after the close of the meeting. The decision of the Board shall contain specific findings of fact supporting the granting or denial of the conditional use permit and shall clearly set forth any conditions or restrictions imposed pursuant to **Section 8-5.5**. The Board shall maintain the record of all actions with respect to applications for conditional use permits and shall notify the City Council of their decisions on each application.

#### **8-5.7 Period of Validity; Expiration**

- A. No conditional use permit granted by the Board shall be valid for a period longer than two years from the date on which the Board grants the permit, unless within such two year period:
  1. A building permit is obtained and the erection or alteration of a structure is started, or
  2. An occupancy permit is obtained, if required, and the use is commenced.
- B. The Board may grant a maximum of one extension not exceeding six months, upon written application, without notice of hearing.

#### **8-5.8 Parking Regulations**

Minimum parking requirements, where applicable, for conditional use permit uses shall be regulated in conformance with the provisions of **Chapter 14** unless otherwise provided by the Zoning Board of Adjustment.

#### **8-5.9 Sign Regulations**

Signs for conditional use permit uses shall be regulated in conformance with the provisions of **Chapter 15** unless otherwise provided by the Zoning Board of Adjustment.

#### **8-5.10 List of Conditional Uses**

##### **1. Accessory Dwelling Unit**

One accessory dwelling unit may be allowed on a lot in the R-1, R-2, R-2A, R-3, R-4, OR, OC and C-1 districts in accordance with the following conditions:

- A. Shall be located on the same zoning lot as the principal dwelling;
- B. Either the principal dwelling or the accessory dwelling shall be owner-occupied;
- C. Shall be incidental and subordinate to the principal dwelling as an accessory use;
- D. The principal dwelling shall be a single-family detached dwelling;
- E. Shall not exceed 50 percent (50%) of the building footprint of the principal dwelling or six hundred (600) total gross square feet, whichever is less;
- F. Shall be in compliance with all applicable City housing, fire and building codes for use as a complete, independent living facility with provisions for a separate entrance, cooking, eating, sanitation, and sleeping;
- G. Shall comply with the applicable bulk regulations for the district in which it is located; and
- H. Shall provide one off-street parking space.

##### **2. Animal Hospital/Clinic**

An animal hospital or clinic may be allowed in the C-2 and C-2A districts in accordance with the following conditions:

- A. All operations and activities shall be conducted and maintained within a completely enclosed building

### 3. Bar or Tavern

- A. A bar/tavern may be allowed in the CR district in accordance with the conditions established by the Zoning Board of Adjustment as part of the ordinance approving such use.
- B. A bar/tavern may be allowed in the OC district in accordance with the following conditions:
  1. A maximum area of 2,200 square feet in gross floor area shall not be exceeded;
  2. Any outdoor seating shall be accessory to the indoor operation;
  3. Opaque screening shall be provided for adjacent first floor residential uses in conformance with the landscaping requirements of **Chapter 13**.

### 4. Bed and Breakfast Home

A bed and breakfast home may be allowed in the R-1, R-2, R-2A, R-3, R-4, OR and OC districts in accordance with the following conditions:

- A. The structure is either regulated by **Chapter 10** or is listed on the National Register of Historic Places;
- B. When located within the R-1, R-2, R-2A districts, the use shall be maintained within an owner-occupied, single-family dwelling. When located within the R-3, R-4, OR, or OC district, the use shall be maintained by a full-time resident owner or resident manager.
- C. The structure has a minimum total floor area of 4,500 square feet, with not more than one sleeping room for each 750 square feet of floor area;
- D. There shall be a maximum of three sleeping rooms in the R-1 and R-2A districts, five sleeping rooms in the R-2 district; nine sleeping rooms in the R-3, R-4, OR and OC district;
- E. Signage shall be limited to one wall mounted sign not to exceed six square feet in area, not internally illuminated, and with direct lighting only with a cut-off type luminaire;
- F. The property shall not be used for rental as a private club, museum, or tour home; and
- G. Parking shall be provided at a rate of one space per guest room. The parking shall be provided on site or on a street frontage of the property, and should not intensify parking problems in the neighborhood.

### 5. Bed and Breakfast Inn

A bed and breakfast inn may be allowed in the R-4, OR, and OC districts in accordance with the following conditions:

- A. The structure is either regulated by **Chapter 10** or is listed on the National Register of Historic Places;
- B. The property has a full-time resident owner or resident manager;
- C. The structure has a minimum total floor area of 4,500 square feet, with not more than one sleeping room for each 750 square feet of floor area, with a maximum of nine sleeping rooms;
- D. Signage shall be limited to one wall mounted, projecting sign with not more than a 40-inch projection, or freestanding sign, per street frontage, not internally illuminated, and with direct lighting only with a cut-off type luminaire. Signage in the R-4 district shall not exceed six square feet in area; signage in the OR and OC districts shall not exceed eight square feet in area;
- E. The property shall not be used for rental as a private club, museum, or tour home unless approved by the Board; and
- F. Parking shall be provided at a rate of one space per guest room. The parking shall be provided on-site or on a street frontage of the property, and should not intensify parking problems in the neighborhood.

### 6. Carwash

A carwash may be allowed in the C-4 district in accordance with the conditions established by the Zoning Board of Adjustment.

### 7. Carwash, Self-Service

A self-service carwash may be allowed in the C-2 district in accordance with the following conditions:

- A. A minimum of three stacking spaces per bay shall be provided;
- B. Ingress and egress traffic flow shall be acceptable to the City site plan review team; and
- C. Opaque screening shall be provided for adjacent residential uses in conformance with the landscaping requirements of **Chapter 13**.

## **8. Drive-up Automated Bank Teller**

A drive-up automated bank teller may be allowed in the CR district in accordance with the conditions established by the Zoning Board of Adjustment.

## **9. Gas Station**

- A. A gas station may be allowed in the CR district in accordance with the conditions established by the Zoning Board of Adjustment.
- B. A gas station may be allowed in the C-1 district in accordance with the following conditions:
  1. The use shall not include a service station.

## **10. Grain or Barge Terminal**

A grain/barge terminal may be allowed in the MHI district in accordance with the following conditions:

- A. A site plan shall be submitted and approved as provided in **Chapter 12**.

## **11. Group Home**

A group home may be allowed in the R-3, R-4, and OR districts in accordance with the following conditions:

- A. Not less than 650 square feet of lot area shall be provided per resident; and
- B. When located within the R-3 and R-4 districts, signs shall not be permitted.

## **12. Hospice**

A hospice may be allowed in the R-2, R-2A, R-3, and R-4 districts in accordance with the following conditions:

- A. Signs shall not be permitted.

## **13. Housing for the Elderly or Persons with Disabilities**

A housing facility for the elderly or persons with disabilities may be allowed in the R-3 and R-4 districts in accordance with the following conditions:

- A. The number of units shall be established by the Zoning Board of Adjustment.

## **14. Individual Zero Lot Line Dwelling**

A single-family dwelling may be allowed to be built on a lot with a zero setback in the R-3 district in accordance with the following conditions:

1. The adjoining property owner, on the zero lot line side, consents to the property line location and provides written evidence of a minimum five foot maintenance easement prior to Board review;
2. The overhang of roofs shall not extend across the property line; and
3. A minimum of six feet shall be maintained between homes and other structures.

## **15. Indoor Restaurant**

An indoor restaurant may be allowed in the C-1 district in accordance with the conditions established by the Zoning Board of Adjustment.

## **16. RESERVED.**

## **17. Keeping of Horses or Ponies**

Horses and ponies may be allowed to be kept on properties located in the R-1 district in accordance with the following conditions:

- A. They are located on the same lot as an accessory use to a single-family residential dwelling;

- B. A minimum of two acres of property is available for the first horse or pony;
- C. A minimum of one and one-half acres of additional property is available for an additional horse or pony, up to a maximum of two horses or ponies; and
- D. A shelter of at least 150 square feet and enclosed on at least three sides shall be provided on the property.

## **18. Kennel**

A kennel may be allowed in the AG district in accordance with the conditions established by the Zoning Board of Adjustment.

## **19. Licensed Adult Day Services**

A licensed adult day services facility may be allowed in the R-1, R-2, R-2A, R-3, R-4, OR, OS, OC, C-1, C-2, C-2A, C-3, C-4, C-5, CS, CR, LI, HI, MHI and RROD districts in accordance with the following conditions:

- A. Such facility shall supply loading and unloading spaces so as not to obstruct public streets or create traffic or safety hazards;
- B. State certification has been granted or applied for and are awaiting the outcome of the state's decision; and
- C. Signage shall be limited to two (2) non-illuminated freestanding signs not to exceed 32 square feet in area and 10 feet in height.

## **20. Licensed Child Care Center**

A licensed child care center may be allowed in the R-1, R-2, R-2A, R-3, R-4, and RROD districts in accordance with the following conditions:

- A. Such facility shall supply loading and unloading spaces so as not to obstruct public streets or create traffic or safety hazards;
- B. All licenses have been issued or have been applied for and are awaiting the outcome of the state's decision; and
- C. When located within the R-1, R-2, R-2A, R-3, R-4, or RROD districts, signage shall be limited to two (2) non-illuminated freestanding signs not to exceed 32 square feet in area and 10 feet in height.

## **21. Medical Office**

A medical office may be allowed in the C-1 district in accordance with the conditions established by the Zoning Board of Adjustment.

## **22. Mortuary, Funeral Home or Crematorium**

A mortuary, funeral home or crematorium may be allowed in the R-1, R-2, R-3, and R-4 districts in accordance with the conditions established by the Zoning Board of Adjustment.

## **23. Multiple-Family Dwelling 13 or more Units**

A multiple-family dwelling with 13 or more units may be allowed in the R-4 district in accordance with the following conditions:

- A. The number of units shall be established by the Zoning Board of Adjustment.

## **24. Nursing or Convalescent Home**

A group home may be allowed in the R-3 and R-4 districts in accordance with the following conditions:

- A. The number of units shall be established by the Zoning Board of Adjustment.

## **25. Off-Premises Residential Garage**

An off-premises residential garage may be allowed in the R-2A, R-3, R-4, and OR district in accordance with the following conditions:

- A. Such use shall be incidental and subordinate to a permitted residential use and located on a lot within 300 feet of the residential use it serves;
- B. Such use shall be owned and maintained by the property owner of the residential use it serves;

- C. Such use shall be designed, constructed and maintained in harmony with the residential setting in which it is located;
- D. No such use shall exceed 720 square feet of floor area per dwelling unit served, or have a height in excess of 15 feet;
- E. No commercial storage, sales or Home-based business shall be permitted within such structure;
- F. No outside storage shall be permitted in conjunction with such use; and
- G. A site plan shall be submitted and approved as provided in **Chapter 12**.

## **26. Off-Street Parking**

The off-street parking of operable automobiles may be allowed in the R-1, R-2, R-2A, R-3, R-4, C-4, OR, OS, and OC districts in accordance with the following conditions:

- A. The off-street parking shall only serve an abutting permitted or conditional use on a lot located in any district except C-1. Off-street parking, when located in the C-4 district, shall only serve an abutting permitted or conditional use on a lot located within the C-4 district;
- B. No structure other than a screening or security fence or wall shall be erected on the premises;
- C. Signage shall be limited to one freestanding sign of no more than six square feet in size per drive opening, identifying the parking use, providing directions or marking entrances and exits thereto;
- D. A site plan shall be submitted and approved as provided in **Chapter 12**;
- E. Such use shall be compatible in design, construction and maintenance with the residential setting in which it is located; and
- F. No outside storage shall be permitted in conjunction with such use.
- G. Within the OC district, the off-street parking shall only serve an abutting permitted or conditional use on a lot located in the OC district. Signs within the OC District may be no more than eight square feet in size.

## **27. Outdoor Recreation or Amusement Center**

An outdoor recreation facility or outdoor amusement center may be allowed in the C-3 district in accordance with the following conditions:

- A. The hours of operation shall be limited, 8:00 a.m. to 12:00 midnight, unless further limited by the Zoning Board of Adjustment.

## **28. Passenger Transfer Facility**

A passenger transfer facility may be allowed in the C-2, C-3, C-4, and C-5 districts in accordance with the following conditions:

- A. Such facility shall provide for the loading and unloading of passengers so as not to obstruct public streets or alleys or create traffic or safety hazards; and
- B. That adequate indoor waiting area is provided.

## **29. Pet Daycare or Grooming**

A pet daycare may be allowed in the C-2 and C-2A districts in accordance with the following conditions:

- A. All operations and activities shall be conducted within a completely enclosed building.

## **30. Photographic Studio**

A photographic studio may be allowed in the OR district in accordance with the conditions established by the Zoning Board of Adjustment.

## **31. Private Club**

A private club may be allowed in the OR, OS, and OC districts in accordance with the conditions established by the Zoning Board of Adjustment.

**32. Recreational Use**

Recreational uses may be allowed in the POS district in accordance with the following conditions:

- A. The use shall not be of a nature which would attract large numbers of participants requiring the provisions of off-street parking; and
- B. The use may provide permanent equipment or facilities.

**33. Residential Use**

A residential use may be allowed in the HI district in accordance with the following conditions:

- A. The building in which the residential use is to be located contains no existing industrial use and will be prohibited from having an industrial use as long as the residential use is active; and
- B. A minimum of 650 square feet of area be provided for each unit.

**34. Restaurant**

A restaurant may be allowed in the OC district in accordance with the following conditions:

- A. Carry out items shall not be dispensed through any drive-through or walk-up window;
- B. Any outdoor seating shall be accessory to the indoor operation; and
- C. Opaque screening shall be provided for adjacent first floor residential uses in conformance with the landscaping requirements of **Chapter 13**.

**35. Restaurant, Drive-in or Carryout**

- A. A drive-in/carry-out restaurant may be allowed in the CR district in accordance with the conditions established by the Zoning Board of Adjustment.
- B. A drive-in/carry-out restaurant may be allowed in the C-2 and C-4 districts in accordance with the following conditions:
  1. Opaque screening shall be provided for adjacent residential uses in conformance with the landscaping requirements of **Chapter 13**.

**36. Retail Sale of Agricultural Products**

The retail sale of agricultural products may be allowed in the AG district in accordance with the conditions established by the Zoning Board of Adjustment.

**37. Retail Sales and Service**

A retail sales and service use may be allowed in the HI district in accordance with the following conditions:

- A. Retail sales and service activities shall not be permitted in an area where parking and pedestrian traffic is likely to conflict with on site or adjacent industrial users; and
- B. If located within an actively used industrial building, the retail use is fully separated from any industrial uses.

**38. Rooming or Boarding House**

A rooming/boarding house may be allowed in the R-3, R-4, and OR districts in accordance with the following conditions:

- A. The house provides an on-site resident manager; and
- B. The number of units shall be determined by the Zoning Board of Adjustment.

**39. Tour Home**

A tour home may be allowed in the R-1, R-2, R-2A, R-3, R-4, OR, and OC districts in accordance with the following conditions:

- A. The structure is either regulated by **Chapter 10** or listed in the National Register of Historic Places; and

B. Signage shall be limited to one wall-mounted sign, not to exceed six square feet in area, not internally illuminated, and with direct lighting only with a cut-off type luminaire.

#### **40. Tourist Home**

A tourist home may be allowed in the R-1, R-2, R-2A, R-3, R-4, and OR districts in accordance with the following conditions:

- A. Signs shall not be permitted, and
- B. Maximum occupancy of two persons per bedroom.

#### **41. Vehicle Body Shop**

A vehicle repair/body shop may be allowed in the C-4 district in accordance with the conditions established by the Zoning Board of Adjustment.

#### **42. Vehicle Sales or Rental**

A vehicle sales or rental facility may be allowed in the C-4 district in accordance with the conditions established by the Zoning Board of Adjustment.

#### **43. Vehicle Service or Repair**

A vehicle service or repair facility may be allowed in the C-4 district in accordance with the conditions established by the Zoning Board of Adjustment.

#### **44. Residential Wind Energy Conversion System**

A residential wind energy conversion system may be allowed in a residential or office district in accordance with the requirements established in **Section 7-3**.

#### **45. Small Wind Energy Conversion System**

A small wind energy conversion system may be allowed in a commercial, industrial, agricultural, planned unit development, or institutional district in accordance with the requirements established in **Section 7-3**.

#### **46. Winery**

A winery may be allowed in the AG district in accordance with the conditions established by the Zoning Board of Adjustment.

### **8-6 Variance Procedure**

#### **8-6.1 Application**

- A. Any person owning property may apply for a variance from the literal enforcement of the bulk regulation provisions including parking and sign requirements of this Code for the property or structure involved. All applications for a variance shall be made on the official form for such applications which shall be available from the Planning Services Department.
- B. Review of the application for a variance may be obtained by delivering the completed application form to the Planning Services Department together with payment of the required fee.
- C. Prior to its review, the Board may require the applicant for a variance to supply any further information beyond that contained in the application where it reasonably considers such information necessary to make the determination.

#### **8-6.2 Notice and Meeting Requirements**

Following receipt of a completed application the Board shall, with due diligence, consider such application at a public meeting. Notice of the time and place of the public hearing shall be published in the newspaper of general circulation at least seven days and not more than 20 days prior to such hearing. The Board shall direct and require verification that notice of the time and place of the meeting has been sent by first class mail to all owners of property within 200 feet of the property for which the variance is sought. At the public meeting, all interested parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the Board.

**8-6.3 Requirements for the Granting of a Variance**

- A. The Board shall grant a variance only under exceptional circumstances where practical difficulty or unnecessary hardship is so substantial, serious and compelling that relaxation of the general restrictions ought to be granted. No variance shall be granted unless the applicant shall show and the Board shall find that:
  - 1. The particular property, because of size, shape, topography or other physical conditions, suffers singular disadvantage, which disadvantage does not apply to other properties in the vicinity; and
  - 2. Because of this disadvantage, the owner is unable to make reasonable use of the affected property; and
  - 3. This disadvantage does not exist because of conditions created by the owner or previous owners of the property; and
  - 4. Granting the variance requested will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district; and
  - 5. Granting of the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the intent and purpose of the provision waived.
- B. In passing a variance, the Board shall not consider prospective financial loss or gain to the applicant.
- C. A variance shall not be allowed within the RHOD Restricted Height Overlay District.

**8-6.4 Conditions and Restrictions Attached to the Granting of a Variance**

In granting a variance, the Board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the intent and regulations of the provision waived, to reduce or eliminate any detrimental effect of the proposed variance upon the neighborhood or the public welfare, or to carry out the general purposes and intent of the provision waived. Violation of such conditions and restrictions, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code.

**8-6.5 Decisions and Records**

The Board shall render a written decision on an application for a variance after the close of the meeting. The decision of the Board shall contain specific findings of fact supporting the granting or denial of the variance and shall clearly set forth any conditions or restrictions imposed. The Board shall maintain complete records of all action with respect to applications for a variance.

**8-7 Special Exceptions****8-7.1 Application**

Any person owning property used solely for residential purposes may apply for a special exception from the literal enforcement of the bulk regulation requirements for the property or structure involved. All applications for a special exception shall be made on the official form for such applications which shall be available without cost from the Planning Services Department. The applicant shall be required to supply all pertinent items of information contained on the official application form as a condition to review of such application. Review of the application for a special exception may be obtained by delivering the completed application form to the Planning Services Department together with payment of the required fee. Upon receipt of the completed forms and the required fee, the Planning Services Department shall forthwith transmit a copy of the completed form to the Board, retaining the original form as part of the Planning Services Department's permanent records. Prior to its review, the Board may require the applicant for a special exception to supply any further information beyond that contained in the application form where it reasonably considers such information necessary to make the determination.

**8-7.2 Notice and Meeting Requirements**

Following receipt of a completed application the Board shall, with due diligence, consider such application at a public meeting. The Board shall direct and require verification that the applicant, or their agent has sent notice of the time and place of the meeting by first class mail to all owners of property abutting the property for which the special exception is sought, including property directly across the street. At the public meeting, all interested

parties shall be afforded a reasonable opportunity to appear and express their views on the application, either in person or by agent. A record of such meeting shall be entered into the minutes of the Board.

### **8-7.3 Requirements for the Granting of a Special Exception**

The Board shall grant a special exception when the applicant has shown that the following standards have been met or are not applicable:

- A. That the specific proposed exception will not be detrimental to or endanger public health, safety, comfort or general welfare.
- B. That the specific proposed exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish and impair property values within the neighborhood.
- C. That establishment of the specific proposed exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the zone in which such property is located.
- D. That adequate utilities, access roads, drainage and other necessary facilities are being provided.
- E. That, except for the specific exception being proposed, any structure shall in all other respects conform to the applicable regulations or standards of the zone in which it is to be located.

### **8-7.4 Conditions and Restrictions Attached to the Granting of a Special Exception**

In granting a special exception, the Board may impose any conditions or restrictions it reasonably considers necessary to ensure full compliance with the standards of this Code, to reduce or eliminate any detrimental effect of the proposed special exception on the neighborhood or the public welfare, or to carry out the general purpose and intent of this Code. Violation of such conditions and restrictions, when made a part of the terms under which a special exception is granted, shall be deemed a violation of this Code.

### **8-7.5 Decisions and Records**

The Board shall render a written decision on an application for a special exception after the close of the public meeting. The decision of the Board shall contain specific findings of fact supporting the granting or denial of the special exception and shall clearly set forth any conditions or restrictions imposed pursuant to this Code. The Board shall maintain complete records of all action with respect to applications for a special exception.

### **8-8 Appeal from Board Decision**

Appeals from action or decision of the Board shall be made in the manner provided by State law.

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**Chapter 9: Zoning Advisory Commission Applications and Procedures****9-1 Zoning Advisory Commission**

- A. Commission Created: There is hereby created the Zoning Advisory Commission.
- B. Purpose: The purpose of the commission is to make recommendations to the city council on applications for rezoning, subdivision plat approval, and text amendments to the Zoning Ordinance; to receive input from applicants, neighboring property owners, citizens, and city staff; to review applications in terms of their impact on the neighborhood, community, environment, and the city's utilities and transportation systems; and to forward to the city council the commission's recommendations with the assistance of Planning Services staff.
- C. Internal Organization and Rules: The commission may adopt rules and regulations to govern its organizational procedures as may be necessary and which are not in conflict with this Code of Ordinances or the Iowa Code.
- D. Procedures for Operation: All administrative, personnel, accounting, budgetary, and procurement policies of the city govern the commission in all its operations.
- E. Membership:
  - 1. The commission comprises seven (7) residents of the city, appointed by the city council.
  - 2. Residents must be eighteen (18) years of age or older.
  - 3. Qualifications.
    - a. Members must be qualified by knowledge, experience, and ability to act in matters pertaining to short-range planning and zoning, none of whom hold an elective position in the city.
    - b. Two (2) members of the Zoning Advisory Commission must be appointed to serve on the Airport Zoning Advisory Commission, with city council approval.
  - 4. Membership on the commission must comply with the provisions of Iowa Code §69.16A, relating to gender balance. No person can be appointed or reappointed to the commission if that appointment or reappointment would cause the number of members of one gender to be greater than one-half ( $\frac{1}{2}$ ) of the membership of the commission plus one (1). If the city has made a good faith effort to appoint a qualified person to fill a vacancy on the commission for a period of three (3) months but has been unable to make a compliant appointment, the city must utilize a fair and unbiased method of selecting the best qualified applicants.
- F. Oath: Each person, upon appointment or reappointment to the commission, must execute an oath of office at the first meeting of the commission following the appointment or reappointment or at the city clerk's office any time prior to the first meeting of the commission.
- G. Terms: The term of office for commissioners is three (3) years or until such commissioner's successor is appointed and qualified. The terms of the cross-representative appointees to the Airport Zoning Advisory Commission must coincide with their terms on the Airport Zoning Advisory Commission.
- H. Vacancies: Vacancies must be filled in the same manner as original appointments.
- I. Officers/Organization: The commissioners must choose annually a chairperson and vice-chairperson, each to serve a term of one (1) year. The chairperson must appoint a secretary, who need not be a member of the commission. The commissioners must fill a vacancy among its officers for the remainder of the officer's unexpired term.
- J. Meetings:

1. Meetings. Meetings may be called by the chairperson or at the written request of a majority of the commissioners.
2. Open Meetings. All meetings must be called and held in conformance with the Iowa Open Meetings Law.
3. Attendance.
  - a. In the event a commissioner has been absent for three (3) or more consecutive meetings of the commission, without being excused by the chairperson, such absence will be grounds for the commission to recommend to the city council that the position be declared vacant and a replacement appointed.
  - b. Attendance must be entered upon the minutes of all meetings.
4. Minutes. A copy of the minutes of all meetings of the commission must be filed with the city council within ten (10) working days after each meeting, or by the next regularly scheduled city council meeting, whichever is later.
5. Quorum. Four (4) commissioners constitute a quorum for the transaction of business. The affirmative vote of a majority of the commissioners present and voting is necessary except at least four (4) affirmative votes shall be required in the case of (a) text amendment to the zoning ordinance; (b) a substantial zoning reclassification; (c) approval, denial, or amendment of a planned district application; (d) adoption of any plan or report; or (e) amendment of a comprehensive plan. (Ord. 48-16, 9-19-16)

K. Compensation: Commissioners serve without compensation, provided that they may receive reimbursement for necessary travel and other expenses while on official commission business within the limits established in the city administrative policies budget.

L. Removal: Except as provided in J(3)(a), the city council may remove any commissioner for good cause.

M. Powers: The commission has the following powers, duties, and responsibilities:

1. To prepare and recommend a zoning ordinance to exercise the powers conferred by state law. Such zoning ordinance must include the boundaries of the various zoning districts; the height, number of stories, and size of buildings and other structures in each district; the percentage of ground that may be occupied; setback requirements; the size of yards, courts, and other open space; the density of population; the location and use of buildings, structures, and land for trade, industry, commercial, residential, or other purposes; and such regulations and restrictions necessary to enforce such zoning provisions. To this end the commission must prepare a preliminary zoning ordinance and hold public hearings thereon and after such hearings have been held, and submit a final zoning ordinance and its recommendations to the city council;
2. To recommend to the city council, from time to time, as conditions require, amendments, supplements, changes, or modifications to the zoning ordinance but only after a public hearing;
3. To make such surveys, studies, maps, plans, or plats of the whole or any portion of the city and of any land outside thereof, which in the opinion of the commission are consistent with the Comprehensive Plan and are necessary to carry out the purposes of the commission;
4. To make recommendations to the city council upon plans, plats, or replats of subdivisions or resubdivisions within the city which show streets, alleys, or other portions of the same intended to be dedicated for public use;
5. To make recommendations to the Long Range Planning Advisory Commission on the preparation and maintenance of the Comprehensive Plan;

6. To fulfill those duties and responsibilities assigned to a city planning commission in state law; and
7. To undertake from time to time other specific short-range planning projects which may be referred to it by the city council.

N. Waiver From Site Design Standards: The commission has the power to grant such waivers from the site design standards of this code, as may be reasonable and within the general purpose and intent of the site plan review and approval provisions of this code if the literal enforcement of one or more provisions of this code is impracticable or will exact an undue hardship because of peculiar conditions pertaining to the land in question. The affirmative vote of at least four (4) commissioners shall be necessary to grant a waiver. The waiver may be granted subject to such conditions as the commission may establish to ensure the general purpose and intent of the provisions of this code are followed. At the commission meeting, the applicant and all other interested parties must be presented a reasonable opportunity to present their views. Decisions of the commission may be appealed to the Zoning Board of Adjustment in the same manner as appeals from a decision of an administrative officer.

## **9-2 General Powers**

A. The Zoning Advisory Commission shall concern itself with short-range physical planning and shall have and possess the following powers, duties and responsibilities:

1. To prepare and recommend a Zoning Ordinance by exercising the powers conferred by State law. Such Zoning Ordinance shall include the boundaries of the various zoning districts; the height, number of stories and size of buildings and other structures in each district; the percentage of ground that may be occupied; setback requirements; the size of yards, courts and other open space; the density of population; the location and use of buildings, structures, and land for trade, industry, commercial, residential or other purposes; and such regulations and restrictions necessary to enforce such zoning provisions. To this end the Zoning Advisory Commission shall prepare a preliminary Zoning Ordinance and hold public hearings thereon and after such hearings have been held, shall submit a final Zoning Ordinance and its recommendations to the City Council;
2. To recommend to the City Council, from time to time, as conditions require, amendments, supplements, changes or modifications to the Zoning Ordinance but only after a public hearing;
3. To make such surveys, studies, maps, plans or plats of the whole or any portion of the City and of any land outside thereof, which in the opinion of the Zoning Advisory Commission are consistent with the Comprehensive Plan and are necessary to carry out the purposes of the Commission;
4. To make recommendations to the City Council upon plans, plats or replats of subdivisions or resubdivisions within the City which show streets, alleys or other portions of the same intended to be dedicated for public use;
5. To make recommendations to the Long-Range Planning Advisory Commission on the preparation and maintenance of the Comprehensive Plan;
6. To fulfill those duties and responsibilities assigned to a City Planning Commission in State law; and
7. To undertake from time to time other specific short-range planning projects which may be referred to it by the City Council.

B. The City Council shall have the authority to establish or revise the priorities of the Commission..

## **9-3 Organization; Meetings**

A. The Zoning Advisory Commission shall choose annually, at its first regular meeting of the fiscal year, one of its members to act as chairperson, and another of its members to act as vice-chairperson, to perform all of the duties of the chairperson during the chairperson's absence or disability. The Commission shall adopt such rules and regulations governing its operation and procedure as may be deemed necessary.

- B. Meetings of the Zoning Advisory Commission shall be held the first Wednesday of the month or at the call of the chairperson and at such other times as the Commission may determine.
- C. Members of the Zoning Advisory Commission shall attend at least two-thirds of all regularly scheduled meetings within any 12 month period. If any member fails to attend such prescribed number of meetings, such failure shall constitute grounds for the Commission to recommend to the City Council that said member be replaced. Attendance of all members shall be entered on the minutes.
- D. All meetings shall be held in conformance with the provisions of the Iowa Open Meetings Law.
- E. The Zoning Advisory Commission shall file with the City Clerk a copy of the minutes of each regular and special meeting of the Commission within 10 working days after each such meeting.

#### **9-4 Procedures of Operation**

All administrative, personnel, accounting, budgetary and procurement policies of the City shall govern the Zoning Advisory Commission in all its operations, except as herein provided.

#### **9-5 Zoning Reclassification**

- A. The City Council finds that the reclassification of property is a sensitive and important legislative function which, in the interest of maintaining uniform zoning policies and the integrity of the Comprehensive Plan, should only be exercised sparingly and under proper conditions. For this reason, and because the original zoning district boundaries under this Code are presumed to be correct and appropriate, it shall hereafter be the policy of the City to reclassify property only where a clear showing has been made that the original classification was a mistake or that circumstances and conditions affecting the property in question have so materially changed so as to demand reclassification in the public interest.
- B. The reclassification procedures outlined herein should not be confused with, or used in place of, the Code amendment process or the variance process. Thus, the Council intends that reclassification of property should not be entertained where: 1) an alleged hardship peculiar to the property is claimed, which is more properly the subject of a variance request, or 2) it is alleged that the Code provisions themselves as applied to similar properties are unreasonable, which is more properly the subject of a text amendment proposal. In all cases, the burden shall be upon the person(s) seeking reclassification to demonstrate that the requested reclassification is more appropriate than the present classification, in light of the characteristics of the property and the public welfare.
- C. Furthermore, it is contemplated under this Code that the Long-Range Planning Advisory Commission is, in the first instance, the body responsible for the formulation and continuing review of the Comprehensive Plan, as expressed herein, and this Commission shall be charged with the duty of periodically reviewing the policies and provisions of this Code in light of its purposes and changing conditions, and proposing on its own initiative such district reclassifications or Code amendments as may be deemed appropriate to secure the public welfare.

##### **9-5.1 Application Requirements**

- A. Any person may request a reclassification of property to another district, regardless of such person's interest in the property, by submitting a completed zoning reclassification application together with the required fee, to the Planning Services Department.
- B. The applicant may submit a written request to withdraw the reclassification application at any time prior to final action by the City Council.

##### **9-5.2 Zoning Advisory Commission Action**

- A. The Zoning Advisory Commission shall consider a reclassification request at a public hearing. Following the public hearing, the Zoning Advisory Commission shall act to recommend approval or denial of the request or table the request.
- B. The affirmative vote of at least four Commission members shall be required to constitute a recommendation of approval of a zoning reclassification request, and any lesser number of affirmative votes shall con-

stitute a recommendation of denial of the request. The recommendation of the Commission shall forthwith be transmitted to the City Clerk.

### **9-5.3 City Council Action**

- A. Following receipt of any recommendation of the Commission, the City Clerk shall cause a notice to be published of the date, time and place for the City Council to hold a public hearing on the requested reclassification.
- B. Following the public hearing, the Council shall act to adopt, table or reject the reclassification request. In cases where the Commission has recommended disapproval of the reclassification, the vote of at least three-fourths (3/4) of the Council shall be required to enact the reclassification.
- C. Furthermore, in case of a written protest against the reclassification request which is filed with the City Clerk and signed by the owners of 20 percent or more of the area of the lots included in the request, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property being considered for reclassification, such request shall not be enacted except by the favorable vote of at least three-fourths (3/4) of the Council. Property owned by the City or located in the public right-of-way shall not be considered in the above calculation of 20 percent area of property ownership.

## **9-6 Text Amendment Procedure**

### **9-6.1 Text Amendment**

Text amendments are intended for wholesale changes to the zoning regulations, as a means for the City to respond to changing conditions and emerging trends in the community. Text amendments are not property-specific.

### **9-6.2 Application Requirements**

- A. Any person may propose amendments to the provisions of this Code by delivering a copy of the proposed amendment to the Planning Services Department. The applicant may submit a written request to withdraw the text amendment application at any time prior to final action by the City Council.
- B. The affirmative vote of at least four Commission members shall be required to constitute a recommendation of approval of the proposal, and any lesser number of affirmative votes shall be considered a recommendation of denial of the amendment. The Commission's recommendations shall be forthwith transmitted to the Council for its action.

### **9-6.3 Zoning Advisory Commission Action**

The Zoning Advisory Commission shall consider a text amendment request at a public hearing. Following the public hearing, the Zoning Advisory Commission shall act to recommend approval or denial of the request, or table the request.

### **9-6.4 City Council Action**

- A. Following receipt of the Zoning Advisory Commission's recommendation, the City Council shall act to hold its own public hearing on the proposed amendment.
- B. Following the public hearing, the Council shall adopt, table or reject the proposed amendment. In those cases where the Zoning Advisory Commission has recommended disapproval of the amendment, the affirmative vote of at least three-fourths (3/4) of the City Council shall be required to enact the amendment.

## **9-7 Public Hearings**

At all public hearings required by this Code to be held by the Zoning Advisory Commission or City Council, all interested persons shall have an opportunity to express their opinions on the subject matter at hand, either in person or by agent, subject in all cases to reasonable rules of procedure.

**9-8 Notice of Zoning Advisory Commission Hearings**

- A. Notice of the time and place of all public hearings to be held by the Zoning Advisory Commission shall be published in a newspaper of general circulation in the City at least seven days and not more than 20 days prior to the date of the hearing.
- B. A reasonable effort shall be made to notify by mail those property owners whose property is being considered for reclassification and those owners of adjacent property and other parcels within 200 feet therefrom, prior to the first public hearing in which the reclassification request will be considered. Where the Commission has a public hearing on a reclassification request, the Commission shall direct and require verification that the applicant or their agent has taken responsible steps to give notice of the time, place, and subject of the hearing by first class mail to all property owners within 200 feet of the property for which reclassification is requested, and to the owner(s) of the property included in such request. The Commission may require, at its discretion and at the applicant's expense, notification of owners of property located more than 200 feet from the subject property and of other parties with a direct interest in the reclassification requested.
- C. Only one mailing shall be required in any event, and mail notice by the Council shall not be required. In all cases, however, the notice shall be mailed not less than seven days and not more than 20 days prior to the public hearing announced therein.

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**Chapter 10: Historic Preservation Commission Applications and Procedures****10-1 HISTORIC PRESERVATION COMMISSION:**

- A. Commission Created: There is hereby created the Historic Preservation Commission.
- B. Purpose: The purpose of the commission is to:
  - 1. Promote the educational, cultural, economic, and general welfare of the public through the protection, enhancement, and perpetuation of districts, individually designated historic properties, landmarks, and landmark sites of prehistoric, historic, architectural, archaeological, and cultural significance;
  - 2. Safeguard the city's prehistoric, historic, aesthetic, architectural, archaeological and cultural heritage by preserving historic properties, districts, landmarks, and landmark sites of historical, architectural, and cultural significance;
  - 3. Stabilize and improve property values;
  - 4. Foster civil pride in the legacy of beauty and achievements of the past;
  - 5. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business thereby provided;
  - 6. Strengthen the economy of the city; and
  - 7. Promote the use of properties, districts, landmarks, and landmark sites of prehistoric, historic, architectural, archaeological, and cultural significance as sites for the education, pleasure, and welfare of the people of the city.
- C. Internal Organization And Rules: The commission may adopt rules and regulations to govern its organizational procedures as may be necessary and which are not in conflict with this Code of Ordinances or the Iowa Code.
- D. Procedures For Operation: All administrative, personnel, accounting, budgetary, and procurement policies of the city govern the commission in all its operations.
- E. Membership:
  - 1. The Commission comprises nine (9) residents of the city, appointed by the city council.
  - 2. Age Requirement. Residents must be eighteen (18) years of age or older.
  - 3. Special Qualifications.
    - a. One (1) resident from each designated historic preservation district, including historic districts hereinafter established.
    - b. Four (4) at-large members.
    - c. Each member must possess qualifications evidencing expertise or interest in architecture, history, archaeology, law, construction, building rehabilitation, city planning, or conservation in general.
    - d. One (1) member must be a licensed architect.
  - 4. Membership on the commission must comply with the provisions of Iowa Code §69.16A, relating to gender balance, and Iowa Code §303.34, subsection 3, relating to establishment of a commission to deal with matters involving areas of historical significance.
- F. Oath: Each person, upon appointment or reappointment to the commission, must execute an oath of office at the first meeting of the commission following the appointment or reappointment or at the city clerk's office any time prior to the first meeting of the commission.
- G. Terms: The term of office for a commissioner is three (3) years or until such commissioner's successor is appointed and qualified.
- H. Vacancies: Vacancies must be filled in the same manner as original appointments. In the event that a vacancy occurs in a seat which requires that the appointee be a resident of a historic preservation district and for which there is no application from a qualified resident, the city council must appoint a tenth commissioner,

which appointment is temporary, and upon appointment of a qualified resident to the vacancy, the temporary appointment terminates.

- I. Officers/Organization: The commissioners must elect from its membership a chairperson and vice chairperson, whose terms of office are fixed by bylaws adopted by the commission. The chairperson presides over the meetings of the commission and has the right to vote. The vice chairperson, in cases of absence or disability of the chairperson, may perform the duties of the chairperson. The city manager must designate a city employee to serve as secretary to the commission. The secretary must keep a record of all resolutions, proceedings and actions of the commission.
- J. Meetings:
  1. Regular Meetings. The commission must meet at least three (3) times in a calendar year to maintain Certified Local Government status.
  2. Special Meetings. Special meetings may be called by the chairperson or at the written request of a majority of the commissioners.
  3. Open Meetings. All meetings must be called and held in conformance with the Iowa Open Meetings Law.
  4. Attendance.
    - a. In the event a commissioner has been absent for three (3) or more consecutive meetings of the commission, without being excused by the chairperson, such absence will be grounds for the commission to recommend to the city council that the position be declared vacant and a replacement appointed.
    - b. Attendance must be entered upon the minutes of all meetings.
  5. Minutes. A copy of the minutes of all regular and special meetings of the commission must be filed with the city council within ten (10) working days after each meeting, or by the next regularly scheduled city council meeting, whichever is later.
  6. Quorum. Five (5) commissioners constitute a quorum for the transaction of business. The affirmative vote of a majority of the commissioners present and voting is necessary for the adoption of any motion or resolution.
- K. Compensation: Commissioners serve without compensation, provided that they may receive reimbursement for necessary travel and other expenses while on official commission business within the limits established in the city administrative policies and budget.
- L. Removal: The city council may remove any commissioner for cause upon written charges and after a public hearing.
- M. Powers: The commission has the following powers, duties, and responsibilities:
  1. To promote and conduct educational and interpretive programs on historic properties within its jurisdiction.
  2. To develop and adopt specific standards for review and design guidelines, in addition to those set forth in section 10-7 of this chapter, for the alteration of landmarks, landmark sites, individually designated historic properties and property and structures within historic districts.
  3. To adopt its own bylaws.
  4. To identify, evaluate, register, manage and protect significant prehistoric and historic archaeological sites.
  5. To conduct an ongoing survey to identify historically, archaeologically and architecturally significant properties, structures and areas that exemplify the cultural, social, economic, political, archaeological or architectural history of the nation, state or city.
  6. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value or significance as historic districts.

7. To research and recommend to the city council the adoption of ordinances designating properties or structures having historic, architectural, archaeological or cultural value or significance as landmarks or landmark sites.
8. To research and recommend to the city council the adoption of ordinances designating properties as having historic, architectural, archaeological or cultural value or significance as individually designated historic properties.
9. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as "conservation districts".
10. To research and recommend to the city council the adoption of ordinances designating areas as having historic, architectural, archaeological or cultural value as "conservation planning areas".
11. To maintain a register of all properties and structures which have been designated as landmarks, landmark sites or historic districts, including all information required for each designation.
12. To assist and encourage the nomination of landmarks, landmark sites and historic districts to the national register of historic places, and review and comment at a public hearing on any national register nomination submitted to the commission upon the request of the mayor, city council or the state historic preservation office.
13. To confer recognition upon the owners of landmarks, individually designated historic properties or of property or structures within historic districts.
14. To review in progress or completed work to determine compliance with specific certificates of appropriateness or certificates of economic nonviability.
15. To serve as an advisory design review body to the city council for review of public works projects which have historic preservation implications in historic districts, individually designated historic properties, or for alteration of landmarks, landmark sites or structures, that would result in a material change in appearance or be visible from the public way.
16. To serve as an advisory review body to the city council for the review of public planning, design, construction, and maintenance needs in conservation planning areas upon request from the city council.

## 10-2 Definitions

For the purpose of this chapter, the following words and phrases have the meanings ascribed to them below:

**Alteration:** any act or process which changes the exterior architectural appearance or exterior feature of a structure, site or area, including, but not limited to, the erection, construction, reconstruction, restoration, removal or demolition of any structure or part thereof, excavation, or the addition of an improvement.

**Archaeological Significance:** a determination based on the following criteria:

- A. The site is associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad cultural patterns of U.S. history and from which an understanding and appreciation of those patterns may be gained; or
- B. The site is associated importantly with the lives of persons nationally significant in U.S. history; or
- C. The site represents some great idea or ideal of the American people; or
- D. The site embodies the distinguishing characteristics of an architectural type or specimen exceptionally valuable for a study of a period, style or method of construction, or that represents a significant, distinctive and exceptional entity whose components may lack individual distinction; or
- E. The site is composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition, but collectively compose an entity of exceptionally historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
- F. The site has yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the U.S. Such sites are those

which have yielded, or which may reasonably be expected to yield data affecting theories, concepts and ideas to a major degree.

**Architectural Interest:** a determination that a building, structure, property, object, site or area that has sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

**Architectural Significance:** a determination based on the following criteria:

- A. The structure(s) is (are) the work of, or associated with, a nationally or locally noted architect, architectural firm, engineer, builder or craftsman; or
- B. The structure(s) is (are) an example of a particular period of architecture or architectural style in terms of detail, material, method of construction or workmanship, with no or negligible irreversible alterations to the original structure; or
- C. The structure(s) is (are) one of the few remaining examples of a particular architectural style; or
- D. The structure(s) is (are) one of a contiguous group of structures which have a sense of cohesiveness which is expressed through a similarity of characteristics, a similarity of a style, a similarity of period, a similarity of method of construction or which accent the architectural significance of the area.

**Building:** any structure used or intended for supporting or sheltering any use or occupancy, typically for any form of human activity. A building also may refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn. Examples of buildings include: carriage house, church, garage, hotel, house, library, school, shed, store or theater.

**Certificate of Appropriateness:** a document issued by the Historic Preservation Commission indicating its approval of plans for an alteration or activity which will:

- A. Create a material change in appearance, or the removal or demolition, of a landmark, landmark site or of a structure within an historic district; and
- B. Require a regulated permit.

**Certificate of Economic Nonviability:** a document issued by the historic preservation commission which acknowledges an exception as herein defined and which authorizes an alteration or activity:

- A. Which creates a material change in appearance, or the removal or demolition, of a landmark, landmark site or of a structure within a historic district;
- B. Which requires a regulated permit; and
- C. For which a certificate of appropriateness has been or would be denied; however, a certificate of economic nonviability may be issued only upon a showing that the property owner will be deprived of any reasonable economic return on the property if not allowed to proceed with the requested alteration or activity.

**Character Defining Feature:** a prominent or distinctive aspect, quality, or characteristic of a cultural landscape or historic building, site, structure, object, or district that contributes significantly to its physical character.

**Commission:** the Dubuque Historic Preservation Commission, as established by this chapter.

**Conservation District:** an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;
- B. Contains contiguous pieces of property under diverse ownership;
- C. Encompasses areas of historically and architecturally significant buildings, sites, structures, objects, or districts, including potential national or local historic districts; and
- D. Is important to maintain and preserve for its economic and social value and as a neighborhood or area of affordable housing.

**Conservation Planning Area:** an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;

- B. Contains areas within a historical, architectural or archaeological survey;
- C. Has a history of good overall maintenance and where architectural interest is high; and
- D. The City of Dubuque has undertaken the study of the area.

**Contributing Building:** a contributing building, site, structure, or object adds to the historic architectural qualities, historic or traditional cultural associations, or archaeological values for which a property is significant because:

- A. It was present during the period of significance or does not relate to the documented significance of the property; or
- B. Despite alterations, disturbances, additions, or other changes, it still possesses historical integrity or is capable of yielding important information about the period; or
- C. It independently meets one or more of the National Register of Historic Places criteria; or
- D. It has identified as contributing in a historical, architectural, or archaeological survey.

**Cultural Significance:** a determination based on the following criteria:

- A. The role a property, cultural landscape, building, site, structure, object, or district plays in a community's historically rooted beliefs, customs, and practices; or
- B. Its association with events, or series of events, significant to the cultural traditions of a community.

**Demolition:** any act or process which destroys in part or in whole a landmark or a structure.

**Design Guideline:** a standard of acceptable activity which will preserve the prehistoric, historic, architectural, archaeological and cultural character of a building, district, landmark, site, object or structure.

**Determination of No Material Effect:** a document issued by the city planner indicating approval for any normal "repair" or act of maintenance as defined by this chapter, which:

- A. Is not an "alteration", construction, removal, "demolition" or "excavation" as defined by this chapter;
- B. Does not create a material change in the exterior architectural appearance or exterior features of a structure or site; and
- C. Nonetheless does require a regulated permit

**District:** a definable geographic area that can be distinguished from surrounding properties, and which possesses a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

**Excavation:** the digging out or removal of earth, soil.

**Exterior Architectural Appearance:** the architectural style and character and the general composition and arrangement of the exterior of a building or structure, including character-defining features.

**Exterior Features:** the architectural style and the general design and arrangement of the exterior of a structure, including, but not limited to, the kind and texture of the building material(s), and the type, style and arrangement of all windows, doors, light fixtures, signs and other appurtenant elements, or the natural features of a landmark, landmark site or structure. In the case of outdoor advertising signs, "exterior feature" includes the style, material, size and location of the sign.

**Historic District:** an area designated by ordinances of the City Council which:

- A. Has defined geographic boundaries;
- B. Contains contiguous pieces of property under diverse ownership; and
- C. Is one or more of the following:
  1. Significant to American history, architecture, prehistoric or historic archaeology or culture; or
  2. Possesses integrity of location, design, setting, materials, workmanship, feel and association; or

3. Associated with events that have been a significant contribution to the broad patterns of our prehistory or history; or
4. Associated with the lives of persons significant with our past; or
5. Embodies the distinctive characteristics of a type, period, or method of construction; or
6. Represents the work of a master; or
7. Possesses high artistic values; or
8. Represents a significant and distinguishable entity whose components may lack individual distinction; or
9. Has yielded, or may be likely to yield, information important to prehistory and history.

**Historic Significance:** a determination based on the following criteria:

- A. The structure(s) or site(s) has (have) a strong association with the life or activities of a person or persons who have contributed to or participated in the historic events of the nation, state or community; or
- B. The structure(s) or site(s) is (are) associated with an association or group (whether formal or informal) which has contributed to or participated in historic events of the nation, state or community; or
- C. The structure(s) or site(s) or object(s) is (are) associated with an antiquated use due to technological or social changes in the nation, state or community, such as, but not limited to, a blacksmith's shop or railroad trestle; or
- D. The site(s) or object(s) is (are) a monument to or a cemetery of historic personages.

**Improvement:** any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or part of such betterment.

**Individually Designated Historic Properties:** historical designation offered for individual properties determined to have prehistoric, historic, architectural, archaeological and cultural significance and which are not of a landmark status or located within a historic district.

**Integrity:** the original, unaltered or historically altered appearance of a structure, site or area when taken as a whole.

**Landmark:** a property or structure designated by ordinance of the City Council pursuant to procedures described herein, that is worthy of preservation, rehabilitation or restoration because of its prehistoric, historic, architectural, archaeological or cultural significance to the City, the state or nation.

**Landmark Site:** any parcel of land of prehistoric or historic archaeological significance, or historic significance due to its substantial value in tracing the prehistory or history of Native Americans, or upon which an historic event has occurred, and which has been designated as a landmark site under this section, or an improvement parcel, or part thereof, on which is situated a landmark and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

**Material Change of Appearance:** any change, alteration or modification of the external architectural appearance or exterior features of a building, improvement, structure or property which is visible from the public way and for which a regulated permit is required for compliance with applicable local codes, including, but not limited to:

- A. Changes in the exterior size, configuration, fenestration or other structural features of the property; or
- B. Construction or reconstruction; or
- C. Demolition; or
- D. Any alteration in the size, location or appearance of any sign on the property; or
- E. Any excavation on property or the deposit of any waste, fill or other material on property.

F. For individual historic districts, the definition of “material change in appearance” may be expanded to include additional activities for which a Certificate of Appropriateness is required. Such additional activities shall be delineated in the ordinance designating an individual district or by amending the district designating ordinance, in the case of a district that has been previously designated.

**Non-contributing Building:** a non-contributing building, site, structure, or object does not add to the historic architectural qualities, historic or traditional cultural associations, or archaeological values for which a property is significant because:

- A. It was not present during the period of significance or does not relate to the documented significance of the property; or
- B. Due to alterations, disturbances, additions, or other changes, it no longer possesses integrity or is incapable of yielding important information about the period; or
- C. It does not independently meet one or more of the National Register of Historic Places criteria.

**Object:** as distinguished from buildings and structures, objects are those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples of objects include: fountain, mile-post, monument, sculpture or statuary.

**Owner of Record:** any person, firm, corporation or other legal entity listed as owner on the records of the Dubuque County Recorder.

**Prehistoric Significance:** a determination based on the following criteria:

- A. That a property, cultural landscape, building, site, structure, object, or district has yielded or may be likely to yield, information important in prehistory; or
- B. That property, cultural landscape, building, site, structure, object, or district provides a diagnostic assemblage of artifacts for a particular cultural group or time period or that provides chronological control (specific dates or relative order in time) for a series of cultural groups.

**Preservation Alternatives:** financial incentives and restoration alternatives sufficient for the property owner to earn a reasonable economic return. Financial incentives include, but are not limited to, financing, tax credits, tax abatements, preservation grants or other similar incentives. Restoration alternatives include, but are not limited to, different materials, techniques or methods for rehabilitation of historic buildings and structures, or archaeological sites.

**Regulated Permit:** an official document or certificate issued by the Building Official, City Engineer or other official of the City pursuant to provisions of the Building Code or other ordinance or regulation, and which authorized the performance of a specified activity.

**Repair:** any change which does not require a building permit, and which is not construction, removal or demolition.

**Scale:** in a building or structure, the relationship of the vertical, horizontal and volume measurements; the relationship of the parts to one another within a building, or structure or in comparison to other buildings or structures within that vicinity.

**Site:** the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. Examples of sites include: cemetery, designed landscape, habitation site, natural feature having cultural significance, rock carving, rock shelter, ruins, trail or village site.

**State Historic Preservation Office:** state agency which identifies, records, collects, preserves, manages, and provides access to Iowa's historical resources and educates, conducts and stimulates research, disseminates information, and encourages and supports historic preservation and education efforts of others throughout the state.

**Structure:** anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, including, but not limited to, the following: earthwork, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennas, including supporting towers, and swimming pools. As

distinguished from buildings, structures are those functional constructions made usually for purposes other than creating human shelter.

**Visibility from the Public Way:** any portion of a building or structure that is visible to a person while standing on an adjacent improved public street, alley, sidewalk or step. Temporary structures or vegetation shall not be considered as obstructions to the visibility from the public way.

### **10-3: IDENTIFICATION AND DESIGNATION OF LANDMARKS, SITES AND HISTORIC DISTRICTS:**

- A. Generally: The commission conducts studies for the identification and nomination of landmarks, landmark sites, individually designated historic properties and historic districts, as defined by this chapter. The commission may proceed on its own initiative or upon a petition from any person, group or association.
- B. Nomination:
  1. Landmarks And Landmark Sites: The nomination of landmarks and landmark sites must be initiated by an application submitted to the commission by the property owner on a form supplied by the commission.
  2. Historic Districts: The designation of historic districts must be initiated by a nomination for such designation. A nomination is made to the commission on a form prepared by the commission and may be submitted by a member of the commission, the owner of record of property within a proposed historic district, the city council, or any other person or organization. When a commissioner, as a private citizen, nominates a historic district for designation, the nominating commissioner must abstain from voting on the designation. This provision does not extend to a designation motion presented by a commissioner as part of commission proceedings.
  3. Individually Designated Historic Properties: The nomination of individually designated historic properties must be initiated by an application submitted to the commission by the property owner on a form supplied by the commission.
- C. Criteria For Consideration Of Nomination: The commission will, upon such investigation as it deems necessary, make a determination as to the following:
  1. Whether the nominated property, structure, object, site or area:
    - a. Is of “architectural significance,” as defined by this chapter, or
    - b. Is associated with events that have made a significant contribution to the broad patterns of the history of the city of Dubuque, Dubuque County, the state of Iowa or the nation; or
    - c. Is associated with the lives of persons significant in the past of the city of Dubuque, Dubuque County, the state of Iowa or the nation; or
    - d. Has yielded, or may be likely to yield, information important in prehistory or history, and
  2. Whether the structure, property, object, site or area has sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration; and/or
  3. Whether the structure, property, object, site or area is at least fifty (50) years old, unless the commission determines that it has achieved significance within the past fifty (50) years and is of exceptional importance.
- D. Notification Of Nomination: Within sixty (60) days after receipt of a completed nomination in proper form, the commission must meet to review the nomination. Notice that a nomination for designation is being considered and the date, time, place and purpose of the meeting must be sent by certified mail, at least fourteen (14) days prior to the date of the hearing, to the owner(s) of record of the nominated landmark or landmark site, nominated individually designated historic property, or property within the nominated historic district and to the nominator(s). Notice must also be published in a newspaper having general circulation in the city. The notice must state the street address and legal description of a nominated landmark or landmark site or the boundaries of a nominated district.
- E. Meeting: The commission may, at its discretion, accept oral or written testimony concerning the significance of the nominated landmark, landmark site or historic district from any interested person. The commission may request expert testimony, consider staff reports or present its own evidence regarding the compliance of the nominated landmark, landmark site, individually designated historic property or historic district with the

criteria set forth in subsection C of this section. The owner of any nominated landmark, landmark site, individually designated historic property or of any property within a nominated historic district shall be allowed a reasonable opportunity to present evidence regarding the nomination.

- F. Determination By Commission, Recommendation And Report: Within thirty (30) days following the commission's meeting, the commission will determine whether the nominated landmark, landmark site, individually designated historic property or historic district meets the criteria for designation. Such determination is made in an open meeting by resolution of the commission, in the form of a written recommendation and a written report in support of the nomination. The commission's recommendation on the nomination of a landmark, landmark site, individually designated historic property or historic district, and its supporting report, will be transmitted to the city council, with a proposed ordinance or amendment establishing such landmark, landmark site, individually designated historic property or historic district and describing its location and boundaries by address and legal description.
- G. Action By City Council:
  - 1. The city council must submit the proposed ordinance or amendment to the state historic preservation office for review and recommendations at least thirty (30) days prior to the date of any public hearing conducted by the city council. The City will make any recommendations made by the state historic preservation office available to the public for viewing during normal working hours at a city government place of public access.
  - 2. Upon receipt of the recommendation and report of the commission, and after having received a recommendation from the state historic preservation office or if the thirty (30) day waiting period has lapsed since submission of the request for such recommendation, the city council will conduct a public hearing on the ordinance or amendment establishing the proposed landmark, landmark site, individually designated historic property or historic preservation district. After public hearing, the city council will approve or disapprove the ordinance or amendment, or refer the nomination back to the commission for modification. A modified nomination requires compliance with the same procedure for designation as set forth above.
  - 3. City council approval of the ordinance or amendment constitutes designation of the landmark, landmark site, individually designated historic property or historic district.
- H. Amendment And Rescission Of Designation: A designation may be amended or rescinded upon petition to the commission and compliance with the same procedure and criteria as set forth above for designation.

#### **10-4 Designated Landmarks, Sites and Historic Districts**

##### **A. Historic Districts**

###### **1. Langworthy Historic Preservation District**

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: All of Lots 1 through 3, inclusive; all of Lot 4 excepting the northerly ten (10) feet thereof, all of the south half of Lot 6; all of Lots 12 through 16, inclusive; and all of Lots 12A through 16A, inclusive; all being in Paulina Langworthy's Addition. The west fifteen (15) feet of lot 4; all of Lot 5, and Lot 6; all being in McCoy Subdivision. All of Lots 1 through 6, inclusively, of Lot 2 and Lot 3; all of Lot 4; and all of Lots 5 through 8, inclusive, excepting the northerly twelve (12) feet of all of them; all being in Mrs. L. A. Langworthy's Addition. All of Lots 1 through 12, inclusive; all of Lots 17 through 21, inclusive; and all of Lots 9 through 53, inclusive; all being in Julia Langworthy's Addition. Lots 1 through 4, inclusive; Lot 1 of Lot 6; Lots 28 through 32, inclusive; Lot 1 of Lot 1 of Lot 1 of Lot 33; and Lot 1 of Lot 2 of Lot 2 of Lot 33; all being in T. S. Nairn's Dubuque Addition.

###### **2. Old Main Historic Preservation District**

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: All of City Lots 1 through 12, inclusive; all of City Lots 69 through 80, inclusive; and the south sixty-four (64) feet of Lot 1 Block XV of Dubuque Downtown Plaza.

###### **3. Jackson Park Historic Preservation District**

The properties hereinafter described are hereby designated as an historic preservation district, according to the provisions of this chapter: Beginning at the intersection of West 17th and Heeb Streets, north along Heeb Street to the south line of M. A. Rebman's Sub.; west along said line and the south line of Duncan's Sub. to the west line of Lot 4-C.L. six hundred seventy-four (674) feet; south along said line to the south line of Lot 2-5-C.L.

674; west along said line and along the south line of Lot 1-5-C.L. 674 to Main Street; west across Main Street and Madison Avenue to the north line of Lot 5-2-C.L. 673; continuing west along said line to the west line of said lot; south along said line to Dorgan Place; west along Dorgan Place to the east line of Lot 1-1A-Dorgan's Sub.; southwest along said line and along the east line of Lot 1-1-Dorgan's Sub. and its extension of West 17th Street; first south then in a counterclockwise manner along the westerly line of D.N. Cooley's Sub. and its southerly extension to the north line of Lot 1-1-C.L. 667; east along said line to the east line of said lot; south along said line and the east line of Lot 2-3-C.L. 667 to the south along said line of Lot 2-1-C.L. 667; east along said line to Bluff Street; south along Bluff Street to the south line of A.L. Brown's Sub.; west along said line to the east line of Lot 769B of A. McDaniel's Sub.; south along said line and the east right-of-way line of Grove Terrace and the east line of Corkery's Sub. to the north line of Lorimer's Sub.; east along said line to the east line of Lot 1-1-1 and 11 of Lorimer's Sub.; south along said line and its extension to West 9th Street; east along West 9th Street to Locust Street; north along Locust Street to West 10th Street; east along West 10th Street to the alley between Locust and Main Streets; north along said alley to West 13th Street; east along West 13th Street to Main Street; south along Main Street to the south line of the north 1/5-C.L. 465; east along said line and its extension to the east line of the west 33 feet, north 1/5-C.L. 460; north along said line to West 13th Street; east along West 13th Street to Iowa Street; north along Iowa Street to West 14th Street; east along West 14th Street to the alley between Iowa Street and Central Avenue; north along said alley to West 17th Street; east along West 17th Street to Heeb Street, the point of beginning.

#### 4. Cathedral Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to provisions of this chapter: Beginning at the intersection of Locust Street and West Seventh Street; southwest along West Seventh Street to Bluff Street; northwest along Bluff Street to the northwest line of Lot 5-C.L. 653A; southwest along said line to the southwest line of said lot; southeast along said line to the northwest line of the north fifty (50) feet of Lot 1-1-C.L. 653; southwest along said line to the northeast line of Coriell's Dubuque Sub.; first southeast then in a clockwise manner along said line to West Fifth Street; southeast along West Fifth Street; to the northwest line of the west one hundred seven and five-tenths (107.5) feet-west one hundred seventy (170) feet-C.L. 624; southwest along said line to the northeast line of Cooper Heights Sub; southeast along said line and along the northeast line of Lot 1-1-1-C.L. 692 to the north right-of-way line of West Fourth Street; southwest along said right-of-way line and along the northwest line of Lot 2-1-1-C.L. 692 to Raymond Place; southeast along Raymond Place to the northwest line of Fenelon Point Sub.; first northeast then in a clockwise manner along said line to the southwest line of Lot 1-E. seventy-eight and five-tenths (78.5) feet south one hundred (100) feet-C.L. 692; southeast along said line to West Third Street to the southwest line of Saint Raphael's Add.; southwest along said line to the northwest line of Lot 1-2-C.L. 694; first northeast then in a clockwise manner along said line to the northwesterly most line of Pixler Place; northeast along said line to the west right-of-way line of Bluff Street; southeast across Bluff Street to the northeast line of C.L. 589A; continuing southeast along the northeast line of C.L. 589A and the northeast line of C.L. 589 and the northeast line of the north twenty-one (21) feet-north 1/2 C.L. 572 to Locust Street; northeast along Locust Street to the southwest line of the south fifty (50) feet-C.L. 568; northwest along said line to Bissell Lane; north along Bissell Lane to West Fourth Street; northeast along West Fourth Street to Locust Street; northwest along Locust Street to West Seventh Street, the place of beginning as described herein.

#### 5. West Eleventh Street Historic Preservation District

The properties hereinafter described are hereby designated as an historic preservation district, according to provisions of this chapter: Beginning at the intersection of Loras Boulevard and Bluff Street; south along Bluff Street to the south line of A.L. Brown's Sub.; west along said south line to the east line of Lot 769B of A. McDaniel's Sub.; south along said east line and along the east right-of-way line of Grove Terrace and along the east line of Corkery's Sub. to the north line of Lorimer's Sub.; east along said north line to the east line of Lot 1-1-11-Lorimer's Sub; south along said east line and its southerly extension to West 9th Street; west along West 9th Street to the west line of Central Addition; north along said west line to the south line of the east twenty-seven (27) feet-Lot 3-C.L. 703; west along said south line to the west line of said lot; north along said west line to the north line of the west one hundred thirty-nine (139) feet-Lot 3-C.L. 703; west along said north line to the east line of Lot 2-46A-Farley's Sub.; north along said east line to Wilbur Street; west along Wilbur Street to the west line of Lot 2-46A-Farley's Sub.; south along said west line to the south line of Lot 1-46-Farley's Sub.; west along said south line and along the south line of Lot 1-45-Farley's Sub. to the west line of said Lot 1-45; north along said west line to Wilbur Street; west along Wilbur Street to Spruce Street; south along Spruce Street to the south line of Lot 2-43-Farley's Sub.; west along said south line to the east line of the south eighty (80) feet-Lot

37-Farley's Sub.; north along said east line to the north line of said lot; west along said north line to the east line of Lot 38-Farley's Sub.; north along said east line to Jefferson Street; west along Jefferson Street and along the south line of Lot 2-1-1-3-C.L. 738 to the west line of Lot 2-1-1-3-C.L. 738; north along said west line and along the west line of Lot 1-1-1-3-C.L. 738 and along the west line of Lot 2-1-3-C.L. 738 and along the west line of Lot 1-2-1-C.L. 738; to West Eleventh Street; east along West Eleventh Street to the west line of Lot 12 of Cummin's Sub.; north along the west lines of Lots 11, 10, 9 and 8 of Cummin's Sub.; north across Race Street; north along the west line of Lot 6 of Cummin's Sub. to Chestnut Street; west along Chestnut Street to the west property line of Lot 8 of Bissell's Dubuque; north along the west property lines of Lots 9, 10, 11, 12, 13, 14 and 15 of Bissell's Dubuque and the E. 150' of Lot 5 of C.L. 740; east along the north line of the E. 150' of Lot 5 of C.L. 740 to Walnut Street; north along Walnut Street to Loras Boulevard; east along Loras Boulevard to Henion Street; north along Henion Street to Pickett Street; east along Pickett Street to the east line of Lot 2-7-C.L. 667; south along said east line to the south line of Lot 1-4-C.L. 667; first east line then in a counter-clockwise manner along the southerly lines of Lot 1-4-C.L. 667 and Lot 1-3-C.L. 667 to the west line of Lot 2-1-C.L. 667; south along said west line of the south line of Lot 2-1-C.L. 667; east along said south line to Bluff Street; south along Bluff Street to Loras Boulevard, the place of beginning.

## B. Landmarks and Landmark Sites

### 1. William M. Black Landmark

The structure hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: Sidewheeler Dredge William M. Black moored at Inner Levee of the Mississippi River, commonly known as the Ice Harbor.

### 2. Dubuque City Hall Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on the N 2/5 of City Lot 448 and the N 2/5 of City Lot 457, commonly known as 50 West 13th Street.

### 3. Dubuque County Courthouse Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on part of City Lot 286 and City Lots 287 to 288, commonly known as 720 Central Avenue.

### 4. Dubuque County Jail Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on City Lots 284 to 285 and part of City Lot 286, commonly known as 36 West 8th Street.

### 5. Julien Dubuque Monument Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The structure situated on Pt. Lot 1, Government Lots 1 and 2, located at terminus of Monument Drive.

### 6. Mathias Ham House Landmark

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The building situated on Lot 1 of Lot 531 Ham's Addition, commonly known as 2241 Lincoln Avenue.

### 7. Shot Tower

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The Shot Tower structure situated on River Front Sub 1, located at terminus of Commercial Street.

### 8. Four Mounds Estate Landmark Site

The property hereinafter described is hereby designated as a landmark site, according to the provisions of this chapter: The buildings, structures, objects, sites, and property situated on Lot 1-1-2-1 & Lot 1-1-2-1-1 of SW-NW & Gov 1 & min Lot 331 & Lot 1-7-SW & Lot 2-NW-NW all in Sec 1 of T89N-R2E & Lot 1 & Lot 2-1-1-1 of Sub of 1-7 SW and SW of NW Sec 1 T89N-R2E & Gov Lot 1 a/k/a min Lot 331 & Lot 1-1-4, 2-2-4, 2-1-2-4, Lot 2 & 3 of SW Sec 1 of T89N-R2E & Lot 1 Fountain Hill re-sub & Lot 16 John Deere Dub Tractor Works & Lot 2-1-1-2-2 of SE 1/4 NE 1/4 Sec 2 of T89N-R2E 5th, commonly known as 4900 Peru Road.

### 9. Carnegie Stout Public Library

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter:

The buildings situated on City Lot 658A, City Lot 659, City Lot 660, balance of City Lot 658, commonly known as 360 West 11<sup>th</sup> Street.

### 10. White Water Creek Bridge

The property hereinafter described is hereby designated as a landmark, according to the provisions of this chapter: The span of bridge situated on Lot H Dubuque Industrial Center West Final Plat, commonly known as the Bergfeld Recreation Area, 7600 Chavenelle Drive.

### 11. Eagle Point Park

The property hereinafter described is hereby designated as a landmark site, according to the provisions of this chapter.

The buildings, structures, objects, sites, and property situated on Lot 2-1-2, Lot 1-1-1-1-2-3, Lot 2-1-1-2-3, Lot 2-1-2-3, Lot 1, Lot 2-2-2-3 All of Mineral Lot 310; Lot 1 of Mineral Lot 308; Lot 1 & 2 of Subdivision of 3 of Mineral Lot 305a; Lot 4, Lot 1-1-1-1-1-1 of Mineral Lot 305a; Lot 1-1-1-1 of 305a Except That Part That Lies Easterly of the Railroad Tracks And Westerly of the Lock and Dam & Riverlot 2-4 of Eaglepoint #2; Lot 2-221, Lot 1-222 & Lots 223 & 224 Julien Addition; Lots 529 Thru 534 Hams Addition; Lots 2-6, Lot 2-1-6 and Parts of Lots 107 to 124 All In Fountain Hill Resubdivision; Lot 1, Lot 1a, Lot 2-3-2, Lot 2-1-4, Lot 2-6, Lot 7, Lot 2-2-3, Lot 2-4, Lot 2-1-3, Lot 3-1-4, And Lot 2-1-2-3 All of Mineral Lot 312; Lot 2-1 Block 3 Orchard Hills; Lot 2-2 of Mineral Lot 305a; All in Section 7 - Township 89 North - Range 3 East, commonly known as 2601 Shiras Avenue.

## C. Individually Designated Historic Properties

The properties hereinafter described are hereby designated as individually designated historic properties, according to provisions of this chapter:

1. The buildings, structures, objects, sites, and property situated on E 1/2 Lot 36, E 15' W 1/2 Lot 36, Lot 37 Prospect Hill Addition, commonly known as 565 Fenelon Place.
2. The buildings, structures, objects, sites and property situated on Lots 22 & 23 and the N 46 feet of Lot 25 LH Langworthy's Sub, also known as 216 Clarke Drive.
3. The buildings, structures, objects, sites and property situated on Lots 16 and 17 of the West 1/2 of Block 1 of Dubuque Harbor Company Addition to the City of Dubuque, Iowa, also known as 40 & 42 Main Street.
4. The buildings, structures, objects, sites and property situated on Lot 20 Staffords Add., also known as 2537 Windsor Avenue.
5. The buildings, structures, objects, sites and property situated on Lots 13, 14 & 15 of W 1/2 Blk 1 Dubuque Harbor Co. Add., also known as 44 Main Street. (Ord. 3-10, 1-19-2010)

## 10-5: DEMOLITION OF LANDMARKS, LANDMARK SITES AND STRUCTURES IN HISTORIC DISTRICTS AND CONSERVATION DISTRICTS:

- A. Demolition Generally: Demolition of landmarks, landmark sites, individually designated historic properties or structures within historic districts, and structures in conservation districts is prohibited unless, upon application and after hearing, the commission issues a certificate of appropriateness or a certificate of economic nonviability pursuant to this section.
- B. Demolition By Neglect Prohibited: The owner of a building or structure in any historic or conservation district, or of a landmark or landmark site, or individually designated historic property must keep in good repair all the exterior portions of such buildings or structures and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion and comply with all other provisions of law requiring property and improvements to be kept in good repair. The

owner must repair the building or structure to correct any of the following defects as determined by the city building official:

1. Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
2. A deteriorated or inadequate foundation;
3. Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
4. Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the load imposed;
5. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle, due to defect or deterioration or are insufficient to support the load imposed;
6. Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
7. Deteriorated, crumbling, or loose exterior stucco or mortar;
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows and doors;
9. Defective or lack of weather protection for exterior wall coverings, foundations or floors, including broken windows and doors;
10. Any default, defect, or condition in the structure which renders it structurally unsafe or not properly watertight;
11. Deterioration of any exterior feature so as to create a hazardous condition which could make demolition necessary for the public safety;
12. Deterioration or removal after the effective date hereof of any unique architectural feature which would detract from the original architectural style;
13. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that cause instability, loss of shape and form, or crumbling;
14. Rotting, holes, and other forms of decay; or
15. Leaving a building or structure open or vulnerable to vandalism, decay by the elements, or animal and/or insect infestation.

C. Emergency/Hazard Removal: In the event that a building or structure becomes damaged by fire, or other calamity or disaster, to such an extent that the Building Official determines it cannot reasonably be repaired and restored, or it poses an immediate risk to public safety and well-being, after consultation with a licensed architect or engineer in determining whether a building or structure can be reasonably repaired, stabilized or restored, any portion thereof may be removed in conformance with applicable laws.

D. Review Of Demolition Permits: Upon receiving an application for a demolition permit for any building subject to this section, the building official must immediately notify the planning services department of such application. If the application is for any building with one or more dwelling units, the building official must also immediately notify the housing and community development department. The applicant must file the information required in this section with the historic preservation commission at the office of the planning services department by the application deadline established by the commission. If the application is for any building with one or more dwelling units, the planning services department must provide the filed information to the housing and community development department.

1. At its next regular meeting, the commission will approve or deny the application, or table the application for additional information for a specified period not to exceed ninety (90) days from the date of application with the commission. Failure of the commission to take action on the application within the ninety (90) day period, unless the applicant requests and the commission grants an extension of such time, constitutes commission approval thereof.

2. The commission will review all information submitted by the applicant and, if the application is for any building with one or more dwelling units, all information submitted by the housing and community development department, and make a determination as to the following:
  - a. Whether the building proposed for demolition has historic or architectural significance to the community; and
  - b. Whether denial of the proposed demolition permit would prevent the property owner from earning a reasonable economic return on the property.
3. If the commission finds that denial of the application would prevent the property owner from earning a reasonable economic return on the property, or that the building does not have any historical or architectural significance to the community, the commission will approve the application.'
4. If the commission finds that denial of the application would not prevent the property owner from earning a reasonable economic return on the property, and that the building has historical or architectural significance to the community, the commission will deny the permit application.
5. If the applicant is the state of Iowa or a political subdivision of the state, the city council will also make a determination as to whether the denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions as follows:
  - a. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions, the city council will approve the application.
  - b. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would not prevent the state or the political subdivision from accomplishing its governmental functions, the city council may deny the application.
6. If the city council denies the application, it will state its findings in writing and shall transmit a copy of such findings to the applicant.

E. Standards for Demolition Review:

1. The report, "Heritage Of Dubuque" dated March 1974 and filed on record on January 27, 1975, is a comprehensive study for the historical preservation and conservation of the city and one of the guides to be considered at such time as a demolition permit is applied for under this section. The city of Dubuque's historic property inventory and any subsequent official architectural/historical surveys/evaluations and nominations to the national register of historic places prepared for any buildings located within the conservation districts described in subsection A of this section are also guidelines at such time.
2. In determining whether a building has historic or architectural significance, the commission considers an application for a demolition permit in accordance with the standards for review set forth in the secretary of the interior's "standards for identification and evaluation", and any subsequent revisions of these standards and guidelines by the secretary of the interior. The commission also considers a determination from the state historical preservation office as to the potential eligibility for listing of the building proposed for demolition on the national register of historic places.
  - a. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would prevent the state or the political subdivision from accomplishing its governmental functions, the city council will approve the application.
  - b. If, after weighing the interests and attempting to accommodate all conflicting governmental interests, the city council finds that denial of the application would not prevent the state or the political subdivision from accomplishing its governmental functions, the city council may deny the application.

F. Economic Guidelines And Review Criteria:

1. In determining whether to approve or deny the application, the commission may consider the information set forth in this subsection. The commission may also investigate strategies which would allow the property owner to earn a reasonable economic return on the property, may solicit expert testimony, and may require that the applicant make submissions concerning any or all of the following information:
  - a. A bid from a qualified contractor showing the cost of the proposed demolition.
  - b. A report from a licensed engineer, architect or contractor with experience in rehabilitation as to the structural integrity of the structure(s) that the applicant proposes to demolish.
  - c. The appraised value of the property by a licensed appraiser for the following conditions:
    - (1) In the property's current condition;
    - (2) After completion of the proposed demolition;
    - (3) After rehabilitation of the existing property for continued use by providing sales for the previous six (6) months for at least three (3) comparable properties. If there are not sales for the previous six (6) months at comparable properties, sales for the previous year at comparable properties may be used; and
    - (4) If the property is an income-producing property, such valuation must include the rent scheduled and anticipated income after such rehabilitation, and the same for at least three (3) comparable properties to substantiate the information provided for the property in question.
  - d. An estimate from an architect, developer, contractor, or appraiser experienced in rehabilitation as to the cost to rehabilitate the building to the point of which a reasonable use or a reasonable profit can be realized from the property, including but not limited to, bringing a building up to code so it can be occupied, not necessarily its "highest and best use", preferred use, or a restoration project.
  - e. The amount paid for the property, the date of purchase, and the person from whom the property was purchased, a description of the relationship, if any, if any between the owner of record, the applicant and the person from whom the property was purchased or is being purchased, and the terms of the purchase or proposed purchase, including financing.
  - f. If the property is income producing, copies of the 1040 schedule E or other appropriate forms and/or schedules filed with the IRS for the previous two (2) years. Such forms must include operation and maintenance expenses, depreciation deduction and annual cash flow before and after debt service, if any. Such forms must be signed by the current property owner to certify their authenticity. If such forms/statements are not available, income statements from a certified public accountant or licensed public accountant on letterhead and signed may be substituted
  - g. The name of all mortgagees and the balance of all mortgages or other financing secured by the property and annual debt service, if any, for the previous two (2) years. Debt service is the amount of principle and interest payments paid annually on the property.
  - h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing and ownership of the property.
  - i. Any listing of the property for sale or rent, the price asked and offers received for sale or rent, if any, within the previous five (5) years.
  - j. The assessed value of the property for the previous two (2) assessment years.
  - k. The amount of real estate taxes assessed for the previous two (2) assessment years and whether or not they have been paid.
  - l. The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other.

m. Any other information considered necessary by the commission to determine whether the property yields or may yield a reasonable economic return to the property owner(s). A reasonable economic return is defined as the cost to rehabilitate the building to the point at which a reasonable use or a reasonable profit can be realized from the property. This may mean bringing a building up to code to the point at which it can be occupied, not necessarily to its "highest and best use", preferred use or a restoration project.

n. Proof of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives to allow the applicant to earn a reasonable economic return from the property.

o. Documents detailing the applicant's efforts in ongoing maintenance and repair. This may include, but is not limited to, tax statements and/or copies of invoices.

2. If the application is for any building with one or more dwelling units, the housing and community development department may also make submissions concerning any or all of the above information, including strategies which would allow the property owner to earn a reasonable economic return on the property. The commission will consider such information.

G. Guidelines And Review Criteria For Applications By State Or Political Subdivision Of State:

1. In determining whether to approve or deny the application, the commission may consider the information set forth in this subsection and any other information the commission considers relevant to balancing any conflicting governmental interests.
2. The commission may require that the applicant make submissions concerning the following information for the proposed site and suitable alternative location(s), including but not limited to:
  - a. Fair market value of property.
  - b. Estimate of the cost of the proposed demolition, including hazardous material removal and remediation.
  - c. Fair market value of any property owned by the governmental body that could be sold if that site is not chosen for the project.
  - d. Property tax impact of removing private property from the tax rolls at the proposed location and all alternative locations.
  - e. Any other factors that contribute to making one location more suitable than others for the proposed use.
  - f. Any other information appropriate to evaluating how all conflicting governmental interests may be accommodated.
  - g. The need for the use in question, the effect on neighboring property, and the environmental impact of the proposed use.

H. Action: If the commission fails to take action to approve, deny or withhold action on the application within the ninety (90) day period, or such extension as requested by the applicant, the building official will issue the permit forthwith.

#### **10-6 Alteration of Landmarks, Historic Properties and Sites:**

- A. No regulated permit or site plan approval for the alteration of landmarks, individually designated historic properties, landmark sites or structures in historic districts may be issued prior to review and action by the Commission unless a determination of no material effect has been made in accordance with this Chapter.
- B. Nothing in this chapter may be construed to prevent ordinary maintenance or repair of any landmark, land mark site or structure or site within a historic district where such maintenance or repair does not involve a material change of appearance which necessitates issuance of a regulated permit or site plan approval. A document issued by the city planner indicating approval for any normal "repair" or act of maintenance as defined by this chapter, which:
  1. Is not an alteration, construction, removal, demolition or excavation as defined by this chapter;
  2. Does not create a material change in the exterior architectural appearance or exterior features of a structure or site; and

3. Nonetheless does require a regulated permit

C. An application for a regulated permit or site plan approval must be made to the appropriate city official. The application must state or the appropriate city official will determine whether the proposed work or activity is to be done on a landmark, landmark site, individually designated historic property or on a structure within a historic district.

D. If the application demonstrates no material effect as recognized by this chapter, then the city planner may issue a determination of no material effect, which authorizes the proposed work or activity to proceed. If a permit application does not demonstrate compliance with the standards for a determination of no material effect, then an application must be made for commission review of the proposed work or activity. The application for commission review will be filed in the planning services department.

E. Unless otherwise mutually agreed upon by the applicant and the commission, the commission will, within sixty (60) days after submittal of a complete application, review the proposed work or activity to determine whether it complies with the standards specified in this chapter. In the event the commission does not approve or deny an application within sixty (60) days after submittal of a complete application, such application is deemed approved by the commission, unless the applicant has consented to an extension of the sixty (60) day period. The commission will issue a certificate of appropriateness if, after conducting a review of the application, it finds:

1. That the property owner or the property owner's representative has established that the proposed work or activity complies with the standards specified in this Chapter and conforms to the purpose and intent of this chapter; and
2. That creating, changing, destroying or affecting the exterior architectural features of the structure, improvement or site upon which the work is to be done will not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of either the property itself or of the neighboring improvements in a district.
3. In reviewing the proposed work or activity, the Commission may confer with the applicant or the applicant's authorized representative. The Commission may require submission of such additional drawings, sketches, photographs or other exhibits, as it deems reasonably necessary for consideration of the application.

F. The issuance of a certificate of appropriateness enables the applicant to obtain a regulated permit or site plan approval and to proceed with the proposed work or activity.

G. If the commission denies the proposed work or activity, it must state its reasons and transmit to the applicant a written record of its denial. The commission may propose revisions to the applicant's proposal, which, if adopted by the applicant, may cause the commission to reconsider its denial. The applicant may modify the proposed project and resubmit a modified proposal at any time.

H. The commission will also issue a certificate of appropriateness, if, after conducting a review of preservation alternatives, it finds:

1. That the property owner or the property owner's representative has established that the preservation alternatives for the proposed work or activity conform to the purpose and intent of this Chapter; and
2. That creating, changing, destroying or affecting the exterior architectural features of the structure, improvement or site upon which the work or activity is to be done will not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of either the property itself or of the neighboring improvements in a district.

I. Prior to filing an application for a certificate of economic nonviability, as provided for in subsection J of this section, the applicant must file an application for a review of preservation alternatives. This application documents the applicant's attempts to evaluate and obtain "preservation alternatives", including, but not limited to, financing, tax incentives, preservation grants, restoration alternatives and other incentives sufficient to allow the applicant to earn a reasonable economic return from the property.

1. After a review of the preservation alternatives, the commission approves or denies the proposed project.
2. If the proposed project is approved, the commission issues a certificate of appropriateness.

3. If the commission denies the proposed project, it must state its reasons and transmit to the applicant a written record of its denial. The commission may propose appropriate revisions of the applicant's proposal that, if adopted by the applicant, may cause the commission to reconsider its denial. The applicant may modify the proposed project and resubmit a modified proposal at any time.
- J. If the commission denies such proposed project after a review of preservation alternatives, it may, upon application or on its own motion, issue a certificate of economic nonviability.
  1. Certificate Of Economic Nonviability: Upon application or motion for a certificate of economic nonviability, the commission will schedule a public meeting on that application or motion.
  2. Data To Be Provided By Applicant: Before rendering its decision, the commission may solicit expert opinion or require that the applicant for a certificate of economic nonviability submit the following information, including but not limited to:
    - a. Estimate of the cost of the proposed work or activity and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
    - b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures and their suitability for rehabilitation;
    - c. Estimated market value of the property in its current condition; after completion of the proposed construction or alteration; and after any changes recommended by the commission.
    - d. The amount paid for the property, the date of purchase and the person from whom purchased, including a description of the relationship, if any, between the owner of record or the applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
    - e. If the property is income producing, the annual gross income from the property for the previous two (2) years.
    - f. Itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
    - g. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
    - h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
    - i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
    - j. The assessed value of the property according to the two (2) most recent assessments.
    - k. The amount of real estate taxes for the previous two (2) years and whether or not they have been paid.
    - l. The form of ownership or operation of the property, whether sole proprietorship, for profit or not for profit corporation, limited partnership, joint venture or other.
    - m. Any other information considered necessary by the commission to make a determination as to whether the property yields or may yield any reasonable economic return to the property owner(s), including, but not limited to, the income tax bracket of the owner(s) or applicant(s) or of the principal investor(s) in the property.
    - n. Proof of the applicant's efforts to obtain financing, tax incentives, preservation grants and other incentives sufficient to allow the applicant to earn a reasonable and an economic return from the property.
    - o. A showing of the applicant's efforts in ongoing maintenance and repair.

3. **Issuance Or Postponement Of Certificate:** If the commission, after review of the evidence submitted, finds that denial of the proposed work would prevent the property owner from earning any reasonable economic return from the property, the commission will:
  - a. Immediately issue a certificate of economic nonviability; or
  - b. At its discretion, postpone, for a period not to exceed one hundred eighty (180) days, the issuance of a certificate of economic nonviability. During this time, the commission will investigate strategies for the property owner to earn a reasonable economic return from the property. No regulated permit will be issued during this time unless a certificate of appropriateness has been secured. If, at the end of the one hundred eighty (180) day period, the commission, after a public meeting, finds that the property owner still cannot earn any reasonable economic return from the property, it will issue a certificate of economic nonviability.
4. **Denial Of Certificate:** If the commission finds, after initial review or after the one hundred eighty (180) day period of postponement, that the property owner has earned or is able to earn a reasonable economic return from the property, then the commission will deny the application for a certificate of economic nonviability.

K. The failure of the commission to approve or deny an application for a certificate of appropriateness within sixty (60) days from the date of the filing of the application for a certificate of appropriateness, unless an extension is agreed upon mutually by the applicant and the commission, constitutes approval, unless within such sixty (60) days the commission has made a determination of economic nonviability and has suspended its decision regarding a certificate of economic nonviability pursuant to subsection J3b of this section.

L. The certificate of appropriateness expires and becomes null and void unless the regulated permits are secured within sixty (60) days from the date of its issuance.

M.. All required permits must be secured and work must commence within sixty (60) days from the date of the issuance of the certificate of appropriateness and be completed within such time as the building official determines is reasonable under the circumstances, but not longer than two (2) years after its issuance. The building official may grant, in writing, one (1) or more extensions of time, for periods not to exceed one hundred eighty (180) days each. The extensions must be requested in writing and justifiable cause for the extension must be demonstrated.

N. The transfer of a determination of no material effect, a certificate of appropriateness or a certificate of economic nonviability from one structure, improvements or site to another structure, improvement or site or from one person to another is prohibited.

O. Each determination of no material effect, certificate of appropriateness or certificate of economic nonviability issued under the provisions of this chapter expires and becomes null and void if the work or activity for which the determination of no material effect, certificate of appropriateness or certificate of economic nonviability was issued is not commenced within one (1) year of its issuance.

## 10-7 Standards for Design Review

- A. The commission considers each design review on the merits of the individual case, with due deliberation given to each proposed change(s) and its sympathetic relationship to the specific historic setting, architectural or historic significance, extent of previous alteration, use of original materials and quality of design of the existing structure or site. Commission approval of a particular type of alteration or activity does not establish a binding precedent for future commission action, but may constitute an additional factor to be considered in subsequent design reviews involving the same type of alteration or activity.
- B. The "secretary of interior's standards and guidelines for archaeology and historic preservation", the "secretary of interior's standards and guidelines for the treatment of historic properties", codified as 36 CFR 68, as amended, and the "secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings", provide the guidelines by which the commission reviews an application for a certificate of appropriateness or certificate of economic nonviability, and any subsequent revisions of these standards and guidelines by the secretary of the interior will be adopted by the commission.
- C. The commission shall also be guided by the "Architectural Guidelines" and any design standards specified in the ordinance or amendment designating the landmark, landmark site or historic district.

D. The commission considers the factors of architectural style, scale, mass, arrangement, texture, materials, and any other pertinent factors. The proposed work must be appropriate for and must restore, preserve, or enhance features of buildings or structures. The proposed work shall not adversely affect the exterior architectural features of the building or structure, nor shall the proposed work adversely affect the character or special historical, architectural or aesthetic value of the property and its setting. The proposed work also must conform to such further standards as may be embodied in the ordinance.

## **10-8 Conservation Districts**

A. Application of Section: The provisions of this section shall apply to all buildings located in whole or in part within the following described conservation districts:

### **1. Fourth Street Neighborhood Conservation District**

Beginning at the intersection of Seventh and Bluff Streets, thence southerly along Bluff Street to its intersection with West Fifth Street; thence westerly along West Fifth Street to its intersection with the northerly extension of Raymond Street; thence southerly along Raymond Street and its northerly and southerly extensions to its intersection with West Third Street; thence easterly along West Third Street to its intersection with St. Mary's Street; thence southerly along St. Mary's Street to its intersection with Emmett Street; thence easterly along Emmett Street to its intersection with Bluff Street; thence southerly along Bluff Street to its intersection with First Street; thence easterly along First Street to its intersection with the alley between Bluff and Locust Streets; thence northerly along the alley between Bluff and Locust Streets to its intersection with West Fifth Street; thence easterly along West Fifth Street to its intersection with Locust Street; thence northerly along Locust Street to its intersection with Seventh Street; thence westerly along Seventh Street to its intersection with Bluff Street which is the point of beginning.

### **2. Fenelon Place Neighborhood Conservation District**

Beginning at the intersection of West Fifth and Burch Streets, thence southerly along Burch Street to its intersection with West Third Street; thence easterly along West Third Street to its intersection with the southerly extension of Raymond Street; thence northerly along Raymond Street and its southerly and northerly extensions to its intersection with West Fifth Street; thence westerly along West Fifth Street to its intersection with Burch Street which is the point of beginning.

### **3. Third Street Neighborhood Conservation District**

Beginning at the intersection of West Third and Hill Streets thence southwesterly along Hill Street to its intersection with Langworthy Street; thence northwesterly along Langworthy Street to its intersection with Alpine Street; thence northeasterly along Alpine Street to its intersection with West Third Street; thence northwesterly along West Third Street to its intersection with Nevada Street; thence northeasterly along Nevada Street to its intersection with West Fifth Street; thence southeasterly along West Fifth Street to its intersection with Alpine Street; thence southerly along Alpine Street to its intersection with Melrose Terrace; thence southeasterly along Melrose Terrace and its southeasterly extension to its intersection with Winona Street; thence southwesterly along Winona Street to its intersection with West Third Street; thence south easterly along West Third Street to its intersection with Hill Street which is the point of beginning.

### **4. Washington Street Neighborhood Conservation District**

Beginning at the intersection of Sixteenth and Washington Streets thence westerly along Sixteenth Street to its intersection with Jackson Street; thence northerly along Jackson Street to its intersection with Eighteenth Street; thence westerly along Eighteenth Street to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with Fourteenth Street; thence easterly along Fourteenth Street to its intersection with Washington Street; thence northerly along Washington Street to its intersection with Sixteenth Street which is the point of beginning.

### **5. Jackson Park Neighborhood Conservation District**

Beginning at the intersection of Fourteenth Street and Central Avenue thence westerly along Fourteenth Street to its intersection with Iowa Street; thence southerly along Iowa Street to its intersection with Tenth Street; thence westerly along Tenth Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Locust Street; thence northwesterly along Locust Street to its intersection with Ellis Street; thence northerly along Ellis Street and its northerly extension to its intersection with Clarke Drive; thence northwesterly along Clarke Drive to its intersection with Paul Street; thence northeasterly

along Paul Street to its intersection with Lowell Street; thence southeasterly along Lowell Street to its intersection with North Main Street; thence southerly along North Main Street to its intersection with Clarke Drive; thence southeasterly along Clarke Drive and its southeasterly extension to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with Fourteenth Street which is the point of beginning.

## **6. West Eleventh Street Neighborhood Conservation District**

Beginning at the intersection of Ninth and Bluff Streets thence westerly along Ninth Street to its intersection with University Avenue; thence westerly along University Avenue to its intersection with Spruce Street; thence northerly along Spruce Street to its intersection with West Eleventh Street; thence westerly along West Eleventh Street to its intersection with Walnut Street; thence northerly along Walnut Street to its intersection with Loras Boulevard; thence westerly along Loras Boulevard to its intersection with Cox Street; thence northerly along Cox Street to its intersection with the westerly extension of West Sixteenth Street; thence easterly along West Sixteenth Street and its westerly extension to its intersection with Montrose Terrace; thence northerly along the northeasterly extension of Montrose Terrace to its intersection with West Locust Street; thence southeasterly along West Locust Street to its intersection with Bluff Street; thence southerly along Bluff Street to its intersection with Ninth Street which is the point of beginning.

## **7. Broadway Street Neighborhood Conservation District**

Beginning at the intersection of West Twenty-third Street and Central Avenue thence westerly along West Twenty-third Street to its intersection with Lewis Street; thence northwesterly along Lewis Street to its intersection with Fulton Street; thence northerly along Fulton Street to its intersection with King Street; thence easterly along King Street and its easterly extension to its intersection with Central Avenue; thence southerly along Central Avenue to its intersection with West Twenty-third Street which is the point of beginning.

## **8. Downtown Neighborhood Conservation District**

Beginning at the intersection of White Street and Eleventh Street, thence southerly along White Street to its intersection with Fifth Street; thence easterly along Fifth Street to its intersection the railroad tracks; thence easterly along the railroad tracks to their intersection with the Mississippi River; thence southerly along the riverfront across the Ice Harbor to the eastern terminus of First Street; thence westerly along First Street to its intersection with U.S. Highway 61/151; thence southerly along U.S. Highway 61/151 to its intersection with the Locust Street Connector; thence westerly along the Locust Street Connector and across Locust Street to Jones Street; thence westerly along Jones Street to its intersection with Bissell Lane; thence northerly along Bissell Lane extended to First Street; thence westerly along First Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Fifth Street; thence easterly on Fifth Street to its intersection with Locust Street; thence northerly on Locust Street to its intersection with Eighth Street; thence westerly on Eighth Street to its intersection with Bluff Street; thence southerly on Bluff Street to its intersection with Fifth Street; thence westerly along Fifth Street to the bluff line; thence northerly along the bluff line to Ninth Street; thence easterly along Ninth Street to its intersection with Bluff Street; thence northerly along Bluff Street to its intersection with Tenth Street; thence easterly along Tenth Street to its intersection with Iowa Street; thence northerly along Iowa Street to its intersection with Fourteenth Street; thence easterly along Fourteenth Street to its intersection with White Street, thence southerly along White Street to its intersection with Thirteenth Street, thence westerly along Thirteenth Street to its intersection with Central Avenue, thence southerly along Central Avenue to its intersection with Eleventh Street, thence easterly along Eleventh Street to its intersection with White Street, which is the point of beginning.

## **9. Brewery Conservation District**

Lot 2-7 of Mineral Lot 322, Lot 1-1- 3- 8 of Mineral Lot 322, and Lot 2-1 of Liebe's Subdivision No. 3 in the City of Dubuque, Iowa.

B. Process For Establishment, Expansion Or Alteration Of Conservation District: Any person may request that the city council for establish, expand or alter a conservation district. The process for establishment, expansion or alteration of a conservation district is as follows:

1. A written request for the establishment, expansion or alteration of a conservation district must be submitted to the city clerk. At its next regular meeting following receipt of the request by the city clerk, the city council may approve or deny the request, set the request for consideration at a subse

quent meeting, set the request for a public hearing, or refer the request to the commission for a recommendation before voting on the request

- a. If the City Council considers the request at a public hearing, a notice of the date, time and location of the hearing shall be published in accordance with Iowa Code section 362.3.
- b. The City Council may also direct the City Clerk to mail a notice of the date, time and location of the meeting at which the City Council will consider the request to the property owners of record in the district.
- c. If the City Council refers the request to the Commission, the City Council may also direct the secretary of the Commission to mail a notice of the date, time and location of the meeting at which the Commission will consider the request to the property owners of record in the district.

2. At its next regular meeting, if a referral is made to it by the city council, the commission will review the request, and make a recommendation to the city council to approve or deny the request, or to table the request for additional information for a specified period not to exceed sixty (60) days. Failure of the commission to act on the request within the sixty (60) day period, unless the applicant requests and the commission grants an extension of such time, constitutes commission approval thereof. The recommendation of the commission will be transmitted to the city clerk. The city clerk will promptly transmit the recommendation and the application to the city council for its consideration. In determining whether to recommend approval or denial of the request, the commission will consider whether the proposed conservation district, or the expansion or alteration of the district, has historic or architectural significance to the community.
3. At its next regular meeting following receipt of the recommendation of the commission by the city clerk, the city council will approve or deny the request, or refer the nomination back to the commission for modification.

### **10-9 Conservation Planning Areas**

At the request of the City Council, the Commission shall conduct studies and encourage special attention to the public planning, design, construction, and maintenance needs with respect to land use, transportation, public utilities, public facilities, housing, open space, historic preservation, urban design, and other elements of the Comprehensive Plan in the following conservation planning areas:

- A. Phase I Historic and Architectural Survey Area: an area located in the Washington/Jackson/Elm Street area north of the central business district in the Couler Valley, which consists primarily of the Central Avenue, White Street, Jackson Street, Washington Street, Elm Street, Pinard Street, and Kniest Street corridors between 8<sup>th</sup> and 26<sup>th</sup> Streets.
- B. Phase II Historic and Architectural Survey Area: an area northeast of the original plat of the City of Dubuque with two distinct sub-areas: the Rhomberg/Eagle Point neighborhood which consists primarily of three streets (Garfield, Rhomberg and Lincoln) running Northeast and Southwest from Kniest Street to Eagle Point area; and, the Linwood district, which consists of streets located on the hillside between 22<sup>nd</sup> Street and Linwood Cemetery, from Queen Street to Jefferson Middle School.
- C. Warehouse District: the area encompassed by 12th Street on the north, White Street on the west, and U.S. 61/151 on the east.

### **10-10 Appeals from Commission Action**

- A. An aggrieved party may appeal the Commission's action to the City Council by filing a notice of appeal with the Planning Services Department within 30 days from the date of notice of the Commission's action.
- B. Upon filing of a notice of appeal, the Planning Services Department shall immediately transmit such notice and the record of the action before the Commission to the City Clerk.
- C. On appeal, the City Council shall consider only the record of the action before the Commission. No new matter may be considered.
- D. The City Council shall consider whether the Commission has exercised its powers and followed the guidelines established by law and this Chapter, and whether the Commission's action was patently arbitrary or capricious.

- E. The City Council may affirm or reverse the Commission's action, or may refer the matter back to the Commission for such further action as may be appropriate. The City Clerk shall give written notice of the City Council's decision on appeal within seven days of the City Council's decision to the appellant and the Historic Preservation Commission.
- F. An appellant who is not satisfied by the decision of the City Council may appeal within 60 days of the City Council's decision to the district court for Dubuque County, pursuant to Iowa Code section 303.34.

### **10-11 Inspection**

- A. After a Certificate of Appropriateness or Certificate of Economic Non-Viability has been issued and a regulated permit granted to the applicant, the Building Official, City Engineer or other local authority may from time to time inspect the work authorized and shall take such action as is necessary to enforce compliance with the approved plans.
- B. Historic Preservation Commissioners may from time to time inspect, from the public way, the work authorized and shall advise the Building Official or other enforcement authority as necessary to enforce compliance with the approved plans.

### **10-12 Violations; Penalties**

It shall be unlawful for any person to disobey, omit, neglect or refuse to comply with any provision of this Chapter, and such person shall be subject to the provisions of **Sections 1-8 and 1-15 through 1-17** of the City Code.

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## **SECTION 3—LAND DEVELOPMENT REGULATIONS**

### **Chapter 11: Land Subdivision**

#### **11-1 Purpose and Intent**

- A. The purpose of these regulations is to protect the public health, safety and general welfare. These regulations are intended to facilitate and to coordinate the subdivision of land within the City; to establish a consistent policy for plats submitted to the Zoning Advisory Commission and the City Council; and to enable the Commission and City Council to ascertain whether such plats conform to the applicable statutes and ordinances.
- B. The intent of these regulations is as follows:
  1. To guide the future growth and development of the community consistent with the City of Dubuque's adopted Comprehensive Plan;
  2. To help identify those areas appropriate for development and those areas appropriate for conservation;
  3. To preserve open space and environmentally sensitive areas such as wildlife habitat, riparian/wetland areas, by concentrating development, where feasible;
  4. To provide open space areas for passive and/or active recreational use;
  5. To provide for a diversity of lot sizes, housing choices and building densities;
  6. To provide buffering between residential development and non-residential uses;
  7. To protect environmentally sensitive areas and biological diversity, preserve existing trees, and maintain environmental corridors; and
  8. To preserve significant archaeological sites, historic buildings and their settings.

#### **11-2 Applicability**

- A. Land Divided Within City Limits Or Within Two Miles Of The City Limits: These regulations shall apply to all land to be divided which is within the limits of the city or within two (2) miles of the limits of the city as provided in Iowa Code section 354.9.
- B. These regulations shall not apply to plats vacating public right-of-way or disposal of excess right-of-way per Iowa Code section 306.23.

#### **11-3 Recording of Subdivision Plats**

No person shall subdivide any tract of land to which this Chapter applies without recording a plat thereof in the Office of the County Recorder, which plat shall first have been prepared and approved in conformity with the provisions of this Chapter and of state law.

#### **11-4 Exception of Specific Subdivision Requirements**

The Zoning Advisory Commission and City Council, when acting upon an application for preliminary or final subdivision approval, shall have the power to grant such exceptions from the requirements of this Chapter for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this Chapter if the literal enforcement of one or more provisions of this Chapter is impracticable or will exact an undue hardship because of peculiar conditions pertaining to the land in question.

#### **11-5 Application Fee for Subdivision Plat Review Required**

No plat shall be considered filed for review, unless and until said plat is accompanied by a fee in the amount as established by resolution of the City Council in an official schedule of planning and zoning fees.

#### **11-6 Subdivisions Classified**

- A. Plats vacating public right-of-way.

- B. Simple Division: Any subdivision or consolidation of property in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.
- C. Minor Subdivision: Any subdivision or consolidation of property in which no new streets, public or private, are proposed and which does not require the construction of any public improvements and which creates three or more lots.
- D. Major Subdivision: Any subdivision or consolidation of property which is not a simple subdivision or a minor subdivision and requires the construction of any public improvements.

## 11-7 Application Requirements and Review Process

### A. General Information:

1. All applications for land subdivision approval shall be prepared to show all information currently required by the City, a list of which shall be available from the Planning Services Department.
2. Preliminary grading, not to include the removal of excavated material from the site, may be permitted only after a grading and erosion control plan has been submitted, reviewed and approved by the City Engineer and the City Planner.
3. Final grading and utility construction in accordance with the City standards and this Code, and/or the removal of excavated material from the site, may be permitted with the written approval of the City Manager, provided that the owner first waives, in writing, any claims against the City which may result from the denial of or changes required for approval of the final plat and/or improvement plans.
4. Prior to commencing any grading or construction of improvements, the owner shall also obtain any State or Federal permits which may be required.

### B. Simple Divisions and Plats Vacating Public Right-of-Way:

1. Simple divisions that are determined to be in compliance with this Code and plats vacating public right-of-way shall be reviewed and approved by the City Planner.
2. The City Planner may set conditions to ensure that the simple division meets the requirements of all applicable City codes.
3. Simple divisions that require a waiver of bulk regulations shall be submitted to the Zoning Advisory Commission and City Council for approval.
4. No plats for simple divisions shall be recorded unless the City has approved the plat.

### C. Minor Subdivisions:

1. A preapplication conference shall be encouraged, but not required for a minor subdivision.
2. A preliminary plat is not required for a minor subdivision. The Zoning Advisory Commission may require any additional information necessary to adequately review the plat.
3. The owner shall submit six copies of the final plat to the Planning Services Department. The final plat must show all information required by the City.
4. The Zoning Advisory Commission shall review final plats to determine whether said plat is in substantial conformance with this Code and the Comprehensive Plan. If the Commission finds that the plat conforms to all applicable City and State codes, and the Comprehensive Plan, the Commission shall approve the plat. The Commission shall submit its findings regarding the final plats to the City Council, who must act within 60 days of the filing of the final plat with the Planning Services Department.
5. If the Zoning Advisory Commission fails to recommend approval of the final plat, or approves it with conditions, the Commission shall transmit its findings, required conditions and/or reasons for its denial to the owner and City Council.
6. The City Council shall review final plats to determine conformance to this Code, State law, and the Comprehensive Plan. If the plat conforms, the City Council shall approve the plat and shall cause its approval to be entered on the plat. The City Council may require as a condition of approval of the plat that

the owner comply with such other reasonable requirements as the City Council may deem necessary for the protection of the public interest.

**D. Major Subdivisions:**

1. A preapplication conference shall be required for all major subdivisions.
2. An approved preliminary plat shall be required for a major subdivision. After the preapplication conference, the owner shall submit six copies of the preliminary plat as required by the City Planner. The preliminary plat must show all information required by the City. The preliminary plat shall be reviewed by the Zoning Advisory Commission only except when a preliminary plat is submitted that includes a private street, in which case both the Zoning Advisory Commission and the City Council shall review and approve the submitted preliminary plat. In a case where the Zoning Advisory Commission votes to deny a preliminary plat, the City Council shall have the discretion to review the preliminary plat and override the Commission's denial. The review shall be to determine compliance with all relevant sections of this Code and the Comprehensive Plan. Approval granted by the Commission shall remain in effect for a period of two years. Within this two-year time frame, a final plat must be filed with the Planning Services Department. The Zoning Advisory Commission shall have the authority to grant a maximum of one two-year extension, provided the preliminary plat is still in compliance with all current City codes and ordinances.
3. The owner shall submit six copies of the improvement plans to the Planning Services Department. The improvement plans shall include all information required by the City. Any application for approval of improvement plans that does not contain all required information, including a draft copy of the final plat, shall not be accepted by the City Planner. The City Engineer shall review all improvement plans to determine whether the plans are in substantial conformance to all applicable City standards.
4. The owner shall submit six copies of the final plat to the City Planner. The final plat must show all information required by the City. Any application for final plat approval that does not contain all required information, including improvement plans approved by the City Engineer, shall not be accepted by the City Planner. The City Planner shall review final plats to determine whether or not said plat is in material conformance to the preliminary plat for the property, this Code and the Comprehensive Plan. The City Planner shall submit findings and recommendations on the final plat to the City Council. The City Council shall act within 60 days of the acceptance of a complete final plat application by the City Planner.
5. Preliminary plats shall include the entire proposed subdivision when fully built, and shall also indicate the presence of all contiguous property under common ownership, in order to allow the City to plan for the future extension of streets and utilities. Proposed street names for public or private streets shall be labeled on the submitted preliminary plat.
6. The City Council shall review final plats to determine conformance to this Code, State law, and the Comprehensive Plan. If the plat conforms, the City Council shall approve the plat and shall cause its approval to be entered on the plat. The City Council may require as a condition of approval of the plat that the owner of the land bring all streets to a grade acceptable to the City Council, and comply with such other reasonable requirements in regard to installation of public utilities or other improvements as the City Council may deem requisite for the protection of the public interest.
7. Preliminary and final plats shall not be concurrently reviewed or considered for approval.

**E. Fringe Area Development Standards:**

1. Fringe Area Subdivision Requirements:
  - a. All subdivisions must comply with this Chapter.
  - b. Each subdivision will be required to provide sufficient easements for the extension of city water and sanitary sewer utility systems to serve each individual lot within the subdivision.
  - c. Each major subdivision shall comply with the city of Dubuque sustainability requirements for new subdivisions, including obtaining score of forty (40) points as established in this chapter.

- d. New streets access city or county roadways must comply with SUDAS for sight visibility as determined by the city engineer.
- e. To facilitate planned and orderly growth, developers of major subdivisions must provide a preliminary plat for the entire area anticipated to be developed as part of the subdivision.
- f. Subdivisions and developments which are approved prior to annexation shall provide a mechanism for transfer of public right of way (ROW) ownership for county roads to the city upon annexation.
- g. Private roads and streets in subdivisions and developments that are not under the county's ownership prior to annexation shall remain as private roads and streets upon annexation to the city, unless and until such time as they are brought into compliance with city standards and accepted by the city as public streets.
- h. Developers shall be required to utilize stormwater management and erosion control measures and stormwater retention/detention facilities where appropriate in accordance with applicable federal, state, county and city laws, regulations and policies.

2. Exception of Specific Subdivision Requirements: The Zoning Advisory Commission and City Council, when acting upon an application for preliminary or final subdivision approval, has the power to grant such exceptions from the requirements of this chapter for subdivision approval as may be reasonable and within the general purpose and intent of the provision for subdivision review and approval of this chapter, if enforcement of one or more provisions of this chapter are impracticable or will exact an undue hardship because of unique conditions pertaining to the land in question. (Ord. 31-14, 4-21-2014)

## 11-8 Subdivision Design Standards

### A. Subdivision Design:

- 1. Design of the subdivision shall be in conformance with this Code, the Comprehensive Plan, and all applicable City standards.
- 2. To the maximum extent practicable, the subdivision shall be designed to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of the natural features.
- 3. The subdivision shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impermeable cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.
- 4. The subdivision shall be laid out to create lots which provide sufficient area for development outside utility easements. No buildings, fill, or grading shall occur within the utility easements without approval of the City Engineer.
- 5. No more than 40 platted lots shall be allowed in any phase, combination of phases, or contiguous subdivisions having only one exit.
- 6. All streets, sidewalks, and bike/hike trails shall connect to other streets, sidewalks and bike/hike trails within the subdivision, and to the property lines, to provide for their extension to adjacent properties. Each subdivision shall connect to the existing and planned street network of the City to ensure connectivity between properties, distribution of traffic, and access for public and emergency services.

### B. Extension of Public Improvements:

- 1. Definitions: For purposes of this Chapter, the following terms have the following meanings:

**Development:** Any change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**Fiberoptic network conduit:** A pipe, vault, or duct used to enclose fiberoptic cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical. “Fiberoptic network conduit” does not include electronics or cable.

**Public Improvement:** Streets, sanitary sewers, water mains, streetlights, sidewalks, bike/hike trails, and fiberoptic network conduit.

2. **Requirement of Developer:** For all subdivision or site plan developments, the developer shall extend all public improvements within and through the subdivision or site development, and to the property lines, to provide for their extension to adjacent properties.

Public improvements shall be designed and installed in accordance with the current city standards and specifications and within the time frame specified in the resolution approving the final plat or improvement plan. The developer shall pay the total cost of engineering and construction of extensions of such public improvements.

Plans for such extensions must be approved by the city engineer. The city engineer may grant a waiver of the extension requirements on such terms and conditions as the city engineer determines appropriate.

3. **Water Mains:**

- a. Water mains must be sized to meet requirements for domestic plus fire flow water demands and in accordance with city. The city may require the design and construction of water mains with the ability to service lands other than the immediately adjoining land and may require installation of water mains sized larger than the minimum required to provide domestic and fire flow needs for the development. In this circumstance, the city will consider reimbursing the developer for the incremental difference in material cost above that of the cost for water main materials needed to provide domestic and fire flow needs subject to the availability of funds as determined by the city. The city will not reimburse the developer for water mains above 8-inch if larger diameter water main is needed to provide domestic plus fire flow water demands in the development.
- b. Only mains sized larger than an 8-inch main may be considered eligible for reimbursement purposes. The reimbursement will be based on the difference in pipe and fitting costs only, and no allowance will be made for the difference in installation costs. The developer must provide the city engineer with a current pipe supplier price list for the water main pipe and appurtenances needed to serve the development and the price for the increased pipe size and appurtenances. The city engineer will calculate the reimbursement amount and will document the reimbursement amount in an agreement between the city and the developer.
- c. In areas where water main may be extended by a developer past properties owned by others outside of the final plat so as to serve the area of the final plat, such extension shall be at no expense to the city. The city shall not be obligated to collect any portion of this cost for reimbursement to the developer.

4. **Sanitary Sewers:**

- a. All sanitary sewers mains must be a minimum of 8-inch diameter pipe.
- b. The sanitary sewer extension must be sized by the developer and approved by the city engineer to serve the development and the development of upstream sewershed property that may be served by the sewer extension.
- c. When the upstream sewershed property would require the developer to increase the pipe diameter, the city will consider reimbursing the developer for the incremental cost difference in sanitary sewer pipe above the cost for sanitary sewer pipe needed to provide service for the development, as determined by the city engineer and subject to the availability of funds as determined by the city. The reimbursement will be based on the difference in sanitary sewer pipe costs only and no allowance will be made for the difference in installation costs.
- d. The city will not reimburse developers for any increase in sanitary sewer pipe diameter beyond 8-inch diameter if the increase in size is a direct result of the development needs.
5. The developer must provide the city engineer with a current pipe supplier price list for the sanitary sewer pipe needed to serve the development and the price for the increased sanitary sewer pipe size. The city engineer will calculate the reimbursement amount and will document the reimbursement amount in an agreement between the city and the developer.

6. When a developer is installing a sanitary sewer lift station to serve the development, the developer is responsible for proper capacity sizing of the lift station and force main to serve the development to accept flow from upstream sewershed properties.
7. When the upstream sewershed properties would require the developer to increase the sanitary sewer lift station capacity, the city will consider reimbursing the developer for the incremental cost difference in sanitary sewer lift station capacity above the cost for the sanitary sewer lift station needed to provide capacity for the development, as determined by the city engineer and subject to the availability of funds as determined by the city. The reimbursement will be based on the difference in sanitary sewer lift station costs only and no allowance will be made for the difference in installation costs.
8. The developer must provide the city engineer with a current supplier price list for the sanitary sewer lift station and force main needed to serve the development and a separate price list for the components needed for the increased lift station capacity. The city engineer will calculate the reimbursement amount and will document the reimbursement amount in an agreement between the city and the developer.

C. Corners to be marked: Every corner of each lot shall be marked by a land surveyor licensed in the State of Iowa.

D. Open space: In subdividing property, consideration shall be given to the dedication of suitable sites for parks, playgrounds, schools and other open space areas, so as to conform, as nearly as possible, to the Comprehensive Plan and the needs of the City and the adjacent area. Such provision may be indicated on the preliminary and final plats for consideration by the Commission and City Council when, whether, and in what manner such sites will be dedicated to the public.

## **11.9 Recreational Open Space**

The purpose of this section is to provide recommendations for recreational open space in newly developing residential areas.

### **11-9.1 Computation of Recreational Open Space Required**

- A. The suggested amount of recreational open space in a proposed development generally should be 500 square feet per proposed detached single-family home and 300 square feet per proposed multiple-family unit. The multiple-family dwelling unit rate applies to any residential dwelling unit other than detached single-family dwellings. When a plat is requested for mixed land uses, this paragraph shall apply only to those areas of the plat devoted to residential uses.
- B. The recreational open space may include waterways, detention/retention areas, and ponds provided that those areas do not constitute more than 50 percent of the amount of recreational open space required in paragraph A of this subsection.
- C. Where the proposed subdivision abuts undeveloped lands, the recreational open space land may be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the recreational open space to be increased in size when the adjacent property develops.

### **11-9.2 Responsibility for Site Preparation**

- A. The subdivider or developer shall grade and seed the recreational open space.
- B. Where the recreational open space is located adjacent to a street, the subdivider or developer shall be responsible for the installation of utilities and other improvements required along that street segment. The developer shall also provide utility service laterals for water and sewer.

1. Conservation Subdivision: Development is clustered to optimize open space, preserve natural features, protect environmentally sensitive areas, and minimize infrastructure demands.	<b>40</b>
2. Solar Subdivision: Development includes 70 percent “solar lots” that have a minimum north-south dimension of 75 feet and a front line orientation that is within 30 degrees of the true east-west axis.	<b>30</b>
3. Cottage Design Subdivision: Development reflects traditional neighborhood design, with smaller lots, reduced setbacks, narrower rights-of-way, smaller building footprints, alleys and/or clustering.	<b>30</b>
4. The development incorporates walking/bike trails. These trails should be connected to the development and trails outside the development to the greatest extent possible.	<b>15</b>
5. Permeable street pavement throughout the subdivision.	<b>15</b>
6. Complete street design throughout the subdivision.	<b>15</b>
7. Rain gardens required by covenant for at least 80 percent of lots throughout the subdivision.	<b>10</b>
8. Green Building Code compliance for 100 percent of dwelling units throughout the subdivision.	<b>10</b>
9. Green Building Code compliance for 50 percent of dwelling units throughout the subdivision.	<b>5</b>
10. Native and regionally appropriate trees and vegetation are preserved or planted which limits turf grass, limits water demand, improves infiltration or filtration, and enhances the natural environment. Such vegetation is phased so denuded areas are quickly vegetated. Turf grass should not exceed 30 percent of the landscaped area.	<b>5</b>
11. Specify the planting of trees on private property to increase site shading and reduce energy needs for houses. Place trees that lose their leaves in the fall on the south and west sides of the house to provide shade to lower cooling costs. Evergreen trees planted on the north and west sides protect against winter winds, which can help reduce heating costs.	<b>5</b>
12. The development implements innovative infiltration or filtration techniques such as rain gardens, bioswales, French drains, etc.	<b>5</b>
13. Parkway/street trees are planted at approximately 35-foot intervals to reduce wind speeds, help stabilize the soil, and improve air quality.	<b>5</b>
14. No curb and gutter on City streets with appropriate bioswales and sidewalks. The development incorporates detention basins for property on-site stormwater management. Retention basins can be used as an open water amenity feature for on-site storm water management.	<b>5</b>
15. Use of any pavement that reduces the heat island effect throughout the subdivision, such as light-colored concrete.	<b>5</b>
16. Other best management practices, as per City Planner or City Engineer.	<b>5</b>

C. The subdivider or developer shall be responsible for installing satisfactory ground cover and controlling erosion on recreational open space that has been disrupted as a result of development activities.

### **11-9.3            Ownership and Management**

The recreational open space may be owned and managed by one or a combination of the following:

- A. A property owners' association;
- B. A non-profit conservation organization; or
- C. Public dedication.

## **11-10   Sustainable Subdivision Development Tools**

- A. After the effective date of this Code, the sustainable subdivision development tools apply to all new major subdivisions.
- B. After a preapplication conference, the subdivider shall submit a preliminary plat and other written or graphic materials necessary to demonstrate what sustainable subdivision tools will be incorporated into the proposed subdivision.
- C. New subdivisions shall achieve a minimum score of 40 points by utilizing the following list of sustainable subdivision development tools:

## **11-11   Conservation Subdivision**

Conservation Subdivision: A development that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

### **11-11.1        Design Criteria**

- A. Land Suitability. Land may be developed unless it is unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:
  1. All areas mapped as floodplain by FEMA or IDNR, including a 75-foot buffer.
  2. All areas identified as wetlands by the IDNR, including a 75-foot buffer.
  3. Areas identified as wetlands by the IDNR that are known to provide habitat for rare, threatened or endangered species.
  4. Historic buildings and sites, archaeological sites and burial sites.
- B. Residential Lot Requirements
  1. The lot configuration shall comply with the standards established by the existing zoning district, unless a subdivision qualifies for a development bonus.
  2. Lots shall be configured to minimize the amount of impermeable surfaces.
  3. Most lots shall take access from interior local streets.
  4. Lots shall be configured to minimize the amount of road length required for the subdivision.
  5. Development shall be configured to minimize loss of woodlands.
  6. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
  7. Stormwater management best management practices (BMPs) shall be followed in conformance with the Sustainable Subdivision Development Tools in **Section 11-10**.
- C. Residential Cluster Siting Standards:
  1. Residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no less than five units.

2. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
3. Residential clusters shall avoid encroaching on environmentally-sensitive areas identified by the IDNR.
4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
5. Residential clusters should be sited to achieve the following goals, to the extent practicable.
  - i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
  - ii. Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
  - iii. Minimize downstream impacts due to runoff through adequate on-site storm water management practices.
  - iv. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

#### D. Common Open Space Design

1. Open space may be designated as part of the development. The minimum required open space to qualify for a development bonus is 40 percent of the subdivision.
2. Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
  - i. First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
  - ii. Second priority will be given to areas providing some plant and wildlife habitat and open space values.
  - iii. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.
3. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required.
  - i. Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
  - ii. Privately held buildings or structures provided they are accessory to the use of the open space.
4. Road rights-of-way shall not be counted towards the required minimum open space.
5. No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain or wetlands.
6. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
7. A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
8. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
  - i. A property owners' association;
  - ii. A non-profit conservation organization;
  - iii. Public dedication; or

- iv. An individual who will use the land for open space purposes as provided by a conservation easement.
9. Public Dedication of Open Space. The City may accept the dedication of fee title or dedication of a conservation easement to the common open space. The City may accept the common open space provided:
  - i. The common open space is accessible to the residents of the City;
  - ii. The City agrees to and has access to maintain the common open space.
10. Individual Ownership. An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

### **11-11.2 Development Bonus**

In consideration for setting aside areas determined as environmentally sensitive, public park land, and common open space, a conservation subdivision shall qualify for a development bonus.

- A. Development yield analysis. The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted by the underlying zoning designation, consistent with the minimum lot size, lot widths, setbacks and other provisions of this Code and compare it to the number of dwelling units proposed. Land that is undeveloped because of other laws and ordinances that prohibit development in certain areas (e.g., floodplains, wetlands, steep slopes, and drainageways) shall be excluded from the development yield analysis.
- B. Development Bonus. The development bonus shall equal the overall development density as determined by the development yield analysis, plus 20 percent.
- C. Smaller Lot Development. To accommodate a qualified development bonus, the subdivider may submit a plat for smaller lot development. Despite the lot size, yard, and bulk regulations of this Code, and any other applicable requirements of the City, the Zoning Advisory Commission and City Council may approve a development bonus for conservation subdivisions with lot area and dimensions less than required by this Code, and those lots shall be buildable, provided that:
  1. The purpose of creating the conservation subdivision with smaller than normal lots is to encourage and promote flexibility, economy, and environmental soundness in layout and design of residential developments only;
  2. It is the intent of this Section to allow lots that are smaller than normally allowed by this Code where all or most of the lots in the conservation subdivision are of a similar size. It is not the intent of this Section to allow the creation of small remnant lots in subdivisions where most lots meet the requirements stated herein;
  3. No lot may be created that is so narrow, has such little area, or that is so irregularly shaped that it would be impractical, as determined by the Zoning Advisory Commission at the time of the subdivision review, to construct a principal structure on it that:
    - i. Could be used for purposes that are permissible in that zoning district; and
    - ii. Would satisfy all applicable lot coverage and setback requirements for the zoning district in which the development is located.

### **11-12 Solar Subdivision**

- A. Solar Subdivision: A development that includes at least 70% “solar lots,” which have a minimum north-south dimension of 75 feet and a front line orientation that is within 30 degrees of the true east-west axis.
- B. To facilitate solar access, streets in a solar subdivision shall be oriented in an east-west direction to the maximum extent possible or to within 20 degrees of such orientation. This requirement shall not apply to preliminary plats approved prior to the effective date of this Code, provided the final plat of the preliminary plat is submitted within six months, or to final plats submitted with six months of the preliminary plat approval or to portions of the subdivision where the applicant demonstrates that:
  1. There are other means of assuring solar access to lots in question, including but not limited to cluster development on large parcels or through the use of building setback or solar access easements;

2. Topographic conditions on or surrounding the land being subdivided make such orientation unreasonable;
3. The shape and size of the property being subdivided make such orientation unreasonable;
4. Adopted storm water management plans or policies indicate a different street orientation;
5. Existing or approved future development contiguous to the subject property precludes adequate solar access to the portion in question;
6. Existing street patterns contiguous to the subject property make such orientation unreasonable;
7. Specific adverse environmental impacts would occur on the site if such orientation were achieved;
8. Desirable street circulation patterns require some streets to be in a more north-south direction; and
9. The final platting of only a portion of an approved preliminary plat precludes changes in remaining portions of the preliminary plat which are necessary to provide adequate solar access to the portion in question.

### **11-13 Cottage Design Subdivision**

The following regulations apply to cottage housing developments (CHDs):

**A. Bulk Regulations.**

1. The minimum lot area for a CHD shall be 2,500 square feet.
2. The height limit permitted for structures in CHDs shall be 18 feet.
3. The ridge of pitched roofs with a minimum slope of 6:12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.
4. The maximum lot coverage permitted for principal and accessory structures in CHDs shall not exceed 50 percent.

**B. Yards**

1. Front yards. The front yard shall be 10 feet.
2. Rear yards. The minimum rear yard shall be 10 feet.
3. Side yards. The minimum required side yard shall be five feet.
4. Court yards. Landscaped, usable common open space.

**C. Number of units.** The development shall have a minimum of six dwelling units and no more than 12 dwelling units per court yard.

**D. Dwelling size.** Single-story dwellings in cottage developments shall not exceed 800 square feet. Two story structures shall not exceed a total square footage of 1,200 square feet.

**E. Required court yard.**

1. A court yard shall be provided that abuts the front, rear, or side yards of at least 50 percent of the cottage units.
2. A minimum of 400 square feet per cottage unit of court yard is required.
3. All of the cottage units shall be within 60 feet walking distance of the court yard, and the court yard shall have cottages abutting at least two sides.

**F. Parking**

1. One space per dwelling unit and 0.5 spaces per cottage unit for visitor parking shall be required.
2. Location.
  - i. Parking shall be on the CHD property.
  - ii. Parking may be in or under a structure or outside a structure, provided that:

- a. Visitor parking is screened from direct street view by garage doors, or by a screening fence and/or landscaping.
- b. Parking between structures is only allowed when it is located toward the rear of the principal structure and is served by a private driveway.
- c. Parking may not be located in the front yard.
- d. Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line which is not a street frontage.

G. Project Review. Cottage housing developments are reviewed through the City's Subdivision Review Procedure.

#### **11-14 Blocks and Lots**

- A. Numbering: All blocks and lots shall be numbered systematically for identification.
- B. Lot and Area Dimensions: The minimum area and dimensions for lots shall conform to the applicable requirements of the area regulations of this Code. All lots shall front on a public street or an approved private street. Lots with double frontages shall not be permitted unless one frontage is an arterial street without access rights. Triangular lots shall be avoided whenever possible.
- C. Lot Lines: In so far as practical, the side lot lines shall be perpendicular to the street on which the lot fronts.
- D. Remnant Lots: In cases where irregularity of ownership or street lines would produce remnant lots less than the minimum area required by this Code, such area shall be added to adjoining lots.
- E. Exceptional Sized Lots: When the tract is subdivided into parcels larger than the usual building lots, such tract shall be divided so as to allow for the opening of streets and such parcels shall be multiples, in area, of units not less than the lot areas required by this Code.
- F. All blocks which exceed 1,000 feet in length shall be provided with a mid-block pedestrian access easement. Mid block pedestrian access easements shall be provided to enhance connectivity within and between residential areas. Easements shall be provided in all blocks where the City Planner determines, that due to topography, physical constraint, or excessive block length such easement would benefit the health and welfare of the public.

#### **11-15 Streets**

- A. General: The arrangement of arterial and collector streets shall conform to the circulation plan of the Comprehensive Plan. For streets not shown in the Comprehensive Plan, the arrangement shall provide for the appropriate extension of existing streets. Private streets shall conform to City standards for private streets.
- B. Right-of-Way:
  1. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the street pavement, curbs, shoulders, sidewalks, utilities, street lighting and street trees placed within the right-of-way.
  2. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street. The right-of-way width shall vary with street classification according to the City standards.
  3. Dedication of half-street right-of-way is discouraged but may be approved by the Commission and City Council to serve the public interest. Lots abutting on such right-of-way shall be non-buildable until the remainder of the street is dedicated to the public.
- C. Street Classification:
  1. Streets shall be classified by the City Engineer as arterial, collector, local or alley. The street hierarchy shall be defined by the City Engineer based on road function and average daily traffic in accordance with the City standards.
  2. Each street shall be classified and designed for its entire length to meet the standards for one of the street types defined in the City standards.

3. The owner shall demonstrate to the Zoning Advisory Commission's and City Council's satisfaction that the distribution of traffic to the proposed street system will not exceed the requirements set forth in the City standards.
- D. Street Width: Street width shall consider possible limitations imposed by sight distances, climate, terrain, and maintenance needs. Street widths for each street classification shall conform to the City standards.
- E. Pavement Standards: Street pavement thickness shall vary by street classification, subgrade properties and pavement type as specified in the City standards.
- F. Street Alignment: Arterial and collector streets shall be continued in as direct an alignment as topography and other conditions permit. Local streets shall conform to the prevailing topography of the subdivision.
- G. Street Grades: The minimum gradient for all streets shall be one-half percent. The maximum gradient for arterial streets shall be eight percent; for collector streets 10 percent; and for local streets 12 percent. Grades of up to 15 percent may be allowed on secondary access, local streets with the approval of the Zoning Advisory Commission and City Council. The grade within the circle of a cul-de-sac shall be no more than four percent.
- H. Names of Streets: Streets that are aligned with existing or platted streets, or essentially so, shall bear the names of the existing streets. Names for new streets shall not duplicate in spelling, nor sound phonetically similar to existing street names in the City or County of Dubuque. Proposed street names for public or private streets shall be labeled on the submitted preliminary plat.
- I. Easements: Easements shall be provided as determined necessary for public utility requirements. Public utility easements shall be a minimum of 10 feet in width and may vary as needed. Storm sewer and sanitary sewer easements and water main easements shall be a minimum of 20 feet in width.
- J. Curbs:
  1. Curb requirements and construction shall be in accordance with the City standards.
  2. Where curbing is not required, as in planned developments or within two miles of the City limits, edge definition and stabilization shall be furnished as recommended by the City Engineer. Shoulders and swales shall be reviewed on a case-by-case basis with the City Engineer.
  3. Curbing shall be designed to provide a ramp for wheel chairs and handicapped access as required by state and federal law and City standards.
- K. Complete Streets Policy
  1. General: The City's Comprehensive Plan supports the development of a comprehensive bike/hike trail system to provide multi-modal transportation for the City. Streets that are designed for only cars limit transportation choices by making walking, bicycling and taking public transportation inconvenient, unattractive and potentially dangerous. The City currently implements curb ramp, sidewalk, signage and trail projects that support the implementation of Complete Street design. The City's Complete Streets Policy will take into account the potential for additional cost associated with the construction of Complete Streets and recognizes that not every new public street will be suitable for implementing all aspects of Complete Street design. Planning staff will review application of Complete Street design as part of the major subdivision review process.
  2. Complete Street Design Goals:
    - a. Design and construct new streets in anticipation of increased demand for bicycling, walking and transit facilities.
    - b. Design and construct new streets that allow for future improvements to accommodate Complete Street design attributes, such as provision of extra right-of-way to accommodate an off-street bike trail in the future.
    - c. New public streets that implement all or some components of Complete Street design shall utilize standards found in the following design guidelines:
      - i. AASHTO (American Association of State Highway and Transportation Officials)
      - ii. SUDAS (Statewide Urban Design and Specifications Program)

- iii. Federal Highway Administration
- iv. ITE (Institute of Transportation Engineers)

3. Complete Street Applications:

- a. Most collector and arterial streets are constructed/reconstructed by the City of Dubuque and hence application of Complete Street design criteria will be handled through the City's internal design and approval process.
- b. Local residential streets in most new residential subdivisions will incorporate some Complete Street design criteria, such as sidewalks on both sides of the street, curb ramps at intersection corners, etc.
- c. Collector streets within new subdivision, in addition to above, may restrict driveway access to side streets to facilitate on-street bike trails, could include wide sidewalks and parkways to facilitate walking.

#### **11-16 Sidewalks**

- A. Sidewalks shall be required on all public street frontages and constructed of concrete or permeable pavement in accordance with the City and ADA standards.
- B. Sidewalks shall be placed five feet behind the curb parallel to the street, unless an exception has been permitted by the City Engineer to preserve topographical or natural features or to provide visual interest, or unless the subdivider shows that an alternative pedestrian system provides safe and convenient circulation.
- C. In planned developments, sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street and on-site activity centers such as parking areas and recreational areas. They may also be required parallel to the street for safety and other reasons.
- D. Sidewalk Installation: Sidewalk installation shall be the responsibility of the owner of property abutting the public right-of-way. This responsibility shall extend to all successors, heirs and assignees. Sidewalk installation shall be required when the development of a lot has been completed. All vacant lots shall have sidewalks installed upon development of 80 percent of the lots shown on the approved final plat.

#### **11-17 Bikeways**

- A. Separate bicycle paths shall be required in accordance with the Comprehensive Plan.
- B. Bicycle lanes, where required, shall be placed in the outside lane of a roadway adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane may share the parking or travel lane where feasible. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.

#### **11-18 Utility Location**

Utilities shall generally be located within the right-of-way on both sides of and parallel to the street, in accordance with the City standards.

#### **11-19 Street Trees**

Street trees shall be located within the right-of-way on both sides of and parallel to the street, in accordance with Section 45-17 of the Dubuque City Code and the *City of Dubuque Street Tree and Landscaping on Public Right-of-Way Policy*.

#### **11-20 Water Supply**

- A. All water supply installations for major and minor subdivisions in the City limits shall be properly connected with an approved and functioning public water supply system.
- B. If a public water supply system is to be provided to the area within a three year period as indicated in the Comprehensive Plan, the City Council may require installation of a capped system within the street or road right-of-way; or the City Council may require a payment in lieu of the improvement.

- C. All proposals for new public water supply systems or extensions to existing public water systems, or the use of wells and other water sources, shall be approved by the Water Department Manager.
- D. The water supply system shall be adequate to handle the necessary flow based on complete development of the subdivision and extensions of the system to areas beyond the subdivision. Water supply system design and placement shall comply with the City standards.
- E. Fire hydrant size, type, location and installation shall comply with the minimum City standards.

### **11-21 Sanitary Sewer**

- A. All sanitary sewer installations for major and minor subdivisions shall be properly connected to an approved and functioning sanitary sewer system in accordance with the City standards.
- B. If a public sanitary sewer system will be provided to the area within a three year period as indicated in the Comprehensive Plan, the City Council may require installation of a capped system within the street or road right-of-way; or the City Council may require a payment in lieu of the improvement.
- C. All proposals for new public sanitary sewer systems, extensions to existing public sanitary sewer systems or the installation of a capped system, or use of individual subsurface disposal systems, shall be approved by the City Engineer.
- D. The sanitary sewer system shall be adequate to handle the necessary flow based on complete development of the subdivision and extensions of the system to areas beyond the subdivision. Sanitary sewer system design and placement shall comply with the City standards.

### **11-22 Stormwater, Grading and Erosion Control**

- A. Design of the stormwater, grading and erosion control management system shall be consistent with general and specific concerns, values, and standards of the Comprehensive Plan and applicable County, regional, and State storm drainage control programs. Design shall be in accordance with the City standards and this Code.
- B. The best available technology shall be used to minimize the impact to adjacent properties, off-site stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water, in accordance with the City standards, this Code, State and Federal regulations.
- C. Preliminary and final grading and erosion control plans shall comply with Chapter 12 of the Dubuque City Code and the City standards.

### **11-23 Obligation to Install Improvements**

Installation of Improvements: Improvements including streets, sanitary sewers, stormwater management facilities, water mains, street lights, street trees, and sidewalks shall be installed by the owner in accordance with City standards, the approved final plat, and the approved improvement plans. Improvements shall be installed within the timeframe specified in the resolution approving the final plat and improvement plans.

### **11-24 Improvement Guarantees**

- A. Application: Before the recording of final plats, or as a condition of approval of final plats, the City Council shall require the following guarantees:
  1. The furnishing of a performance guarantee by the owner in an amount not less than 110 percent of the cost of construction of required improvements. Upon determination by the City Engineer that a required improvement is substantially complete, the amount of such guarantee shall be reduced to 25 percent of the cost of construction of the required improvement. "Substantially complete" shall mean that the required improvement has been inspected by the City Engineer and determined by the City Engineer to be constructed in accordance with the approved plans and specifications; and
  2. Provision for a maintenance guarantee in the amount of 25 percent of the cost of the required improvements by the owner for a period of two years after final acceptance of the improvements by the City Council; and

3. The owner shall pay required inspection fees equal to three percent of the construction costs of the required improvements.
- B. Time Extension: The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the City Council by resolution.
- C. Inspection: Upon completion of all required improvements, the owner shall notify the City Engineer in writing of the completion of improvements. The City Engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the City Manager and property owner, indicating either approval or rejection of such improvements with a statement of reasons for any rejection.
- D. Performance and Maintenance Guarantees: Performance and maintenance guarantees may be provided by a variety of means subject to the approval of the City including, but not limited to, the following:
  1. Surety Bond: The owner may obtain a surety bond from a surety bonding company authorized to do business in the State; or
  2. Letter of Credit: The owner may provide an irrevocable letter of credit on a form provided by the City and from a financial institution acceptable to the City; or
  3. Escrow Account: The owner may deposit cash, or cash equivalent, either with the City, or with a financial institution acceptable to the City, pursuant to an escrow agreement acceptable to the City; or
  4. Certificate of Deposit: The owner may deposit a certificate of deposit in the name of the City, with a financial institution acceptable to the City.

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## Chapter 12: Site Plans

### 12-1 Purpose

The site plan review provisions of this section are intended to promote functional and aesthetic design of property development within the City. These provisions are intended to alleviate the potentially harmful effects on adjoining land of new development by encouraging site plans that respect their environmental, land use and economic context. Regulations of this section should ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are designed in the most efficient, attractive and harmonious manner.

### 12-2 Application and Scope of Site Plan Review and Approval

No building permit shall be issued, and no construction, grading or other land development activity listed below may be commenced on property unless a site plan has been submitted and approved for such activity as set forth in this section. Development activities subject to the requirements of this section may hereafter be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Material changes shall not be made to an approved site plan without the approval of the City. A permanent Certificate of Occupancy for a new development shall be not issued until all storm water control, sanitary sewer, water mains, off street parking facilities and all other site plan requirements have been constructed and approved by the City, and are fully operational.

### 12-3 Development Activities Subject to Site Plan Review

- A. Site plan review is required for construction or expansion of any building, structure or freestanding sign except single-family detached dwellings, duplexes and townhouses of not more than two units and permitted accessory structures to a single-family dwelling or duplex. Driveways to said single-family and duplex dwelling units, garages and carports shall be paved with a hard surface as defined in **Chapter 2**.
- B. Any change, alteration or modification in a structure or use which would require the provision of additional off street parking spaces, additional lot area, or other substantial change in zoning requirements applicable to such structure or use.
- C. The construction or creation of any parking lot or the expansion of any existing parking lot.

### 12-4 Administrative Waiver, When Permitted

The City Planner may waive the requirements for site plan review for any development activity within the scope of this Chapter where the City Planner reasonably believes that such a waiver will not adversely affect the purposes and intent of this Code.

### 12-5 Site Plan Review Procedures

- A. Applicants for site plan review shall meet with the City Planner or designee prior to submission of a site plan. The purpose of this meeting is to acquaint the applicant with site development standards and procedures. This meeting shall also serve to allow the applicant to present the scope and nature of the proposed project to the City Planner or designee.
- B. Following the initial meeting, the applicant may submit a completed site plan for review.

### 12-6 Site Plan Application Requirements

All applications for site plan review shall be prepared to show all information currently required by the City, a list of which shall be available from the Planning Services Department. At least six copies are required for all site plan sheets, drawings and written information. The City Planner shall coordinate review of the submitted site plan with appropriate City Departments.

- A. The City Engineer shall approve and regulate the construction of new streets, driveways, curb cuts and other paved surfaces, and storm water facilities, sanitary sewer and erosion control measures and facilities.
- B. Within 14 working days of receiving a site plan, the City Planner shall notify the applicant of any approval, conditional approval or disapproval. In cases of conditional approval or disapproval, written notification shall be given for the reasons of such action.

- C. Site plan approvals are valid for a period of two years from the date of approval, during which time a building permit must be applied for. The City Planner shall have the authority to grant one extension for a period of up to 12 months, provided the approved site plan is still compliant with all current City codes and ordinances.
- D. One copy of the approved site plan shall be returned to the applicant. One copy of the approved site plan shall remain on file in the Planning Services Department.

## 12-7 Site Plan Appeals

- A. The site plan review applicant, any aggrieved citizen, or any two members of the Zoning Advisory Commission may, upon notice, appeal in whole or in part, any determination or decision of the City Planner made within the scope of this Section, including a decision to waive site plan review made pursuant to **Section 12-4**. Appeal is without cost and shall be made by delivery of written notification of the appeal to the Planning Services Department within the 15 days immediately following the decision or determination from which appeal is sought.
- B. The Zoning Advisory Commission shall review all appeals, and to that end shall have all the powers and duties of the City Planner relative to site plan review. The affirmative vote of at least four Commissioners shall be necessary to affirm, overturn, or modify the decision from which appeal is sought. At the Commission meeting, the appealing party or parties and all other interested parties shall be presented a reasonable opportunity to present their views. Following the appeals hearing, the Commission must take action no later than the next regularly scheduled Commission meeting. A failure to act within such period shall have the effect of affirming the determination from which appeal has been made. Decisions of the Zoning Advisory Commission may be appealed to the Zoning Board of Adjustment in the same manner as appeals from a decision of an administrative officer.

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## Chapter 13: Site Design Standards

### 13-1 Intent

These Site Design Standards are established in order to achieve the following goals:

- A. Provide standards for the orderly development of the City and the promotion of quality sustainable development.
- B. Implement the goals, objectives and policies of the Comprehensive Plan related to quality development and neighborhood compatibility.
- C. Maintain and protect the value of property.
- D. Maintain a high quality of life without significantly increasing public or private costs for development or unduly restricting private enterprise, initiative, or innovation in design.
- E. Ensure that the placement of buildings, structures, fences, lighting and fixtures on each site shall not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- F. Preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights of way are designed and maintained with respect to plants and landscape materials.
- G. Ensure that development respects land capabilities and constraints, minimizes erosion and destruction of natural amenities, and reduces conflicts between lands and uses.

### 13-2 Applicability

- A. New Development: Development requiring a site plan under **Section 12-3** of this title on a site that is vacant or substantially cleared real estate, and not in a special development area, shall comply with the Site Design Standards set forth herein.
- B. Redevelopment: Development requiring a site plan under **Section 12-3** of this title on a site with improved real estate, involving partial clearance of 25 percent or more of the building area and/or expansion of 25 percent or more of the building area existing at the time of adoption of this title, and not in a special development area, shall comply with the Site Design Standards set forth herein.
- C. Special Development Areas: Development requiring a site plan under **Section 12-3** of this title that is in one of the following special development areas may be subject to design standards or guidelines in addition to or in lieu of the Site Design Standards set forth herein, as follows.
  1. Urban Renewal Districts. These districts have planning and other criteria that may take precedence over the Site Design Standards set forth herein.
  2. Port of Dubuque Design Standards. This area has design standards that may take precedence over the Site Design Standards set forth herein.
  3. Planned Unit Development (PUD) Districts. These districts may have site development and performance standards that may take precedence over the Site Design Standards set forth herein.
  4. Historic Districts: Historic districts, as regulated by **Chapter 10** of this title, have architectural guidelines that may take precedence over the Site Design Standards set forth herein.
  5. Old Town Neighborhood Overlay District. This overlay district has design guidelines that may take precedence over the Site Design Standards set forth herein.
  6. Architectural Design Guidelines: These guidelines apply to the Downtown Design Guidelines Area and Historic Millwork District in accordance with City policy, and may take precedence over the Site Design Standards set forth herein.
- D. Waiver from Site Design Standards: The Zoning Advisory Commission shall have the power to grant such waivers from the Site Design Standards of this Chapter, as may be reasonable and within the general purpose and intent of the site plan review and approval provisions of this Chapter if the literal enforcement of one or more provisions of this Chapter is impracticable or will exact an undue hardship because of peculiar conditions pertaining to the land in question. The affirmative vote of at least four Commissioners shall be necessary to grant a waiver. The waiver may be granted subject to such conditions as the Commission may establish.

lish to ensure the general purpose and intent of the provisions of this Chapter are followed. At the Commission meeting, the applicant and all other interested parties shall be presented a reasonable opportunity to present their views. Decisions of the Zoning Advisory Commission may be appealed to the Zoning Board of Adjustment in the same manner as appeals from a decision of an administrative officer.

### 13-3 Site Development Requirements

#### 13-3.1 Extension of Public Improvements

A. Installation of Improvements: Public improvements including streets, sanitary sewers, storm sewers, storm-water management facilities, water mains, street lighting, street trees, and sidewalks shall be installed in accordance with the city standards.

1. Definitions: For purposes of this Chapter, the following terms have the following meanings:

Development: Any change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

Fiberoptic network conduit: A pipe, vault, or duct used to enclose fiberoptic cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical. “Fiberoptic network conduit” does not include electronics or cable.

Public Improvement: Streets, sanitary sewers, water mains, streetlights, sidewalks, bike/hike trails, and fiber conduit.

2. Requirement of Developer: For all subdivision or site plan developments, the developer shall connect all public improvements to other streets, sanitary sewers, water mains, streetlights, and fiber network conduit, and bike/hike trails within and through the subdivision or site development, and to the property lines, to provide for their extension to adjacent properties.

Public improvements shall be designed and installed in accordance with the current city standards and specifications and within the time frame specified in the resolution approving the final plat or improvement plan. The developer shall pay the total cost of engineering and construction of extensions of such public improvements.

Plans for such extensions must be approved by the city engineer. The city engineer may grant a waiver of the extension requirements on such terms and conditions as the city engineer determines appropriate.

3. Water Mains:

- a. Water mains must be sized to meet requirements for domestic plus fire flow water demands and in accordance with city. The city may require the design and construction of water mains with the ability to service lands other than the immediately adjoining land and may require installation of water mains sized larger than the minimum required to provide domestic and fire flow needs for the development. In this circumstance, the city shall reimburse the developer for the incremental difference in material cost above that of the cost for water main materials needed to provide domestic and fire flow needs. The city will not reimburse the developer for water mains above 8-inch if larger diameter water main is needed to provide domestic plus fire flow water demands in the development.

- b. Only mains sized larger than an 8-inch main may be considered eligible for reimbursement purposes. The reimbursement will be based on the difference in pipe and fitting costs only, and no allowance will be made for the difference in installation costs. The developer must provide the city engineer with a current pipe supplier price list for the water main pipe and appurtenances needed to serve the development and the price for the increased pipe size and appurtenances. The city engineer will calculate the reimbursement amount and will document the reimbursement amount in an agreement between the city and the developer.

- c. In areas where water main may be extended by a developer past properties owned by others outside of the final plat so as to serve the area of the final plat, such extension shall be at no expense to the city. The city shall not be obligated to collect any portion of this cost for reimbursement to the developer.

4. Sanitary Sewers:

- a. All sanitary sewers mains must be a minimum of 8-inch diameter pipe.
- b. The sanitary sewer extension must be sized by the developer and approved by the city engineer to serve the development and the development of upstream sewershed property that may be served by the sewer extension.
- c. When the upstream sewershed property would require the developer to increase the pipe diameter, the city shall reimburse the developer for the incremental difference in sanitary sewer pipe cost above the cost for sanitary sewer pipe needed to provide service for the development. The reimbursement will be based on the difference in sanitary sewer pipe costs only and no allowance will be made for the difference in installation costs.
- d. The city will not reimburse developers for any increase in sanitary sewer pipe diameter beyond 8-inch diameter if the increase in size is a direct result of the development needs.
5. The developer must provide the city engineer with a current pipe supplier price list for the sanitary sewer pipe needed to serve the development and the price for the increased sanitary sewer pipe size. The city engineer will calculate the reimbursement amount and will document the reimbursement amount in an agreement between the city and the developer.
6. When a developer is installing a sanitary sewer lift station to serve the development, the developer is responsible for proper capacity sizing of the lift station to accept flow from upstream sewershed properties.
7. When the upstream sewershed properties would require the developer to increase the sanitary sewer lift station capacity, the city shall reimburse the developer for the incremental difference in sanitary sewer lift station capacity cost above the cost for the sanitary sewer lift station needed to provide capacity for the development as determined by the city engineer. The reimbursement will be based on the difference in sanitary sewer lift station costs only and no allowance will be made for the difference in installation costs.

### **13-3.2 Site Lighting**

- A. The following site features shall be illuminated by an exterior light source:
  1. Driveways and loading facilities; and
  2. Pedestrian walkway surfaces and entrances to buildings.
- B. The location and design of site lighting shall conform to the following:
  1. All exterior lighting shall be designed, installed and maintained so as not to cause glare or to shine in adjacent lots and streets;
  2. No light sources shall provide illumination onto adjacent lots, buildings or streets in excess of 1 foot candle;
  3. All exterior lighting luminaries shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical;
  4. Fixtures mounted on a building shall not be positioned higher than the roofline of the building;
  5. Wooden utility type poles are acceptable only for temporary use during construction; and
  6. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.

### **13-3.3 Utility Locations**

Service lines and mechanical equipment for utilities shall be located in accordance with the following requirements:

- A. Service Lines: All electrical, telephone, cable, and other similar utility lines serving the building and other site features shall be located underground.

B. Mechanical Equipment: All roof-mounted and ground-mounted electrical transformers, switching gears, relay boxes, meters, air conditioning units, heat pumps and other similar mechanical equipment shall be screened from view to the height of the equipment. Roof-mounted mechanical equipment shall be screened in such a manner that it will appear to be an integral part of the building's overall architectural design.

#### **13-3.4 Stormwater Management**

Stormwater management systems shall be designed in accordance with the requirements of Title 14 Chapter 12 of the Dubuque City Code, as amended. The site, including parking lots, shall be developed using two or more of the following low-impact development tools or other best management practices approved by the City Engineer:

- A. Reduced lot grading: Ground-slope reduction outside the immediate perimeter of a building (where foundation drainage is not a concern) to promote stormwater infiltration or filtration.
- B. Check dams: Where narrow areas and/or excessive grades force the construction of less than ideal steep swales, rock check dams can be added to slow flows, minimize erosion, and improve infiltration or filtration.
- C. French drains and soak-away pits: Rock-filled trenches that promote rapid infiltration or filtration.
- D. Green roofs: Vegetated roofs that reduce run-off, improve energy efficiency, and create a green amenity.
- E. Microbasins: Small depressions to create longer flow paths or localized depressions to encourage longer standing-water periods and infiltration or filtration.
- F. Permeable pavements: Open-graded, permeable asphalt pavement; open-cell unit pavers; and porous concrete—typically used in parking lots and low-traffic areas—to provide storage space and another infiltration or filtration route for stormwater.
- G. Rainwater harvesting systems: Cisterns and rain barrels that harvest water from roof drains and downspouts for landscape watering and nonpotable uses.
- H. Sidewalks and drives sloped toward open space: A tool to provide water for site vegetation, which slows surface water flow, improving infiltration. This technique eliminates the need for curbs, gutters, and catch basins, and the open space slows the transport of untreated water and associated pollutants while reducing construction costs.
- I. Bioswales: Vegetated swales with amended soil backfill and underdrains to improve infiltration or filtration.
- J. Native plantings: Use of native plants to reduce the need for irrigation and reduce runoff. Native plants also slow runoff and improve infiltration or filtration with their deep, fibrous root systems.
- K. Open water features: To reduce runoff through evapotranspiration, improve habitats, and create attractive community amenities.
- L. Rain gardens: Landscape depressions filled with amended, permeable soil and native, deep-rooted, moisture-tolerant plants to promote infiltration or filtration.
- M. Swales: Serpentine, vegetated drainageways that convey water slowly and improve infiltration or filtration.
- N. Trees and other plantings: Landscaping to intercept rainfall, reduce erosion, improve infiltration or filtration, slow runoff, and reduce peak flows.
- O. Tree filters: Systems that divert a portion of parking lot stormwater from gutters into tree planters, where water infiltrates amended soils and surrounds plant roots.
- P. Vegetative buffers: Bands of native plantings that intercept runoff from developed areas before it reaches detention basins or natural water courses (for pretreatment).

#### **13-3.5 Parking Structures**

Parking decks and ramps shall be designed in compliance with these design standards in order to appear compatible with and similar to other nonresidential buildings:

- A. The ground floor facade abutting any public street or sidewalk shall be designed and architecturally detailed to resemble a commercial or office building.
- B. Where possible, the ground floor abutting a public street or sidewalk should include commercial or office uses.
- C. The design of upper floors shall ensure that sloped floors do not dominate the appearance of the facade.
- D. Windows or openings shall be provided that mimic those of nearby buildings.

### **13-3.6           Parking Lot Layout**

- A. All parking lots and driveways shall be hard surfaced. Parking on gravel, dirt or unreinforced turf is prohibited.
- B. Parking lot edges and planting islands may be defined by concrete curb and gutter and/or incorporate approved biofiltration methods. Parking spaces shall be defined with painted striping or other approved methods.
- C. Off-street parking shall be located to the rear and/or side of buildings, when practical. When parking or parking access must be located in the front yard, a landscaped buffer shall be provided.
- D. Parking bays in excess of 11 spaces in length shall provide landscaping at the ends of each aisle in accordance with **Section 13-4.6.C**. Parking bays in excess of 20 spaces in length shall be divided by intermediate landscaped islands, and provide landscaping at the ends of each aisle.
- E. Where perpendicular parking spaces are used, the space adjacent to the closed end of an aisle shall be a minimum of 10 feet wide.
- F. An adequate driveway throat length shall be provided to minimize traffic conflicts; the driveway throat length shall be the distance between the street and the parking lot served by a driveway. Parking spaces shall not be permitted within the driveway throat. Driveway throat lengths for commercial and industrial uses shall be determined by the City Engineer.
- G. Parking spaces shall be provided and located as required by the ADA standards for accessibility.
- H. Parking lots which will be developed in phases require a phasing plan to identify all current and future parking lot requirements. Parking areas should be constructed incrementally to match land use build-out schedules.

#### **13-3.6.1       Parking Lot Provisions for Bicycle Parking**

- A. Bicycle parking shall be required in accordance with **Section 14-9**.
- B. Bicycle parking spaces shall be at least as close as the closest automobile space, except for accessible parking spaces, or as near a regularly used building entrance as possible without interfering with pedestrian traffic.
- C. Bicycle parking areas shall provide a minimum clearance between parked bicycles and adjacent walls, poles, landscaping, and pedestrian walkways of at least three feet, and a minimum clearance between parked bicycles and vehicle parking spaces and drive aisles of at least five feet.

#### **13-3.6.2       Parking Lot Lighting**

The location and design of parking lot lighting shall conform to the following:

- A. All surface parking lot lighting shall be designed, installed and maintained so that no light sources shall provide illumination onto adjacent lots, buildings or streets in excess of one foot candle;
- B. All exterior lighting luminaires shall be designed and installed to shield light from the luminaire at angles above 72 degrees from vertical;
- C. Fixtures mounted on a building shall not be positioned higher than the roofline of the building;
- D. Wooden utility type poles are acceptable only for temporary use during construction; and

E. All electrical service lines to posts and fixtures shall be installed underground and concealed inside the posts.

### 13-3.6.3 Standard Parking Space Dimensions

A. The standard size parking stall should be at least nine feet wide and 18 feet long.

Standard-Size Car Requirements (AASHTO standard)

Degree of Angle	Stall Width (A)	Curb Length (B)	Stall Depth (C)	Stall Length (D)	Aisle Width 1-way/2-way (E)	Island Width (F)
0 deg	8.5 feet	23 feet	n/a	n/a	13 feet/24 feet	n/a
45 deg	9 feet	12.7 feet	19.8 feet	19 feet	13 feet/13 feet	33.2 feet
60 deg	9 feet	10.4 feet	21 feet	19 feet	18 feet/18 feet	37.4 feet
90 deg	9 feet	9 feet	18 feet	18 feet	24 feet/24 feet	36 feet

B. If parking stalls for compact cars are allowed, the stall dimensions should be at least seven feet six inches wide and 16 feet long.

Standard Compact Car Requirements

Degree of Angle	Stall Width (A)	Curb Length (B)	Stall Depth (C)	Stall Length (D)	Aisle Width 1-way/2-way (E)	Island Width (F)
0 deg	7.5 feet	16 feet	n/a	n/a	13 feet/24 feet	n/a
45 deg	8 feet	11.3 feet	17 feet	16 feet	13 feet/13 feet	28.3 feet
60 deg	8 feet	9.2 feet	17.8 feet	16 feet	18 feet/18 feet	31.7 feet
90 deg	8 feet	8 feet	16 feet	16 feet	24 feet/24 feet	32 feet

### 13-3.7 Sidewalks and Walkways

A. Continuous sidewalks a minimum of four feet wide shall be provided in compliance with Section 10-2-1.

B. Clearly defined and lighted pedestrian walkways shall extend between parking areas and all building entrances.

C. All sidewalks and walkways shall meet the ADA standards for accessibility.

## 13-4 Landscaping and Screening Requirements:

### 13-4.1 Intent

The landscaping and screening requirements of this section are intended to promote attractive and harmonious growth of the City. Landscaping is a fundamental component of property development. These provisions are intended to preserve and enhance property values by ensuring that yards, open spaces, parking lots and public rights-of-way are designed and maintained with respect to plants and landscape materials. This section also intends that property development should respect land capability and constraints, minimize erosion and destruction of natural amenities and reduce conflicts between lands and uses.

### 13-4.2 Application and Scope

No new structure, building or parking lot shall be constructed unless in compliance with the landscape and screening standards of this Chapter.

### 13-4.3 Landscape Area Requirements

A. Single-family and two-family dwellings shall maintain a minimum of 20 percent of lot area as a permeable and uncovered surface that contains living material. Single-family and two-family dwellings shall be exempt from other requirements of **Section 13-4**.

B. All other uses shall provide and maintain a landscaped area that equals or exceeds the requirements of **Section 13-4**.

#### 13-4.4 Site Landscaping

- A. Major site plans shall include a landscaping plan indicating how existing topography, natural features, and vegetation will be integrated into the overall site development. A conceptual landscape plan shall be submitted and approved prior to final site plan approval. A detailed landscape plan shall be submitted and approved prior to the issuance of a Certificate of Occupancy. All landscape plans shall be prepared to show the information required by the Planning Services Department.
- B. Street trees planted in the public right-of-way shall not be counted toward fulfillment of the minimum site requirements for number of trees.
- C. Existing trees to be retained on site may be counted toward fulfillment of the landscaping requirements.
- D. Parking lot landscaping requirement in **Section 13-4.6** shall not be counted toward fulfillment of the minimum site landscaping.
- E. The minimum required permeable area shall be 20 percent of the entire site under review.
- F. The following is the minimum landscaping requirement of trees and shrubs, by number, and the type of ground cover required for the entire site under review. Plant species used for landscaping shall be in accordance with street tree and plant lists approved by the City.
  - 1. Minimum tree planting requirements shall be one tree per 1,600 square feet of required permeable area. Minimum tree size shall be at least one and one-half inch caliper measured six inches from the base of the tree for a deciduous tree and six feet in height for a coniferous tree.
  - 2. Minimum shrub requirements at the time of planting shall be six shrubs, or one shrub per 1,000 square feet of required permeable area, whichever is greater. Shrubs shall be a minimum of 18 inches in height or a minimum of three gallons potted.

#### 13-4.5 Preservation of Existing Trees

- A. Existing trees, when located appropriately, may be used to comply with the requirements for buffer yards, street trees, and to meet the tree requirements for parking areas. Existing trees used to satisfy these requirements shall be in good health prior to and following site development.
- B. The same minimum separation distances that are required of new plantings must be observed when possible; except, that existing groupings of two or more trees may be preserved. Trees or branches must be removed from such groupings in the interest of public safety and/or to assure survival of the specimen.
- C. The roots of a tree must be protected during site development with barrier fencing extending at least as far as the drip line of the tree. Any limbs that might be damaged during construction must be pruned.
- D. No paving or construction shall be allowed within the drip line of a preserved tree.
- E. Any preserved tree that dies shall be replaced by the same number of trees for which it substituted during the same or immediately following planting season.
- F. The schedule below shows the acceptable substitution ratio for existing trees to required trees.

Diameter of Existing Tree	Substitution Ratio
36 inches or more	3 required trees
12 to 36 inches	2 required trees
2 to 12 inches	1 required tree

The substitution value for groupings of trees approved by the City shall be based upon the diameter of the largest tree in the group.

**13-4.6           Parking Lot Landscaping**

- A. A landscaped buffer strip shall be provided along the frontage of all surface parking areas at least 10 feet wide along the public right-of-way. The buffer strip shall consist of shade trees, low shrubs, perennial flowers, and/or other plant materials approved by the City Planner. Landscaped earth berms and or decorative walls and fences are permitted provided they are integrated with the landscape screening described above. The use of biofiltration methods of landscape and drainage design is encouraged.
- B. A landscape buffer at least seven feet wide shall be provided along the remaining sides of all surface parking lots. This area shall be planted with any combination of shade trees, coniferous trees, and/or shrubs.
- C. Parking lot landscaping and trees shall be dispersed throughout the parking lot in accordance with **Section 13-3.5.D**, and the following:
  - 1. For single parking bays, landscaped islands shall provide at least one parking space of landscape area, measuring at least nine feet by 18 feet, and shall be planted with a combination of one tree, low shrubs, perennial flowers, turf, and/or ground cover/ornamental grasses but shall not be planted entirely with turf.
  - 2. For double parking bays, both the end landscaped islands and the intermediate landscaped islands shall provide a double parking space of landscape area, measuring at least nine feet by 36 feet, and shall be planted with a combination of one shade tree or two ornamental/dwarf trees, low shrubs, perennial flowers, turf, and/or ground cover/ornamental grasses measuring no more than three feet in height, but shall not be planted entirely with turf.
- D. No tree, shrub, hedge, or berm shall be placed or encroach into an area the City Engineer determines is an obstruction to visibility, or extends into a visibility triangle affecting the public right-of-way.

**13-4.7           Street Trees**

- A. Street trees shall be planted within a landscaped parkway or in tree pits within the sidewalk area according to Chapter 8-6-1 of the Dubuque City Code and the *City of Dubuque Street Tree and Landscaping on Public Right-of-Way Policy*.
- B. Street trees planted within the sidewalk area shall be planted using best management practices.

**13-4.8           Screening Requirements**

- A. All commercial and industrial uses that abut residential, office, or institutional districts, shall maintain screening not less than six feet along the abutting property line or lines.
- B. Screening required by this ordinance shall be equivalent to the following:
  - 1. Fences with at least 50 percent opaque construction; or
  - 2. Hedges, shrubs or evergreen trees of at least 30 percent opacity at the time of installation and 50 percent opacity maintained within three years of installation; or
  - 3. Berms or graded slopes of not less than three feet of mean height. Such berms or graded slopes shall contain at least 50 percent living material.

**13-4.9           Exterior Trash Collection Areas**

- A. Exterior trash collection areas shall include collection bins, dumpsters, and similar waste receptacles for the short-term storage and collection of trash. Trash shall include garbage, scrap, recyclables, debris and similar materials.
- B. The storage of trash shall be limited to that produced by the principal permitted use and accessory uses of the lot. Exterior storage of trash, which could be blown into the air or strewn about by the wind, shall be prohibited.
- C. The ground area coverage of the exterior trash collection areas shall be the area contained inside the required screening.

- D. Exterior trash collection areas shall be located in rear or side yards only. Exterior trash collection areas shall not encroach into a front yard. The City Planner may grant a waiver to this requirement when, due to topographic conditions or lack of a side or rear yard, conformance with this requirement is impractical.
- E. All exterior trash collection areas and the materials contained therein shall be screened from view from the adjacent public right-of-way.
- F. The screening shall be a completely opaque fence, wall or other feature of a height between six and 10 feet measured from the ground level outside the line of the screen. Screens built on sloping grades shall be stepped so that their top line shall be horizontal. If a 10 foot high screen fails to shield the exterior trash collection area from view of the adjacent public right-of-way, evergreen plantings may be required in addition to the screening. Evergreen plant materials shall be selected and designed so that they will screen the area from the adjacent public right-of-way within five years.
- G. Exposed materials used to construct the opaque screen shall be similar in appearance to materials used for exterior building walls. All exterior entrances to a screened trash area shall be provided with a gate or door of similar design to that of the screen.

#### **13-4.10           Exterior Storage in Nonresidential Districts**

Screening for exterior storage is intended to buffer surrounding property from the negative visual impact created by the storage of raw or finished goods, materials and equipment that can adversely impact the value of adjacent property. Exterior storage areas shall conform to the following:

- A. Exterior storage of materials which could be blown into the air or strewn about by the wind shall be prohibited.
- B. Exterior storage, where allowed, shall be screened from view from the adjacent public right-of-way and abutting residential districts or uses to a minimum height of six feet.
- C. The screening height shall be measured from the ground level outside the line of the screening. Screens built on sloping grades shall be stepped so that their top line shall be horizontal.
- D. Exterior storage shall not encroach to a front yard.
- E. All exterior entrances to a screened storage area shall be provided with a gate or door of similar design to that of the screen.
- F. The City Planner may grant a waiver to allow screening to exceed the maximum height allowed when topography or height of individual finished products or equipment could make it impossible to completely screen a storage area from every vantage point. The City Planner may not grant waivers to the maximum screening height for raw materials or stacked goods.
- G. Long-term storage of products or materials in semi-trailers or shipping containers is permitted only in accordance with Title 14 Chapter 8 of the City Code, as amended.

#### **13-4.11           Installation, Maintenance, and Replacement of Landscaping and Screening**

- A. Plantings shall be installed prior to the issuance of a Certificate of Occupancy unless seasonal conditions exist that may reduce the survivability of the plantings, in which case the plantings shall be installed within six months of the issuance of a Certificate of Occupancy.
- B. Plantings shall be properly maintained in a healthy manner. Plantings that become diseased or die shall be replaced with similar plant materials. Replacement plantings shall be installed during the same or immediately following planting season.
- C. All required screening and fencing shall be maintained and, whenever necessary, replaced in accordance with the provisions of this Chapter.

### **13-5    Design Standards for Big Box Retail Uses**

As part of planned unit development review in accordance with **Section 5-24** for any retail commercial uses or regional shopping centers which have over 100,000 square feet of building area, the applicant shall submit building elevations for review by the City. Any structure existing at the time of adoption of this Code which is ex-

panded for retail commercial use to over 100,000 square feet of building area and which expansion constitutes an increase of 25 percent or more to the building area shall be subject to these Design Standards. In addition to the site design standards set forth herein, big box retail uses shall comply with the following standards:

- A. Definitions of Facades. For purposes of this section, the façades of a building shall be defined as follows:
  1. Façade. The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.
  2. Front façade. The front or principal face of a building, containing the main entrance; any building face, which can be touched by a line drawn perpendicular to street (public or private).
  3. Side façade. The face of a building extending from the front façade to the rear façade of the building.
  4. Rear façade. The face of a building extending along the rear of the lot or site, containing employee and service entrances, loading docks, etc.
- B. Façade Design. The building facades shall be designed in a way that will reduce the massive scale and minimize a uniform and impersonal appearance of the building, and that will provide visual interest consistent with the community's identity, character, and scale.
  1. Façades of 100 feet or longer shall be broken up with projections or recessions not less than five feet in depth, and in sufficient number, to reduce the unbroken massing into lengths of 40 feet or less along all sides of the building. Projections from the facade can be used as an alternate approach.
  2. The front façade shall include windows, arcades, awnings, projecting canopies, covered walkways, porticos, or other acceptable features along at least 60 percent of the front façade length and over at least 25 percent of the front façade area.
  3. Except for entrances to the building, any part of the front façade higher than 11 feet shall give the visual exterior appearance of having more than one floor for each additional 11 feet in height, i.e., a 22 foot high building shall give the appearance of a two-story building.
  4. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the front façade. Architectural treatment, similar to that provided to the front façade, shall be provided to the side façades to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.
  5. A landscape buffer of evergreens approved by the City Council shall be required along the property line to screen service areas and rear facades from the adjacent property.
- C. Detail features. The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, and side, with color, texture change, wall offsets, reveals, or projecting ribs.
- D. Roofs. The roof design shall provide variations in rooflines, add interest to, and reduce the massive scale of, large buildings. Roofs shall include two or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
- E. Maximum Parking:
  1. The maximum number of off-street parking spaces allowed shall be equal to 125 percent of the required minimum number of spaces.
  2. Parking spaces in excess of the maximum number permitted may be allowed, provided:
    - i. Each parking space provided in excess of the maximum number allowed shall be paved with a permeable paving material approved by the City; or
    - ii. For each parking space provided in excess of the maximum number allowed, 300 square feet of additional on-site green space shall be provided and maintained with landscaping; or
    - iii. For each parking space provided in excess of the maximum number allowed, 300 square feet of green roof shall be provided and maintained. A green roof is herein defined as a roof of a building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation sys-

tems. Unhealthy or dead vegetation shall be removed within seven days and replaced with suitable new plant materials at the earliest practical time, but not longer than nine months, based on the appropriate season.

- F. Materials and color. The building shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided such as fluorescent or metallic although brighter colors in limited quantities may be used on building trim and as accents at the discretion of the City Council. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface incorporates an acceptable architectural treatment. Not less than 75 percent of the front of the building and 50 percent of the sides of the building shall be brick or stone.
- G. Entryways. The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly-visible customer entrances.
- H. Amenities. The building site shall include at least one public gathering space, such as a patio seating area, pedestrian plaza with benches, outdoor play area, and not less than two public space amenities, such as kiosks, a water feature, a clock tower, or a landscaped site for public artwork. Pedestrian public space shall be shaded, landscaped, and screened. The size of the public gathering space shall not be less than one percent of the gross enclosed building area.
- I. Conflict; Stricter Standards Apply: Any conflict between these standards and the PUD Ordinance shall be resolved in favor of the stricter standard.
- J. In determining whether the plan complies with the above standards, the City Council may accept alternative or substitute features which have a comparable aesthetic and visual effect in light of the location and topography of a particular site.

### 13-6 Design Standards for Retail Commercial Uses and Regional Shopping Centers

In addition to the site design standards set forth herein, the following standards shall apply to retail commercial uses over 60,000 square feet of building area and to regional shopping centers:

- A. Sales and display areas. No area outside of the building other than the front facade may be used for the sales or display of merchandise unless a temporary use permit has been obtained from the City of Dubuque.
- B. Sidewalks, walkways, entrances and gathering areas. Sidewalks adjacent to the front facade shall be not less than 10 feet wide and shall connect by sidewalks not less than five feet wide to public sidewalks and adjoining retail buildings. Sidewalks shall be concrete or other approved hard surface; asphalt shall be prohibited. Walkways, entrances, and gathering areas shall have shade features other than landscaping, such as trellis structures, projecting canopies, covered arcades and porticos.
- C. Transit facilities. The building site shall include a bus and paratransit stop/transfer point at a location adjacent to the building approved by the City Manager. A shelter that is consistent in design and construction with the building shall be installed at the property owner's expense at the sole discretion of the City Manager. It shall be within the sole discretion of the City Manager whether it is used as a bus and paratransit stop and/or transfer point and at what time it shall be used. An easement or other arrangement acceptable to the City shall be granted for location, maintenance, and unrestricted use of said transit facilities by the City transit system. These facilities may be installed at any point in time at the sole discretion of the City Manager.
- D. Bicycle paths and parking. The building site shall include bicycle paths connected to the City's planned and existing bike trail system. Flexibility in the timing of construction of said bicycle paths may be allowed at the sole discretion of the City Manager. Unless the paths are exclusively for bicycle use, they shall be appropriately marked with painted lanes. The building site shall include sheltered bicycle areas with rack(s) for securing bicycles located near the entrance to the building.
- E. Maximum Parking:
  1. The maximum number of off-street parking spaces allowed shall be equal to 125 percent of the required minimum number of spaces.

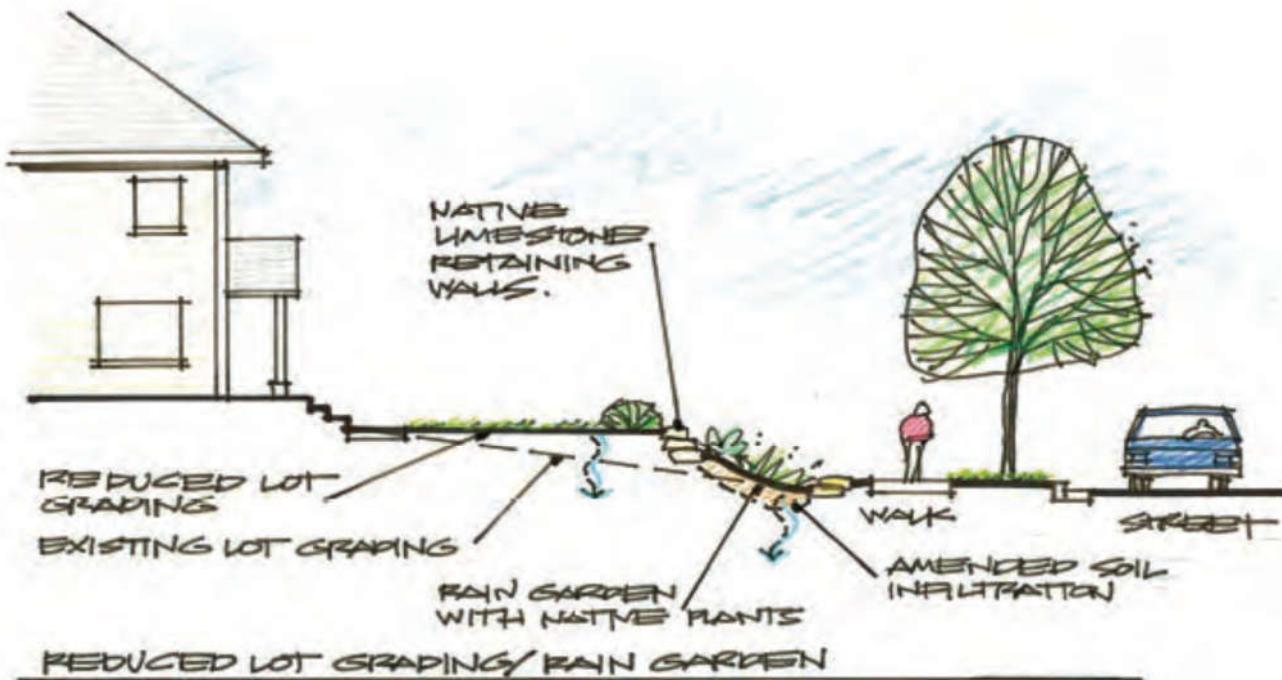
2. Parking spaces in excess of the maximum number permitted may be allowed, provided:
  - i. Each parking space provided in excess of the maximum number allowed shall be paved with a permeable paving material approved by the City, or
  - ii. For each parking space provided in excess of the maximum number allowed, 300 square feet of additional on-site green space shall be provided and maintained with landscaping.

### **13-7 Design Standards for Biofuels Production Facilities**

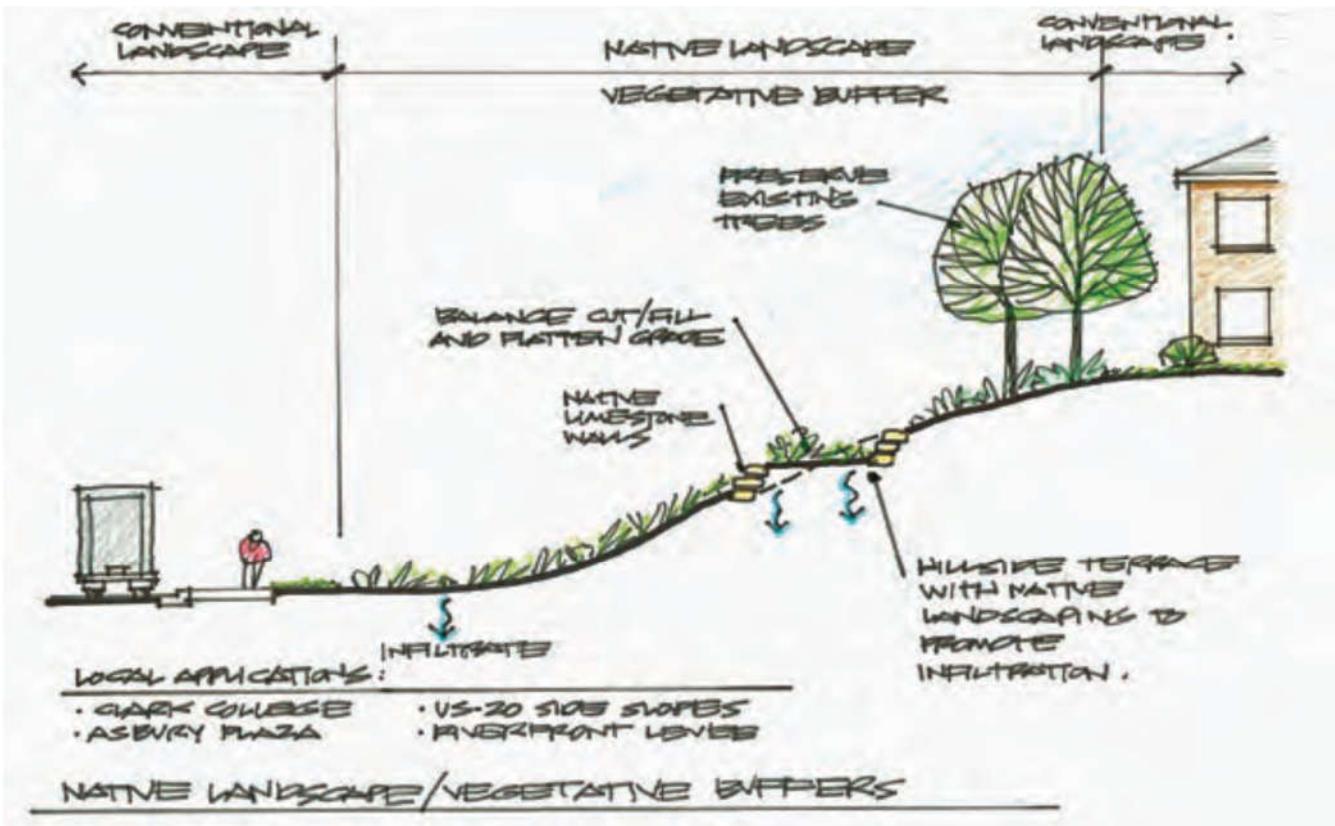
Prior to the commencement of construction of any biofuels (including, but not limited to, ethanol and biodiesel) production facility, the applicant shall submit plans for construction for review by the City Council. The applicant shall not commence any such construction unless the City Council determines that the plan complies with the following standards intended to protect the health, safety, and general welfare of the residents of Dubuque:

- A. A traffic impact analysis shall be provided by the applicant.
- B. Access to the facility shall be paved.
- C. The applicant shall provide documentation sufficient to demonstrate that the paving of public right-of-way between the facility and designated truck route(s) is sufficient to carry, without damage to the roadway, the weight, size and frequency of the loads of grain and liquid and any by-product entering or leaving the facility by truck.
- D. If the public right-of-way is not capable of carrying the weight, size and frequency of said loads, then the applicant may be required to make upgrades to the paving in order for the pavement to handle the weight, size and frequency of said loads.
- E. The applicant shall acquire sufficient right-of-way and construct all turning lanes and traffic signals necessary to handle the increase in truck traffic.
- F. The applicant shall attest in writing that the facility shall be operated and maintained in compliance with all applicable federal and state environmental standards and regulations.
- G. The applicant shall provide a dimensioned map that indicates the dispersal of steam, smoke, or other discharge from the facility based on the prevailing winds, and describe what air pollution control equipment will be provided. Biomass and natural gas-fired facilities are preferred to coal-fired facilities.
- H. The applicant shall provide a dimensioned site lighting plan indicating proposed illumination patterns and light levels on the facility site and in the environs surrounding the site. Illumination of parking and other on-site facilities shall be controlled by cut-off style luminaries that reduce off-site spillover of light. Illumination at the property line shall not exceed approximately one foot candle.
- I. All fuel storage tanks shall be located in a manner that will not allow for contamination of any groundwater or surface water.
- J. All fuel storage tanks shall be within an impermeable containment levee system, in a manner compliant with all federal, state, and local rules and regulations.

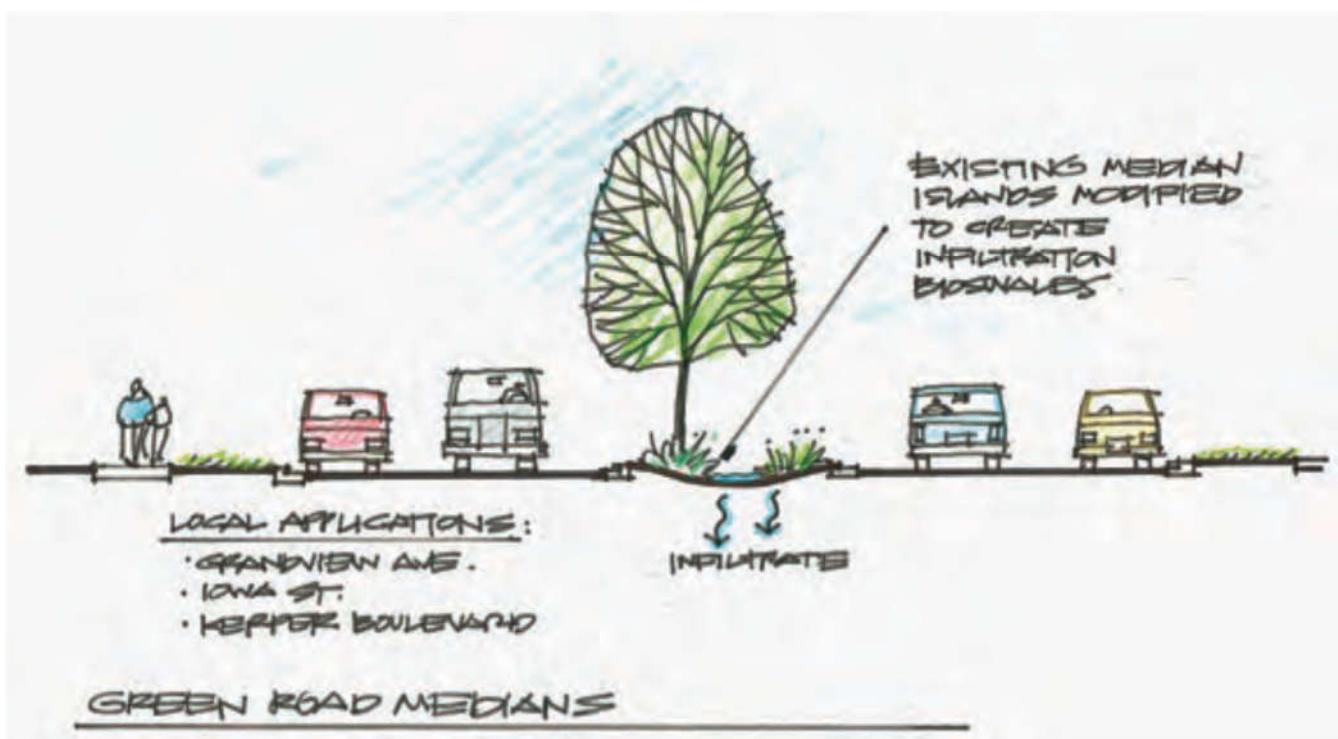
Reference Figure 13-3.4(A) and (L) Site Landscaping—Reduced Lot Grading/Rain Gardens



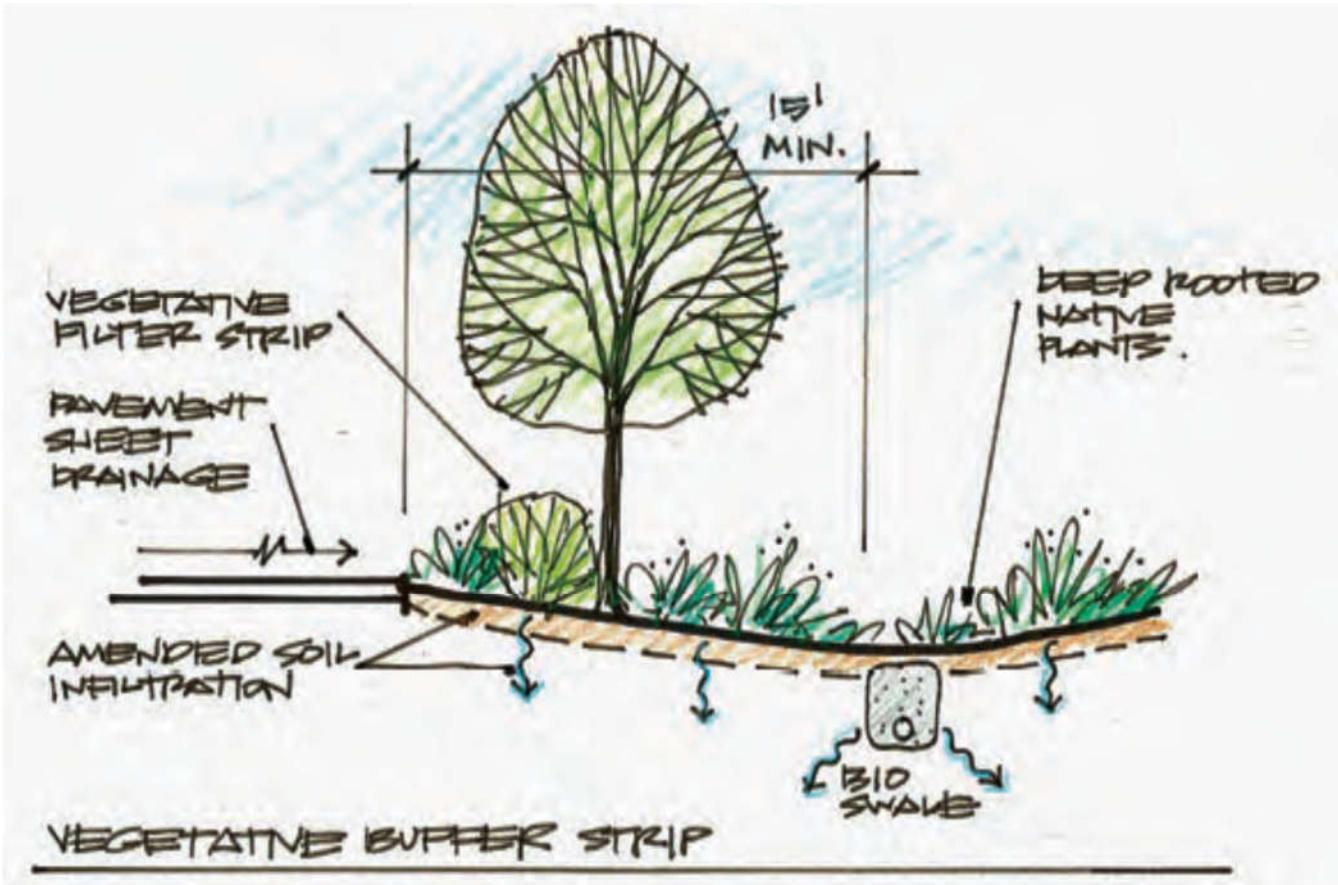
Reference Figure 13-3.4 (J) and (P) Site Landscaping-Native Plantings/Vegetative Buffers



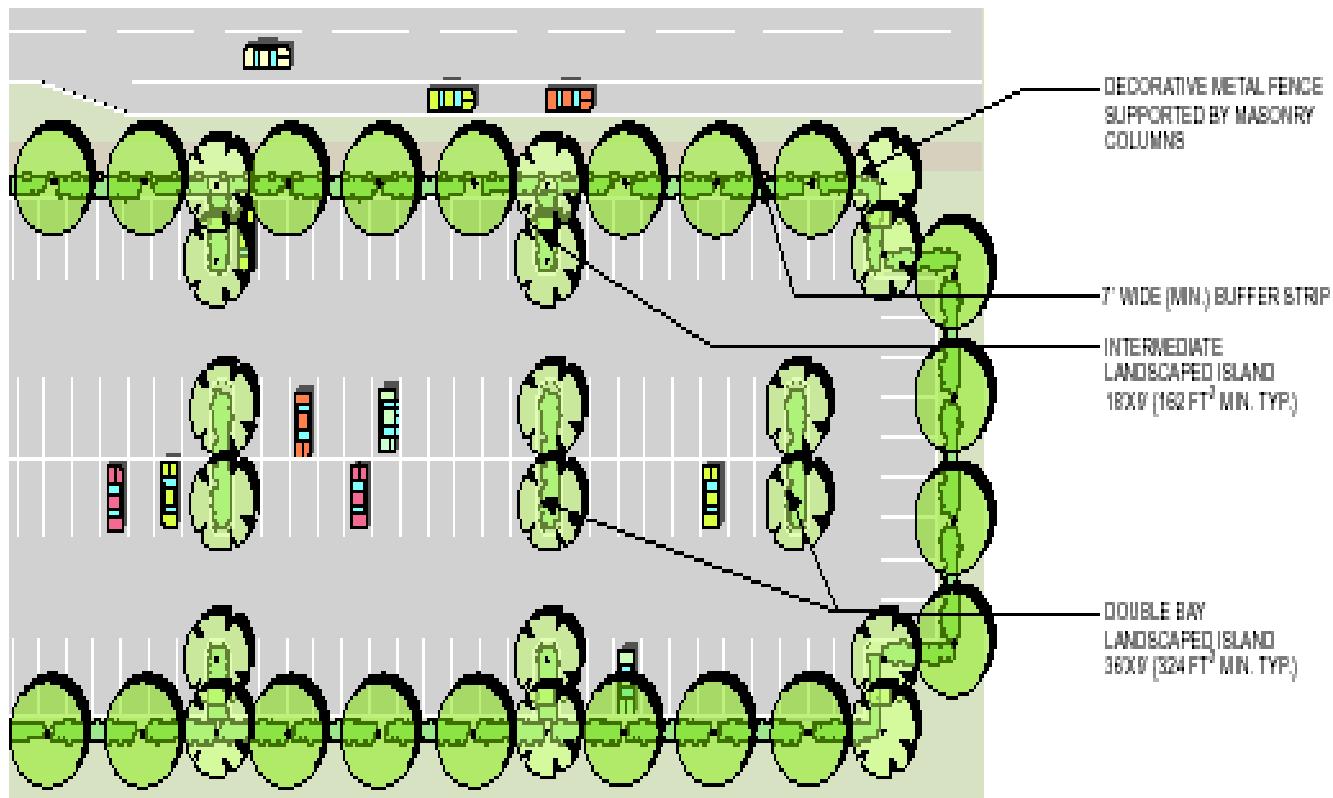
Reference Figure 13-3.4 Site Landscaping-Green Road Medians



Reference Figure 13-3.4(P) Site Landscaping-Vegetative Buffers



Reference Figure 13-4.6 Parking Lot Landscaping



*Example of adequate parking lot landscape layout.*

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## Chapter 14: Parking

### 14-1 Parking Required

The provisions of this Chapter shall apply to uses within all zoning districts of the City. No such use shall be commenced, expanded or enlarged in any manner unless the off street parking and loading provisions of this Chapter are met.

### 14-2 Site Plan Required

A site plan shall be required for the construction or creation of any parking lot or the expansion of any existing parking lot in accordance with the site plan provisions of **Chapter 12**.

### 14-3 Parking Space Calculations

The following provisions shall govern the computation of required off street parking spaces:

- A. Where computation of required off street parking spaces results in a fractional number, the required spaces for the use shall be the next higher whole number.
- B. Where more than one use is established on a single lot, the off street parking requirements for the lot shall be the sum of the separate requirements for each use established on the lot. A proposal for shared parking may be made in conformance with **Section 14-10**.
- C. Where a lawful use exists at the time of adoption of this Code that is deficient in the provision of required off street parking, any new use hereafter established in its place shall conform to the parking requirements of this Code. However, in computing the off street parking requirements for any new use, such new use shall be credited for the number of off street parking spaces that the previous use was in deficit.
- D. No structure(s) containing lawful uses existing at the time of adoption of this Code shall hereafter be expanded by 25 percent or more of the building area existing at the time of adoption of this Code, unless parking spaces are provided in full so as to bring the entire expanded use into conformity with this section.

### 14-4 Location of Parking Spaces

All off street parking spaces required by this Code shall be located on the same zoning lot as the use for which such spaces are required, except that:

- A. Within an office, commercial, or industrial district, when an increase in the number of off-street parking spaces is required by an alteration, enlargement, or change of a use, the required off-street parking spaces may be located off-site, provided they are not located farther than 300 feet from the use served.
- B. Within an ID institutional district, parking spaces may be located on a separate lot within the ID district boundaries, unless further restricted by the ordinance establishing the district.
- C. Payment in lieu of parking. *Reserved for future use.*

### 14-5 Off-Street Parking and Storage of Vehicles in Residential Districts

- A. Statement of Intent: The intent of this section is to avoid the obstruction of public streets and sidewalks, improve traffic visibility, ensure the provision of necessary light and air to residential dwellings, and maintain the visual harmony and character appropriate in residential neighborhoods within the City.
- B. The provisions of this section shall govern the off-street parking and storage of vehicles as an accessory use within any R-1, R-2, R-2A, R-3, R-4, or OR residential district, or for property principally used as a residence. Accessory off-street parking or storage of vehicles within any such district shall be permitted only in conformance with these provisions.
- C. Definitions: The following definitions shall govern the interpretation of this section:

**Inoperable Vehicle:** any vehicle:

1. that does not display current state registration;
2. with a missing window, windshield, headlight, or any other missing glass;

3. with a broken, loose, or missing fender, door, wheel, bumper, hood, roof, steering wheel, trunk lid, muffler or tailpipe;
4. that is the habitat of rats, mice, snakes or any other vermin or insects;
5. that lacks an engine, one or more wheels or other structural part that renders the vehicle inoperable, such as a truck without an engine or a trailer missing a wheel; or
6. that is not capable of moving in both forward and reverse gears.

**Parking:** the placement on a residential lot of a vehicle for any substantially uninterrupted period of time not exceeding 48 hours.

**Storage:** the substantially uninterrupted placement on a residential lot of any vehicle for any consecutive period of time exceeding 48 hours.

**Vehicle:** any implement of conveyance designed or used for the transportation of people or materials on land, water or air, including, but not limited to, automobiles, trucks, motorized bicycles, motorcycles, snowmobiles, boats, airplanes, helicopters, trailers, campers, tractors, equipment, etc.

#### D. Standards Governing Off-Street Parking or Storage of Vehicles as an Accessory Use in Residential Districts:

1. Maximum Number of Vehicles Allowed to be Stored: Not more than one vehicle may be stored outside a fully enclosed structure anywhere on a residential lot.
2. Front Yard Storage Prohibited: No vehicle may be stored in the front yard of a residential dwelling under any circumstances. Front yard parking of vehicles may be permitted in conformance with the other standards of this Section.
3. Rear Yard Storage Required if Accessible: A vehicle shall be stored only in a rear yard, where a rear yard exists. Where no rear yard exists, or where the City Planner determines that an existing rear yard is not reasonably accessible, a vehicle may be stored in a side yard. A vehicle may not be stored within a required side yard.
4. Current State Registration Required for All Vehicles Stored: No vehicle may be stored as an accessory use on a residential lot unless such vehicle displays a current State certificate of motor vehicle registration.
5. Storage in Required Parking Spaces for Multiple-Family Dwellings Prohibited: No vehicle storage shall be permitted in required parking spaces for a multiple-family dwelling. Off-street vehicle storage space may be provided for a multiple-family dwelling, if a site plan for such space is approved in accordance with **Chapter 12**.
6. Front Yard Setback for Garages Required: In zoning districts requiring less than 20 feet front yard setbacks, where a garage opens onto or faces the street, a minimum setback of 20 feet shall be required.
7. Paved Parking and Storage Areas: All vehicles shall be parked and stored on a hard surface driveway or pad paved as defined in **Chapter 2**. The paved area shall be at least the same size as the outside dimensions of the vehicle.
8. Storage of Inoperable Vehicles Prohibited: No inoperable vehicle, vehicle parts or camper toppers may be stored outside a fully enclosed structure anywhere on a residential lot.
9. Storage on a Vacant Lot. No vehicle or vehicle parts shall be stored on any vacant lot in a residential district.

#### 14-6 Off-Street Parking Requirements

The minimum number of off-street parking spaces required by this Code are shown in the following table.

Land Use	Off-Street Parking Spaces Required
Agricultural supply sales	1 space for each 250 square feet of floor area accessible to general public
Animal hospital or clinic	1 per employee on maximum shift plus 1 space for each 100 square feet GFA accessible to general public
Appliance sales or service	1 per 400 square feet at GFA accessible to the public
Art gallery, museum or library	1 per 500 square feet GFA accessible to the public
Artist studio	1 per tenant
Athletic field, stadium or sports arena	1 per employee on maximum shift, plus 1 per 4 seats
Auditorium or assembly hall	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 100 square feet GFA for assembly
Auto supply sales	1 per 250 square feet GFA accessible to the public
Automated gas station	2 spaces for each employee on maximum shift
Bakery (retail only)	1 per employee on maximum shift plus 1 per 250 square feet GFA accessible to public
Bakery (wholesale or commercial)	1 per employee on maximum shift plus 1 per 250 square feet GFA accessible to public
Bank, savings and loan or credit union	1 per employee on maximum shift plus 1 per 250 square feet GFA accessible to public
Bar or tavern	1 per 4 seats plus 1 per employee on maximum shift plus 1 per 100 square feet GFA for assembly
Barber or beauty shop	3 per employee on maximum shift
Bed and breakfast home	1 per guest room
Bed and breakfast inn	1 per guest room
Bowling alley	1 per employee on maximum shift, plus 4 per lane
Business/secretarial school	Dormitories: 1 space for each bed
	Employees: 0.75 spaces for each employee on the maximum shift
	Gymnasiums: 1 space for each 6 permanent seats
	Lecture Halls: 1 space for each 6 permanent seats
Business services	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet GFA accessible to public
Campground or recreational vehicle park operation	As determined by City Planner
Catalog center	1 space for each employee on maximum shift plus 1 space for each 100 square feet of floor area accessible to general public
Carwash	1 per employee on maximum shift
Cemetery, mausoleum, columbarium	As determined by City Planner
Cold storage or locker plant	1.5 per employee on maximum shift
Commercial Greenhouse	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet GFA accessible to public
Contractor shop or yard	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet GFA accessible to public
Construction supply sales or service	1 space for each employee on maximum shift, plus 1 space for each 250 square feet of floor area accessible to general public

Land Use	Off-Street Parking Spaces Required
Convenience store	2 per employee on maximum shift
Convention center	1 per 5 seats
Crematorium, reduction plant, foundry, forge or smelter	1.5 per employee on maximum shift
Dental or medical lab	1 per employee on maximum shift
Department store (60,000 square feet maximum)	1 per 250 square feet GFA accessible to public
Dog & horse racing or track operation	Dog Track: 1 space for each 4 permanent seats, plus 1 space for each employee on maximum shift Horse Track: 1 space for each 400 square feet of floor area accessible to general public
Farm implement sales or service	1 space for each employee on maximum shift, plus 1 space for each 4,000 square feet of outdoor display area, plus 2 spaces for each service bay
Flower, garden, nursery or greenhouse	1 per 250 square feet GFA accessible to the public
Flower or garden store	1 per 250 square feet GFA accessible to the public
Freight transfer facility	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet of GFA accessible to public
Fuel or ice dealer	1 space per employee on maximum shift, plus 1 per company vehicle
Furniture or home furnishing sales	1 space for each 400 square feet of floor area accessible to general public
Furniture upholstery or repair	2 spaces for each employee on maximum shift
Gambling facility licensed by the State of Iowa	As determined by City Planner
Gas station	2 per employee on maximum shift
Gas station (not including service station)	2 per employee on maximum shift
General office	1 per 400 square feet office floor area, or 1 per employee on maximum shift, whichever is greater
Golf course	50 per 9 holes
Golf driving range	1 per 2 tees
Grain or barge terminal	1 space per employee on maximum shift, plus 1 per company vehicle
Grocery or drug store (3,500 square feet maximum)	1 per 250 square feet GFA accessible to the public
Grocery store	1 per 250 square feet GFA accessible to the public
Group home	0.33 per tenant
Health, sports, recreation or athletic club or organization	1 per 100 square feet GFA
Hospice	1.5 per bed
Hotel	1 per room, plus 1 per employee on maximum shift
Housing for the elderly or persons with disabilities	0.5 spaces for each dwelling unit
Indoor Amusement Arcade	1 space for each employee on maximum shift plus 1 space for each 100 square feet of floor area accessible to general public

Land Use	Off-Street Parking Spaces Required
	Bowling alley: 4 spaces for each lane
	Excursion craft operation and service: 1 space for each 4 permanent seats on the craft, plus 1 space for each employee on the maximum shift
	Golf course: 50 spaces for each 9 holes
	Gymnasium (with no seating provided): 1 space for each 100 square feet of athletic floor area
	Miniature golf: 15 spaces for each 9 holes
Indoor recreation facility	Pleasure craft harbor: 1.5 spaces for each docking slip
	Pool hall/billiard parlor: 1 employee on the maximum shift, plus 1 space for each 100 square feet of area accessible to the general public
	Shooting/archery range: 1 space for each firing point, plus 1 space for each employee on the maximum shift
	Swimming Pool: 1 space for each 30 square feet of gross pool area
	Tennis/handball/racquetball courts: 3 spaces for each court
	Weight training/exercise room: 1 space for each 100 square feet of floor area devoted to such use
Indoor theater	1 space for each 6 permanent seats plus 1 space for each employee on maximum shift
Junkyard or salvage yard	1 per employee on maximum shift, plus 1 per company vehicle
Kennel	1 per employee on maximum shift, plus 1 per 100 square feet GFA accessible to public
Laboratory for research or engineering	1 per employee on maximum shift, plus 1 per company vehicle
Landfill	1 per employee on maximum shift, plus 1 per company vehicle.
Landscaping services (not including retail sales as primary use)	1 per employee on maximum shift, plus 1 space for each service vehicle, plus 1 space for each 250 square feet of floor area accessible to general public
Laundromat	1 space per 4 washing machines
Laundry or dry cleaner	1 per employee on maximum shift plus 1 per 250 square feet GFA accessible to public
Licensed adult day care	1 per employee on maximum shift
Licensed child care center	1 per employee on maximum shift
Lumberyards or building material sales	1 space for each employee on maximum shift plus 1 space for each 250 square feet of floor area accessible to general public
Mail order house	1 space for each employee on maximum shift, plus 1 space for each 100 square feet of floor area accessible to general public
Manufacturing, primary	1 space per employee on maximum shift, plus 1 per company vehicle
Manufacturing, secondary	1 space per employee on maximum shift, plus 1 per company vehicle
Marine vehicle body shop	1 per employee on largest shift, plus 3 per service bay
Marine vehicle sales or rental	1 per employee on largest shift, plus 1 per 500 square feet GFA of indoor display area, plus 1 per 2,000 square feet GFA of outdoor display area, plus 2 per service bay
Marine vehicle service or repair	1 per employee on largest shift, plus 3 per service bay
Medical office or clinic	1 per employee, not including doctors, on maximum shift, plus 3.5 per doctor
Miniature golf	15 per 9 holes
Mini-warehousing	As determined by City Planner

Land Use	Off-Street Parking Spaces Required
Mobile or manufactured home sales or service	1 per employee on maximum shift, plus 1 per 500 square feet GFA of indoor display area, plus 1 per 5,000 square feet GFA of outdoor display area
Mortuary or funeral home	1 per 50 square feet viewing area, plus 1 per employee on maximum shift
Multiple-family dwelling	1.5 per unit
Multiple-family dwelling (3 to 12 units)	1.5 per unit
Multiple-family dwelling (maximum 6 units)	1.5 per unit
Multiple-family dwelling (more than 12 units)	1.5 per unit
Museum or library	1 space for each 500 square feet of floor area accessible to the general public
Neighborhood shopping center	1 per 250 square feet GFA accessible to the public
Nursing or convalescent home	0.25 per bed, plus 1 per employee on maximum shift
Nursing or convalescent home for institutional residents or affiliates	0.25 per bed, plus 1 per employee on maximum shift
Office supply	1 space for each employee on maximum shift plus one space for each 250 square feet of floor area accessible to general public
Offices for administrative personnel or other institutional employees or affiliates	1 per 4,500 square feet office floor area, OR 1 per employee on largest shift, whichever is greater
Outdoor recreation or outdoor amusement center	Bowling alley: 4 spaces for each lane
	Excursion craft operation and service: 1 space for each 4 permanent seats on the craft, plus 1 space for each employee on the maximum shift
	Golf course: 50 spaces for each 9 holes
	Gymnasium (with no seating provided): 1 space for each 100 square feet of athletic floor area
	Miniature golf: 15 spaces for each 9 holes
	Pleasure craft harbor: 1.5 spaces for each docking slip
	Pool hall/billiard parlor: 1 employee on the maximum shift, plus 1 space for each 100 square feet of area accessible to the general public
	Shooting/archery range: 1 space for each firing point, plus 1 space for each employee on the maximum shift
	Swimming Pool: 1 space for each 30 square feet of gross pool area
	Tennis/handball/racquetball courts: 3 spaces for each court
Outpatient care facility	Weight training/exercise room: 1 space for each 100 square feet of floor area devoted to such use
	1 per employee, not including doctors, on maximum shift, plus 3.5 per doctor
Passenger transfer facility	1 space per employee on maximum shift plus 1 space for each 250 square feet of floor area accessible to general public
Personnel services	1 space for each 400 square feet devoted to office use or 1 space for each employee on maximum shift, whichever is greater
Pet daycare	1 per employee on maximum shift
Photographic studio	1 per employee on maximum shift plus 1 per 100 square feet GFA accessible to public

Land Use	Off-Street Parking Spaces Required
Place of religious exercise or religious assembly	1 per 4 seats
Pleasure craft harbor	1.5 per docking slip
Pool hall or billiard parlor	1 per employee on maximum shift, plus 1 per 100 square feet GFA accessible to public
Printing or publishing	1 per employee on maximum shift, plus 1 per 250 square feet GFA accessible to public, plus 1 per 400 square feet GFA of general office space
Private club	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 100 square feet GFA for assembly
Processing or assembly	1 space per employee on maximum shift, plus 1 per company vehicle
Processing, packaging, or storing meat, dairy or food products	1 space per employee on maximum shift, plus 1 per company vehicle
Processing, packaging, or storing meat, dairy or food products, but not including slaughterhouse or stockyards	1 space per employee on maximum shift, plus 1 per company vehicle
Public or private /parochial schools approved by the Iowa State Board of Public Instruction (K-12)	1.5 spaces per employee on maximum shift for grades K-12, plus 1 per 10 students for grades 9-12
Recreational or athletic facility for the primary use and benefit of institutional residents and affiliates.	Dormitories: 1 space for each bed Employees: 0.75 spaces for each employee on the maximum shift Gymnasiums: 1 space for each 6 permanent seats Lecture Halls: 1 space for each 6 permanent seats
Refrigeration equipment sales or services	1 per employee on maximum shift, plus 1 per 250 square feet GFA accessible to public
Regional shopping center	1 per 250 square feet GFA accessible to the public
Residential care facility	2 spaces for each employee on maximum shift
Residential uses above first floor only	1 space for each dwelling unit
Resource recovery/recycling center (indoor only)	1 space per employee on maximum shift
Restaurant carryout not including drive-in	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 100 square feet GFA for customer service
Restaurant, drive-in or carryout	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 100 square feet GFA for customer service
Restaurant, indoor	1 per 4 seats, plus 1 per employee on maximum shift, plus 1 per 1000 square feet GFA for customer service
Retail sales and service	1 space for each 250 square feet of floor area accessible to general public
Rooming or boarding house with an on-site resident manager	0.5 per tenant
Schools of private instruction	0.75 per student
Seminary	Dormitories: 1 space for each bed.
	Employees: 0.75 spaces for each employee on the maximum shift.
	Gymnasiums: 1 space for each 6 permanent seats.
	Lecture Halls: 1 space for each 6 permanent seats.
Service station	2 per employee on maximum shift, plus 1 per service bay.
Sewage treatment plant	As determined by City Planner.

Land Use	Off-Street Parking Spaces Required
Shoe repair	2 spaces for each employee on maximum shift
Shooting or archery range	1 per employee on maximum shift, plus 1 per firing station
Single-family attached dwelling	2 per dwelling unit
Single-family detached dwelling	2 per dwelling unit
Slaughterhouse or stockyard	1 space per employee on maximum shift, plus 1 per company vehicle
Supermarket	1 space for each 250 square feet of floor area accessible to general public
Swimming pool	1 per 30 square feet of gross pool area
Tailor or alterations shop	2 spaces for each employee on maximum shift
Tennis, handball or racquetball courts	3 per court
Tool, die, or pattern making	1 space per employee on maximum shift, plus 1 per company vehicle
Tour home	As per Zoning Board of Adjustment as part of a conditional use permit
Tourist home	2 spaces per dwelling unit
Townhouse	2 per dwelling unit
Two-family dwelling (duplex)	2 per dwelling unit
Upholstery shop	1.5 spaces for each employee on the maximum shift, plus 1 space for each service bay and/or service vehicle
Vehicle body shop	1 per employee on maximum shift, plus 3 per service bay
Vehicle sales or rental	1 per employee on maximum shift, plus 1 per 500 square feet GFA of indoor display area, plus 1 per 2,000 square feet GFA of outdoor display area, plus 2 per service bay
Vehicle service or repair	1 per employee on maximum shift, plus 3 per service bay
Vending or game machine sales or service	1 per employee on maximum shift, plus 1 per 250 GFA accessible to public
Vocational school	Dormitories: 1 space for each bed
	Employees: 0.75 spaces for each employee on the maximum shift
	Gymnasiums: 1 space for each 6 permanent seats
	Lecture Halls: 1 space for each 6 permanent seats
Warehousing, packaging, distribution or storage facility	1 space per employee on maximum shift, plus 1 per company vehicle
Welding services	1 space per employee on maximum shift, plus 1 per company vehicle
Wholesale sales or distribution	1 per employee on maximum shift, plus 1 per service vehicle, plus 1 per 250 square feet GFA accessible to public
Winery	As per Zoning Board of Adjustment as part of a conditional use permit

#### 14-7 Accessible Parking Space Requirements

Accessible parking spaces shall be provided as required by state or federal law.

#### 14-8 Nonconforming Parking Lots

- All parking lots lawfully existing on the effective date of this Code may be continued, although such parking lots do not conform to the provisions hereof. Such lots shall be maintained in conformance with this Code
- and any other City regulations. Such nonconforming parking lot may not be enlarged or extended, except as provided herein. In the event that such parking lots are discontinued or the normal operation thereof is

stopped for a period of two years, any resumption of the use of said parking lot shall thereafter conform to all of the requirements of this Code.

C. The following provisions shall apply to extension and enlargement of nonconforming parking lots:

1. If an existing nonconforming parking lot having less than 20 spaces on the effective date of this Code is expanded 50 percent or more in area, the entire parking lot shall be surfaced in conformance with the appropriate design standards.
2. If an existing nonconforming parking lot having 20 spaces or more on the effective date of this Code is expanded 25 percent or more in area, the entire parking lot shall be surfaced in conformance with the appropriate design standards.

C. In the event that the main use of a lot served by a nonconforming parking lot is changed in whole or in part to another use, any continued use or resumption of the use of said nonconforming parking lot for parking shall thereafter conform to all the requirements of this Code.

#### **14-9 Bicycle Parking Required**

Within all zoning Districts, each parking facility providing 50 or more motor vehicle parking spaces shall provide accommodations for bicycles as follows:

- A. Parking lots with 50 to 100 motor vehicle parking spaces shall provide five bicycle spaces.
- B. Parking lots with 100 to 150 motor vehicle parking spaces shall provide eight bicycle spaces.
- C. Parking lots with 150 to 200 motor vehicle parking spaces shall provide 10 bicycle spaces.
- D. Parking lots with more than 200 motor vehicle parking spaces shall provide 10 bicycle spaces, plus two additional bicycle spaces for each 50 parking spaces over 200.

#### **14-10 Shared Parking Reduction**

- A. Where more than one use is established on a single lot or within a single development in a non-residential district, the total number of off-street parking spaces required for each use may be combined and shared between uses. Where the uses have non-concurrent parking demands, a proposal for sharing a reduced number of off-street parking spaces may be presented to the Planning Service Department as part of the site plan review process. Conditional use applications for which sharing a reduced number of off-street parking spaces is being proposed shall have shared parking approved as part of the conditional use permit.
- B. In determining the total requirements for shared parking facilities, the following guidelines shall be followed:
  1. For each applicable general land use category, calculate the number of spaces required for a use as if it were the only use (refer to the schedule of minimum off-street parking requirements).
  2. Use the figures for each individual land use to calculate the number of spaces required for that use for each time period specified in the table (six time periods per use).
  3. For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six time periods.
  4. Select the time period with the highest total parking requirement and use that as the total number of parking spaces required for the site on a shared parking basis.
- C. For general land use categories not listed below, the Planning Services Department shall determine the required parking for the six time periods.

General Land Use	WEEKDAY			WEEKEND		
	Midnight to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to Midnight	Midnight to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to Midnight
Hotel	100%	65%	100%	100%	65%	100%
Office and Industrial	5%	100%	5%	0%	5%	0%
Place of Assembly	0%	30%	50%	0%	100%	75%
Residential	100%	50%	80%	100%	75%	75%
Restaurant	50%	70%	100%	70%	50%	100%
Retail	5%	100%	80%	5%	100%	60%
Theater	5%	20%	100%	5%	50%	100%

## Chapter 15: Signs

### 15-1 Purpose

The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building. The provisions of this Chapter set forth the comprehensive regulations, conditions and limitations under which signs may be permitted in the City. This Chapter is intended:

- A. To permit and regulate signs in the least burdensome way that will carry out the purposes of these regulations and to support and complement the land use objectives set forth in the Comprehensive Plan and this Code.
- B. To provide minimum standards for regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building.
- C. To ensure compatibility of signs with surrounding land uses and preserve the value of surrounding properties.
- D. To allow sign users to communicate their messages, products, services and facilities to patrons, customers and visitors.
- E. To ensure that signs are designed, constructed and installed so as to not compromise public safety.
- F. To prevent visual clutter caused by the proliferation of signage that may reduce the effectiveness of individual signs.
- G. To preserve views of special and unique natural and architectural features and historic landmarks.
- H. To prevent the installation of a sign in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal, or device.

### 15-2 Applicability

- A. A sign may be erected, placed, established, painted, created, or maintained within the City only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations unless otherwise required or permitted in other portions of this Code.
- B. Signs in existence at the time of the adoption of this Code may have their existing use continued, if such sign was legal at the time of adoption of this Code; provided that proof of insurance as required in **Section 15-4.4** is filed with the Building Official.
- C. All existing signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.
- D. Signs moved into or within the City shall comply with the provisions of this Code for new signs.
- E. This Chapter shall not be construed so as to permit any violation of the provisions of this Code or any other lawful ordinance.

### 15-3 Enforcement

- A. The Building Official is hereby authorized and directed to enforce all the provisions of this Code. For such purposes the Building Official shall have the powers of a law enforcement officer.
- B. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or Code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided, that if such building or premises be occupied, the Building Official or authorized representative shall first present proper credentials and request entry; and if such building or premises be unoccupied, there shall first be made a reasonable effort to locate the owner or other persons having

charge or control of the building or premises and request entry. If such entry is refused, the Building Official or authorized representative shall have recourse to every remedy provided by law to secure entry.

C. **Violation Penalty.** It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, remove, improve or maintain any sign or sign structure or cause or permit the same to be done in violation of this Code. The doing of any act, or the omission of any act, declared to be unlawful by this Code, or any code or ordinance herein adopted by reference shall be deemed a separate offense for each and every day or portion thereof during which any such unlawful act is committed, continued or permitted. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation or forfeiture of any license or permit elsewhere in this Code provided for violation thereof.

#### 15-4 Sign Installer's License

##### 15-4.1 License Required

No person shall erect, construct, enlarge, alter, repair, move, remove or improve any sign or sign structure covered by this Code, or cause or permit the same to be done unless licensed by the City.

##### 15-4.2 Exception

No license shall be required of a person to erect, construct, enlarge, alter, repair, move, remove or improve any sign or sign structure exempted from the requirement to obtain a permit as specified in **Section 15-6**.

##### 15-4.3 License fee

Before a license is granted to any applicant under this Section and before a license is renewed, the applicant shall pay the required City sign fee as adopted by the City Council.

##### 15-4.4 Insurance required

Prior to the issuance or renewal of a sign license, the applicant shall furnish to the Building Official such comprehensive public liability and property damage insurance, written by an insurer licensed to do business in the State, as required by the City.

#### 15-5 Definitions

The following definitions are applicable to this Chapter.

**Abandoned Sign:** a sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity at that premise or a sign for which no legal owner can be found.

**Aerial Sign:** a balloon or other inflatable device which sits on a surface or is tethered to the ground or to a building or vehicle or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

**Audible Sign:** a sign that conveys either a written message supported by an audible noise including music, spoken message, and/or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

**Back Lit Sign:** a sign whose light source is located behind fully opaque letters and/or graphics.

**Banner Sign:** a sign of fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs may not contain a commercial message.

**Bench Sign:** a sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

**Billboard Sign:** see Off-Premises Sign.

**Building Complex:** two or more buildings on the same lot or premises sharing one or more common access points and parking facilities.

**Building Marker Sign:** a sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or displayed on a stone or metal plaque attached to the building.

**Building Sign:** a sign supported by, painted on or otherwise attached to any building or structure.

**Canopy/Awning Sign:** an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the sign area integrated into its surface. For purposes of this Code, this is considered a wall mounted sign.

**Center Identification Sign:** a sign indicating direction to a multiple-tenant commercial building, building complex, shopping center or similar center which may include multiple uses and/or structures within the development. Center identification signs shall include the name of said development and may include the names of tenants within the development.

**Changeable Copy Sign:** a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged manually without otherwise altering the face of the sign.

**Combination Sign:** a sign incorporating any combination of the features of freestanding, projecting, roof, and wall signs.

**Commemorative Sign:** a permanent sign or architectural feature indicating the name of the structure, its address, date of construction, or other information of commemorative or historical significance.

**Construction Sign:** a temporary sign identifying an architect, contractor, subcontractor, material supplier, financier, realtor, or others participating in the construction or development of the property on which the sign is located.

**Direct Lighting:** illumination by means of an external source.

**Directional/Informational Sign:** an on-premises sign identifying a premise, or an activity conducted upon such premises, and providing direction for the safe and efficient flow of vehicular or pedestrian traffic to such activity or premises. Directional signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.

**Directory Sign:** an on-premises sign identifying an activity, operational feature, or business name upon such premises. The building names, offices, or activities shall be displayed in the same size letters, colors and general design.

**Discontinued Sign:** see Abandoned Sign.

**Double-Faced Sign:** a sign constructed to display its message on the outer surfaces of two identical and opposite planes not exceeding 45 degrees.

**Electronic Message Sign:** a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**Externally Illuminated Sign:** a sign whose illumination is derived from an external source.

**Façade:** the entire building front, including the parapet.

**Fence Sign:** a freestanding sign attached to or painted on a fence.

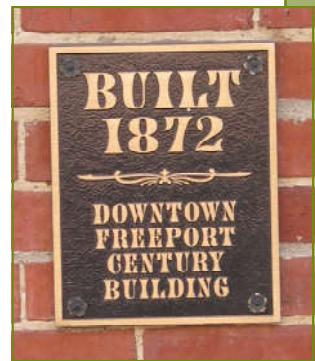
**Flashing Sign:** a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off. A flashing sign does not include electronic message center signs.

**Freestanding Canopy Sign:** a sign affixed to, or part of, a canopy face advertising the business.

**Freestanding Sign:** a sign supported by uprights or a brace placed in the ground and is not supported by any building.



Canopy/Awning



Commemorative



Directory

**Freestanding****Ground Monument****Incidental**

**Gas Station Price Sign:** a changeable copy or electronic sign advertising gasoline prices.

**Government Sign:** a temporary or permanent sign erected and/or maintained by the Federal, State, County, City governments, or in conjunction with the City, for identification, traffic control or direction, or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

**Ground Monument Sign:** a structure built on grade that is wider than it is high, is solid, and has continuous contact with the ground.

**Hazardous Sign:** a sign that by reason of design, inadequate maintenance, dilapidation, obsolescence or placement creates a hazard to the public health, safety and welfare.

**Historic District:** an area designated as an “Historic District” by ordinance and which contains within definable geographic boundaries, properties, or buildings, that may or may not be landmarks but which contribute to the overall historic character of the designated area.

**Holiday Decoration Sign:** a temporary sign, in the nature of decorations, customary and commonly associated with federal, state, local, or religious holidays and containing no commercial message.

**Illegal Sign:** any of the following:

- A. a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use;
- B. a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
- C. a sign that was legally installed but altered in a manner that made it illegal; or
- D. a sign that is a danger to the public or is unsafe.

**Illuminated Sign:** a sign illuminated in any manner by a light source.

**Incidental Sign:** a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives.

**Inflatable Sign:** a sign designed or constructed to be filled with air or gas that displays either the business name or an identifiable corporate character or logo.

**Internal Sign:** a sign that is not visible from outside the property, and located so as not to be visible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Included in such definition is a sign inside a building, window or door and any sign not attached to a window or door that is not legible from a distance of more than five feet beyond the lot line of the property.

**Internally Illuminated Sign:** a sign whose light source is in the interior of the sign so that light passes through the face of the sign.

**Kiosk Sign:** a freestanding bulletin board or a sign that is meant to provide direction to the public.

**Maintenance:** the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the copy, design, or structure of the sign.

**Marquee Sign:** a sign located on any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

**Menu-Board Sign:** a permanently mounted sign displaying the bill of fare for a restaurant.

**Message Center Sign:** see Electronic Message Center Sign.

**Mobile Sign:** a sign mounted on a motor vehicle, trailer or other framework, not permanently attached to a pole, building or other structure.

**Moving Sign:** a sign which in part or in total rotates, revolves, or otherwise is in motion.

**Nameplate Sign:** an on-premise identification sign, giving only the name, address, and/or occupation of an occupant or group of occupants.

**Neon Sign:** a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

**Nonconforming Sign:** a sign that does not conform to the requirements of this Code.

**Obsolete Sign:** see Abandoned Sign.

**Off-Premises Sign:** a sign structure advertising an establishment, merchandise, service, or entertainment which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

**On-Premise Sign:** a commercial sign which pertains to the use of the premises on which it is located.

**Painted Ghost Wall Sign:** historic sign copy applied to a building wall with paint or similar substances on the face of a wall, and which has no sign structure, and advertises products from the past.

**Painted Wall Sign:** a sign applied to a building wall with paint or similar substances on the face of a wall and which has no sign structure. A “painted wall sign” is considered to be a wall mounted sign for calculation purposes.

**Pennant Sign:** a lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string and designed to move in the wind.

**Permanent Sign:** a sign attached to a building, structure, or the ground in some manner that requires a permit and that is made of materials intended for long-term use.

**Pole Sign:** a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above grade.

**Political Sign:** a sign identifying and urging support for a particular election issue, political party, or candidate for public office or expressing the personal noncommercial views of the property owner or tenant.

**Portable Sign:** a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure. Examples are: sandwich board signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business.

**Projecting Sign:** a sign other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign and is not parallel to the structure to which it is attached.

**Public/Traffic Information Sign:** a sign, erected and maintained by a public agency that provides the public with information. Includes, but not limited to, speed limit signs, stop signs, City limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian wayfinding signs, and destination and directional signs.

**Real Estate Sign:** a temporary sign that identifies property or properties that are for rent, sale or lease.

**Roof Sign:** a sign erected upon or above a roof or parapet wall of the building, which is wholly or partially supported by such building or is made to be an integral part of the roof structure.



**Kiosk**



**Menu Board**



**Painted Ghost**



Projecting



Public Information



Sandwich Board

**Roofline:** the top edge of the roof or building parapet, whichever is higher.

**Sandwich Board Sign:** an advertising or business ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top; each angular face held by a supporting member.

**Sign:** a device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, point of view, opinion, product, goods, services, activities or uses.

**Sign Area:** the entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**Sign Cabinet:** a module, background, or an enclosure containing channels or other means of fastening and displaying a sign panel, but excluding sign supports, architectural framing, or other decorative features which contain no written message.

**Sign Copy:** a combination of letters or numbers which is intended to inform, direct or otherwise transmit information.

**Sign Copy Area:** the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

**Sign Face:** the area or display surface used for the sign copy.

**Sign Height:** the vertical distance measured from the highest point of the sign, excluding embellishments of not more than five feet in height above the sign, to the average ground grade beneath the sign.

**Sign Panel:** a sign surface containing a message that is separate and removable from a sign cabinet. A panel that contains a message and is attachable to a surface or sign structure without the use of a sign cabinet is not a sign panel.

**Sign Setback:** the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

**Sign Structure:** the base, supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, V-type or otherwise.

**Signage Plan:** a scaled or dimensioned graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

**Special Event Sign:** a sign that is temporary in nature, not permanently attached to the ground or building surface, and used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and promotions.

**Subdivision Identification Sign:** a ground monument style sign or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Temporary Sign:** a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations.

**Under-Canopy Sign:** a sign attached beneath a canopy, ceiling, roof, or marquee.

**Video Sign:** any sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

**V-Type Sign:** a sign with two separate faces at one location that are at an angle of 45 degrees or less to each other.

**Wall Sign:** a sign attached parallel to, but within 18 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or

structure, which is supported by such wall or building, and which displays only one sign surface.

**Warning Sign:** a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

**Window Sign:** a sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

## 15-6 Permit Required

A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this Code and after a permit for the same has been issued by the Building Official. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

### 15-6.1 Permit Application

- A. Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector.
- B. Submission. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such.
- C. Exception. The Building Official may waive the submission of plans, calculations, construction inspection requirements, etc., if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Code.
- D. Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.

### 15-6.2 Issuance

- A. The Building Official shall within 20 days of the filing of a completed application for a sign permit either issue a permit to the applicant or issue a written notice of intent to deny a permit to the applicant. The Building Official shall issue a sign permit immediately unless:
  1. An applicant has failed to provide information required by this Chapter for issuance of a permit or has falsely answered a question or request for information on the application form.
  2. The permit application fee required by this Chapter has not been paid.
  3. The completed application demonstrates that the sign applied for is not in compliance with requirements of this Chapter or is not in compliance with another part of the Dubuque City Code.
- B. If the Building Official determines that the permit will not be issued, the Building Official shall immediately send a notice, which shall include the specific grounds under this Chapter for such action, to the applicant by personal delivery or certified mail. The notice shall be directed to the address set out in the application. The appli-



**Under-Canopy**



**Window**

cant shall have 10 days after the delivery of the written notice to submit, at the office of the Building Official, a written request for a hearing. If the applicant does not request a hearing within said 10 days, the Building Official's written notice shall become a final denial.

- C. If the applicant does make a written request for a hearing within said 10 days, then the Building Official shall, within 10 days after the submission of the request, designate a neutral Hearing Officer and send a notice to the applicant indicating the name of the Hearing Officer, the date, time, and place of the hearing. The hearing shall be conducted not less than 10 days nor more than 20 days after the date that the hearing notice is issued. The City shall provide for the hearing to be transcribed.
- D. At the hearing, the applicant shall have the opportunity to present all of applicant's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the City's witnesses. The Building Official may also be represented by counsel, and shall bear the burden of proving the grounds for denying the permit. The hearing shall take no longer than two days, unless extended at the request of the applicant to meet the requirements of due process and proper administration of justice. The Hearing Officer shall issue a final written decision, including specific reasons for the decision pursuant to this Chapter, to the applicant within five days after the hearing.
- E. If the decision is to deny the permit, the decision shall advise the applicant of the right to appeal such decision to a court of competent jurisdiction. If the Hearing Officer's decision finds that no grounds exist for denial of the permit, the Hearing Officer shall, contemporaneously with the issuance of the decision, order the City to immediately issue the permit to the applicant.

#### **15-6.3              Permit Validity**

- A. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this Chapter or of any other ordinances of the City shall not be valid.
- B. The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data.

#### **15-6.4              Permit Expiration**

- A. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the structure or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the structure or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.
- B. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

#### **15-6.5              Suspension or Revocation**

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code.

#### **15-6.6              Inspections**

- A. All signs for which a permit is required shall be subject to inspection by the Building Official.
- B. Footing inspections shall be required by the Building Official for all signs having footings.

- C. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
- D. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of **Section 15-15**.
- E. All signs may be re-inspected at the discretion of the Building Official.

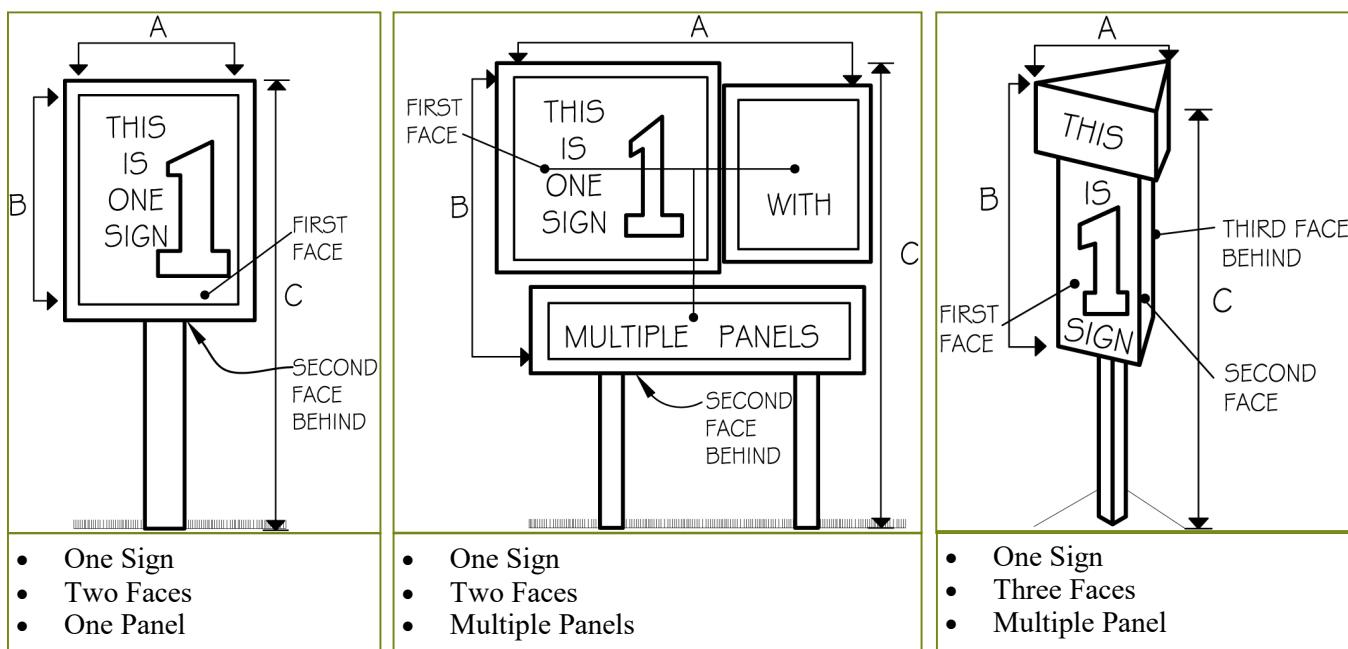
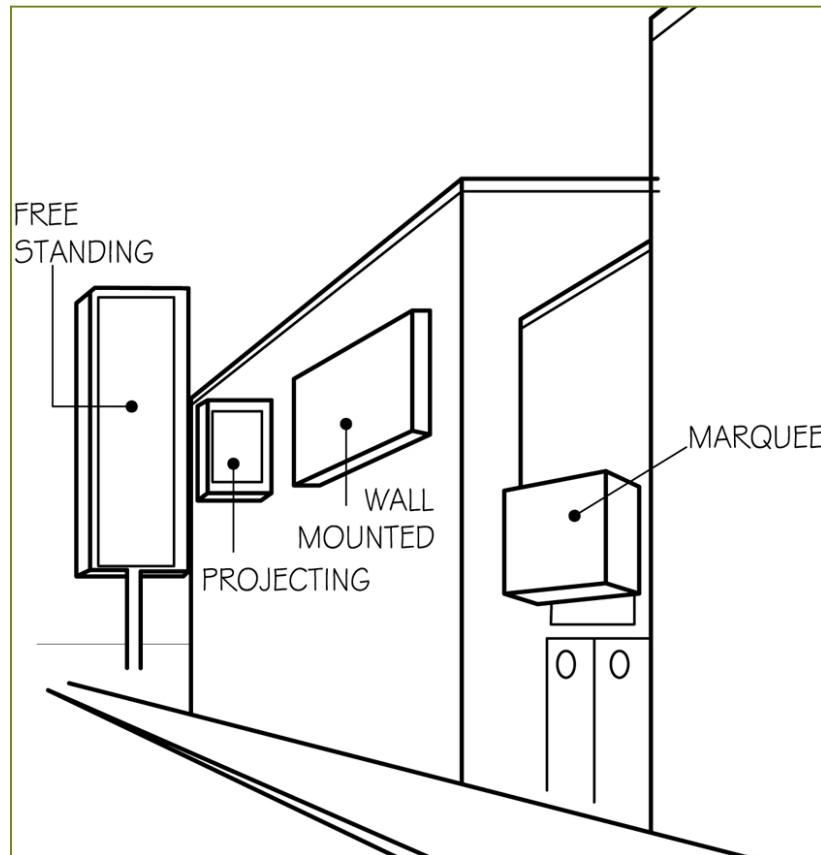
## 15-7 Sign Calculations

### A. On-premise signs:

- 1. Single face. The area of a single face sign shall be measured by calculating the area of each cabinet, module or panel which makes up the sign face and summing the combined areas to determine the total area. No integral structural element or support, including structural embellishments such as pole covers, framing or architectural design elements, shall be included in the measurement of sign area; provided, that there is no sign copy, symbol or other advertising message upon such structural element or support. Such structural element or embellishment shall not exceed the total square footage allowed for the sign area. Should any sign copy, symbol or other advertising message be located on such structural element or support, the area enclosed by straight lines drawn closest to the copy extremities encompassing the individual letters, words or symbols shall be included in the total sign area calculation. The area of a sign composed only of separate letters, words or symbols, without background, shall be the area enclosed by straight lines drawn closest to the copy extremities encompassing the individual letters, words or symbols.
- 2. Double-faced. Same as single face except only one face shall be counted for sign area determination.
- 3. Multiple-faced. Same as single face except that only one face shall be counted for area determination and each face shall be reduced in area by 20 percent, for each face over two.

### B. Off-premise signs:

- 1. The area of off-premise signs shall be measured in the same manner as on-premise signs, except that for off-premise signs having “add-ons” to the principal sign panel, the sign area of each “add-on” shall be calculated separately and added to the principal sign panel. In no case shall the total sign area of the principal sign panel when added to the sign area of the “add-ons” exceed the maximum sign area provided within the district in which it is located.
- C. Sign number. The number of signs shall be the number of permitted signs displayed on a premise.
  - 1. Single face. Each structure displaying unified informational content shall be counted as one sign.
  - 2. Double-faced. A double-faced sign meeting the same requirements of a single face sign and supported on a single structure shall be counted as one sign.
  - 3. Multiple-faced. Multiple-faced signs, including v-shaped signs, meeting the same requirements of a single face sign and supported on a single structure shall be counted as one sign.
- D. Signs on multiple-frontage lots. Zoning lots which have separate frontages on more than one street, including through lots and corner lots, shall not display signs along any one street frontage in excess of the maximum area and maximum number permitted for that street frontage. Each frontage is to be considered separately.
- E. Painted wall signs: Nonstructural signs painted on buildings shall be regulated in size, location, height and number as wall mounted signs.
- F. **Figure 15-7** provides illustrations of how to calculate sign area and the number of faces for purposes of this Chapter. These are illustrations only and do not necessary represent all possible conditions and/or situations; final determination of calculations lies strictly with the City.

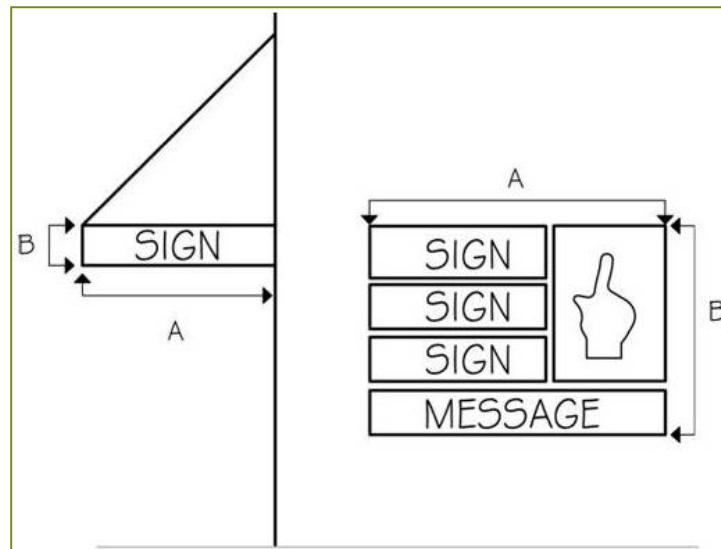
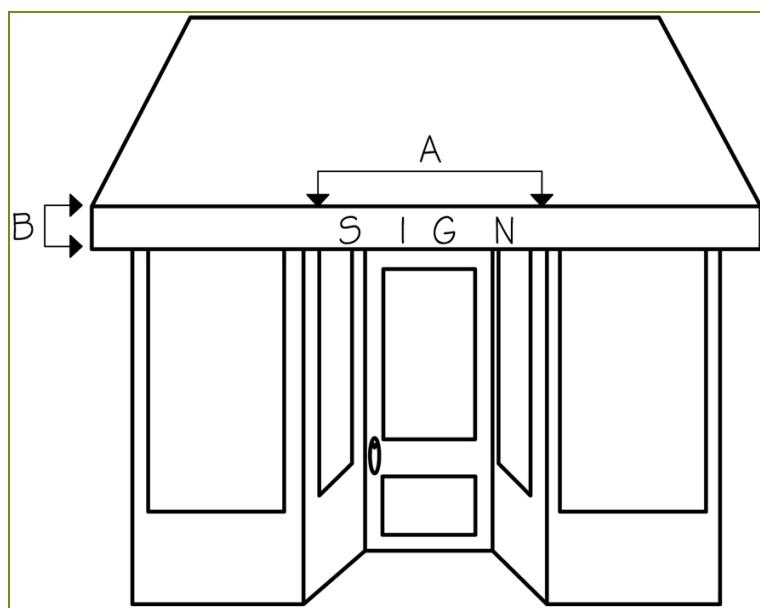
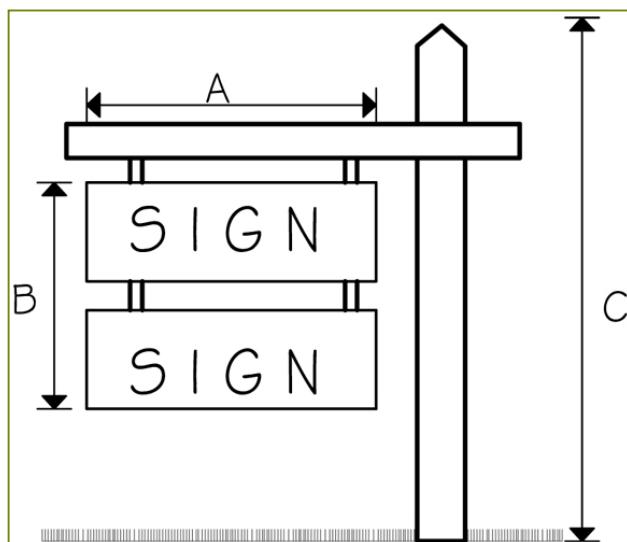
**Figure 15-7 Sign Illustrations****A. Calculating the number of faces****B. Types of signage**

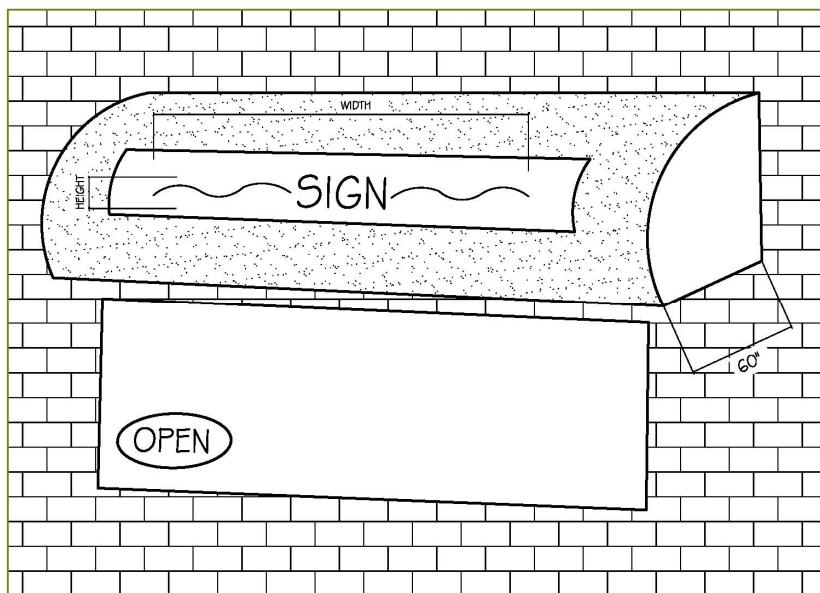
## C. Calculating sign area

A = Sign face width

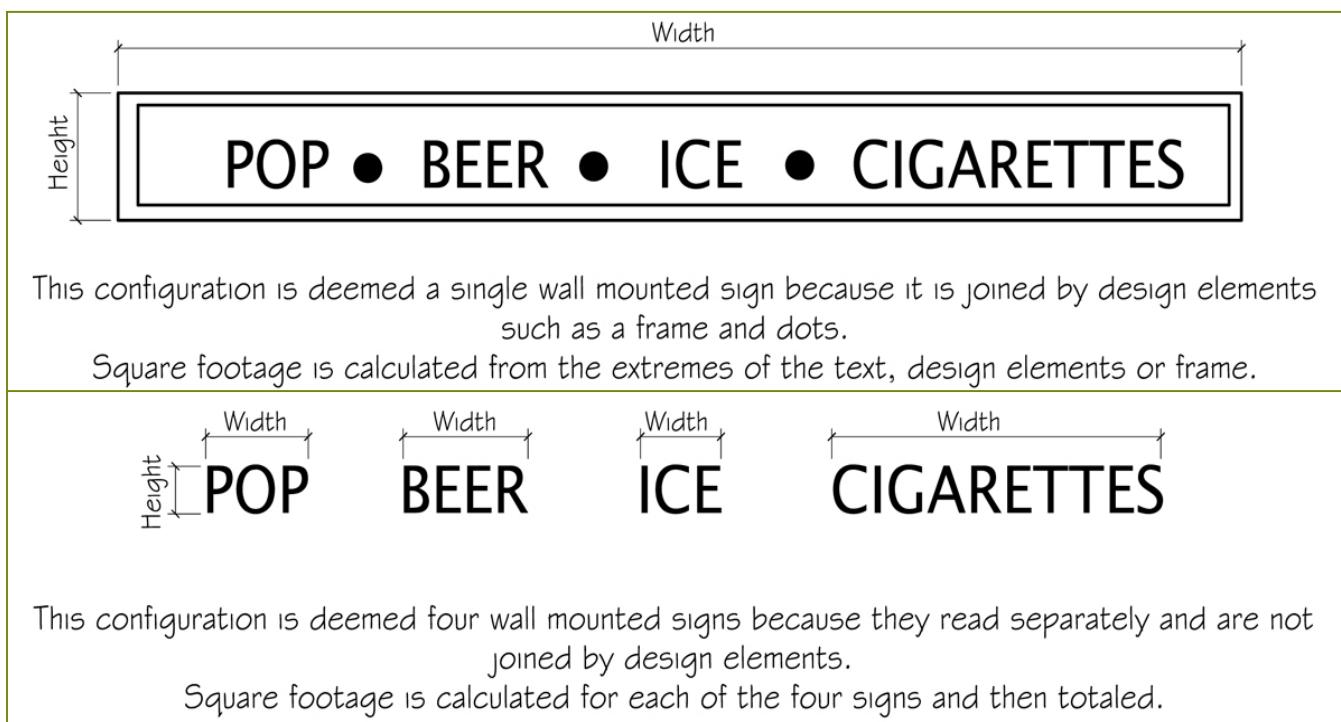
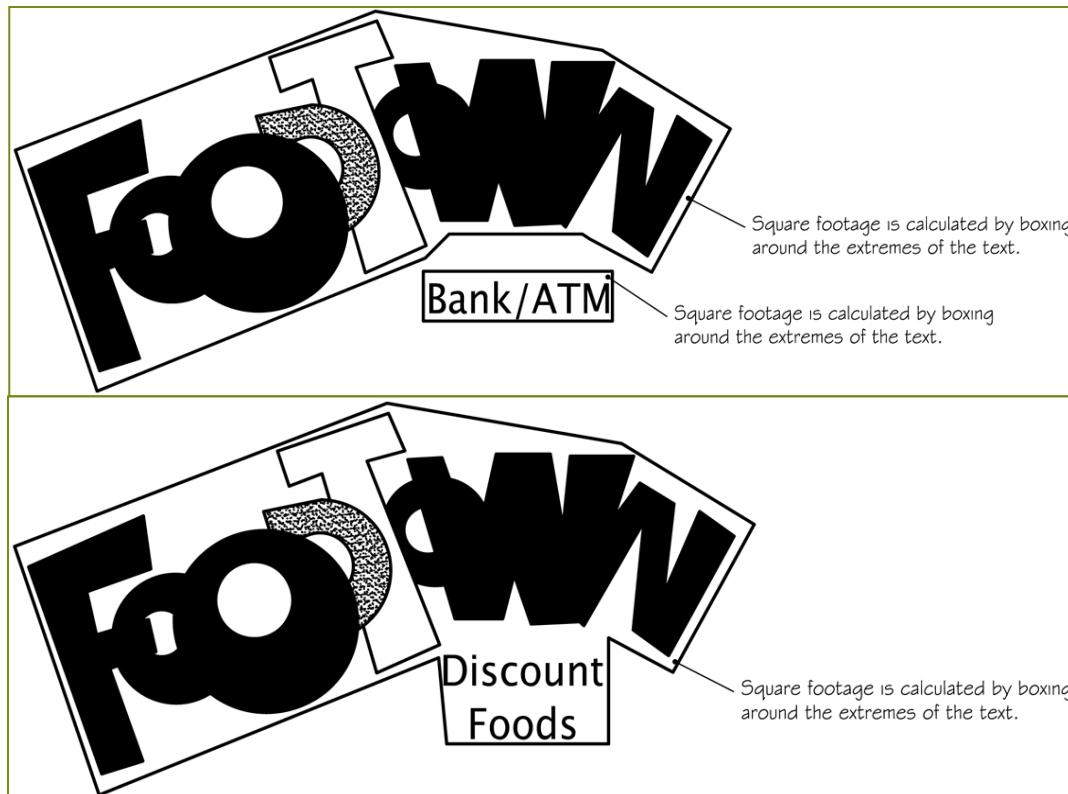
B = Sign face height

C = Sign structure height

 $A \times B = \text{Sign area}$ 



## D. Alternative sign area calculations

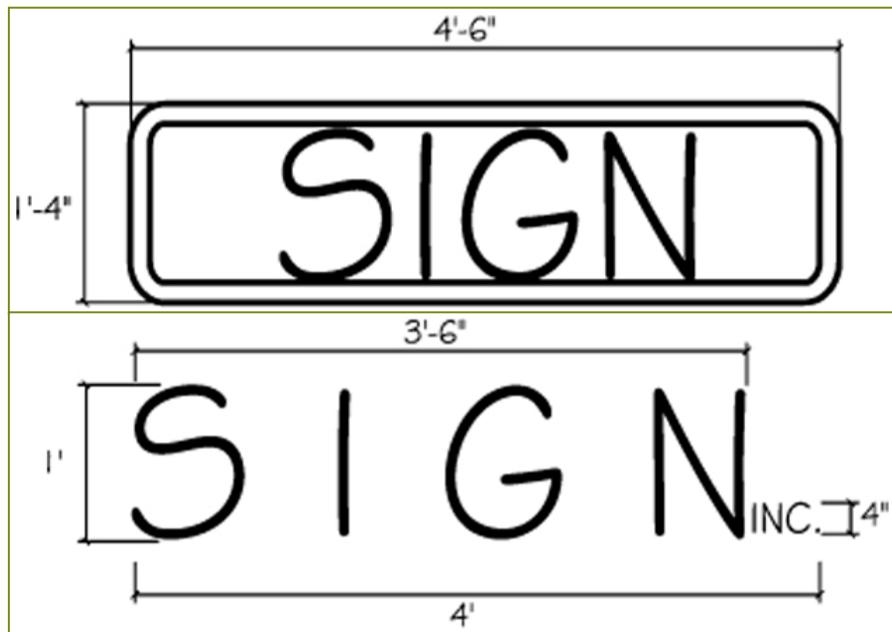




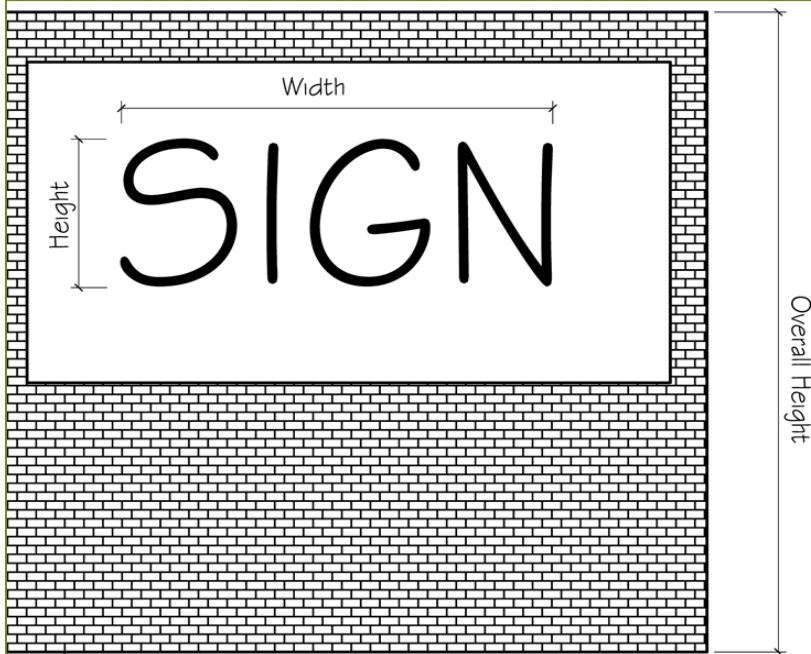
Square footage is calculated by boxing around the extremes of the text.



Square footage is not calculated by boxing around the extremes of each individual letter.

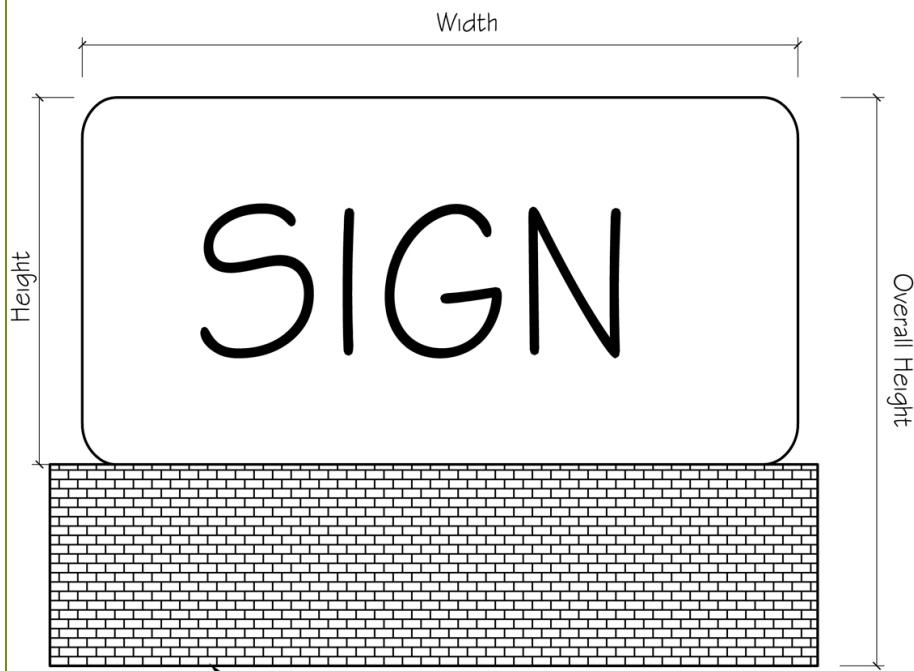


Square footage is calculated from the extremes of the text.



Monument style sign must be wider than high, solid and have continuous contact with the ground.

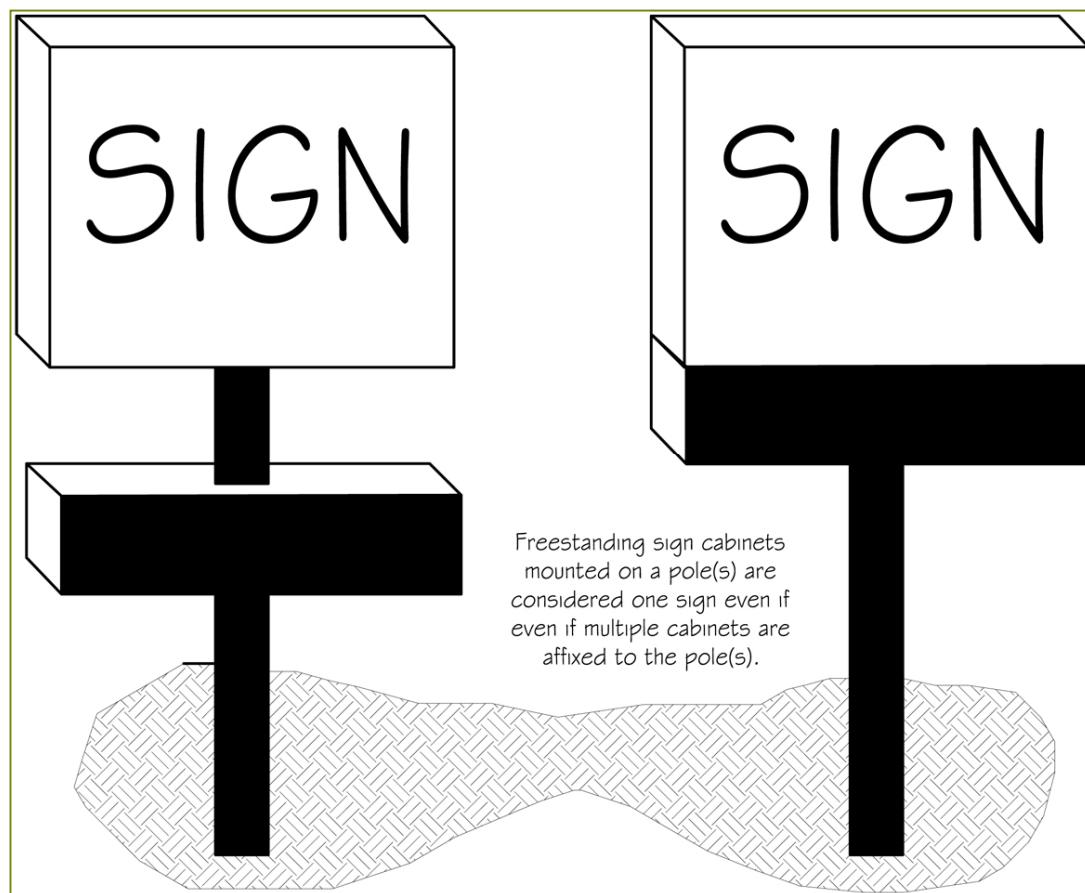
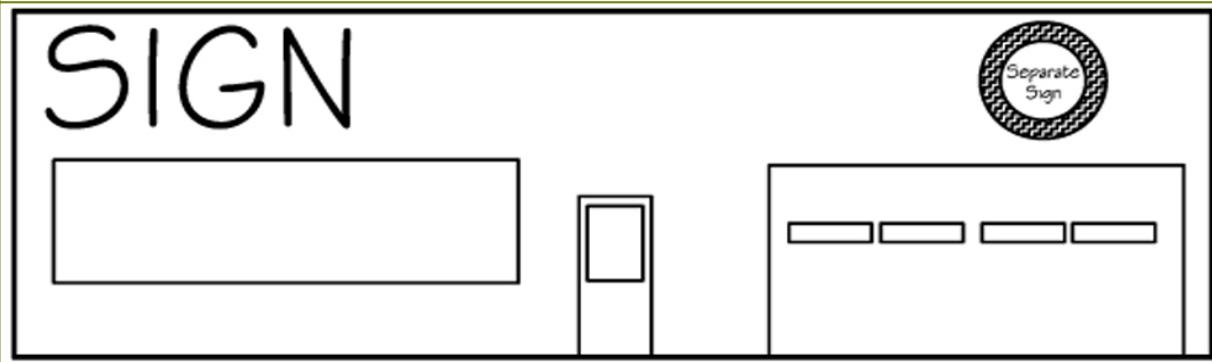
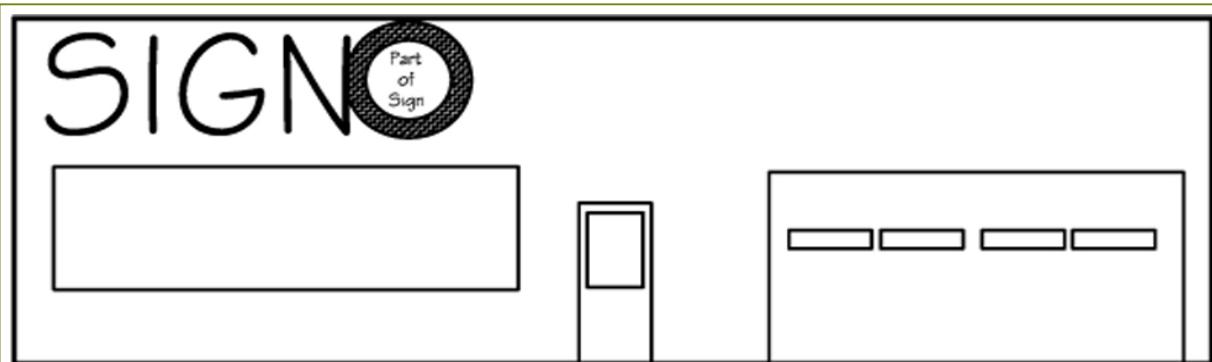
If the monument sign is a cabinet style sign, the square footage is calculated from the extremes of the cabinet.

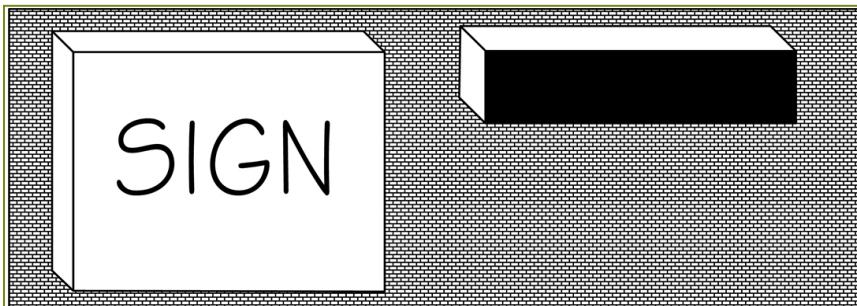


Not to Scale

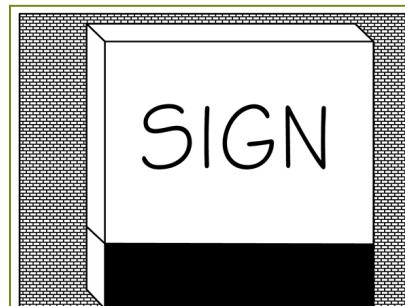
Monument style sign must be wider than high, solid and have continuous contact with the ground.

## E. Calculating the number of signs

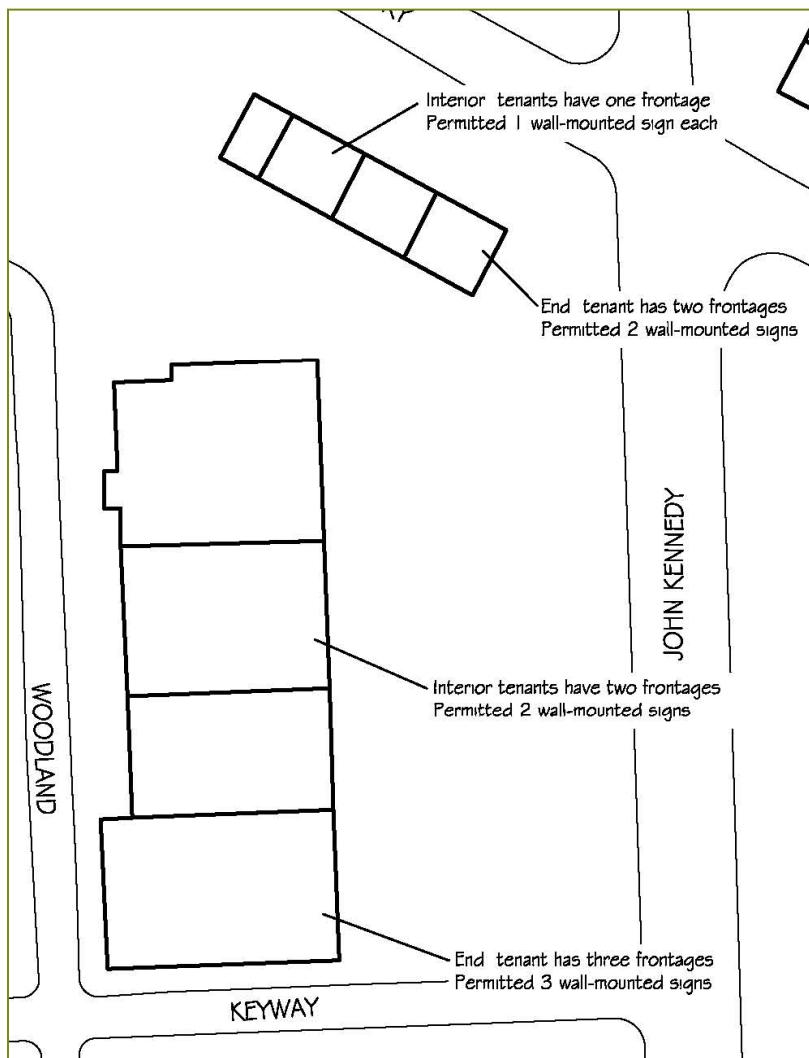




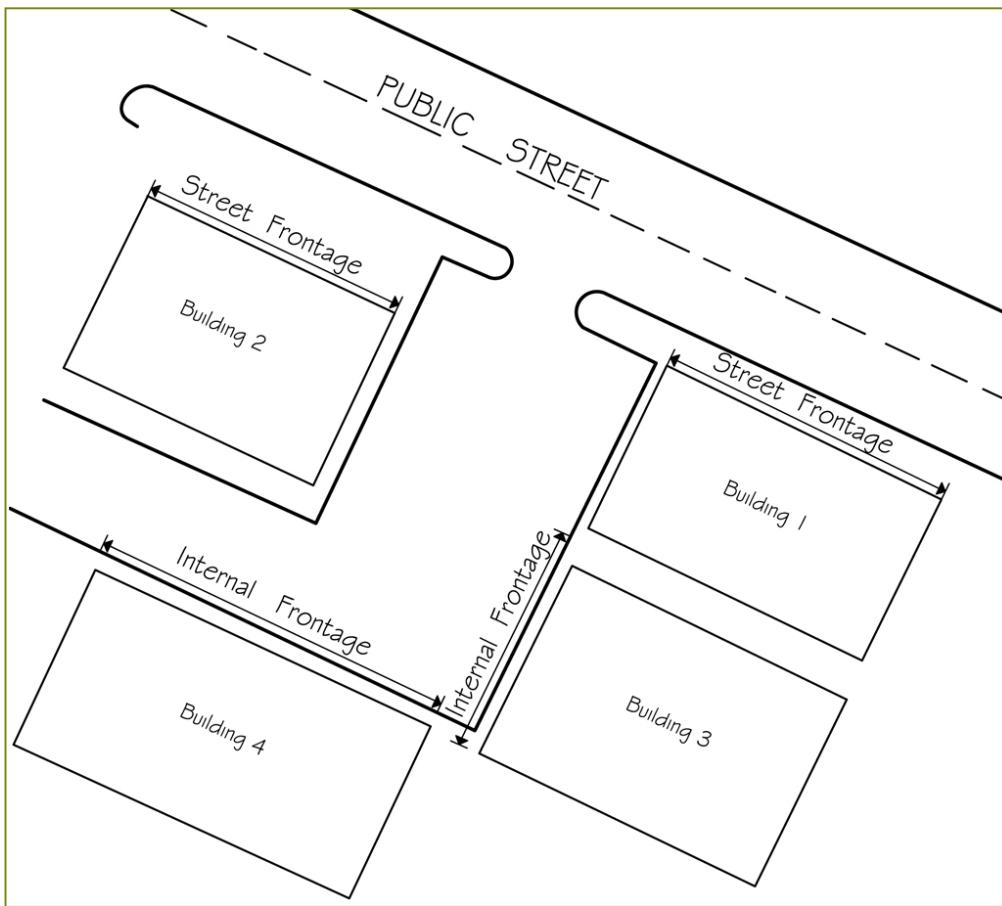
The cabinet sign and the electronic message center sign are in separate self-contained cabinet closures and are each considered a single wall-mounted sign.



Even if the sign cabinets are physically adjacent, they still constitute two separate signs.



## F. Building frontage

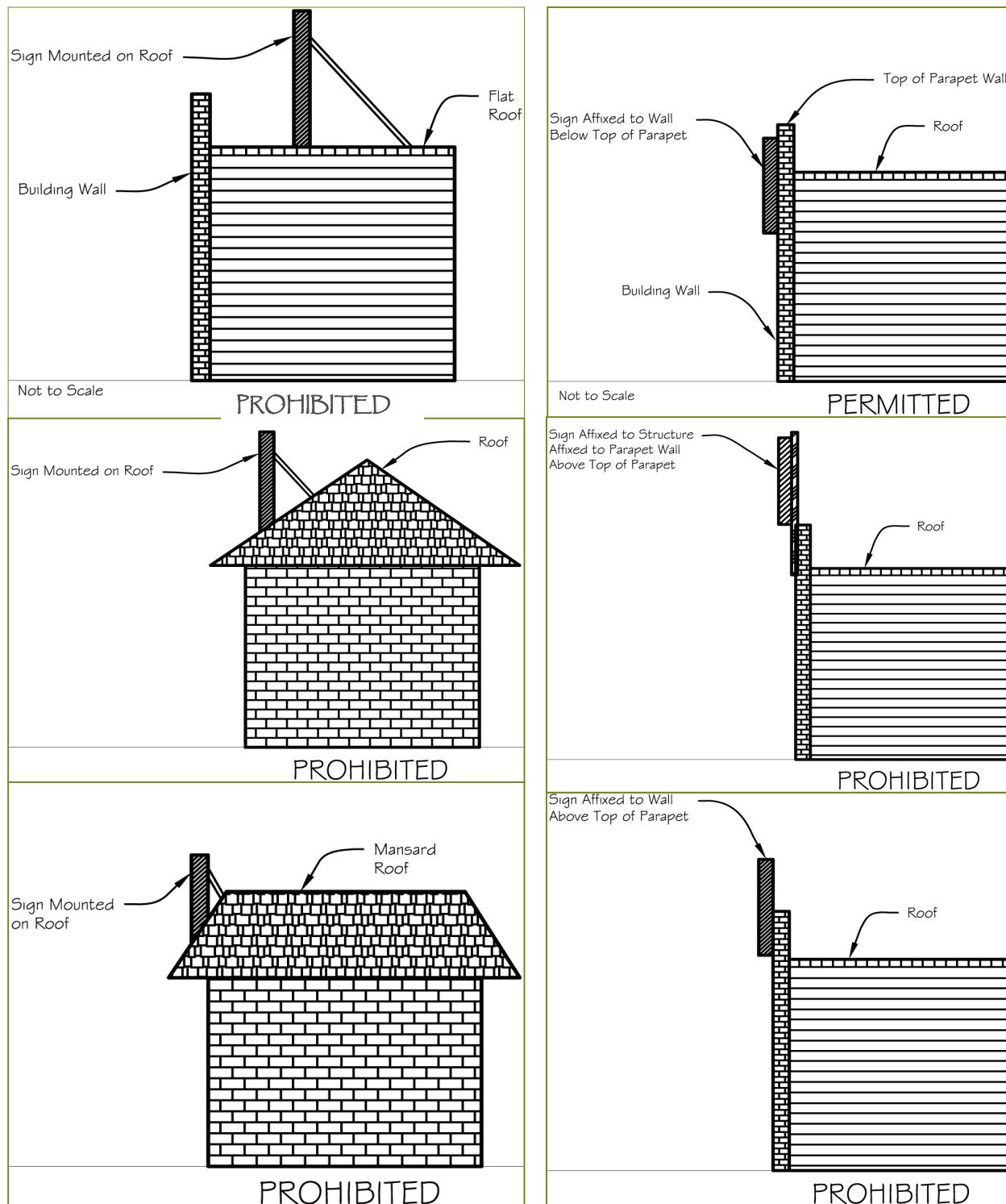
**15-8 Prohibited Signs**

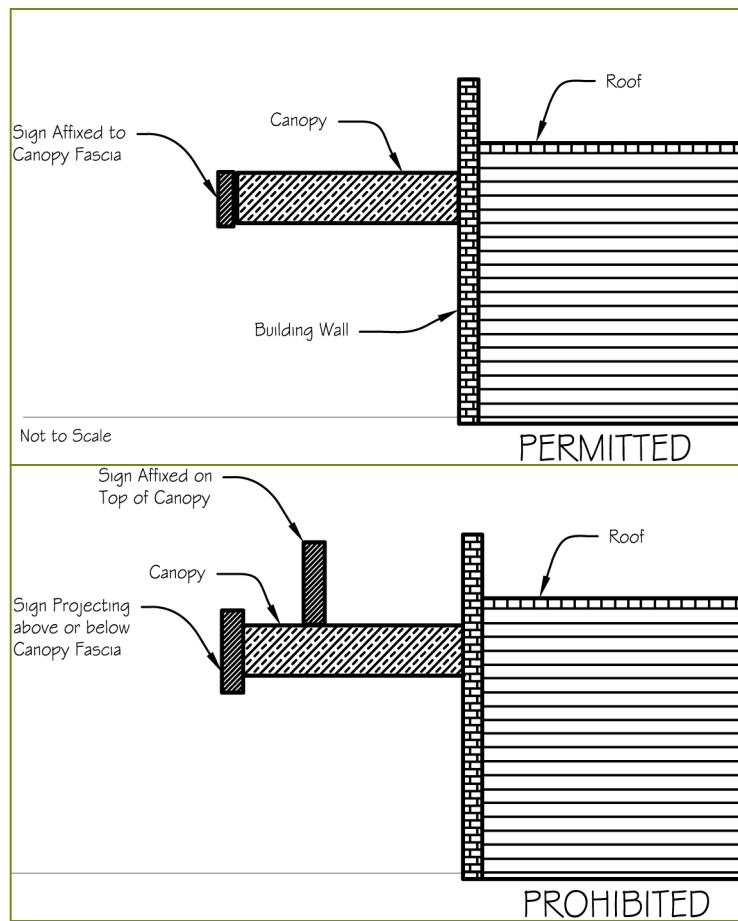
The following signs shall be expressly prohibited in all zoning districts, any contrary provisions or implications of this Code notwithstanding:

- A. Any sign prohibited by state or federal regulation.
- B. Any sign which infringes upon the area of a visibility triangle as required in **Section 3-5**.
- C. Any sign which contains the words "danger" or "stop," or otherwise presents or implies the need or requirement of stopping or caution, which is an imitation of, or is likely to be confused with, any sign customarily displayed by a public authority.
- D. Any sign or lighting which casts direct light or glare upon any property in a residential or office residential district.
- E. Any portable sign, including any sign displayed on a stored vehicle, except temporary political signs exempted in **Section 15-9**.
- F. Any sign which obstructs the reasonable visibility of a sign maintained by a public authority, or which otherwise distracts attention from such sign.
- G. Any sign attached to public or private utility poles, signs or other appurtenances, including trees, located in the public right-of-way.

H. Roof signs as defined in **Section 15-5**, except that any on-premise roof sign of less than 100 square feet and located in a C-3 District which was constructed prior to March 18, 1985 shall not be prohibited by this section and shall be deemed to be an allowed wall-mounted sign, provided that multiple signs are of uniform height not to exceed six feet above eave and signs that do not conform with this standard will be brought into conformance with a change in use.

- I. Any flashing signs as defined in **Section 15-5**.
- J. Prohibited sign examples; Parapet, roof, and canopy signs





### 15-9 Exempt Signs

The following types of signs are exempt from the requirements of this Chapter:

- A. Holiday or special events decorations.
- B. Nameplates of two square feet or less, provided that in residential districts or on residential structures only name and address may comprise the nameplate.
- C. Political signs no larger than 32 square feet, provided they are not placed in any public right-of-way or in a visibility triangle as required in **Section 3-5**.
- D. Government signs.
- E. On-premise real estate signs on residential property provided they are not over 12 square feet in area and not over six feet in height. Real estate signs advertising commercial, agricultural or industrial property or subdivisions of multiple lots shall not be over 32 square feet in area and 12 feet in height. Such signs shall not be placed in any public right-of-way or in a visibility triangle as required in **Section 3-5**.
- F. Non-illuminated window signs.
- G. Illuminated window signs not exceeding 20 square feet.
- H. Commemorative signs.
- I. Construction signs not exceeding 32 square feet.
- J. Official flags of nations, states or political subdivisions thereof.
- K. Painted ghost wall signs.

## 15-10 Temporary Signs

Temporary signs, where allowed, shall be erected and maintained in accordance with the following provisions:

- A. Permit and Fee Required: No persons shall erect, alter or relocate any temporary sign except for real estate and political signs without first making application, submitting the required permit fee, and obtaining a temporary sign permit from the Building Official.
- B. Limit on Number of Permits: No more than four temporary sign permits shall be issued for the same zoning lot in one calendar year.
- C. Materials and Methods: The Building Official shall impose as a condition of a temporary sign permit, such requirements as to material and manner of construction as are necessary to assure the safety and convenience of the public.
- D. Sign Types: Temporary signs shall be non-projecting building signs or freestanding signs. Pennants, banners and inflatable signs are permitted temporary signs.
- E. Number, Area, Height and Location: The maximum sign area of non-projecting building signs or free-standing signs or other temporary signs shall be 32 square feet in all zoning districts. Signs shall not be greater than five feet in height. Such signs shall not be placed in any public right-of-way or in a visibility triangle as required in **Section 3-5**. No temporary business sign shall be placed within 50 feet of another temporary sign.
- F. Quasi-Public Signs: Quasi-public signs, giving notice of special events and activities sponsored by civic, patriotic, religious or charitable organizations for noncommercial purposes, subject to the following:
  1. Location: Quasi-public signs may be located on or off the premise where the event is taking place provided permission is given by the owner of the property. Such signs shall not project beyond any lot line.
  2. Timing: Quasi-public signs shall not be erected or maintained more than 30 days prior to the date on which the event advertised is to occur and shall be removed immediately after the termination of the event.
- G. Temporary Business Signs: Temporary business signs, calling attention to a special, unique or limited activity, service or product or sale of limited duration, as follows:
  1. Location: Temporary business signs shall be located only on the lot upon which the special activity is to occur. Such signs shall not project over any lot line.
  2. Timing: Temporary business signs shall be erected and maintained for a period not to exceed 30 days, at the expiration of which the permit holder shall immediately remove such temporary sign.

## 15-11 Permitted On-Premises Signs

On-premises signs shall be allowed in each zoning district as shown below and according to the following:

- A. Signs located within a PUD shall be approved as part of the ordinance establishing the PUD.
- B. Signs located within a historic district may be allowed as provided in **Section 15-13**, and shall be approved by the Historic Preservation Commission prior to the issuance of a building permit.
- C. Signs for conditional uses shall be as shown in **Section 15-11** unless further restricted by the Board of Adjustment.

**15-11.1 AG Agriculture and R-1, R-2, R-2A, R-3, & R-4 Residential Districts**

On- Premise Signs	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>AG Agriculture and R-1, R-2, R-2A, R-3, &amp; R-4 Residential</b>							
<b>Identification Signs</b>							
Education or Religious Institutions	Freestanding Wall	32 per sign	2	0	10 Feet	Indirect, no flashing	None
Real Estate development or Subdivision Identification Sign	Freestanding Wall	32 per sign	2	0	Below eave or parapet	Indirect, no flashing	None
<b>Directional Signs</b>							
Education or Religious Institutions, Parking Lots	Freestanding Projecting Wall	6 Per sign	Not Specified	0	Below eave or parapet	Indirect, no flashing	None

**15-11.2 OR Office Residential District**

On- Premise Signs	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>OR Office Residential</b>							
<b>Identification Signs</b>							
Education or Religious Institutions	Freestanding Wall	32 per sign	2	0	10 feet	No Flashing	None
Real Estate Development or Subdivision Identification Sign	Freestanding Wall	32 per sign	2	0	Below eave or parapet	No Flashing	None
<b>Business or Office</b>							
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding Projecting Wall	6 per sign	Not specified	0	6 feet	Internal only, no flashing	None

**15-11.3****OS Office Service District****Section 3—Land Development Regulations****Chapter 15: Signs**

On-Premise Signs	Permitted Sign Structures	Maximum			Permitted Mechanical Motion		
		Area (sf)	Number	Projection Over Right-of-Way			
<b>OS Office Service</b>							
<b>Identification Signs</b>							
Business or Office	Freestanding	32 per sign	1 per premises	0	10 feet		
	Wall	16 per sign	1 per business	Below eave or parapet	No Flashing		
Building Complex with two or more buildings per lot or sharing access	Freestanding	40 per sign	1 per street frontage	25 feet	No Flashing		
	Wall	16 per sign	1 per business or office	Below eave or parapet	No Flashing		
Directory	Freestanding	10 per sign	1 per building entrance	5 feet	No Flashing		
	Wall		0	Below eave or parapet	No Flashing		
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet		
<b>Directional Signs</b>							
All Applications	Freestanding			0	10 feet		
	Projecting	6 per sign	Not specified	60 inches	Internal only, no flashing		
	Wall			0	No Flashing		

**15-11.4 OC Office Commercial District**

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>OC Office Commercial District</b>							
<b>Identification Signs</b>							
Business or Office	Freestanding	32 per sign	1 per premises or complex	10 feet	No Flashing	None	
	Wall	16 per sign	1 per business or office	0	Below eave or parapet		
Building Complex with two or more buildings per lot or sharing access	Freestanding	40 per sign	1 per frontage street	25 feet	No Flashing	None	
	Wall	16 per sign	1 per business or office	0	Below eave or parapet		
Directory	Ground Monument	10 per sign	1 per building entrance	5 feet	No Flashing	None	
	Wall			0	Below eave or parapet		
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding			0	10 feet	Internal only, no flashing	
	Projecting	6 per sign	Not specified	60 inches	Below eave or parapet	No Flashing	
	Wall			0			

**15-11.5 C-1-Neighborhood Commercial District**

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>C-1 Neighborhood Commercial</b>							
<b>Identification Signs</b>							
All Applications	Projecting	25 per sign	1 per business per street frontage	60 inches	Below eave or parapet	Internal only, no flashing	None
	Wall	40 per sign		0		No Flashing	
	Wall Nameplate	6 per sign		0			
<b>Directional Signs</b>							
All Applications	Freestanding			0	10 feet	Internal only, no flashing	None
	Projecting	6 per sign	Not specified	60 inches	Below eave or parapet	No Flashing	
	Wall			0			

**15-11.6 C-2 Neighborhood Shopping Center District**

On- Premise Signs	Permitted Sign Structures	Maximum			Permitted Mechanical Motion
		Area (sf)	Number	Projection Over Right-of-Way	
<b>C-2 Neighborhood Shopping Center</b>					
Business Retail or Office	Freestanding	100 per sign	1 per premise or complex; zero if 2 wall signs	0	20 feet
	Projecting	25 per sign	2 total; only 1 total in combination with a freestanding sign	60 inches	Internal only, No Flashing
	Wall	50 per sign		0	Below eave or parapet
Shopping Center or multiple tenant building	Freestanding	200 per sign	1 per premises	0	20 feet
	Wall	50 per sign	1 per business	0	Below eave or parapet
Directory	Wall	10 per sign	1 per building entrance	0	Below eave or parapet
Freestanding Canopy	Wall	20 per sign	2 per canopy	0	On canopy fascia
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet
<b>Directional Signs</b>					
All Applications	Freestanding	6 per sign	Not specified	0	10 feet
	Wall				Below eave or parapet
					Internal only, no flashing
					None

**15-11.7 C-2A Mixed Use Neighborhood District**

On-Premise Signs	Permitted Sign Structures	Maximum			Permitted Mechanical Motion		
		Area (sf)	Number	Projection Over Right-of-Way			
<b>C-2A Mixed Use Neighborhood</b>							
<b>Identification Signs</b>							
Business Retail or Office	Freestanding	100 per sign	1 per premise or complex; zero if 2 wall signs	0	20 feet		
	Projecting	25 per sign	2 per premises or complex; 1 in combination with a freestanding sign	60 inches	Below eave or parapet		
	Wall	50 per sign		0			
Shopping Center or multiple tenant building	Freestanding	200 per sign	1 per premises	0	20 feet		
	Wall	50 per sign	1 per business	0	Below eave or parapet		
Directory	Wall	10 per sign	1 per building entrance	0	Below eave or parapet		
Freestanding Canopy	Wall	20 per sign	2 per canopy	0	Below canopy fascia		
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet		
<b>Directional Signs</b>							
All Applications	Freestanding			10 feet	Internal only, No flashing		
	Wall	6 per sign	Not specified	0	Below eave or parapet		

**15-11.8****C-3 General Commercial District**

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>C-3 General Commercial</b>							
<b>Identification Signs</b>							
Business, Retail or Office	Freestanding	2 per foot for first 100 linear feet of frontage, then 1 per each additional linear foot; maximum 500 aggregate sf per premises; no sign shall exceed 200 sf	1 per 100 linear feet of frontage; 3 signs per premises maximum; signs shall be separated by at least 100 feet	40 feet	0	No Flashing	None
	Wall	10 percent of any one building wall, or 400 aggregate sf, whichever is	2 per business per street frontage	Below eave or parapet			
Shopping Center or multiple tenant building	Freestanding	300 per sign	1 per street frontage	40 feet	Below eave or parapet	No Flashing	None
Used auto sales when accessory to a new auto dealership	Freestanding	250 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
Directory	Wall	10 per sign	1 per premises	0	Below eave or parapet	No Flashing	None
Freestanding Canopy	Wall	20 per sign	1 per building entrance	0	Below eave or parapet	No Flashing	None
All Applications	Wall Nameplate	6 per sign	4 per canopy	0	On canopy fascia	Internal only, No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	0	Below eave or parapet	10 feet	Internal only, no flashing
	Wall					0	None

**15-11.9 C-4 Downtown Commercial District**

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>C-4 Downtown Commercial District</b>							
<b>Identification Signs</b>							
Business Retail or Office	Freestanding	100 per sign	1 per premise	0	25 feet		
	Projecting	25 per sign	1 per business per street frontage	60 inches	Below eave or parapet	No Flashing	None
	Wall	100 per sign		0			
Directory	Freestanding	10 per sign	1 per building entrance	0	5 feet	No Flashing	None
	Wall				Below eave or parapet		
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	0	10 feet	Internal only, no flashing	None
	Wall				Below eave or parapet	No Flashing	

## 15-11.10 C-5 Business District

### Section 3—Land Development Regulations

### Chapter 15: Signs

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>C-5 Business</b>							
<b>Identification Signs</b>							
				1, limited to street frontages along Locust and Iowa Streets, and along 7th Street between Locust Street and the alley and from Main Street to Iowa Street along the east side of 9th Street.	25 feet		
Business Retail or Office	Freestanding	100 per sign			0	No Flashing	None
Business Retail or Office	Ground Monument, having a cast iron base and sign body constructed of stone, cast stone, or terra cotta. Wood, vinyl, aluminum sheeting in excess of five sf, synthetic wood, and EIFS are prohibited	18 per sign		1 per business along Main Street frontage between 8th and 10th Streets	10 feet, 5.5 feet wide		
	Projecting	25 per sign	1 per business per street frontage	60 inches	Below eave or parapet		
	Wall	100 per sign		18 inches			
Free Standing Canopy	Wall	20 per sign	2 per canopy	0	On canopy fascia	Internal only, No Flashing	None
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	0	10 feet	Internal only,	None
	Wall				Below eave or parapet	No Flashing	

## 15-11.11 CS Commercial Service and Wholesale District

On-Premise Signs	Permitted Sign Structures	Area (sf)	Number	Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>CS Commercial Service and Wholesale</b>							
<b>Identification Signs</b>							
Business Retail or Office	Freestanding	2 per foot for first 100 lineal feet of frontage, then 1 per each additional lineal foot; maximum 500 aggregate sf per premises; no sign shall exceed 200 sf	1 per 100 lineal feet of frontage; 3 signs per premises maximum; signs shall be separated by at least 100 feet	40 feet	0	No Flashing	None
	Wall	10 percent of any one building wall, or 400 aggregate sf, whichever is less	2 per business per street frontage	Below eave or parapet	0	Below eave or parapet	None
Shopping Center or multiple tenant building	Freestanding	300 per sign	1 per street frontage	40 feet	0	No Flashing	None
	Wall	100 per sign	1 per business per street frontage	Below eave or parapet	0	Below eave or parapet	None
Directory	Wall	10 per sign	1 per building entrance	Below eave or parapet	0	No Flashing	None
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	Below eave or parapet	0	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	0	10 feet	Internal only, No flashing	None
	Wall				Below eave or parapet	No Flashing	

## 15-11.12 CR Commercial Recreation District

On-Premise Signs	Permitted Sign Structures	Maximum			Permitted Lighting Type	Permitted Mechanical Motion	
		Area (sf)	Number	Projection Over Right-of-Way			
<b>CR Commercial Recreation</b>							
<b>Identification Signs</b>							
Business Retail or Office	Freestanding	2 per foot for first 100 lineal feet of frontage, then 1 per each additional lineal foot; maximum 500 aggregate sf per premises; no sign shall exceed 200 sf	1 per 100 lineal feet of frontage; 3 signs per premises maximum; signs shall be separated by at least 100 feet	40 feet	No Flashing	None	
Wall		10 percent of any one building wall, or 400 aggregate sf, whichever is less	2 per business per street frontage	Below eave or parapet			
Shopping Center or multiple tenant building	Freestanding	300 per sign	1 per street frontage	40 feet	No Flashing	None	
Freestanding Canopy	Wall	100 per sign	1 per business per street frontage	Below eave or parapet			
All Applications	Nameplate	6 per sign	4 per canopy	On canopy fascia	Internal only, No Flashing	None	
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	10 feet	Internal only, No Flashing	None	
	Wall		0	Below eave or parapet	None		

**15-11.13 ID Institutional District**

On- Premise Signs	Permitted Sign Structures	Area (sf)	Number	Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
<b>D Institutional</b>							
<b>Identification Signs</b>							
Specify Name, Profession, Occupants, or Hours of Operation	Freestanding		2 per street frontage or 1 per building, whichever is less restrictive	10 feet			
Wall		100 per sign	2 per building or as otherwise limited by ordinance approving the district	0	Below eave or parapet	No Flashing	None
Directory	Wall	10 per sign	1 per building entrance	0	Below eave or parapet	No Flashing	None
All Applications	Wall Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	None
<b>Directional Signs</b>							
All Applications	Freestanding	6 per sign	Not specified	0	10 feet	Internal only, No Flashing	None
	Wall				Below eave or parapet	No Flashing	

**15-11.14 LI, HI, & MHI Industrial Districts**

On-Premise Signs	Permitted Sign Structures	Area (sf)	Maximum			Permitted Mechanical Motion	
			Number	Projection Over Right-of-Way	Height		
<b>LI, HI, &amp; MHI Industrial</b>							
<b>Identification Signs</b>							
Business Retail or Office	Freestanding	2 per foot for first 100 lineal feet of frontage, then 1 per each additional lineal foot; maximum 500 aggregate sf per premises; no sign shall exceed 200 sf	1 per 100 lineal feet of frontage; 3 signs per premises maximum; signs shall be separated by at least 100 feet	40 feet	0	None	
	Wall	10 percent of any one building wall, or 400 aggregate sf, whichever is less	2 per business per street frontage	Below eave or parapet	0	None	
Multiple tenant building	Freestanding	300 per sign	1 per street frontage	40 feet	0	None	
	Wall	100 per sign	1 per business per street frontage	Below eave or parapet	0	None	
Freestanding Canopy	Wall	20 per sign	4 per canopy	On canopy fascia	0	Internal only, No Flashing	
Directory	Wall	9 per sign	1 per building entrance	0	Below eave or parapet	No Flashing	
All Applications	Nameplate	6 per sign	1 per business per street frontage	0	Below eave or parapet	No Flashing	
<b>Directional Signs</b>							
All Applications	Freestanding	9 per sign	Not specified	10 feet	Internal only, No Flashing	None	
	Wall		0	Below eave or parapet	No Flashing	None	

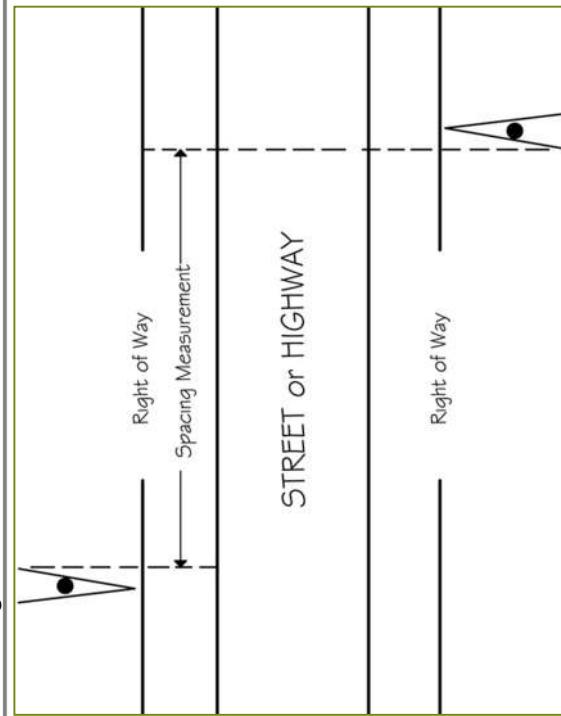
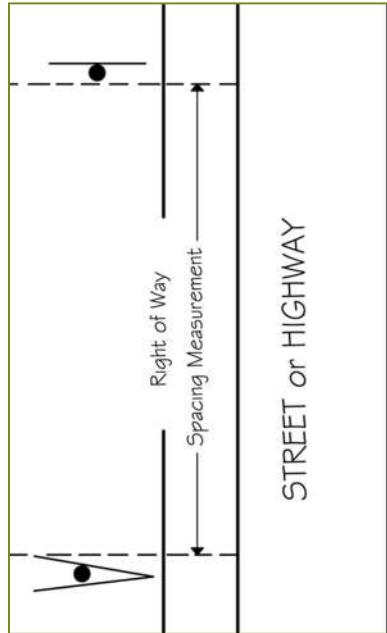
**15-12 Off-Premises Signs**

Off-Premise Signs	Permitted Sign Structures	Maximum	Minimum	Permitted Lighting Type	Permitted Mechanical Motion	
		Area (sf)	Height	Setback	Spacing	
C-2 Neighborhood Shopping Center, and C2A Mixed Use Neighborhood	Freestanding	25 feet	20 feet from property line; 100 feet from historic district	As determined by Zoning Board of Adjustment	No Flashing None	
Off-premise signs shall be permitted only by Conditional Use Permit	Wall	300 per sign	Below eave or parapet			
C-3 General Commercial, C4 General Commercial, and CS Commercial Service	Freestanding	750' per sign, but only 300' per sign if within 200 feet of a historic district and not abutting a state or federal highway	100 feet from historic district	Spacing between any 2 off-premises sign structures, which are located on either side of federal and primary highway(s) and oriented toward said highway(s) will be no less than 750 feet, and spacing between any 2 off-premises sign structures, which are located on either side of all other city street(s) will be no less than 500 feet. A lineal measurement perpendicular to the center line of the roadway(s) will apply to determine required distance and is taken from the nearest point of each structure	No Flashing None	
All Off-premise signs	Wall	300 per sign	Below eave or parapet			
CR Commercial Recreation	Freestanding	750' per sign, but only 300' per sign if within 200 feet of a historic district and not abutting a state or federal highway	50 feet	100 feet from historic district	Spacing between any 2 off-premises sign structures, which are located on either side of federal and primary highway(s) and oriented toward said highway(s) will be no less than 750 feet, and spacing between any 2 off-premises sign structures, which are located on either side of all other city street(s) will be no less than 500 feet. A lineal measurement perpendicular to the center line of the roadway(s) will apply to determine required distance and is taken from the nearest point of each structure.	No Flashing None
All Off-premise signs	Wall					

### 15-12 Off-Premises Signs (cont.)

Off- Premise Signs	Permitted Sign Structures	Maximum			Minimum		Permitted Lighting Type	Permitted Mechanical
		Area (sf)	Height	Setback	Spacing			
<b>LI Light Industrial, MHI Modified Heavy Industrial, and HII Heavy Industrial</b>								
<b>Identification Signs</b>								
Freestanding	750 per sign, but only 300 per sign if within 200 feet of a historic district and not abutting a state or federal highway	50 feet			Spacing between any 2 off-premises sign structures, which are located on either side of federal and primary highway(s) and oriented toward said highway(s) will be no less than 750 feet, and spacing between any 2 off-premises sign structures, which are located on either side of all other city street(s) will be no less than 500 feet. A lineal measurement perpendicular to the center line of the roadway(s) will apply to determine required distance and is taken from the nearest point of each structure			
All Off-premise signs	Wall		100 feet from historic district	Below eave or parapet				

Off- Premise sign spacing requirements shall be measured perpendicular to the centerline of the street(s) which the sign is oriented toward, between the closest point on each sign structure.



## 15-13 Signs in Historic Districts

On-Premise Signs in Historic Districts	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
OR	Freestanding			0	6 feet		
	Projecting	8 per sign	1 per business office	60 inches			
	Wall			0	Below eave or parapet	External Only; No Flashing	None
OS	Freestanding			0	10 feet		
	Projecting	32 per sign					
	Wall	6	1 per business				
OC	Freestanding			0	Below eave or parapet		
	Projecting	16 per sign					
	Wall	6	1 per business				
C-1	Freestanding			0	6 feet		
	Projecting	8 per sign	1 per business office	40 inches			
	Wall	6	1 per business	0	Below eave or parapet	External Only; No Flashing	None
C-2	Freestanding			N/A			
	Projecting	16 per sign	1 per business per street frontage	40 inches			
	Wall	6	1 per business	0	Below eave or parapet	External Only; No Flashing	None
C-2A	Freestanding			N/A			
	Projecting	40 per sign	1 per business per street frontage	40 inches			
	Wall	6	1 per business	0	Below eave or parapet	External Only; No Flashing	None
C-3	Freestanding			N/A			
	Projecting	40 per sign	1 per business per street frontage	40 inches			
	Wall	6	1 per business	0	Below eave or parapet	External Only; No Flashing	None

## 15-13 Signs in Historic Districts (cont.)

On-Premise Signs in Historic Districts	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
C-4	Freestanding						
	Projecting	25 per sign	1 per business per street frontage	60 inches	Below eave or parapet	External Only; No Flashing	None
	Wall	100 per sign		0			
	Wall Nameplate	6	1 per business				
C-5	Freestanding						
	Projecting	25 per sign	1 per business per street frontage	60 inches	Below eave or parapet	External Only; No Flashing	None
	Wall	100 per sign		0			
	Wall Nameplate	6	1 per business				
CS	Freestanding						
	Projecting	100 per sign	1 per business office	60 inches	Below eave or parapet	External Only; No Flashing	None
	Wall			40 feet			
	Wall Nameplate	6					
CR	Freestanding						
	Projecting	100 per sign	1 per business per street frontage	60 inches	Below eave or parapet	External Only; No Flashing	None
	Wall			0			
	Wall Nameplate	6	1 per business				
ID	Freestanding						
	Projecting	100 per sign	As per Institutional District Regulations	10 feet	Below eave or parapet	External Only; No Flashing	None
	Wall						
	Wall Nameplate	6	1 per business				
LI, MIH, HI	Freestanding						
	Projecting	100 per sign	1 per street frontage	25 feet			
	Wall			0	Below eave or parapet	External Only; No Flashing	None
	Wall Nameplate	6	1 per business				

### 15-13 Signs in Historic Districts (cont.)

On-Premise Signs in Historic Districts	Permitted Sign Structures	Area (sf)	Number	Maximum Projection Over Right-of-Way	Height	Permitted Lighting Type	Permitted Mechanical Motion
R-1, R-2, R-2A, R-3 & R-4*	Freestanding			0	6 feet		
	Projecting	8 per sign	1	60 inches	Below eave or parapet	External Only; No Flashing	
	Wall			0			
	Wall Nameplate	6 per sign	1				None

## 15-14 Nonconforming Signs

Any sign which becomes a nonconforming sign on the effective date of this Chapter or which becomes a nonconforming sign at any future date shall be regulated according to the rules set forth in **Section 4-6**, provided that no alteration, improvement or other change, except changes to the sign panel that do not result in changes to the sign cabinet, may be made to such nonconforming sign that will increase its level of nonconformity. In the event that such nonconforming sign, or panels or portions thereof shall be removed, for a period exceeding six months, or if the use to which the nonconforming sign pertains is changed, any replacement sign shall be made to conform to the maximum area, number, allowable structure type, protection, height, lighting and motion requirements for signs permitted in the zoning district. A nonconforming sign may be altered to reduce its level of nonconformity.

## 15-15 Maintenance

All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surface of all signs shall be kept neatly painted or posted at all times.

## 15-16 Discontinued or Abandoned Signs

Signs which are not properly maintained as determined by the Building Official or which advertise a use which has been abandoned or discontinued shall be removed by the property owner within 90 days after abandonment of the principal use or may thereafter be removed by the Building Official with such removal expense charged to the property owner. Signs that meet the definition of painted ghost wall sign shall not be considered discontinued or abandoned.

## 15-17 Message Substitution

A noncommercial message of any type may be substituted for any permitted commercial message or permitted noncommercial message, provided, that the sign structure is legal without consideration of the sign copy. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

## 15-18 Projecting Signs

- A. No person, firm or corporation shall place and/or maintain any projecting sign over the public right-of-way without first obtaining a permit therefore, complying with all applicable local, state and federal regulations, providing acceptable proof of liability insurance and paying the permit fee, all as provided in this Code.
- B. An application for a permit for a projecting sign shall be filed with the Building Official on a form provided by the Building Official not less than seven days prior to the date the projecting sign is to be installed.
- C. The applicant shall pay the permit fee to the City for each projecting sign at the time of the filing of an application for each projecting sign.
- D. Hold Harmless: The permit holder shall enter into a hold harmless agreement with the City of Dubuque for any projecting sign prior to issuance of the permit, which shall require that the permit holder pay on behalf of the City all sums which the City shall be obligated to pay by reason of any liability imposed upon the City for damages of any kind resulting from the placement or maintenance of a sign, whether sustained by any person or persons, caused by accident or otherwise, and shall defend at its own expense and on behalf of the City any claim against the City arising out of the placement or maintenance of said sign.
- E. Insurance: Prior to the issuance of a permit for a projecting sign, the applicant shall furnish proof of insurance to the Building Official as follows:
  1. Coverage shall include such comprehensive public liability and property damage insurance written by an insurer licensed to do business in the State of Iowa as shall protect the City during the life of the projecting sign from claims or damages, personal injury, including accidental death, as well as claims for prop-

erty damages, which may arise from the existence of the sign in such a manner as to impose liability on the City, and the amounts of such insurance shall be as required by the City Manager.

2. Such insurance shall name the City as an additional insured.
3. Each owner and/or occupant of the premises required to furnish proof of insurance shall also maintain on file with the Building Official a certificate evidencing that the insurer will give the Building Official 30 days' written notice prior to termination or cancellation of the required insurance.
4. Upon notice of cancellation or termination of insurance, or expiration of proof of insurance, the Building Official shall notify, by certified mail, the owner and/or occupant of the premises for which proof of insurance is required that the projecting sign or signs are in violation of this Chapter and shall be removed by the date stated in the notice.

**F. Exclusion:** The permit holder shall agree in writing prior to the issuance of a permit to the following:

1. The permit holder, by acceptance of a permit, agrees that the permit granted does not constitute approval of the design, construction, repair or maintenance of any projecting sign.
2. The permit holder, by acceptance of a permit, waives all claims or defenses against the City in the event of claim asserted for death, personal injuries and/or property damage against the permit holder arising out of or in any way connected with the existence, design, construction, repair or maintenance of projecting sign or signs for which a permit is issued.

**G. Revocation:**

1. A permit granted under this Chapter shall be revocable upon 10 days written notice to the permit holder at the convenience of the City. A permit also may be revoked or not renewed for failure to comply with the requirements of this Chapter or any other applicable legal requirements, or for fraud, deceit, or misrepresentation in connection with an application for a permit.
2. In the event of such revocation, the Building Official shall notify the permit holder in writing of such revocation or refusal of renewal, specifying the reasons therein for such refusal. The permit holder or permit holder's successor in interest may petition the City council for a hearing on such refusal within 30 days of receipt of the Building Official's letter.

**H.** The permit holder, within 30 days of receipt of a written notice from the Building Official to remove a projecting sign, shall at the permit holder's expense remove such sign. In the event of the permit holder's failure to do so, the City of Dubuque shall remove the sign at the permit holder's expense and dispose of the same. The permit holder shall agree in writing prior to the issuance of a permit to make no claim against the City or its agents for damages resulting from the removal of said sign.

**I.** Nothing in this section shall preclude the Building Official from giving immediate notice to a permit holder to remove a projecting sign in the event such sign has been damaged or has been moved or otherwise placed to cause an immediate threat to public safety. In the event the sign is not removed within seven days of such notification, the Building Official shall remove such sign as provided in subsection (H) of this section.

**15-19 Fee Schedule**

- A. Permit Fees:** The fee for each sign permit shall be as adopted by the City Council.
- B. Expiration of Plan Review:** Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- C. Work Commenced Without a Permit:**
  1. **Investigation:** Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee: A penalty fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The penalty fee shall be equal to the amount of the permit fee required by this Code. The payment of such penalty fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.
- D. Fee Refunds:
  1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
  2. The Building Official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
  3. The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

## 15-20 Design, Generally

- A. General: Signs and sign structures shall be designed and constructed to resist wind as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.
- B. Overturning: The overturning momentum produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- C. Wind Loads: Signs and sign structures shall be designed and constructed to resist wind forces as specified in the Building Code.
- D. Vertical Load: Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.
- E. Allowable Stresses: The design of wood, concrete, steel or aluminum members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the Building Code.
- F. The design of wood, concrete, steel or aluminum members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the Building Code.
- G. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.
- H. Working stresses for wind combined with dead loads may be increased as specified in the Building Code.

## 15-21 Construction, Generally

- A. General. The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Chapter.
- B. Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the Building Code. In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:
  1. Steel shall be of such quality as to conform with IBC Standard "Material Specification for Structural Steel." Secondary members, when formed integrally with the display surface, shall be not less than 0.024 inch in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be 0.10 inch. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be 1/4 inch, except that, if galvanized, such members shall be not less than 1/8 inch thick. Steel pipes shall be of such quality as to conform to UBC Standard No. 27-1.

Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

2. Anchors and supports when of wood and embedded in the soil or within 6 inches of the soil, shall be of all heartwood of a durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

C. Restrictions on combustible materials.

1. Ground signs. Ground signs may be constructed of any material meeting the requirements of this Chapter.
2. Combination signs, roof signs, etc. Combination signs, roof signs, wall signs, projecting signs and signs on marquees shall be constructed of noncombustible materials, except as provided in subsection (d) of this Chapter. No combustible materials other than approved plastics shall be used in the construction of electric signs.
3. Exceptions.
  - i. Roof signs may be constructed of unprotected combustible materials on roofs of combustible construction.
  - ii. Roof signs with a maximum surface area of 50 square feet and a maximum height of five feet may be constructed of combustible materials on roofs of any type of construction.
  - iii. Non-electric wall signs may be constructed of unprotected combustible materials on walls permitted to be of unprotected combustible construction.
  - iv. Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.

D. Anchorage.

1. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25 percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.
2. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
3. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.
4. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the Building Code.

E. Sign Faces.

1. Sign faces in all types of signs may be made of metal, glass, wood, fabric, or other approved materials.
2. Glass thickness and area limitations shall be as set forth in **Section 15-23**.
3. Sections of approved plastics on wall signs shall not exceed 225 square feet in area, provided that sections of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.
4. Sections of approved plastics on wall signs shall be separated three feet laterally and six feet vertically by the required exterior wall construction, provided that sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Official.

F. Approved plastics. The Building Official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, the Building Official may approve its use.

## 15-22 Projection and Clearance, Generally

A. General. Signs shall conform to the clearance and projection requirement of this Chapter and this Section.

B. Clearance from high voltage power lines. Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this Section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

C. Clearance from fire escapes, exits or standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

D. Obstruction of openings.

1. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by this Code.
2. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

E. Projection over alleys. No sign or sign structure shall project into any public alley.

F. Clearance from streets. The horizontal clearance between a sign and the curb line shall be not less than two feet.

G. Projection and clearance.

1. A sign projecting more than two-thirds of the distance from the property line to the curb line shall be not less than 12 feet above the grade level directly below.
2. A sign projecting less than two-thirds of the distance from the property line to the curb line shall be not less than 10 feet above the grade level directly below.

H. Maximum size of exposed glass panel.

Size of Exposed Glass Panel		Minimum Thickness (in)	Type of Glass
Max Dimension (in)	Max Area (sq in)		
30	500	1/8	Plain, Plate, or Wired
45	700	3/16	Plain, Plate, or Wired
144	3600	1/4	Plain, Plate, or Wired
144+	3600+	1/4	Wired

I. Minimum sign thickness

Sign Projection (ft)	Maximum Thickness (ft)
5	2
4	2.5
3	3
2	3.5
1	4

**15-23 Standards Applicable to Specific Sign Types****15-23.1 Pole signs**

- A. Pole signs shall be constructed of noncombustible material, except as provided in **Section 15-21**.
- B. All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in **Section 15-21**.
- C. Projection of pole signs shall conform to the requirements of **Section 15-22**.

**15-23.2 Ground Monument signs**

- A. Ground monument signs shall be constructed of any material meeting the requirements of this Chapter, except as provided in **Section 15-21**.
- B. Ground monument signs shall be designed in accordance with the requirements specified in **Section 15-21**.
- C. Ground monument signs shall not project over public property.

**15-23.3 Wall signs**

- A. Wall signs noncombustible material, except as provided in **Section 15-21**.
- B. Wall signs shall be designed in conformance with the requirements specified in **Section 15-21**.
- C. No wall sign shall have a projection over public property or beyond a legal setback line greater than the distances specified in **Section 15-22**.
- D. No wall sign shall extend above any adjacent parapet or roof of the existing building.
- E. The thickness of that portion of a wall sign which projects over public property or a legal setback line shall not exceed the maximum as set forth in **Section 15-22**.

**15-23.4 Projecting signs**

- A. Projecting signs shall be constructed of noncombustible materials, except as specified in **Section 15-21**.
- B. Projecting signs shall be designed in accordance with the requirements specified in **Section 15-21**.
- C. Signs may project over public property or a legal setback line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in **Section 15-22**.
- D. The thickness of a projecting sign exclusive of letters and trim shall not exceed that set forth in **Section 15-22**.

**15-23.5 Combination signs**

- A. Combination signs shall be constructed of noncombustible materials, except as specified in **Section 15-21**.
- B. The individual requirements of roof, projecting and pole signs shall be applied for combination signs incorporating any or all of the requirements specified in this Chapter.
- C. All supports of combination signs shall be placed in or upon private property and shall be securely built, constructed and erected to conform with the requirements specified in **Section 15-21**.
- D. Combination signs may project over public property or beyond a “legal setback line” as specified in **Section 15-22**.
- E. The thickness of that portion of a combination sign which projects over public property shall not exceed the maximum set forth in **Section 15-22**.

**15-23.6 Marquee sign**

Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the Building Code and this Code.

**15-23.7      Electric signs**

- A. Electric signs shall be constructed of noncombustible material, except as provided in **Section 15-21**.
- B. The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.
- C. Electrical equipment used in connection with display signs shall be installed in accordance with the Electrical Code.
- D. Every electric sign projecting over any street or alley or public place shall have painted or labeled on the surface of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance at grade. Failure to provide such name and date shall be grounds for rejection of the sign by the Building Official.

**15-23.8      Electronic Message sign**

- A. Electronic message signs shall not be used or displayed in a way that presents multiple screens within a single sign face, whether simulated or actual.
- B. During the static dwell time for a message, there shall be no animation, movement (including moving messages, scrolling text, or full-motion or streaming video), segmented messages, or variation in light or color. Off-premises electronic message signs shall provide a static dwell time of at least eight seconds per message; on-premises electronic message signs shall provide a static dwell time of at least two seconds per message.
- C. During the transition time between messages, animation is permitted. Animation may include moving messages, scrolling text, or variations in light or color. Animation shall occur only during the transition time. Off-premises electronic message signs shall provide a transition time of no more than one second between messages; on-premises electronic message signs shall provide a transition time of no more than two seconds between messages.
- D. Electronic message signs shall be limited to one per allowed freestanding sign.

**15-24      Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter and/or any other Code provision and/or law is declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other regulation of signs contained herein.

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