
CHAPTER 175A

ZONING REGULATIONS

GENERAL PROVISIONS

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175A.01 EFFECTIVE DATE.

Chapters 175A through 175K^{†5} as amended with passage and adoption on September 4, 1997, shall become in full force and effective from and after January 1, 1998, after its publication, as required by law. Title 17 as it exists on September 4, 1997, shall remain in effect and be enforced through December 31, 1997.

175A.02 TITLE.

These Chapters 175A through 175K shall be known and may be cited and referred to as the “Zoning Ordinance” of the City of Norwalk, Iowa, and may be referred to herein as “this ordinance,” adopted pursuant to Chapter 414, 1997, Code of Iowa.

175A.03 PURPOSE.

The purpose of this ordinance shall be to promote the public health, safety, morals, order, convenience, prosperity, and general welfare; to conserve and protect the value of property throughout the City and to encourage the most appropriate use of land; to lessen congestion in the streets; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

175A.04 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control.

175A.05 DEFINITIONS.

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and plural number includes the singular; the word “shall” is mandatory, the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words “used or occupied” include the words “intended, designed, or arranged to be used or occupied.”

1. “Access” means the place, means, or way by which pedestrians or vehicles shall have ingress and egress to a property or parking area.
2. “Accessory living quarters” means a separate dwelling unit wholly enclosed within a principal building, or a detached dwelling, for the sole use of persons fully employed on the premises.
3. “Accessory use or structure” means a use or structure on the same lot with the principal use or structure, and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not encompass more floor area or use a

greater part of the lot than the principal permitted uses.

4. "Acquisition plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

5. "Addition" means an extension or increase in floor area or height of a building or structure.

6. "Adult" as used in this ordinance, refers to a person who has attained the age of eighteen (18) years.

7. "Adult entertainment facilities" means any one of or any combination of the following, which are customarily not open to persons who have not attained the age of eighteen (18) years.

A. "Adult art or adult modeling studio" means an establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise; provided entrance to such establishment and such services are available only to adults.

B. "Adult artist - body painting studio" means an establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.

C. "Adult bath house" means an establishment or business which provides the services of baths, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.

D. "Adult book store" means an establishment having as the primary portion of its stock in trade, books, magazines, and other periodicals which are substantially devoted to the depiction of specified sexual activities and specified anatomical areas.

E. "Adult business" means any business or establishment where a specified sexual activity or a specified anatomical area is displayed.

F. "Adult motel" means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

G. "Adult movie theater" means any theater, arcade, or similar establishment where an enclosed building or open-air facility is used for presenting material in the form of motion picture film, video tape, or other similar means which is substantially devoted to the depiction of specified sexual activities and specified anatomical areas for observation by persons therein.

H. "Adult news racks" means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities and specified anatomical areas.

I. "Adult nightclub" means any club, cabaret, nightclub, bar, restaurant or similar establishment where an enclosed building or open-air facility is used for live performances which are characterized by the exposure of specified sexual activities and specified anatomical areas for observation by persons therein.

J. "Sexual encounter center" means a place provided by any business, agency or person where, for any form of consideration or gratuity, persons who are not all members of the same household may congregate, assemble, or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

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

9. "Agriculture" means the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agricultural activities.

10. "Airport" means the Des Moines International Airport.

11. "Airport elevation" means the reference point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 957.2 feet for the Des Moines International Airport.

12. "Airport hazard" means any structure, tree, or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations sections 77.21, 77.23, and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or takeoff at an airport, or is otherwise hazardous to such landing or taking off of an aircraft.

13. "Airspace height" means, for the purpose of determining the height limits in all zones set forth in Section 175C.04 and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

14. "Aliquot part" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one quarter shall be considered an aliquot part of a section.

15. "Alley" means a private or public way, other than a street, twenty (20) feet or less in right-of-way width affording a secondary means of access to abutting property.

16. "Amendment" means a change in wording, context or substance of this ordinance, or a change in the zoning or district boundaries

of the “Official Zoning Map,” which is a part of this ordinance when adopted by ordinance passed by the City Council in the manner prescribed by law.

17. “Amusement arcade” means a building or part of building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
18. “Antenna” (see also satellite dish antenna and tower) means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
19. “Antenna height” means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the cell site shall be used in calculating the antenna height.
20. “Antenna support structure” means any tower or any other structure which supports a device used in the transmitting or receiving telecommunication signals.
21. “Apartment hotel” means a building designed for or containing both individual guest rooms or suites of rooms and rooms or suites or rooms for dwelling units. (See “dwelling, multiple family.”)
22. “Apartment house or building” means any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments. Said buildings have dwelling units that are both vertically and horizontally attached to one another.
23. “Aquaculture” means land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.
24. “Aquifer” means a geological stratification in which porous and permeable conditions exist and thus are capable of yielding usable amounts of underground water.
25. “Aquifer recharge area” means an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater aquifers.
26. “Assisted living residential facility” means a building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a residential care facility, intermediate care facility or skilled nursing facility under Chapter 135C, Code of Iowa.
27. “Auditor’s plat” means a subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor, and in accordance with the City of Norwalk subdivision regulations.
28. “Automobile sales and storage lot” means an open off-street area where two or more operable motor vehicles are stored or offered or displayed for sale or advertising purposes.
29. “Automobile wrecking” (also see “junk yard”) means the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of five (5) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for re-use, salvage or sale, shall constitute prima facie evidence of an automobile wrecking yard.
30. “Awning” means any structure made of cloth or other non-rigid material with a metal or other rigid material for a frame and attached to a building and projecting outward from the building. (See “canopy.”)
31. “Balcony” means an unroofed platform, unenclosed except by a railing, which cantilevers from the outer wall of a building above ground level without support other than the building.
32. “Bar” means any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (May also be referred to as “cocktail lounge,” “tavern,” or “saloon.”)
33. “Base flood” means 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”).
34. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
35. “Basement” means the lower part of a building having more than one-half (½) of its height between its floor and the floor of the story above is below the adjacent ground elevation.
36. “Basement, walkout” means a basement which has more than one-half (½) the horizontal dimension of an exterior wall above the adjacent ground elevation permitting access to the exterior through a doorway with its base at floor level.
37. “Bed and breakfast inn” means an owner-occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation.
38. “Bedroom” means any room intended for sleeping purposes, provided that no room having less than one hundred (100) square

feet of floor area shall be considered a bedroom.

39. "Billboard" means all signs, regardless of material used in the construction of the same, that are erected, maintained, or used for public display of poster, painted signs, wall signs, whether the structure be placed on the wall itself, pictures, or other pictorial reading matter which advertise a business, a commodity sold, service, or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

40. "Block" shall be deemed to be all the property frontage along one public thoroughfare lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other similar space.

41. "Board" means Norwalk Board of Adjustment.

42. "Boarding house" means an establishment with lodging for five (5) or more unrelated persons for compensation, where meals are regularly prepared and served upon a table family style, without service or ordering of individual portions from a menu, but shall not include assisted living residential facilities.

43. "Body piercing studio" means any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service. (See "tattoo studio.")

44. "Borrow pit" means any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

45. "Buffer" (also see "screening") means a landscaped area, wall, or other structure intended to separate or partially obstruct the view between two adjacent zoning districts, land uses, or properties from one another.

46. "Buffer zone" means an area reserved for the establishment, construction, and continued maintenance of a buffer.

47. "Buildable area" means the area remaining on a lot after the minimum open-space requirement for yards has been met.

48. "Building" means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there are no common walls, connecting doors or windows, or any similar opening, each portions so separated shall be deemed a separate building.

49. "Building frontage" means that wall or side of a building which is adjacent and most nearly parallel to a street.

50. "Building, height of" means the vertical distance from the average ground elevation at the building lines, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

51. "Building line" means the extreme overall dimensions of a building as determined from its exterior walls or any part of a structural support or component which is nearest to the property line, other than usual uncovered steps, patios and decks. Horizontally projecting roof overhangs and chimneys into the setback up to two (2) feet shall be permitted, provided no part of a side of a building for residential occupancy which is not attached to another building shall be closer than five (5) feet to a lot line or within 10 feet of another building.

52. "Building plot or site" means the ground area of one (1) lot, or the ground area of two (2) or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this ordinance. (See "lot.")

53. "Building sign" means a sign which is wholly supported by the building wall, parallel to the plane thereof and which does not extend beyond the surface of said building wall more than twelve (12) inches. This sign may be painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

54. "Bulk or tank stations" means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

55. "Caliper, tree trunk" means a tree trunk's diameter as measured three (3) feet above grade.

56. "Campground" means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

57. "Canopy" means a permanent roofed structure, including marquees and awnings, attached to and supported by a building and projecting over private property, or over public property.

58. "Car wash" means an area of land and/or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

59. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

60. "Cell site" means a tract or parcel of land that contains the wireless communication antenna, its support structure, accessory buildings, and parking, and may include other uses associated with and necessary for wireless communication transmission.

61. "Cemetery" means land used or intended to be used for the burial of the dead, including mausoleums, columbariums and crematoriums when operated in conjunction with and within the boundary of such cemetery.

62. "Centerline, public thoroughfare" means the line running parallel with the thoroughfare right-of-way boundaries and which is half the distance between the extreme edges of the official right-of-way width.

63. "Certificate of occupancy" means a document issued by the City to permit the use of a building which has been determined to have fulfilled City Zoning and building code requirements to permit occupancy.

64. "Certified survey" means a sketch, plan, map, or other exhibit bearing a written statement of its accuracy of conformity to specified surveying standards which is signed and sealed by a registered surveyor.

65. "Channel" means a natural or artificial watercourse of perceptible extent, with a definite bed and definite banks to confine and to conduct continuously or periodically flowing water.

66. "Child" means a person under eighteen years of age.

67. "Child care center" (also see "day care home") means a facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility.

68. "Child day care" (see Chapter 237A of the Code of Iowa) means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:

A. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.

B. A religious-related instructional program of not more than one day per week.

C. Short-term classes held between school terms.

D. A program administered by a political subdivision of the State which is primarily for recreational or social purposes, and is limited to children who are five years of age or older and attending school.

69. "Child care home" means a private residence where care, protection, and supervision are provided, for a fee, at least twice a week to five (5) or fewer children at one time.

70. "Child development home" means a private residence, officially registered by the State of Iowa, to provide child day care with a maximum of eight (8) full time children (Category A and B as defined by the Iowa Department of Human Services (DHS) on July 1, 2015, and Category C with one provider (C-1) as defined by DHS on July 1, 2015). In no case shall an in home childcare service exceed twelve (12) children, with no more than eight (8) being considered full time.

71. "Church or place of religious worship" means an institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

72. "Clear-cutting" means the indiscriminate removal of tree, shrubs, or undergrowth with the intention of preparing real property for development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed; removal of dead trees; or normal mowing operations.

73. "Clinic, medical or dental" means a building or buildings in which physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their professions.

74. "Club" means an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, fitness, or the like but not operated for profit, excluding churches, or other houses of worship.

75. "Cluster development" means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

76. "Cocktail lounge" means any place of business, other than a night club, located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano bar or other one person performance.

77. "Commercial use" means the barter, exchange, sale, service or trade of goods, materials, or services, either tangible or intangible for financial, material or monetary gain.

78. "Commission" means the Planning and Zoning Commission of Norwalk. (See Chapter 23 of this Code of Ordinances for the Powers and Duties of the Planning and Zoning Commission.)

79. "Communication tower" means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.

80. "Complex" means a planned, coordinated development of a tract of land with two or more separate buildings. Such development is planned, designed, and constructed on an integrated and coordinated basis with special attention given to the master planning of on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

81. "Comprehensive Plan" means the Comprehensive Plan for the City of Norwalk which sets forth the City's long range plans for land use, transportation, municipal utilities, city expansion, management and development policies to guide the City's growth and from which the City's zoning regulations shall be based.

82. “Communications tower” (also see “antenna”) means a structure that is intended for transmitting or receiving television, radio, or telephone communications.

83. “Conditional use” (see “special use”).

84. “Condominium” means an estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

85. “Condo-conversion” (condominium conversion) means the filing of a condominium regime, per the Code of Iowa, for an existing real estate property, such as the conversion of an apartment building into condominiums.

86. “Conservation easement” means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, wooded, or topographic condition, retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing slopes and land use.

87. “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

88. “Convenience store” means any retail establishment offering for sale food products, household items and other goods commonly found in grocery stores, and having a gross floor area of less than 6,000 square feet. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.

89. “Conversion” means any change of one principal use to another principal use.

90. “Corridor preservation” means to preserve a right-of-way through the transfer of ownership, by easement or by an agreement, for a future public use as planned by the City of Norwalk or other public jurisdiction.

91. “Council” means the City Council of Norwalk.

92. “Court yard” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building.

93. “Cul-de-sac” means a local street, one end of which is closed and consists of a circular turn around.

94. “Curb level” means the top level of the established curb in front of a lot. Where no curb has been established, the City Engineer may establish such curb level or its equivalent.

95. “Day care home” means a private residence where care, protection and supervision are provided, for a fee, at least twice a week to less than seven (7) children at one time.

96. “Dead-end street” means a street with one end closed, and has only one location for entry and exit.

97. “Deciduous” means plants which shed their foliage after a growing season.

98. “Decision height” means the height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

99. “Delayed deposit services business” means a person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:

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

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

The above are typically referred to as check cashing, payday lending, or car title loan establishments.

100. “Density, gross” means the number of dwelling units permitted per gross acre of land within a defined area including public streets and open spaces.

101. “Density, net” means the number of dwelling units permitted per net acre of land being developed exclusive of public street rights-of-way.

102. “Development” means any subdivision of land or man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

103. “Directory sign” means any sign that does not advertise a product or place of business, but exists solely to direct vehicular or pedestrian traffic to a location of a business or part of a business. A directory sign shall not contain names or logos. Any such sign shall not be more than eight (8) square feet per face, more than three (3) feet in height, and must be five (5) feet or more from public right-of-way. All directory signs must be located on the same property that the business or firm is located on. No more than five (5) directory signs shall be allowed per property.

104. “Dump” means a premises used for illegal discarding of trash, garbage, junk or other refuse; but not including legally operating land fills or junk yards.

105. "Duplex" (see "dwelling, two-family.")
106. "Drive-in or drive-thru facility" means an establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. In these guidelines, car washes and gas stations will not be categorized as drive-thru facilities.
107. "Driveway" means a privately owned roadway giving access from a public street to a building plat or abutting property.
108. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, shall be designed to be placed on, supported by and attached to a continuous perimeter foundation, which shall be permanent and constructed in accordance with the Norwalk Building Code for site built housing.
109. "Dwelling, single family" means a detached residence designed for or occupied by one family only, with the minimum width of twenty (20) feet or more than 65% of the length of the building exclusive of garages.
110. "Dwelling, two family" (commonly referred to as a duplex) means a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, with a minimum width of twenty (20) feet for more than 65% of the length of the building, exclusive of garages.
111. "Dwelling, one and two family - rowhouse/townhome" means a building designed for or occupied by one (1) or two (2) families only, with separate housekeeping and cooking facilities for each, where the dwelling units are either detached (1 family) or attached horizontally to each other by party walls (2 families); where each unit maintains an individual entrance from the exterior of the building; and where the owner of the dwelling unit owns the lot beneath the unit.
112. "Dwelling, multiple family - rowhouse/townhome" means a dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building.
113. "Dwelling, multiple family – apartment" means a building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two other units. Said buildings have dwelling units that are both vertically and horizontally attached to one another.
114. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing sleeping, bathroom, and kitchen facilities.
115. "Easement" means a granted right by a land owner to a person, government agency, or public utility company to use land owned by another for a specific purpose.
116. "Evergreen" means plants which maintain their green foliage throughout the year, including the winter season in temperate climates.
117. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure."
118. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of the 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.
119. "Existing use or structure" means any use or structure which exists as of January 1, 1998, or exists at the time of an amendment to this ordinance subsequent to its original adoption.
120. "Existing utility pole" means, for the purpose of siting a small cell facility, shall be a pole existing on or before July 1, 2017.
121. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing 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).
122. "FAA" means the Federal Aviation Agency.
123. "FEMA" means Federal Emergency Management Agency.
124. "Factory-built home" means 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 this ordinance, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
125. "Factory-built home park" means a parcel or contiguous parcels of land divided into two (2) or more factory-built home lots for rent or sale.
126. "Family" means a person living alone or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:
- A. Any number of people related by blood (blood relatives), marriage, adoption, guardianship, or other duly authorized custodial

relationship.

B. No more than three (3) unrelated people and any children related to any of them.

C. Not more than eight (8) people who are:

(1) Residents of a family home as defined in Section 414.22 of the Code of Iowa and this section; or

(2) Handicapped, as defined in the Fair Housing Act, 42 USC Section 3602(h). This definition does not include those persons currently illegally using or addicted to a controlled substance, as defined in the Controlled Substances Act, 21 USC Section 802(6).

The definition of a family does not include: (i) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; (ii) any group of individuals whose association is temporary or seasonal in nature; and (iii) any group of individuals who are in a group living arrangement as a result of criminal offenses.

127. "Family home" means a community based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the Code of Iowa.

128. "Farm" means land area comprising ten (10) acres or more which is used for agriculture.

129. "Farmstead" means a grouping of buildings within a farm utilized for the storage and housing of equipment, agricultural products and livestock, and associated residence.

130. "Feedlot" means any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

131. "Fill" means to raise the grade of land with the depositing of earth.

132. "Flashing lights" means a sudden or transient outburst of bright light(s); a flood of light briefly appearing and disappearing. A single flash at regular intervals, the duration of light always being less than the duration of darkness.

133. "Flea market" means an occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods for sale to the public, not to include private garage sales.

134. "Flood" means 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.

135. "Flood elevation" means the elevation floodwater reaches at a particular site during the occurrence of a specific flood. For instance, the one hundred (100) year flood elevation is the elevation of flood waters related to the occurrence of the one hundred (100) year flood.

136. "Flood Insurance Rate Map" (FIRM) means the official map prepared by the Federal Insurance Administration as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

137. "Flood Insurance Study" means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

138. "Flood plain" means a land area susceptible to being inundated by water as a result of a flood.

139. "Flood plain basement" means any enclosed area of a building which has its floor or lowest level (subgrade) on all sides. Also see lowest floor.

140. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

141. "Flood profile" means a graph showing longitudinal sections of a designed waterway and the relationship of the water surface elevation of a flood event to any location along the watercourse.

142. "Floodproofing" means 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.

143. "Floodway" means the channel of a river stream or other water course and those portions of the flood plain adjoining the channel, which are required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.

144. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, levee, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

145. "Floor" means the lower horizontal surface of a hollow structure, story or room, or the horizontal structure which separates stories in a building.

146. "Floor area" means the total area of all floors of a building or portion thereof measured to the outside surface of exterior walls or

the centerline of walls to attached buildings or uses. It does not include garages, porches, balconies and other appurtenances. Space in the basement or cellar and all other space shall be included as floor area if habitable and used for a principal or accessory use permitted in the zone in which the building is located.

147. "Floor area ratio" means the square footage of floor area on all floors divided by the land area within the property lines.

148. "Freeboard" means a safety factor indicating the height above a projected flood occurrence level to which a levy or floodwall is constructed.

149. "Frontage" means the lot line adjoining a public street as measured along the street.

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

151. "Garage, private" means a building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature. No dwelling or living space shall be contained within and shall not otherwise be used as a living quarters.

152. "Garage, public" means a building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

153. "Garage, repair" means any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered.

154. "Gas or service station" means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, gasoline, diesel fuel, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products. The rendering of accessory services is permitted including automatic car wash for one vehicle at a time, and making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting; body, fender, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

155. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

156. "Grandfathered" means a use, or structure which exists at the time of the passage of an ordinance or regulation, and is permitted to continue to exist, although the use, or structure does not comply with the new ordinance or regulation.

157. "Greenhouse" means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

158. "Group care facility" means a government licensed or approved facility which provides resident services in a dwelling to more than eight (8) individuals not including resident staff, but not exceeding 30 individuals. These individuals are developmentally disabled, aged or undergoing rehabilitation; are in need of adult supervision; and are provided services in accordance with their individual needs. Group care facilities shall not include nursing homes.

159. "Habitable room" means any room meeting the requirements of the City's adopted Building Code and used for sleeping, living or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar space.

160. "Half-story" means a story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor immediately below it.

161. "Hazardous materials" means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

162. "Health club" means an establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only.

163. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

164. "Historic structure" means 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.

(1) 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

(2) 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.

165. "Home occupation" means a home occupation is a business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building. (See Section 175A.32)

166. "Homeowners or property owners association" means a formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area; who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.

167. "Hookah lounge" means an establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe. (See "smoking lounge" or "smoking den.")

168. "Hospital" means an institution licensed by state law providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

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

170. "Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

171. "Inoperable vehicle" means any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks a current registration or component part which renders the vehicle unfit for legal use.

172. "Insignias and flags" means insignias, flags, and emblems of the United States, the State of Iowa, municipal and other bodies of established government, or flags which display the recognized symbol of a non-profit or non-commercial organization.

173. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

174. "Internet café" means a café, coffee bar, etc., that offers Internet access on its own computers or on customer's laptops, usually for a fee.

175. "Junk" means old, wrecked, inoperable, or discarded automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building materials, scrap contractor's equipment, tanks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade.

176. "Junk yard" means any area where junk is stored, bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

177. "Kennel" means facility housing dogs, cats or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

178. "Kennel, private" means any building or buildings, any land containing, or any housing, designed for the care of, or actually containing four (4) or more dogs, six (6) months of age or older.

179. "Kitchen" means any room or portion of a building used, intended or designed to be used for cooking and other preparation of food.

180. "Landfill" means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

181. "Lawful lot, structure, or use" means a lot, structure, or use which complies with the zoning regulations within this ordinance or any other city, federal, or state law or regulation, or is grandfathered under the terms and conditions of this ordinance and is permitted to exist.

182. "Livestock" means animals kept, or raised for use or pleasure including cattle, horses, sheep, goats, swine and similar hoofed animals.

183. "Laundry, self-service" means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

184. "Loading space" means any off-street space or berth on the same lot with a building or contiguous to a group of building, for the temporary parking (less than twenty-four hours) for a commercial vehicle while loading or unloading merchandise or materials.

185. "Lot," for the purpose of this ordinance, means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex or mobile home park, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

186. "Lot line" means a line dividing one lot from another lot or from a street or alley.

187. "Lot lines":

A. Front: the lot lines which adjoin a public street right-of-way.

B. Rear: the rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a corner lot, either of the lot lines opposite the front lot line may be selected as the rear lot line. In the case of a double frontage lot, the rear lot line shall be that line opposite the front lot line from which street access is obtained for the lot. In case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which:

(1) Is parallel to the front lot line or its cord.

(2) Intersects the two (2) other lot lines at points most distant from the front lot line.

C. Side: any lot line not a front lot line or a rear lot line.

188. "Lot measurements":

A. Area. The gross area, exclusive of streets or other public rights-of-way, within the boundary lines of a lot.

B. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints at the front lot line and rear lot lines.

C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback.

189. "Lot of record" means a lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of this ordinance, an existing contract of purchase at the time of the effective date of this ordinance also constitutes a lot of record.

190. "Lot, substandard" means a lot that has less than the required minimum area or width as required by the zone in which it is located.

191. "Lot types":

A. Corner Lot: A lot located at the intersection of two (2) or more streets, and having the street right-of-way abut the front lot lines of the lot.

B. Double Frontage or Through Lot: A lot, other than a corner lot, with frontage on more than one (1) street or public thoroughfare which does not intersect one another.

C. Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor which does not meet the minimum permitted lot width requirements at the minimum setback distance from the public street.

D. Interior Lot: A lot, other than a corner lot, having frontage on but one (1) street or public thoroughfare.

E. Key Lot: A key lot is a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.

F. Townhouse Lot or Postage Stamp Lot: A small lot typically contained within an associate owned common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit for ownership purposes.

192. "Lowest floor" means the floor of the lowest enclosed area in a building, including a basement, except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 175C.02(2)(E).

B. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage.

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 100-year flood level.

D. The enclosed area is not a basement, as defined in this ordinance.

E. In cases where the lowest enclosed area satisfied criteria in A, B, C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

F. Exception to the forgoing is a building basement which has been designed in accordance with Section 175C.02(2)(B) or 175C.02(2)(C) of this ordinance.

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

194. "Maintenance guarantee" means a guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this ordinance and regulations, or to maintain same.

195. "Manufactured home" means a factory built home which is used as a single-family dwelling and is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have a permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property as provided by the state code of Iowa, and is taxed as a site-built dwelling. For the purposes of these regulations, a manufactured home shall be considered the same as any site-built single-family detached dwelling.

196. "Marina" means a facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure water craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

197. "Marquee" means a canopy with rigid material of permanent construction projecting from and supported only by the wall of a building.

198. "Massage" means any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any form of consideration or gratuity.

199. "Massage establishment" means any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing: (i) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157, or 158 of the Code of Iowa, when performing massage services as a part of the profession or trade for which licensed; (ii) persons performing massage therapy or massage services under the direction of a person licensed as described in (i) above; (iii) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (iv) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (i) above; and (v) an athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by a professional or semi-professional athletic team or organization, in the course of his/her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or a non-profit organization operating a community center; swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities; and facilities for the welfare of the residents of the area.

200. "Master Plan" means a schematic plan for a unified, coordinated development of a tract of contiguous land which is designed in an integrated and coordinated basis showing streets, water lines and appurtenances, sanitary sewers and appurtenances, storm water management facilities and appurtenances, lot boundaries, building locations, parking and loading areas, access drives, landscaping, existing and proposed grades, buffers, and other information as required to properly depict and communicate the proposed utilization and improvement of the property.

201. "Metes and bounds description" means a description of land that uses distances and angles, or distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

202. "Mini-warehouse" means a building or group of buildings, no more than twenty-five (25) feet in height and not having any dimension greater than two hundred fifty (250) feet per building, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers' goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.

203. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

204. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

205. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

206. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

207. "Mobile home" means a factory built home without motive power and built on a chassis for conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a place of human habitation for one (1) or more persons. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall remain a

mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided, if such mobile home has not been converted to property tax assessable real estate in accordance with Chapter 135D.26 of the Code of Iowa. Nothing in this ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.

208. "Mobile home park" means any lot or portion of lot upon which one or more mobile homes, modular homes, or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

209. "Modular home" means a factory-built home which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.

210. "Motel" (See "hotel.")

211. "Multiple use" means the occupancy of a defined area of land or a building by more than one type of use, i.e., single-family residential, multi-family residential, commercial, office, or industrial.

212. "New construction" (new buildings, factory-built home parks) means 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. Those structures or development for which the start of construction or installation commenced on or after the effective date of this ordinance.

213. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of the 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.

214. "Night club" means any place of business located within any building or establishment, established and operated for the purpose of supplying entertainment or music and a dance floor and providing meals and/or refreshments prepared for consumption on the premises.

215. "Noise and aviation easement" means an easement granted by a land owner to the Des Moines International Airport and all aircraft landing at the airport to use the air space above the described area of the easement, and to emit noise associated with the operation of the aircraft.

216. "Nonconforming lot" means a lot which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the new district regulation in which it is located.

217. "Nonconforming structures" means a building or structure exists at the effective date of adoption or amendment of this ordinance which is allowed to lawfully exist, but does not comply with the terms of this ordinance by reason of restrictions on area, lot coverage, height, setbacks, architecture, or other characteristics of the structure or its location on the lot.

218. "Nonconforming use" means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

219. "Non-profit institution" means a non-profit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, education or similar services to the public, groups, or individuals. Cooperative non-profit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., shall not be considered a non-profit institution under this ordinance.

220. "Nursing or convalescent home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.

221. "Occulting light" means light which is totally eclipsed at regular intervals; the duration of light is always greater than the duration of darkness (such as an electronic information display).

222. "Off-premises," as used in this ordinance, means the purpose is to advertise, identify and/or direct attention to a profession, business, service, activity, product, campaign or attraction which is not carried on, sold, offered, or manufactured in or upon the premises.

223. "Official plat" means either an auditor's plat or a subdivision plat that meets the requirements of the Code of Iowa and City subdivision regulations, and has been filed for record in the offices of the County recorder, auditor, and assessor.

224. "On-premises," as used in this ordinance, means the primary purpose is to advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign or attraction which is carried on, sold, offered or manufactured in or upon the premises.

225. "One hundred (100) year flood" means a flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

226. "Open space" means an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include buildings, driveways, parking lots, display areas for retail sales of merchandise, loading areas, outdoor storage areas, or other surfaces designed or intended for vehicular travel.

227. "Ornamental tree" means small deciduous trees which normally have colorful flowers and leaves, and are generally less than thirty (30) feet in height at maturity.
228. "Outdoor storage" means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, that is not wholly contained within a fully enclosed structure.
229. "Over-story tree" means a deciduous shade tree which grows to a sufficient height to establish an overhead canopy, and is generally greater than thirty (30) feet in height at maturity.
230. "Parcel" means a part of a tract of land.
231. "Park" means any public or private land reserved for active and passive recreation to include such facilities playgrounds, swimming pools, tennis courts, trails, shelters, and other similar uses associated with a designed recreation area. The term park is not intended to include private or public amusement parks, permanent carnivals, or similar type activities.
232. "Parking area, joint use" means an off-street parking area which is used commonly by two or more buildings or properties which are under different ownership.
233. "Parking area, satellite" means off-street parking spaces located on a separate lot not adjoining the principal use for which they are required or associated with, whether in the same ownership as the property occupied by the principal use or leased from a separate owner.
234. "Parking space" means an area on a lot and/or within a building intended for the use of parking of a personal vehicle. This term is used interchangeably with parking stall.
235. "Patron" means a customer who purchases a commodity or service.
236. "Pawnshop" means an establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.
237. "Performance guarantee" means any security accepted by the City in the form of cash, certified check, performance bond, surety bond, or certificate of deposit endorsed to the City, to assure the completion of improvements within a subdivision or site-planned development.
238. "Permitted use" means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
239. "Person" means a natural person, his or her executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
240. "Place of business" means any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.
241. "Planned unit development" (PUD) means any development in which the proposed land use, transportation elements, population densities, building arrangement and types are set out in a unified, contiguous plan.
242. "Planning commission" means the Planning and Zoning Commission of the City of Norwalk.
243. "Plant nursery" means any land used to raise trees, shrubs, flowers, and other plants for transplanting.
244. "Plat of survey" means the 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 registered land surveyor.
245. "Porch, unenclosed" means a roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
246. "Post-secondary schools" means a public or non-public educational institution such as colleges, universities, professional business training schools, and technical training schools, established to provide curriculum, academic instruction, or training to persons who have completed their high school education.
247. "Premises" means any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling or meeting place.
248. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width established in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
249. "Principal building or structure" means a building or structure in which the principal use of the lot on which the building or structure is located is conducted.
250. "Principal use" means the primary use of land or structures as distinguished from an accessory use.
251. "Print shop" means a retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

252. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement, or lien interest.

253. "Property line" (See "lot line.")

254. "Public thoroughfare" means any right-of-way under the jurisdiction and maintenance of the governmental agencies of the federal, State or municipal government; which may be used by the public in general, and which may or may not serve as a frontage street to the abutting property. (See "street.")

255. "Public view" means visible to the general populace from public streets, alleys, parks or other public property, adjoining privately-owned properties, and on-premises parking lots and other facilities accessible to the general populace including patrons and visitors.

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

257. "Recreational vehicle (RV) park" means any parcel 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.

258. "Recycling center" means a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

259. "Recycling collection point" means an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

260. "Research laboratory" means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

261. "Residential" (Residence) means any lot, plot, parcel, tract, area, or place of land or any building used exclusively for family dwelling purposes or intended to be used, including accessory uses specified herein.

262. "Restaurant" means an establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.

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

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

C. Carry-out: a restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked-up at the establishment by the customer; there is no consumption of food or beverages on the premises by patrons.

263. "Re-subdivision" means any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purpose whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development or other use.

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

265. "Road, private" means a right-of-way open to vehicular ingress and egress established as a separate tract for the common use and benefit of certain, adjacent properties. This definition shall not apply to individual driveways.

266. "Rooming house" means a residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

267. "Routine maintenance of existing buildings and facilities" means 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.

268. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

269. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the

shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

270. "School" means a facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, middle schools and high schools.

271. "School, business training" means a school which specializes in business, commercial and industrial training courses and is operated for commercial gain.

272. "Scenic corridor" means a strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

273. "Scenic easement" means an easement, the purpose of which is to limit development in order to preserve a view or scenic area.

274. "Screening" (also see "buffer") means the method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

275. "Seating capacity" means the actual seating capacity of an area based upon the number of fixed seats or one seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the Uniform Building Code.

276. "Section" means a section of this ordinance unless some other ordinance, code or statute is indicated.

277. "Self-service storage facility" (See "mini-warehouse.")

278. "Senior citizen center" means a facility that is generally open to the public and owned or operated by a public or non-profit agency for the purpose of providing social services, activities, and/or meals to seniors or the elderly.

279. "Servant's quarters" means a secondary dwelling unit occupied by a domestic employee of the principal residential building and conforming to the restrictions of this ordinance including those for accessory buildings.

280. "Setback" means the required minimum horizontal distance permitted between the building line and the related front, side, or rear property line.

281. "Shopping center" means a grouping of retail business and service uses within a single Master Planned Complex of one or more buildings with common parking facilities, access and open space.

282. "Side yard" (See "yard, side.")

283. "Sidewalk café" means an area which is part of and adjacent to and directly in front of a street-level restaurant and located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk café may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof as required by the City Council.

284. "Sign" means any device fixed to, painted on, or incorporated into the building surface or displayed from or with a building or structure, or free standing upon the site and which is visible from the public right-of-way and designed to convey or direct a message to the public concerning the identification of the premises, to advertise or promote the interests of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.

285. "Sign, awning" means a sign painted on or incorporated into an awning. The area of an awning sign shall be the area of the inscription or message incorporated into the awning, provided the awning is not internally illuminated. For an awning sign incorporated on an awning internally illuminated, the area of the entire awning shall be considered the sign area.

286. "Sign, building" means a sign which is wholly supported by the building wall, parallel to the plane thereof and which does not extend beyond the surface of said building wall more than twelve (12) inches. A building sign may be painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

287. "Sign, bulletin board" means a sign containing a surface area upon which is displayed the name of a religious institution, charitable organization, school, library, community center or similar institution and the announcement of its services or activities.

288. "Sign, changeable copy" means the graphic content, in letter or alphabetical form, of a sign, which can be changed or altered through mechanical or electrical means.

289. "Sign, construction" means such signs identifying the architects, engineers, contractors and other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for the building is intended but not including product advertising.

290. "Sign, directory" means any sign that does not advertise a product or place of business, but exists solely to direct vehicular or pedestrian traffic to a location of a business or part of a business. A directory sign shall not contain names or logos. Any such sign shall not be more than eight (8) square feet per face, more than three (3) feet in height, and must be five (5) feet or more from public right-of-way. All directory signs must be located on the same property that the business or firm is located on. No more than five (5) directory signs shall be allowed per property.

291. "Sign, finance" means such signs identifying the financial contributors or lenders involved in the construction of a building or

subdivision.

292. "Sign, free standing," including pole and ground signs, as regulated by this chapter, includes any sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall.

293. "Sign, identification" means an on-premises sign that displays no more than the name, address, crest or insignia, occupation or profession of an occupant of the premises, name of any building on the premises or the trademark of the occupant.

294. "Sign, illuminated" means any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

295. "Sign, interstate high rise" means an on-premises pole sign which is constructed to attract the attention of interstate travelers and is located within six hundred (600) feet of the centerline of Highway 5 and identifies or advertises the use of the principal buildings.

296. "Sign, memorial" means memorial signs or tablets, names of buildings and date of erection when engraved into any masonry surface or when constructed of bronze or other incombustible materials. Memorial signs shall not contrast in color from the material of which said sign is constructed.

297. "Sign, monument" means an on-premises free standing identification sign identifying the name of a development or principal tenant(s) of said development, which is anchored to the ground. The sign has a monolithic or columnar line and which maintains essentially the same contour from grade to top. The standards listed in Chapters 175G and 175H apply to the design of monument signs.

298. "Sign, obsolete" means a sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located.

299. "Sign, panel" means a message, inscription or logo which is painted or affixed to a panel of wood, plastic, cloth, fiberglass, or other material which is not part of the building's exterior materials, is of greater area than the message, inscription or logo, and provides a background for the message, inscription or logo.

300. "Sign, pole" means an on-premises free standing sign that is supported by one or more uprights not attached to, or braced by, any other structure. Pole signs shall have a clear open space of not less than ten (10) feet between the base line of said sign and the ground level.

301. "Sign, political campaign" means a sign, either on or off-premises, announcing candidates seeking public political office in a forthcoming election or signs announcing political issues, for or against, to be considered in a forthcoming election.

302. "Sign, portable" means a freestanding sign not permanently anchored or secured to the ground or any building or wall.

303. "Sign, projecting" means a sign, other than an awning sign, canopy sign, building sign, or marquee which projects from and is supported by a wall of a building or structure, and whose message is on a plane which is generally perpendicular to the supporting wall.

304. "Sign, public" means signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and all other similar signs, including signs designating City entry, hospitals, libraries, schools, airports and other institutions or places of public interest or concern.

305. "Sign, real estate" means signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed.

306. "Sign, roof" means a sign erected upon or above a roof or parapet of a building.

307. "Sign, service" means a sign identifying rest rooms, public telephone facilities, first aid stations, emergency shelters and other similar public service facilities.

308. "Sign, vehicle" means a message, inscription or logo painted, attached, or incorporated on a motor vehicle which advertises or promotes the interest of any private or public firm, person, organization, or other entity, or to draw attention to the use on the premises.

309. "Sign area" means that area of a sign's exposed facing determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. Such area shall be measured from the extreme points or edges of the painted background, panel sign, or the peripheral encasement or structural trim which forms part of the sign proper, or the display, provided however, the area of a sign composed of characters or words attached directly to a wall surface shall be of the smallest rectangle which enclosed the whole group of characters or words.

310. "Sign perimeter" means the external boundary of a sign at its widest point per plan view.

311. "Site improvements" includes all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, storm water management, parking, loading areas, landscaping, buffers, and free standing signs.

312. "Site plan" means a plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land. (See Chapter 175I for regulations.)

313. "Slope" means the change in ground elevation between two points.

314. "Smoking lounge or smoking den" means an establishment where patrons can purchase and consume tobacco products on site.

315. "Special flood hazard area" means the land within a community subject to the "100-year flood." This land is identified as Zone

A on the community's Flood Insurance Rate Map.

316. "Special use" means a use of land, water or building which is allowable only after the issuance of a special use permit by the Board of Adjustment under conditions specified in this ordinance.

317. "Specified anatomical areas" as used in this ordinance, are defined as: (i) less than completely and opaquely covered human genitals, human pubic region, mature human buttocks, and mature human female breasts, below a point, immediately above the top of the areola; and (ii) human male genitals in a discernable turgid state, even if completely and opaquely covered.

318. "Specified sexual activities" as used in this ordinance, are defined as: (i) human genitals in the state of sexual stimulation or arousal; (ii) acts of masturbation, sexual intercourse or sodomy; (iii) fondling or other touching of human genitals, pubic region, buttocks, or female breasts; and (iv) minors engaged in a prohibited sexual act or simulation of a prohibited sexual activity.

319. "Stable, private" means an accessory building in which horses are kept for private use and not for remuneration, hire or sale.

320. "Stable, public" means an accessory building in which horses are kept for commercial use including boarding, hire, instructions, and sale.

321. "Stable, riding club" means a building or structure used or intended to be used, for the housing only of horses by a group of persons for non-commercial purposes.

322. "Start of construction" means the actual start which occurs when footings or structural support columns are installed or constructed. For a factory-built home, actual start will occur when it is placed on a site or foundation is constructed.

323. "State plane coordinates" - All runway edges and height limitation boundary surfaces are located within the airport's survey foot coordinate system which is closed to the calculated point in the National Geodetic Survey's State Plane Coordinate System of 1983 at the quarter section corner near Fleur Drive and Army Post Road. The calculated U.S. survey foot coordinates for this quarter section corner are:

Northing 556,209.5724

Easting 1,600,720.5140

Within the closed airport coordinate system the ultimate runway end coordinates for each of the runway ends are located as follows:

13L: Northing 563,308.61

Easting 1,592,510.75

Elevation 911.27

31R: Northing 556,960.54

Easting 1,599,451.27

Elevation 957.23

13R Northing 561,694.69

Easting 1,587,904.08

Elevation 899.0

31L: Northing 555,346.62

Easting 1,594,844.60

Elevation 938.1

5: Northing 554,950.26

Easting 1,591,755.30

Elevation 915.8

23: Northing 560,484.49

Easting 1,599,354.71

Elevation 934.5

(Those coordinates must be verified from the City of Des Moines Engineering Department and used when calculating the heights and distances around the airport. These coordinates are the official centers of each end of the runway surfaces, and must be used in all calculations, zoning requirements, and plans around the airport.)

324. "Story" means 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 top most 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 walkout basement is more than five (5) feet above grade such basement shall be considered a story.

325. "Street" means a public or private thoroughfare with a right-of-way not less than twenty (20) feet which is used, or intended to be used, for passage or travel by motor vehicles.
326. "Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street. (See "lot line, front.")
327. "Structural alterations" means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
328. "Structural trim" means the molding, battens, capping, nailing strips, latticing, and platforms, which are attached to the sign structure.
329. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, antenna, smoke stacks, mobile homes, billboards, signs, poster panels, factories, sheds, cabins, factory-built homes, overhead transmission lines, poles, satellite dish antenna, storage tanks, towers, and other similar uses.
330. "Subdivision" means a division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use, provided, however, this definition of a subdivision shall not include divisions of land into aliquot parts or more for agricultural purposes.
331. "Subdivision plat" means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county and city where the land is located.
332. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
333. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration will not preclude the structure's continued designation as a historic structure.
334. "Surveyor" means a registered land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
335. "Swimming pool" means all outdoor artificial or semi-artificial receptacles of either temporary or permanent construction, whether above or below ground, capable of containing water of a depth of eighteen (18) inches or more, whether used for swimming or aesthetic purposes, but shall exclude man-made lakes or ponds created through the collection of storm water or drainage runoff.
336. "Tattoo studio" means any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. (See "body piercing studio.")
337. "Tavern" (See "bar.")
338. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
339. "Temporary sale" (See "flea market.")
340. "Temporary use" means a use intended for a limited duration which may or may not be permitted in the zoning district in which it is proposed to be located, and which is permitted subject to the approval of a temporary use permit by the City Council.
341. "Tent" means any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, or any light material, either attached to a building or structure, or unattached.
342. "Tobacco store" means a retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products for off premises consumption only, and where 50% or more of total gross sales are derived from the sale of tobacco and alcohol.
343. "Tourist, cabin" means a small single family dwelling of simple construction used as one of the units of a tourist park.
344. "Tourist park" means any lot or plot of real property upon which two (2) or more tourist cabins or two (2) or more recreational vehicles, camp sites, travel trailers or any combination of tourist cabins, recreational vehicles, camp sites, are located and maintained for seasonal temporary occupancy.
345. "Tower" means a tall free-standing framework or structure, other than a building, used for television, radio, telephone, and personal communication transmitters or antennas, as well as observation, liquid storage, or wind generation, and not including utility wire poles.
346. "Townhouse" means a dwelling unit which is attached horizontally, and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.

347. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.
348. "Trail" means a pedestrian walk way or bikeway designated with a paved surfaced pathway for travel by means other than by motorized vehicles.
349. "Trailer park" (See "mobile home park.")
350. "Transfer of development rights" means the conveyance of development rights to another parcel of land by legal instrument authorized by local law.
351. "Transitional use" means a permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.
352. "Trash" means cuttings from vegetation, refuse, paper, bottles, rags. (Also see "junk.")
353. "Travel trailer" means a recreational vehicle, with or without motive power; designed as a temporary habitation, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are used for travel or recreational purposes and not used for permanent habitation.
354. "Travel trailer park" (See "tourist park.")
355. "Truck stop" means a service station which is designed principally for the servicing and temporary parking of trucks.
356. "Truck terminal" means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage. The terminal facility may include storage areas for trucks, and buildings or areas for the repair of trucks associated with the terminal.
357. "Unlawful lot, structure, or use" means a lot, structure, or use which does not comply with the zoning regulations within this ordinance or any other city, federal, or state law or regulation, is not grandfathered under the terms and conditions of this ordinance, and is not permitted to exist.
358. "VOR" means very high frequency omnidirectional range station. A ground based electronic navigation aid transmitting very high frequency navigation signals, 360 degrees in azimuth, oriented from magnetic north. Used as the basis for navigation in the National Airspace System.
359. "Variance" means a modification of the specific regulations of this ordinance granted by resolution of the Board of Adjustment in accordance with the terms of this ordinance for the purpose of assuring that no property, because of special circumstances and hardships applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
360. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.
361. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration (FAA) approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
362. "Warehouse" means a building used primarily for the storage of goods and materials.
363. "Waterfront" means any site shall be considered as waterfront premises providing any of its lot lines abut on or are contiguous to any body of water, including a creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear or side.
364. "Yard" means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however that fences, walls, signs, poles, post, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements limiting obstruction of visibility and other provisions of this ordinance. In measuring a yard for the purpose of determining the depth of a yard, the minimum setbacks shall be used.
365. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building line or any projection thereof, other than the projection of the usual uncovered steps, patios or decks.
366. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches.
367. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building line.
368. "Zero lot line" means the location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.
369. "Zone" means any one of the classes of districts established by this ordinance which is designated by area upon the Official Zoning Map of the City of Norwalk.
370. "Zoning Administrator" means the administrative officer designated or appointed by the City to administer and enforce the regulations contained in this ordinance.

371. "Zoning certificate" means written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this ordinance and for the purpose of carrying out and enforcing the provisions of this ordinance.

(Ord. 19-16 – Jan. 20 Supp.)

175A.06 ZONING DISTRICTS.

In order to classify, regulate, and restrict land use; regulate and restrict the location of trades and industries; regulate and restrict the location of buildings designed for specified uses; regulate and restrict the height, bulk, architecture and construction of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the City of Norwalk, Iowa, is hereby divided into the following zoning districts. The use, height, area, and construction regulations are uniform in each zoning district, and said districts shall be known as:

ZONING DISTRICTS:	
A-R	Agricultural Reserve District
RE-1	Single-Family Rural Estates District
R-1(60)	Single-Family Residential District
R-1(70)	Single-Family Residential District
R-1(80)	Single-Family Residential District
R-1(90)	Single-Family Residential District
R-1(100)	Single-Family Residential District
R-2	One and Two-Family Residential District
R-3	Medium Density Multiple-Family Residential District
R-4	High Density Multiple-Family Residential District
R-5	Mobile Home Park District
C-O	Commercial Office District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Highway Service Commercial District
C-4	Old Town Business District
TC	Town Center Commercial District
PC	Professional Commerce Park District
IC	Industrial Commerce Park District
M-1	General Industrial District
PUD	Planned Unit Development District
CD	Conservation District

OVERLAY ZONING DISTRICTS:	
FW	Floodway Overlay Zoning District
FF	Floodway Fringe Overlay Zoning District
FP	General Flood Plain Overlay Zoning District
AZ	Approach Zone Overlay Zoning District
CZ	Conical Zone Overlay Zoning District
HZ	Horizontal Zone Overlay Zoning District
TZ	Transitional Zone Overlay Zoning District

175A.07 ZONING DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP.

The boundaries of the Zoning Districts are indicated upon the Official Zoning Map of the City of Norwalk, Iowa, which is made a part of this ordinance by reference. The Official Zoning Map and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein; the original of which is properly attested to and is on file in the Office of the City Clerk, of the City of Norwalk, Iowa. The City Council may from time to time amend the Official Zoning Map or adopt a new Official Zoning Map, which shall supersede the prior Map, in the event the Official Zoning Map becomes damaged or destroyed, or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending this zoning ordinance or any subsequent amendment thereof. The district boundaries are either lot lines or the centerlines of streets and alleys, unless otherwise shown. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
5. Boundaries indicated, as following railroad lines shall be construed to be the centerline of the railroad right-of-way.
6. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such centerlines.
7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

175A.08 ZONING DISTRICT REGULATIONS COMPLIANCE REQUIRED.

Except as hereinafter specified within Sections 175A.13, 175A.14, 175A.15, 175A.16, 175A.17, and 175A.18, no building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used or site improved, or land subdivided, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

175A.09 ENFORCEMENT BY ZONING ADMINISTRATOR.

There is hereby created the position of Zoning Administrator who shall be appointed by the Mayor subject to confirmation by the City Council. The Zoning Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties, in connection therewith:

1. The Zoning Administrator shall issue all permits and certificates required and authorized by this ordinance.
2. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he or she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, or signs; or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of this ordinance.
3. The Council may, by resolution approved by a majority vote of the entire Council, delegate the powers and duties of the office of Zoning Administrator to any officer or employee of the City or may combine the powers and duties of the Zoning Administrator with any other office or position.

175A.10 CONFIRMATION OF ZONING COMPLIANCE.

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until there is a Confirmation of Compliance with Zoning Regulations issued by the Zoning Administrator, stating that the use of the building and the site improvements comply with the provisions of this ordinance. Any change of site improvements not conforming to the current and approved site plan for the property or change of use shall not be made on any land, in any building or part thereof, existing or hereafter erected or structurally altered, without a Zoning Certificate being issued by the Zoning Administrator. No Certificate of Occupancy shall be issued unless the uses, buildings and site improvements are in conformity with provisions of this ordinance. No building or premises shall be occupied until a Certificate of Occupancy has been issued. Application for building permits and Certificates of Occupancy shall be signed by the Zoning Administrator to confirm zoning compliance and conformity to the provisions of this ordinance. Nothing in this section shall prevent the continuance of a nonconforming use, building or site improvements as herein authorized, unless a discontinuance is necessary for the safety of life or property.

175A.11 ZONING DISTRICTS DIVIDING PROPERTY.

Where one (1) parcel of property has two (2) or more portions covered by different zoning districts, each of these portions shall comply with the regulations of its respective zoning district.

175A.12 ANNEXATION OF TERRITORY.

All property that may hereafter be annexed into the City shall be zoned A-R, Agricultural Reserve District unless otherwise designated by the City Council in accordance with the City of Norwalk Comprehensive Plan.

175A.13 CONTINUING AN EXISTING USE OR STRUCTURE.

The lawful use of land or structures existing on the beginning date of enforcement of this ordinance, January 1, 1998, or at the date of a subsequent amendment to this ordinance may be continued, even though such use or structure may not conform with the regulations of this ordinance, or amendment thereto, for the district in which it is located. Any use or structure in existence on January 1, 1998, which was not a lawful nonconforming use or structure under the previous Zoning Ordinance, shall not be authorized to continue as a nonconforming use or structure pursuant to this ordinance, or amendments thereto, and shall be considered an unlawful use or structure.

175A.14 NONCONFORMING USE OF LAND.

The lawful use of land upon which no structure is erected or located which becomes nonconforming under the terms of this ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on January 1, 1998, or at the time of an amendment of this ordinance which makes the use nonconforming.

2. No such nonconforming use of land shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use on January 1, 1998, or at the time of an amendment of this ordinance which makes the use nonconforming.

3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

175A.15 NONCONFORMING USE OF STRUCTURES.

The lawful use of a structure, and adjacent land which is part of the plot upon which the structure is located, which becomes nonconforming under the terms of this ordinance as adopted or amended, may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any existing structure in an R District devoted entirely, or in part, to a use not permitted by this ordinance, or any amendment thereto, in the district in which it is located, except when required by law, shall not be enlarged, extended, reconstructed, relocated on the site, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.

2. Any existing structure, in any district other than an R District, which is devoted to a use made nonconforming by this ordinance, or any amendment thereto, may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, width, yard, height, and parking requirements of the district in which it is located, provided such structural alteration or enlargement shall be limited to structures on land owned, of record, by the owner of the land devoted to the nonconforming use prior to January 1, 1998, or at the time of an amendment of this ordinance which makes the use or structure nonconforming. Such structural alteration or enlargement shall not authorize the substitution of a nonconforming use that is less restrictive than the one to which the structure was devoted on January 1, 1998, or at the time of an amendment of this ordinance which makes the use or the structure nonconforming.

3. Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use on January 1, 1998, or at the time of an amendment of this ordinance which makes the use nonconforming. No such use shall be extended to occupy any land outside such structure.

4. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature permitted within the same or a more restricted zoning district classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

5. In the event that a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. Any structure devoted to a use made non-conforming by this ordinance that is destroyed or has damage by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such event. If the structure is less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as prior to the event, provided a building permit is issued by the City within one (1) year of such event, and is built of like materials, or materials conforming to architectural standards for the zoning district in which the structure or building is located.

175A.16 NONCONFORMING STRUCTURES AND SITE IMPROVEMENTS.

If a structure exists on January 1, 1998, or at the time of an amendment of this ordinance which makes such structure nonconforming, and does not comply with the terms of this ordinance and any amendment thereto by reason of restrictions on area, lot coverage, height, setbacks, architecture, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

2. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. However, such structure may be rebuilt with the same building line as the original structure if all of the following apply:

A. The structure was a one or two-family residential structure.

B. The structure was located, at the time of destruction, in an R-1 or R-2 district.

3. If the site improvements on an existing building site do not conform to the requirements of this ordinance, the use of the site cannot be expanded or new structure constructed, unless the site improvements are brought into conformance with this ordinance.

4. A lawful nonconforming building which exists on or before January 1, 1998, may be altered or enlarged up to 100 percent of its existing size as of January 1, 1998, in accordance with the zoning regulations and standards which existed prior to January 1, 1998, provided such structural alteration or enlargement shall be limited to structures on land owned, of record, by the owner of the land devoted to the nonconforming structure prior to January 1, 1998. Any enlargement or alteration greater than 100 percent of the building size as of January 1, 1998, shall require compliance with this ordinance.

5. An accessory structure lawfully in existence prior to the adoption of this provision may be reconstructed, rebuilt, or replaced within the same building setback line as the original structure. However, any nonconformity of the structure cannot be increased. Any expansion from the footprint and/or overhang of the original structure must comply with the current building setback requirements.

175A.17 REQUIRED REPAIRS AND UNAUTHORIZED NONCONFORMITIES.

1. Nothing in this ordinance shall be deemed to prevent the restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official, provided such repair does not constitute a substantial improvement.

2. Any use of land, use of a structure, or structure, in existence on January 1, 1998, which was an unlawful nonconformity under any previous zoning ordinance or similar regulations shall not be considered “grandfathered,” and shall not be authorized to continue its nonconforming status pursuant to this ordinance or amendments thereto.

175A.18 PERMITS PREVIOUSLY ISSUED.

Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any structure or part thereof, for which approvals and required permits have been granted prior to January 1, 1998, or prior to an amendment to this ordinance which makes the structure nonconforming, the construction of which in conformance with such plans shall have been started prior to January 1, 1998, or prior to an amendment to this ordinance which makes the structure nonconforming, and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder’s control.

175A.19 AMENDMENTS.

The City Council may, from time to time, on its own action, upon request by the owner of a parcel of land, or on petition, initiate the process to change the zoning of the property and after public notice and hearings as provided by law, and after recommendation by the Planning and Zoning Commission, change the zoning boundaries and classifications shown on the Official Zoning Map, or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the City Council.

1. Procedures. Whenever any person, firm or corporation desires that any amendment, or change be made in the Official Zoning Map, as to any property covered by this ordinance, there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent or more of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent or more of the area of all real estate lying outside of said tract but within two hundred (200) feet of the boundaries thereof; intervening streets and alleys shall not be included in computing such two hundred (200) feet. It shall be the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the City Clerk. In lieu of a petition, a property owner may submit a written request to the City Council to initiate the rezoning of the owner’s property. The Council may initiate a rezoning, if it is determined the rezoning is compatible with the Comprehensive Plan, or for other reasonable cause. Prior to voting or holding a public hearing upon the petition or request for rezoning, the City Council shall refer the rezoning proposal to the Planning and Zoning Commission requesting its comments and recommendations. The Planning and Zoning Commission after public hearing, shall advise the City Council of its recommendations and the vote thereon. In case the proposed amendment, supplement, or change be disapproved by the Planning and Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereof, extending the depth of one (1) lot or not to exceed two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of all members of the Council. A protest, if filed, must be filed before or at the public hearing held by the City Council. Whenever any petition or request for amendment, or change of the zoning districts shall have been denied by the City Council, then no new petition or request for the same zoning change covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of filing of the first petition or request.

2. Notice Requirement. Whenever any amendment or change is petitioned to be made in the Official Zoning map, as to any property covered by this ordinance, the City shall publish notice as required by the State Code of Iowa, and notify all owners of property within the affected boundaries and all owners of property within two hundred (200) feet. The notice of time and place of the public hearing shall be published in accordance with state law and all property owners are to be sent notices in accordance with state law prior to any public hearing by the Planning and Zoning Commission and the City Council on the proposed zoning change. If the proposed amendment, change or alteration has a similar impact on all of the property within the district, setback regulations, square footage requirement, accessory uses, or other bulk regulations within a district; or adds, deletes, or changes an entire district, notice by publication, only shall be required. For all rezoning of property by petition or owners request, the owner of the property shall be required to post a sign which is 4 feet by 4 feet in size with letters of not less than four (4) inches in height stating notice of rezoning and zoning district designations proposed to be changed and telephone number and address of the City Zoning Administrator. A sign shall be placed on each public street right-of-way and shall not be greater than thirty (30) feet from the street right-of-way.

3. Filing Fees. Before any action shall be taken as provided in this section, the owners of the land for which a change in the zoning has been initiated by petition or Council action in response to a request by the owner of the land shall pay to the City a filing fee to cover the costs of the procedure. Under no conditions shall said fee or any part thereof be refunded for failure of said amendment to be enacted into law. The amount of the fee for all rezoning of land subject to a filing fee shall be in accordance with Chapter 177, Rates and Fees, of this Code of Ordinances. Cost of mailing public notices sent to property owners shall be paid by the petitioner.

(Ord. 19-03 – May 19 Supp.)

175A.20 BOARD OF ADJUSTMENT.

1. Board Created. The Board of Adjustment, hereafter called Board, previously created shall continue to consist of five (5) members. The terms of office of each member of the Board shall be staggered and for five (5) years. Each member shall be appointed by the Mayor subject to confirmation by the City Council.

2. Meetings. The meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in his/her 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 on each question, or if absent, and 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 City Clerk, and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

3. Appeals. Appeals to the Board may be made by any person aggrieved by any officer, department, board, or Commission of the

City of Norwalk pertaining to the enforcement of this zoning ordinance. Such appeal shall be made within ten (10) days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him or her, that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown. The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the petitioner and adjoining property owner, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee to be credited to the general fund of the City of Norwalk in accordance with Chapter 177, Rates and Fees, of this Code of Ordinances.

(Ord. 19-03 – May 19 Supp.)

4. Powers and Duties. The Board shall have the following powers and duties:

A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in enforcement of this ordinance.

B. To grant a variation from the terms of this ordinance when a property owner can show that their property by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional site conditions, the strict application of the terms of this ordinance actually prohibits the use of their property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this section shall be in harmony with the general purpose and intent of this ordinance. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

C. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas.

(1) To permit erection and use of a building or the use of the premises or vary the height, yard, or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

(2) To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

D. To issue permits and decide such matters as may be required by other chapters or sections of this ordinance.

5. Decisions of the Board of Adjustment. In exercising the powers and duties of the Board enumerated in this section, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as it believes proper. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this section; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and vote of each member participating therein, has been filed. Such resolution shall be filed in the office of the Board and City Clerk, recorded at the Office of the County Recorder, and shall be open to public inspection. Every variation and exception granted or denied by the Board shall be supported by written testimony and evidence submitted in connection therewith. The City Council may review appeals, variances, exceptions or other requests granted by the Board before their effective date and may remand a decision to grant an appeal, variance, exception or other request to the Board for further study. Upon Council action to remand a decision by the Board, the effective date of the decision shall be delayed for thirty (30) days from the date of the remand. Any taxpayer or any officer, department, board, or bureau of the City of Norwalk; or any person or persons jointly or severally aggrieved by any decision of the Board 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 (30) days after the filing of the decision in the office of the Board, in accordance with the Code of Iowa.

175A.21 EXCEPTIONS AND MODIFICATIONS.

The regulations specified in this ordinance shall be subject to the following exceptions, modifications, and interpretations:

1. Use of Existing Lots of Record.

A. In any zoning district where single-family detached dwellings are permitted, a single family detached dwelling may be located on any lot or plot of official record as of January 1, 1998, or at the time of an amendment of this ordinance which makes a lot or plot non-conforming irrespective of the lot's area or width, provided however:

(1) The side yard setbacks shall comply with the bulk regulations of the R-1 zoning district classification with the largest permitted minimum lot width less than the width of the lot of record, provided no side yard shall be less than five (5) feet.

(2) The depth of the rear yard of any such lot shall not be required to exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet at a minimum buildable depth of forty (40) feet.

B. In any zoning district, a building other than a single-family detached dwelling may be located on a lot of record as of January 1, 1998, or at the time of an amendment to this ordinance which makes a lot or plot non-conforming, irrespective of the lot's area or width, provided however:

(1) The depth of the rear yard of any such lot may be reduced to no less than twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet, and

(2) The side yard setbacks may be reduced, provided the side yard setback as a ratio of the lot of record width is not less than the ratio of the minimum side yard setback as a ratio of the minimum lot width permitted for the zoning district, and no side yard shall be reduced to less than five (5) feet.

2. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows: chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height greater than that permitted for the zoning district in which the structure is proposed, provided the structure is permitted in accordance with all other conditions or regulations as set forth in this ordinance.

3. Area Requirements. In any residential district, where neither public or a private multiple-user off-site water supply system, or waste water disposal facility is accessible, the lot area and width requirements shall be as follows, or the minimum required for the particular district, whichever is the greater: lot area shall be ten (10) acres; provided, however, that where a public or private multiple-user off-site water supply system is available these requirements shall be forty thousand (40,000) square feet.

4. Double Frontage Lots. Buildings on double frontage lots extending from street to street shall provide the required minimum front yard setback on the street side where the city may determine access is permitted, and shall provide the required minimum rear yard setback on the street frontage where the City may determine that no vehicle access shall be permitted. The City may also require an additional landscape buffer area within the rear yard adjacent to the adjoining thoroughfare, in lieu of a buffer wall.

5. Exceptions to Yard Requirements. Every part of a required yard setback area shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in the designated rear yard, and except for the ordinary projections of sills, belt courses, cornices, chimneys, fireplace projections, bay windows, ornamental features, roof overhangs, and gutters that do not extend or encroach more than twenty-four (24) inches into any required yard setback. Ground-mounted external air-conditioning or HVAC units for residential dwellings may encroach within a side or rear yard setback area. Uncovered steps, patios and decks may extend up to 15 feet into any front yard setback area and up to 25 feet into any rear yard setback area, provided a minimum fifteen (15) foot setback is maintained. No steps, patios or decks, covered or uncovered, may extend or encroach into a required side yard setback area. Detached canopies placed over fuel pumping facilities which are accessory to gas stations or convenience stores may be located in the front yard, provided a minimum fifteen (15) foot setback is maintained.

6. Mixed-Use Yard Requirements. In instances where buildings are erected containing two (2) or more uses housed vertically, the required side yards for the first floor use shall control.

175A.22 STREET FRONTAGE REQUIRED.

Except as herein provided, no lot shall contain any building used for residential purposes unless such lot abuts for at least forty (40) feet on a public street. In situations of hardship, the Board of Adjustment may grant a variance from the minimum forty (40) feet street frontage requirement, if an exclusive unobstructed private easement of access or private right-of-way of at least forty (40) feet wide to a street is provided for no more than one (1) single family detached dwelling, and if a common easement of access or right-of-way of at least sixty (60) feet wide is provided for two (2) single family dwellings. The lot across which an easement of access is located, shall have adequate dimensions and area, exclusive of the easement area, to meet minimum bulk regulations for the Zoning District in which the lot is located. The subdivision of land into flag lots shall not be permitted, except by variance, if it is determined the property being subdivided can not be included as part of adjoining vacant land to create a subdivision in compliance with the minimum standards of this ordinance and the City's subdivision ordinance. Where more than two (2) single family or two (2) two-family dwellings could be served now or in the future from a private easement of access or right-of-way, there shall be a public street including public utility extensions provided in accordance with the Norwalk Subdivision Ordinance prior to development.

175A.23 CORNER LOTS.

For corner lots, platted after the effective date of this ordinance, each street frontage shall meet the minimum required front yard setback for the Zoning District in which it is located, and the minimum required lot width shall be increased by an amount not less than twenty (20) feet so as to allow for the additional required front yard setback, i.e. for a minimum required lot width of sixty (60) feet, the minimum width of a corner lot shall be not less than eighty (80) feet. On corner lots platted and of record at the time of the effective date of this ordinance, the same regulations shall apply except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot to less than twenty (20) feet nor to prohibit the erection of an accessory building.

175A.24 FRONT YARD.

In any R District, there shall be a minimum front yard setback required as stated in the yard requirements in the bulk regulations for that particular zoning district; provided, however, that in no case shall the front yard setback be less than the smallest front yard setback as platted or of an existing dwelling in the same block; whichever is lesser, located within two hundred (200) feet of either side lot line; provided, however, this regulation shall not be interpreted as to require a greater setback than double the minimum required front yard setback for the zoning district in which it is located. This regulation shall not be interpreted as to permit a setback which is less than the minimum required front yard for the zoning district in which it is located. On any lot in any district, the depth of a front yard abutting a major collector or arterial street shall be measured from the planned right-of-way line based on the City's Comprehensive Plan and

subdivision ordinance to accommodate future street widening.

175A.25 BUILDING LINES ON APPROVED PLATS.

Whenever the plat of a land subdivision approved by the City Council and on record in the Offices of the County Recorder and County Auditor shows a minimum setback line along any frontage for the purpose of creating a front yard, or other building setback line, the building line thus shown shall apply along such frontage in place of any other yard line required in this ordinance unless specific yard requirements in this ordinance require a greater setback.

175A.26 REQUIRED YARD, OPEN SPACE, PARKING, OR LOADING SPACE CANNOT BE REDUCED.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No part of a yard or other open space, or off-street parking or loading space provided for any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use. The right to use any property by way of easement (expressed, implied, or by prescription), permit or other similar type of conveyance or permission that will not ultimately vest title in fee simple, except those for public utility purposes, shall not be included as part of any yard or lot for the purpose of complying with yard setback provisions of this ordinance.

175A.27 EXISTING TWO-FAMILY DWELLINGS RECLASSIFIED DISTRICT R-1.

Existing two-family dwellings which lawfully existed in District R-2 and were amended to District R-1 with the amendment to this ordinance on September 4, 1997, shall be considered a lawful conforming use. Any expansion or alteration of the two-family structures shall adhere to the bulk regulations for District R-1.

175A.28 NUMBER OF PRINCIPAL STRUCTURES ALLOWED PER LOT.

Not more than one (1) principal structure on any lot of record or legally described tract of land shall be allowed as of January 1, 1998, or for any lot which has been created by platting or replatting since such date in any district zoned RE-1, R-1, and R-2. Multiple occupancy of a lot by more than one (1) principal building in all other districts shall be permitted, only if approved as a complex, or as part of an approved site plan or planned unit development.

175A.29 ACCESSORY BUILDINGS AND GARAGES.

No accessory building or structure and no fence or wall which exceeds six (6) feet in height shall be erected in a required yard or court, except as provided hereinafter.

1. No accessory building or structure shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used if the main building has been unused for a period of six (6) months or longer. In any non-single or two family residential zoning district, all accessory buildings and structures shall meet the setback requirements of the principal building or structure and shall have similar architectural features and level of finish as the principal building or structure and comply with the provisions of City Code Section 175G, Architectural Standards.

2. Accessory Buildings in Residential Zoning Districts. In any single family residential zoning district (RE-1, R-1, R-2, R-TC) no accessory building shall be erected in any required yard other than a rear and side yard, except as provided hereinafter, and shall not extend past the front face of the principal building or otherwise be located between the front yard and the front of the principal building. Accessory buildings shall be at least five (5) feet from the rear yard lot line and five (5) feet from the side yard lot lines including any horizontal projections such as roof overhangs. Within the R-TC Zoning District, the side yard setback is reduced to no less than three (3) feet. On a corner lot or double frontage lot, the setback regulations for each street frontage shall apply. There shall be at least ten (10) feet of separation from a principal building and any other separate building or structure on the same lot, and at least five (5) feet from any alley line, except that, when any vehicle entrance to an accessory building faces the alley, said accessory building shall be at least twenty (20) feet from the alley line. Any accessory building with less than ten (10) feet of separation from a principal building may be permitted provided it shall meet all setback requirements of the principal building as if it were attached to and a part of the principal building. No portion or part of an accessory building may be located within the required setback. All setbacks and building separations shall be measured from the closest point of any horizontal projection including roof-overhangs. Detached garages and accessory buildings, greater than 120 square feet in size, shall be residential in character, with similar architectural features as the principal building, including roof slope, overhangs, siding and roofing material, trim detail, etc. Galvanized metal, corrugated metal, and metal panel type roofing and siding is prohibited as the exterior finish material in residential zoning districts. Metal horizontal (lap style) siding and standing seam metal roofing may be allowed if it matches that used on the principal building.

3. Accessory buildings, except buildings housing animals or fowl, may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, provided, an accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed fifteen (15) feet in height.

4. No satellite dish antenna, antenna, or tower shall be permitted within the front or side yards or attached to the front wall or face of any building or structure, unless the property owner can adequately demonstrate to the satisfaction of the Zoning Administrator that it is not physically possible to locate the satellite dish antenna within the confines of the rear yard and obtain a satellite signal. No satellite dish antenna with a dish diameter greater than three (3) feet, or height greater than fifteen (15) feet shall be permitted in RE-1, R-1, or R-2 Districts, except by special use permit. Satellite dish antennas shall be located and screened as practical from view of all adjoining residential uses and public streets.

5. An accessory structure which is constructed underground (such as an emergency shelter, garage, wine cellar, etc.) may be beneath the ground surface of any yard area; providing said structure shall comply with the following requirements:

A. No portion of the accessory structure shall be located less than five (5) feet, measured horizontally, from any lot line from which a minimum surface yard area is required. However, in the R-TC zoning district, the accessory structure side yard setback is reduced to no less than three (3) feet.

B. The surface area covering the structure shall be finished in a manner natural to the landscape so as to entirely conceal the underground structure.

C. No portion of the finished surface area above the surrounding ground elevation may exceed a two (2) foot height increase above the normal finished elevation of any required yard area.

D. Ingress-egress to the underground structure shall be located within the allowable surface buildable area of the lot and shall not be located in any required yard area.

175A.30 FENCES, WALLS AND VISION CLEARANCE.

1. General Regulations:

A. Industrial Districts. Within the M-1 zoning district, unless otherwise specified herein, fences and walls not exceeding eight feet (8') in height are allowed within the limits of side and rear yards. Fences and walls may be allowed within the limits of the front yard if approved by the City Council either through the site plan process, or through a fence permit application submitted to the City Council for review and consideration.

B. All Other Districts. Within all zoning districts, unless otherwise specified herein, fences and walls not exceeding six feet (6') in height are allowed within the limits of side and rear yards. A fence or wall, not exceeding four feet (4') in height is allowed up to the property line within the front yard setback provided the visual clearance is maintained. In no case shall a fence taller than four feet (4') be located beyond the front building line of the principal building or structure except as noted in Paragraph E of this subsection.

C. Decorative Features. In all zoning districts, decorative features such as individual posts, trellises, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence and wall height by no more than twelve inches (12"). Pedestrian entry features which only include arbors, arched entries, arcades or finials may exceed the maximum allowable fence height in any yard subject to design review and approval of the Zoning Administrator.

D. Single Faced Fences. Single faced fences shall have their unfinished side (side with exposed posts) facing towards the property on which the fence is erected.

E. Corner Lots and Double Frontage Lots. On corner lots and double frontage lots, fences and walls not more than six feet (6') in height may be placed in a required front yard abutting a street where all the following are met:

- (1) The required front yard abutting the street is used as a side yard and not as a front yard.
- (2) The fence or wall maintains a minimum setback from the ultimate right-of-way of fifteen feet (15').
- (3) The vision clearance area is maintained.
- (4) All other requirements of this ordinance are met.

(5) No fence or wall is permitted within a required buffer unless specifically approved by the City Council through the site plan or subdivision plat process.

2. Materials and Maintenance:

A. Allowed Materials:

(1) Fences are to be constructed of customarily used materials such as chain-link, welded wire mesh, wrought iron, aluminum, wood, polyvinyl chloride (PVC), ornamental woven wire and other similar materials, unless specified otherwise herein. Any fence considered by the Zoning Administrator to not be a standard or customarily styled or constructed fence is prohibited.

(2) The use of materials such as sheet metal, chicken wire, temporary construction fencing, snow fencing, woven wire commonly used for the penning of livestock or other animals or similar materials shall not be permitted for permanent fencing. A fence shall not be constructed or covered with: paper sheets or strips; cloth or fabric tarps, sheets, or strips; plastic or vinyl tarps, sheets, mesh, or strips; bamboo; reed; or plywood sheathing. Chain-link or woven wire type fences shall not include plastic or wood slats or strips, bamboo, or reed. Wood fences shall be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. All fences must be of an earth tone, neutral, or natural color such as white, black, gray (silver), tan, brown, green. Bright or fluorescent colors are not permitted. Pictures, images, lettering, logos, graphics, or artwork are not permitted on fences.

(3) An exception may be approved by the Zoning Administrator for sun and/or wind screen material applied to fences directly associated with a sports or recreation facility such as tennis court fences, baseball field fences, or basketball courts, subject to the provisions of Paragraph 5C of this section. An exception also may be approved by the Zoning Administrator for mesh screen material associated with a commercial or industrial site.

(4) Walls are to be constructed of brick, stone, textured concrete, precast concrete, tile block, etc. Walls constructed of weather resistant wood or manufactured substitutes may be used if brick or stone columns are incorporated and spaced no more than twenty feet (20') on center. Pictures, images, lettering, logos, graphics, or artwork are not permitted on walls unless part of an approved and permitted sign in accordance with the City's Sign Regulations.

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

C. Construction and Maintenance: All fences and walls shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Zoning

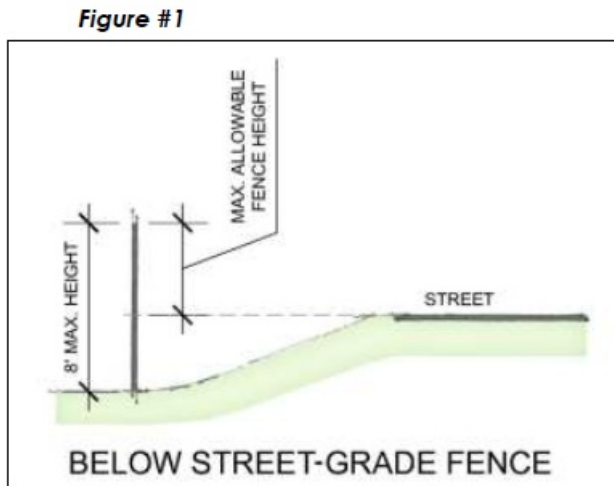
Administrator, after 30 days of notice to the owner of the fence or wall, may order the removal of any fence or wall that is not maintained in accordance with the provisions of this code and the cost assessed against the property where said fence or wall is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

3. Measuring Fence or Wall Height:

A. The height of a fence or wall shall be determined by a measurement from the ground beneath the fence or wall as follows:

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

Figure #1



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

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

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

C. Manmade earth berms, terraces, and retaining walls that elevate the fence or wall shall be considered a part of the fence or wall.

D. For purposes of calculating the total property or lot area occupied by accessory structures, the total area occupied by a fence or wall shall not be included in the calculation.

4. Overland Flowage Easements:

A. Fences may encroach into an overland flowage easement providing measures are taken to make certain that the fence does not restrict the water flow, cause siltation buildup, etc.

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

C. Solid fencing shall be elevated a minimum of six inches (6") through the swale part of the easement to allow water flowage.

D. In no case shall a fence or wall be permitted to obstruct the natural flow and/or drainage of water.

5. Exceptions To Fence Requirements:

A. Agricultural Purposes. In the A-R zoning district, barbed wire and woven wire fencing may be allowed provided it is used to contain livestock or to protect crops and plantings. An electrified fence to contain livestock may be allowed, subject to a minimum setback of ten feet (10') from all property lines.

B. Industrial Districts. Within the M-1 zoning district, fences or walls topped with barbed wire that is not less than six (6) feet above the ground may be allowed, subject to review and approval by the City Council either through the site plan process or through a fence permit application submitted to the City Council for review and consideration.

C. Recreational Purposes. Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy-five percent (75%) open area, allowing an unobstructed view through the fence, for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Zoning Administrator. Fences associated with an accessory tennis, basketball, or similar ball courts located on a single family residential lot (R-1 or R-2 zoning district) may be over six feet (6') but not more than 12 feet in height provided the fence is located in the rear yard and meets the setback requirements of the principal structure. Any such fence is subject to design review and approval of the Zoning Administrator.

D. Swimming Pool Enclosures. Barriers constructed for the purpose of enclosing swimming pools are subject to the requirements of the municipal building code. Fences enclosing a swimming pool may be up to eight (8) feet in height.

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

6. Retaining Walls:

A. Retaining walls shall be set back from the property line one foot (1') for every one foot (1') of height, unless a mutual written agreement on the height and location of the retaining wall has been made with the adjoining property owner.

B. Retaining walls which are more than four feet (4') in height shall be structurally engineered. No single wall face shall be greater than six feet (6') in height without terraces to break up the wall expanse. A minimum one foot (1') of terrace shall be used for each two feet (2') of wall height. Each terrace shall contain vegetation. The design specifications, elevations and site plan showing the exact location of the wall shall be provided along with the required building permit application to the City Building Department.

7. Vision Clearance:

A. Intersections. On a corner lot or at the intersection of two (2) streets, public and/or private, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines (see Figure #2).

Figure #2

Figure #2

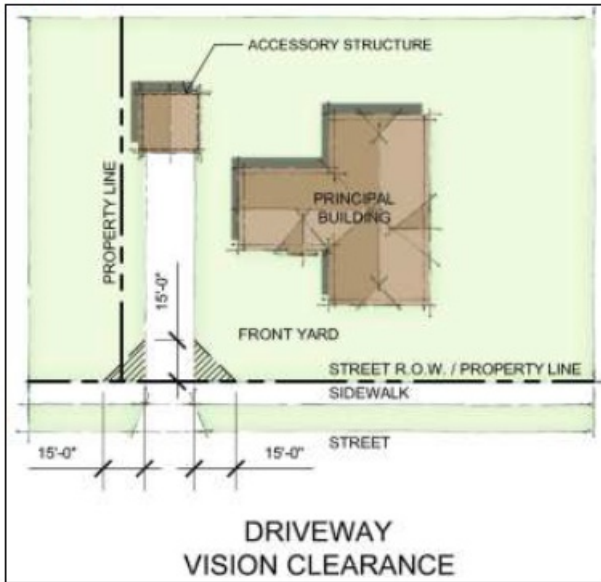


B. Driveways. At the intersection of a driveway and a public or private street, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way line and the intersecting driveway line and a straight line joining points on said right-of-way line and driveway line fifteen (15) feet from the point of intersection of said right-of-way line and driveway line (see Figure #3).

Figure #3

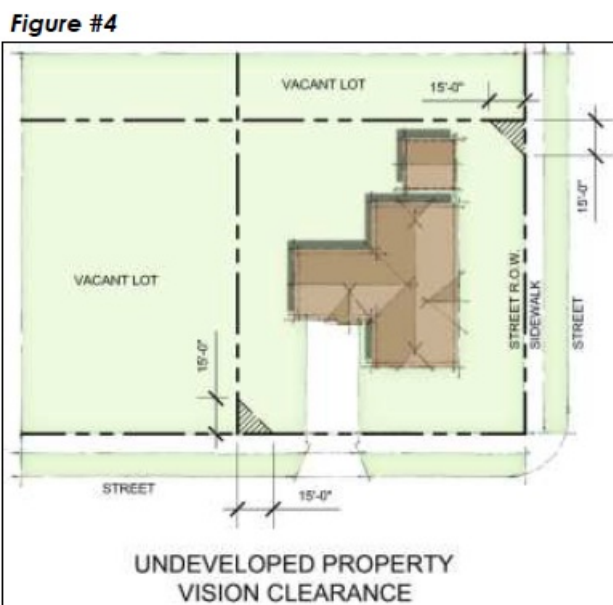
Figure #3



C. Undeveloped Property. At the intersection of an undeveloped adjoining property line and the right-of-way line of a public or private street, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way line and the intersecting adjoining undeveloped property line and a straight line joining points on said right-of-way line and property line fifteen (15) feet from the point of intersection of said right-of-way line and property line (see Figure #4).

Figure #4



175A.31 SWIMMING POOLS.

1. Swimming pools shall be allowed as an accessory use in all zoning districts unless otherwise specifically prohibited in this ordinance.
2. All swimming pools located in R districts shall be located in the side or rear yard and shall observe a ten (10) foot setback from any principal structure, accessory structure and property lines.
3. All swimming pools shall meet the structural enclosure and security requirements of the City's building code.

175A.32 HOME OCCUPATIONS.

1. Permitted Uses. This section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations without eliminating certain businesses and occupations that may be compatible with residential areas. These regulations establish criteria to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementation of personal/family income. Home occupations apply only to the residents that are living in the home where the occupation is taking place. The following operations and/or uses are considered permitted in any district that allows household living:

- A. Home sewing or tailoring.
- B. Studios for painting, sculpting, ceramics or other similar arts.

- C. Writing or editing.
- D. Office activities (scheduling, telephone answering, etc.) requiring a limited number of trips to the home.
- E. Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for the purpose of selling a product off-premises.
- F. Tutoring to no more than four (4) students at any one time.
- G. Home-cooking, preserving and baking for the purpose of selling a product off-premises.
- H. Computer programming, repair, internet services and similar occupations.
- I. Mail order business where products are shipped directly from an off-site supplier to the customer.
- J. Office for architects, engineers, realtors, accountants, or similar occupations.
- K. In-home child care home or child development home, provided the following requirements are met:

(1) All child care homes and child development homes shall be registered, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.

(2) Child development homes registered as either a Category A, Category B, or Category C with one provider (C-1) or two providers (C-2), as defined by DHS on July 1, 2015, shall be permitted. In no case shall an in-home child care service exceed sixteen (16) children.

(3) All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall and hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.

(4) All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.

(5) All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

(6) No in-home child care service shall be allowed that does not meet items 1 through 5 above.

- L. Barber shops and beauty parlors.
- M. Small repair shops, including engines, small appliances, mower repair, blade sharpening and similar uses.
- N. Catering businesses.
- O. Private construction contractors provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
- P. Bed and breakfast establishments.
- Q. State licensed massage therapists having no age requirement for admittance.
- R. Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Community Development Department.

2. Restrictions for All Home Occupations.

In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- A. Not more than one (1) person who is not a resident on the premises shall be employed.
- B. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- C. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
- D. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.
- E. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- F. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

3. Guidelines for Determining the Appropriateness of All Home Occupations.

The following shall be used by the Zoning Administrator to determine if a home occupation is appropriate and/or having an adverse impact on the neighborhood:

- A. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home

occupation.

B. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.

C. The home occupation shall be conducted entirely within the principal dwelling unit or an average of six hundred (600) square feet of floor area in a permitted building accessory.

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

E. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.

F. No home occupation shall be noxious, offensive, or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

G. Employment for home occupations shall be limited to family members residing in the principal structure and one additional employee that is not a family member residing in the principal structure.

H. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.

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

J. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

4. Violations. Any violation of this section shall be grounds for a cease and desist order and punishable as a municipal infraction.

175A.33 PROHIBITED LIGHTS.

Flashing or pulsing lights, moving lights, strobe lights or rotating beacons, spotlights, and floodlights shall be prohibited out-of-doors or visible from the out-of-doors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights or authorized by the City Council for a temporary period for a special occasion. Any lighting used for illumination out-of-doors shall be arranged as to divert the light away from adjoining residences in any residential district and away from public streets. Tilting of fixtures upward (such as shoebox fixtures that are designed to illuminate 90 degrees downward) is hereby prohibited.

175A.34 ADULT ENTERTAINMENT FACILITIES.

1. Purpose. It is recognized that adult entertainment facilities have certain objectionable side effects which render these adult facilities incompatible with residential and family-oriented uses when the adult facilities are located directly adjacent to or near such uses. This section seeks to ensure that residential and family-oriented uses and adult entertainment facilities will be located in separate and compatible locations. It is a subject of legitimate concern for the City to preserve the quality of life, preserve the City's neighborhoods, and to meet effectively the increasing encroachments of urbanization upon the quality of life within the City.

2. Location of Adult Entertainment Facilities. No person, whether as principal or agent, clerk, or employee, either for himself, herself, or any other person, or as an officer of any corporation or otherwise shall place, maintain, own, or operate any adult entertainment facility in the City of Norwalk which is prohibited by any city, state, or federal law. Adult entertainment facilities which are not prohibited by any City, state, or federal law shall be permitted only in accordance with the following restrictions:

A. Prohibited Locations:

(1) In any zoning district, except the M-1 District, subject to approval of a special use permit.

(2) In any residential area in the City, including upon any sidewalk abutting upon such residential area.

(3) Within one thousand (1,000) feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan for residential use.

(4) Within one thousand (1,000) feet of any parcel of real property upon which is located any of the following facilities:

a. An elementary school, junior high school, or senior high school.

b. A church which conducts religious programs.

c. A part or recreational facilities operated, maintained, or improved by the City, Warren County, Warren County Conservation Board, any private residential association, benefited recreation district, or the State of Iowa.

d. Federal, state, county, City, or any other governmental offices.

e. A supermarket or convenience market primarily engaged in the sale of food.

f. A restaurant, fast food, or food establishment catering to family trade.

g. Any other retail or rental establishment catering to family trade.

(5) Within two thousand (2,000) feet of any other adult entertainment facility. "Adult newsrack," for the purpose of this section, means a single coin-operated device, and not a machine with double or triple dispensing capacity.

B. Measurement of Distance. The distance between an adult entertainment facility and any other use of land described herein shall

be measured in a straight line, without regard to intervening structures, from the closest property line of each business or use.

C. Viewing Area.

(1) It is unlawful to maintain, operate, or manage or permit to be maintained, operated, or managed, any adult theater or arcade in which the viewing areas are not visible from a continuous main aisle, or are obscured by a curtain, door, wall, or other enclosure. For purposes of this section, "viewing area" means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show, or film.

(2) It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

(3) It is unlawful to create, maintain, or permit to be maintained, any holes or other openings between any two (2) booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

(4) The opening to the viewing area shall be from the main aisle.

D. Adult Newsracks. Adult newsracks shall not be located in an area which is accessible to the general public. Any newsrack shall also be continually monitored to ensure inaccessibility by minors.

3. Identification of Newsracks. The owners of adult newsracks shall have their name, address, and telephone number clearly visible on each newsrack located within the City. If the identification is not clearly visible, that shall be grounds for immediate impounding of the newsrack by the City.

4. Impounding of Adult Newsracks.

A. An adult newsrack found in violation of this chapter may be impounded by the Zoning Administrator, any police officer or any other code enforcement officer of the City immediately, if deemed necessary by the officer, or after the following actions have occurred:

(1) A notice of violation has been affixed to the adult newsrack stating the section of this chapter which has been violated, and stating that the adult newsrack will be impounded if the violation is not abated within seven (7) days.

(2) A notice of violation has been sent by certified mail, return receipt requested, to the owner of the adult newsrack as identified on the newsrack, if readable, stating the part of this ordinance which has been violated, and stating that the adult newsrack will be impounded if the violation is not abated within seven (7) days.

(3) The violation has not been abated within seven (7) days of the posting of the notice of violation or the mailing of the certified letter, whichever occurs later.

B. Whenever an adult newsrack is impounded, notice of the impoundment will be provided to the owner by certified mail if proper identification is provided on the newsrack as required. That notice will provide fourteen (14) days for the owner to claim the newsrack and all of its contents. If the owner does not claim the newsrack within fourteen (14) days of delivery of the notice or thirty (30) days of impoundment, the City shall dispose of the newsrack and its contents.

175A.35 TEMPORARY USES.

1. Notwithstanding other provisions of this ordinance, the City Council may without notice, or public hearing authorize the operation of charitable or other non-profit sponsored carnival for the period not to exceed (7) days.

2. No person, firm or corporation shall place or erect any trailer, mobile home, building, shed or office on any lot for use in connection with the construction of any commercial, industrial or residential building or buildings, or for conducting retail or concession activity for part-time or seasonal use, or while the permanent building is constructed on site without first obtaining a permit from the Zoning Administrator and payment of a permit fee of in accordance with Chapter 177 Rates and Fees of the Code of Ordinances of the City of Norwalk, Iowa. Any person, firm or corporation requesting such permit must state the type of trailer, mobile home, building, shed or office to be placed or erected upon the lot. A temporary permit granted by the Zoning Administrator shall not exceed one (1) year from the date of issuance thereof except with the express consent of the City Council. If an extension is granted, the City Council may require that the property owner and the city enter into an agreement that would cover the details and timeframe of the use and removal of the temporary structure. Any temporary trailer, mobile home, building, shed or office herein permitted shall conform to the zoning setback requirements.

3. A Certificate of Occupancy for a principal building or structure shall be withheld from issuance, if the temporary trailer, mobile home, building, shed or office used in connection with the construction of any commercial, industrial or residential building or buildings is not removed from construction site or lot.

4. Upon issuance of a Certificate of Occupancy for a permanent structure, no temporary facilities shall be used for sales, leasing, storage or promotion.

(Ord. 19-03 – May 19 Supp.)

175A.36 PRIVATELY OWNED IMPROVEMENTS SERVING MORE THAN ONE PROPERTY OWNER.

The development of a complex of buildings for any permitted use which proposes the common use of private streets, water facilities, sanitary sewer facilities, and storm water management facilities by more than two buildings and two property owners, and eventual maintenance of common facilities by a homeowners or property owners association, shall require the design and construction of such common facilities in accordance with City standards required for the construction of like public improvements, and the provision of associated City construction observation to verify that construction is acceptable and in accordance with City standards.

The developer of all such common use facilities shall submit to the City for review and approval detailed construction plans of the facilities. Said plans shall be prepared and signed by a licensed engineer. All common use facilities shall be inspected by the City as if

said facilities were public improvements and the appropriate inspection fees shall be charged to the developer. Upon completion of the common use facilities, final “as-built” plans shall be submitted to the City, signed and sealed by a licensed engineer. Nothing in this section shall be construed to imply or otherwise require the City to own and/or maintain said common use facilities.

1. Private Utilities. All private utilities shall be placed within a common outlot or private easement of sufficient width to allow for their maintenance, service, and replacement.

All One and Two-Family Dwellings Rowhouse/Townhouse units and Multiple-Family Dwellings Rowhouse/Townhome units shall have individual and separate service line connections to a public sanitary sewer main and a public water main. Sanitary sewer, water service, and sump pump drain lines shall be contained within the lot on which the dwelling unit is located, within a common association owned lot, and/or within a public street right-of-way. Said service lines shall not cross through a separately owned private individual lot without a private easement.

2. Private Streets and Roadways. Except as provided herein this section, all private streets and roadways shall be constructed with a paving design standard and street width consistent with the City standards as if said street were a public street. All typical street appurtenances, including sidewalks, street lights, traffic control and street name signage shall be provided in accordance with City standards for a public street. Private streets shall only be allowed in developments that have been master planned for private streets and where the private streets will be owned and maintained by a common association. A private street in a development shall not provide a through connection between two separate public streets. A private street in a development shall not connect to an existing private street, if that connection would encourage the use of the private streets as an alternate route to an existing public street. A private street for an RE-1, R-1, R-F and R-2 development shall not connect to any private street serving higher intensity zoning districts of R-3, R-4, R-5, C-O, C-1, C-2, C-3, C-4, TC, PC, IC and M-1.

Private streets and roadways serving One and Two-Family Dwellings - Rowhouse/Townhouse units and Multiple-Family Dwellings - Rowhouse/Townhome developments may be 24 feet wide, measured back-of-curb to back-of-curb, with no on-street parking permitted, or 28 feet wide, measured back-of-curb to back-of-curb, with parking permitted on one side of the street or roadway. At the discretion of the City Council, sidewalks may be required along at least one side of the street or roadway and may be permitted to be constructed back-of-curb of the roadway.

A private street easement or outlot shall be established for all private streets and roadways. The width of the private street easement or outlot shall be no less than the width of the private street or roadway plus any adjoining sidewalks. For Single-Family and Two-Family dwelling developments, the minimum private street easement or outlot width shall be no less than 50 feet wide.

Private Street and Roadway Signage options. Any private street shall be signed with an entry sign which identifies the street as private. Text on the sign shall read “PRIVATE STREETS ARE MAINTAINED BY ASSOCIATION.” The lettering on the sign shall be designed to meet MUTCD standards. The sign shall be erected at all entrances to the street prior to final plat approval by the City.

Public street sign example (white on green):



Private street sign example (white on blue):



If the developer chooses to do decorative street signs the white on blue requirement may be waived by the City Council, the sign shall still have the words PRIVATE STREET under the street name with letters at least 50% the size of the private street’s name.

Private decorative street sign example:



Private street and roadway signs shall be installed by the developer. The standard City signage of white on green is reserved for use on any public street. Signage for private streets and roadways shall be white on blue. In addition to the street name, the private street shall have the words PRIVATE STREET under the street name with letters at least 50% the size of the private street’s name.

Private Street Maintenance Sign example:

PRIVATE STREET
MAINTAINED BY
ASSOCIATION

(Ord. 18-08 – May 19 Supp.)

175A.37 SIDEWALKS.

The installation of sidewalks shall be required as part of the development of any land within the City to permit pedestrian movement through the City and to connect residential areas to schools, places of work, shopping, recreation, parks, trails, and other activities. Notwithstanding other provisions of this ordinance and the City of Norwalk's subdivision regulations, public sidewalks shall be required on both sides of all public streets and within private property as determined necessary by the Commission and the Council as part of a site plan review to permit pedestrian movement from within the development to the public sidewalk system. For subdivisions proposed within the RE-1 Single-Family Rural Estate District, the City Council, upon receipt of a recommendation from the Planning and Zoning Commission, may waive the requirement for sidewalks along local streets and cul-de-sacs, and along streets with rural cross-section design which do not permit the installation of public sidewalks, provided, however, alternative locations for sidewalks or trails are planned which provide pedestrian movement through the development and surrounding area.

175A.38 MAILBOXES AND STRUCTURES IN PUBLIC STREET RIGHTS-OF-WAY.

The construction or installation of any structure, except mailboxes, public sidewalks and driveway approaches by any person, other than an employee or agent of the City, county, or state government having jurisdiction shall not be permitted within the public street right-of-way, unless authorized by the City Council. Mailboxes located within the right-of-way of higher-permitted-speed arterial or major collector streets, as designated by the City's Comprehensive Plan, shall have support structures which are constructed to readily break or bend without creating significant damage to a vehicle or a danger to its passengers upon impact with the mailbox. Mailboxes with a single 4-inch x 4-inch or 4 1/2-inch diameter wooden post or a metal post with a size no greater than a 2-inch diameter standard-strength steel pipe and buried no more than 24 inches into the ground will be acceptable as a mailbox support within the right-of-way of an arterial or major collector streets. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than 10 inches below the ground surface. The post-to-box attachment details should be of sufficient strength to prevent the box from separating from the post top if the installation is struck by a vehicle. Mailbox supports shall not be set in concrete, and shall not be constructed of brick, concrete, stone, or masonry of any type in the public right-of-way of arterial or major collector streets. Mailboxes within the right-of-way of any public street shall be located on the non-parking side of the roadway. The bottom of the box shall be set at an elevation established by the U.S. Postal Service, usually 4.0 feet above the roadway surface. On curbed streets, the roadside face of the mailbox shall be set back from the face of curb a distance of 6 to 8 inches, and support structure 12 inches or more. On residential streets without curbs or all-weather shoulders, the roadside face of the mailbox shall be set back 6 to 8 inches and support structure 12 inches or more behind the edge of pavement or graveled surface. On paved roads with driveable all-weather shoulders, the mailboxes shall be set back 6 to 8 inches and support structure 12 inches or more from the edge of the shoulder. Where a mailbox is located at a driveway entrance, it shall be placed on the far side of the driveway in the direction of the delivery route. Mailboxes shall maintain a minimum setback of 25 feet from the radius of an intersecting street.

175A.39 SMALL WIND ENERGY CONVERSION SYSTEMS.

1. Intent. The intent of this section is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety, and welfare of the community. The City finds these regulations are necessary to ensure that small wind energy conversion systems are appropriately designed, sited, and install.

2. Definitions.

- A. "Height, total system" means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
- B. "Height, tower" means the height above grade of the fixed portion of the tower, excluding the generation unit and attached blades or rotors.
- C. "Off grid" means an electrical system that is not connected to a utility distribution grid.
- D. "Shadow flicker" means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
- E. "Small wind energy conversion system, building mounted" means a SWECS which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building.
- F. "Small wind energy conversion system, freestanding" means a SWECS which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
- G. "Small wind energy conversion system, horizontal axis" means a small wind energy conversion system that has blades which rotate through a horizontal plane.
- H. "Small wind energy conversion system" (SWECS) means a wind energy conversion system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an SWECS only if it supplies electrical power solely for use by the owner on the site, except that

when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on site use may be used by the utility company in a accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

I. “Small wind energy conversion system, vertical axis” means a small wind energy conversion system that has blades which rotate through a vertical plane.

J. “Tower” means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

K. “Wind energy conversion system” means an aggregation of parts including the base, tower, generator, rotor, blades, supports, guywires, and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.

L. “Wind turbine generator” means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.

3. General Regulations:

A. Special Use. A small wind energy conversion system (SWECS) shall be allowed only as a special accessory use to a permitted principal use or approved permitted special principal use.

B. Permit Required. It shall be unlawful to construct, erect, install, alter or locate any SWECS within the City of Norwalk, unless a permitted special use permit has been obtained from the Board of Adjustment. The permitted special use permit may be revoked by resolution of the Board of Adjustment any time the approved system does not comply with the rules set forth in this chapter and the conditions imposed by the Board of Adjustment. The owner/operator of the SWECS must also obtain any other permits required by other federal, state, and local agencies/departments prior to erecting the system.

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

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

E. Number of Systems Per Zoning Lot. No more than one SWECS may be placed on any residential estate or single-family residential zoned lot. Building mounted SWECS shall be prohibited on any parcel or lot containing a one- or two-family use.

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

G. Location.

(1) No part of an SWECS shall be located within or over drainage, utility or other established easements, or on or over property lines.

(2) A SWECS shall be located entirely in the rear yard.

(3) A SWECS shall not be located in any required setback.

(4) A SWECS shall be located in compliance with the guidelines of applicable federal aviation administration (FAA) regulations as amended from time to time.

(5) No SWECS shall be constructed within twenty feet (20') laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet (5').

(6) No part of an SWECS, including guywires, may be located closer than ten feet (10') to any property line.

H. Color. The SWECS shall be a neutral color such as white or light gray. Other colors may be allowed at the discretion of the board of adjustment. The surface shall be nonreflective.

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

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

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

L. Climbing Apparatus. All climbing apparatus shall be located at least ten feet (10') above the ground, and the tower must be designed to prevent climbing within the first ten feet (10').

M. Maintenance. Facilities shall be well maintained in an operational condition that poses no potential safety hazard.

N. Displacement of Parking Prohibited. The location of the SWECS shall not result in the net loss of required parking as specified in Chapter 175E of this Zoning Code of Ordinances.

O. Utility Notification. No SWECS shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

P. Interconnection. The SWECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa utilities board.

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

R. Noise. Except during short term events including utility outages and severe wind events, an SWECS shall be designed, installed and operated so that the noise generated does not violate noise levels as defined in 40 of the Norwalk Code of Ordinances.

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

T. Shutoff. A clearly marked and easily accessible shutoff for the wind turbine will be required as determined by the Fire Marshal.

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

V. Wind Access Easements. The enactment of this section does not constitute the granting of an easement by the City. The owner/operator shall acquire covenants, easements, or similar documentation to assure sufficient wind to operate the SWECS unless adequate accessibility to the wind is provided by the site.

W. Insurance. The owner/operator of an SWECS must demonstrate liability insurance of not less than one million dollars (\$1,000,000) coverage.

X. Compliance with National Electric Code. Applications for 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 electrical code.

Y. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Nonfunction or lack of operation may be proven by reports from the interconnected utility. For off grid systems the City shall have the right to enter the property at its sole discretion to determine if the off grid system is generating power. Such generation may be proven by use of an amp meter. The owner/operator and successors shall make available to the director of development services or their designee all reports to and from the purchaser of energy from the SWECS if requested. If removal of towers and appurtenant facilities is required, the director of development services or designee shall notify the owner/operator in writing.

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

4. Bulk Regulations:

A. Setbacks. The minimum distance between any SWECS and any property line shall be a distance that is equivalent to one hundred fifty percent (150%) of the total system height. The setback shall be measured from the property line to the point of the SWECS closest to the property line.

B. Minimum Lot Size. The minimum lot size for an SWECS shall be one acre.

C. Maximum Height. Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades. Man-made earth berms, terraces, and retaining walls that elevate the wind turbine shall be considered a part of the turbine.

(1) For lots of more than one and fewer than three (3) acres, the maximum height shall be sixty-five feet (65').

(2) For lots of three (3) to seven (7) acres, the maximum height shall be eighty feet (80').

(3) For lots of more than seven (7) acres the maximum height shall be one hundred feet (100').

D. Maximum Blade Diameter. The maximum diameter of the blades for an SWECS shall be twenty feet (20').

E. Clearance of Blade. No portion of a horizontal axis SWECS blade shall extend within thirty feet (30') of the ground. No portion of a vertical axis SWECS shall extend within ten feet (10') of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within twenty feet (20') of the nearest tree, structure or aboveground utility facilities.

5. Application Required. Application for SWECS shall be made on forms provided by the city of Norwalk. No action may be taken regarding requests for SWECS until completed applications have been filed and fees paid.

175A.40 CONVERSION TO CONDOMINIUM OR MULTIPLE HOUSING COOPERATIVE.

Condominiums as set out in the general provisions and administration of this Zoning Ordinance under definitions Section 175A.05

provides: “Condominium means an estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.” In the instance that there be a conversion to condominium or multiple housing cooperative the following rules and regulations in the City of Norwalk, Iowa shall apply.

1. The conversion of any building or portion thereof to a horizontal property regime or to a multiple housing cooperative shall be treated as a change of occupancy classification for the building.
2. Any person or entity seeking to establish a horizontal property regime or multiple housing cooperative by establishing a horizontal property regime pursuant to Iowa Code 499B or by establishing a multiple housing cooperative pursuant to Iowa Code 499A shall establish and document compliance with the following, by filing and obtaining approval from the Planning and Building Department of the development application defined in Subsection 3 of this section:
 - A. That all materials, manner and means of construction in the proposed building meet current building codes for new residential construction including current fire, building, plumbing, electrical, mechanical, energy conservation, and post construction storm water management codes.
 - B. That the building and site meet all requirements of the zoning ordinance that would be required for new residential construction.
 - C. That the building and site meet all requirements for handicapped accessibility that would be required for new residential construction.
 - D. That separate utility services, with separate metering, be provided to each dwelling unit that would be required for new residential construction.
3. At least sixty (60) days before a declaration or other instrument establishing a horizontal property regime pursuant to Iowa Code 499B or establishing a multiple housing cooperative pursuant to Iowa Code 499A (“declaration”) is to be recorded in the office of the county recorder, any person or entity shall file a development application for approval with the Planning and Building Department. In addition to the development application, the applicant shall file the following:
 - A. A site plan, building plans and code analysis demonstrating compliance with the provisions addressed above.
 - B. A copy of the declaration or other instrument consistent with Iowa Code 499A or 499B.
4. The declaration shall not be recorded unless a certificate of occupancy for the proposed building has been issued by the City.

EDITOR’S NOTE			
Ordinance No. 05-11 entitled Official Norwalk, Iowa Zoning Map, adopted October 20, 2005, and amendments thereto are contained in the Appendix of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.			
Ordinance No.	Date Adopted	Ordinance No.	Date Adopted
06-21	August 28, 2008	17-08	May 18, 2017
11-09	July 7, 2011	17-13	July 6, 2017
12-08	September 20, 2012	17-18	November 16, 2017
12-09	October 4, 2012	17-23	December 21, 2017
13-11	July 18, 2013	18-05	March 29, 2018
13-15	November 21, 2013	18-06	March 1, 2018
14-05	May 15, 2014	18-16	July 5, 2018
14-07	May 15, 2014	18-17	August 2, 2018
14-08	June 5, 2014	18-19	August 16, 2018
14-12	August 7, 2014	19-01	January 3, 2019
15-06	July 16, 2015	19-13	August 15, 2019
15-07	September 17, 2015	19-14	September 5, 2019
15-08	October 1, 2015	19-15	October 17, 2019
15-09	October 1, 2015	19-18	November 14, 2019
15-12	December 17, 2015		
17-04	April 20, 2017		

CHAPTER 175B

ZONING ORDINANCE

ZONING DISTRICT REGULATIONS

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| 175B.01 Zoning District Regulations | 175B.12 C-2 District Regulations |
| 175B.02 A-R Zoning District Regulations | 175B.13 C-3 District Regulations |
| 175B.03 RE-1 Zoning District Regulations | 175B.14 C-4 District Regulations |
| 175B.04 R-1 Zoning District Regulations | 175B.15 TC District Regulations |
| 175B.05 R-F Zoning District Regulations | 175B.16 PC District Regulations |
| 175B.06 R-2 District Regulations | 175B.17 IC District Regulations |
| 175B.07 R-3 District Regulations | 175B.18 M-1 District Regulations |
| 175B.08 R-4 District Regulations | 175B.19 PUD District Regulations |
| 175B.09 R-5 District Regulations | 175B.20 CD District Regulations |
| 175B.10 C-O Commercial Office District | 175B.21 Overlay Zoning District Regulations |
| 175B.11 C-1 District Regulations | 175B.22 Flood Hazard Overlay Zoning Districts |

175B.01 ZONING DISTRICT REGULATIONS.

This chapter sets forth the regulations for individual zoning districts with the intent to classify, regulate, and restrict land use; regulate and restrict the location of trades and industries; regulate and restrict the location of buildings designed for specified uses; regulate and restrict the height, bulk, architecture, and construction of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot areas; and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings. The City is hereby divided into the following zoning districts whose boundaries are indicated upon the official Zoning Map of the City of Norwalk, Iowa, which is made a part of this ordinance by reference. The use, height, area, and construction regulations are uniform in each zoning district, and said districts shall be known as:

ZONING DISTRICTS:	
A-R	Agricultural Reserve District
RE-1	Single-Family Rural Estates District
R-1(60)	Single-Family Residential District
R-1(70)	Single-Family Residential District
R-1(80)	Single-Family Residential District
R-1(90)	Single-Family Residential District
R-1(100)	Single-Family Residential District
R-2	One and Two-Family Residential District
R-3	Medium Density Multiple-Family Residential District
R-4	High Density Multiple-Family Residential District
R-5	Mobile Home Park District
C-O	Commercial Office District
C-1	Neighborhood Commercial District
C-2	Community Commercial District
C-3	Highway Service Commercial District
C-4	Old Town Business District
TC	Town Center Commercial District
PC	Professional Commerce Park District
IC	Industrial Commerce Park District
M-1	General Industrial District
PUD	Planned Unit Development District
CD	Conservation District

175B.02 A-R ZONING DISTRICT REGULATIONS.

The regulations set forth in this section, or elsewhere in this ordinance as applicable, shall apply in the A-R Agricultural Reserve District. (ORD. 06-06)

1. **Statement of Intent.** The A-R District is intended to provide for the protection and preservation of agricultural land until such time as urban services are available to the area and the land is ready for development. This district recognizes the need to establish controls over certain existing agricultural areas in order to prevent the establishment of scattered small-lot subdivisions that the City is unable to provide urban services to or are not expected to be developed into urban uses in the immediate future. (ORD. 06-06)

2. **Principal Permitted Uses.** Only the uses of structures or land listed in this section shall be permitted in the A-R District.

- A. Agriculture and the usual agricultural buildings and structures, but not including commercial livestock feed lots, livestock confinement operations, and poultry farms.
 - B. Specialty farming, including truck farming, tree farms, orchards, vineyards and aquaculture.
 - C. Single-family detached dwelling.
 - D. Nurseries, greenhouses, and truck gardens provided no retail sales takes place on the premises except as herein permitted.
 - E. Horse riding, training, husbandry and associated stables, facilities and grounds.
 - F. Kennels for the raising, breeding, and boarding of dogs or other small animals, providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
3. Permitted Accessory Uses. The following accessory uses may exist as part of or in accessory to the permitted use:
- A. Private garages or carports used in conjunction with a dwelling, provided only one detached garage is permitted.
 - B. Private swimming pools and tennis courts.
 - C. Private greenhouses not operated for commercial purposes.
 - D. Temporary roadside stand for the display and sale of agricultural products produced on the property with the condition that an area for parking is provided off the public street.
 - E. Indoor and outdoor storage of equipment, vehicles, or materials associated with a business or the employment of the owner or lessee of the site of the principal permitted use but not associated with the principal permitted use. The indoor storage area shall be limited to an area not greater than one (1) percent of the lot area up to a maximum of 12,500 square feet and the outdoor storage area shall also be limited to an area not greater than one (1) percent of the lot area up to a maximum of 12,500 square feet.
 - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Uses. The following uses may be permitted in the A-R District subject to approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.
- A. One accessory living quarter.
 - B. Cemeteries, including mausoleums and crematoriums which are part of the cemetery.
 - C. Churches, chapels, temples, and similar places of worship.
 - D. Public and parochial schools (elementary and secondary), colleges, and universities.
 - E. Recreation areas and centers, including country clubs, swimming pools, golf courses, golf driving ranges but not including race tracks, miniature golf courses, drive-in theaters, and similar commercial uses.
 - F. Publicly owned parks, playgrounds, golf courses, and recreation areas.
 - G. The display and sale of products associated with and supportive of the principal permitted use of an orchard or vineyard, including accessory buildings and facilities.
5. Height Regulations. No building shall exceed fifty (50) feet in height, unless a greater height is permitted for a special use. There shall be no height restriction for grain bins and silos as part of an existing agricultural, farm enterprise.
6. Bulk Regulations. The following minimum requirements shall be observed in the A-R, Agricultural Reserve District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Depths
All Uses*	30 acres	660 feet	75 feet	50 feet	100 feet	75 feet

* Minimum principal building separation shall be 20 feet. All accessory structures shall comply with the principal building setbacks

- 7. Open Space and Landscaping Requirements. See Chapter 175D.
- 8. Off-Street Parking and Loading. See Chapter 175E.
- 9. Buffer Requirements. See Chapter 175F.
- 10. Architectural Standards. See Chapter 175G.
- 11. Sign Regulations. See Chapter 175H.
- 12. Site Plan Requirements. See Chapter 175I.

175B.03 RE-1 ZONING DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in the RE-1 Single-Family Rural Estates Zoning District.

1. **Statement of Intent.** The RE-1 Zoning District is intended and designed to preserve existing single-family residential neighborhoods and to promote new single-family residential neighborhoods with large estate lots that are rural in character. This district is also intended for areas where sanitary sewer service is not planned for in the future.

2. **Principal Permitted Uses.** Only the use of structures or land listed in this subsection shall be permitted in the RE-1 Zoning District.

A. Any use permitted in the R-1 Zoning District, provided such use shall comply with the minimum requirements of the RE-1 Zoning District.

3. **Permitted Accessory Uses.** The following uses may exist as part of or in accessory to the principal permitted and special uses:

A. All accessory uses permitted in the R-1 Zoning Districts, provided such use shall comply with the minimum requirements of the RE-1 Zoning District.

B. Private stable, provided such building shall be located not less than fifty (50) feet from the principal building of the lot under ownership; and such building shall not be located less than one hundred (100) feet from an existing dwelling not located on the lot under ownership, or fifty (50) feet from the lot boundary, whichever is greater.

C. One (1) horse for each one-(1) acre of land in excess of the minimum required lot area. No horse shall be permitted for the minimum lot area.

D. Private kennels provided such building and fenced ground area shall be located not less than two hundred (200) feet from all property lines.

4. **Special Uses.** The following use may be permitted in the RE-1 Single-Family Rural Estates Districts subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.

A. All special uses permitted in and as limited in the R-1 Single-Family Residential District.

5. **Maximum Height Regulations.** No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

6. **Bulk Regulations.** The following minimum requirements shall be observed for permitted uses in the RE-1 Single-Family Rural Estates Districts:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Depths
Single-Family Dwelling	40,000 square feet	125 feet	50 feet	20 feet	40 feet	50 feet
Other Uses*	80,000 square feet	200 feet	75 feet	50 feet	100 feet	50 feet

* Minimum principal building separation for other uses shall be 20 feet.

7. **Bulk Regulations for Accessory Structures.** The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,500 square feet shall be subject to the approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in gross building floor area.

8. **Open Space and Landscaping Requirements.** See Chapter 175D.

9. **Off-Street Parking and Loading.** See Chapter 175E.

10. **Buffer Requirements.** See Chapter 175F.

11. **Architectural Standards.** See Chapter 175G.

12. **Sign Regulations.** See Chapter 175H.

13. **Site Plan Requirements.** See Chapter 175I.

175B.04 R-1 ZONING DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance, which are applicable, shall apply in all R-1 Single-Family Residential Zoning Districts, including the R-1 (60), R-1 (70), R-1 (80), R-1 (90), and R-1 (100) Zoning Districts.

1. **Statement of Intent.** The R-1 Zoning Districts are intended and designed to preserve existing single-family residential neighborhoods, and to promote new single-family residential neighborhoods with a desired diversity of single-family housing sizes and costs.

2. **Principal Permitted Uses.** Only the use of structures or land listed in this subsection shall be permitted in the R-1 Zoning Districts

of R-1 (60), R-1 (70), R-1 (80), R-1 (90), and R-1 (100).

A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth.

B. Parks, playgrounds, golf courses, and recreation areas.

C. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.

D. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization.

E. Public and parochial elementary, junior high, and middle schools.

F. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.

G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

3. Permitted Accessory Uses. The following uses may exist as part of or in accessory to the permitted use:

A. Normal accessory buildings and structures for a dwelling, religious place of worship, and school similar to and including one private garage or carport, swimming pools, one storage building, children's playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts. Accessory structures for nonresidential uses are subject to review by the City for compliance with architectural standards specified within Section 175G.03(2). Whenever multiple accessory structures for nonresidential uses are proposed with the principal use, the accessory structures are subject to site plan review by the Planning and Zoning Commission and City Council which may include compliance with architectural requirements of Subsection 175B.04(7) for cumulative accessory floor area upon a recommendation from the Planning and Zoning Commission.

B. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.

C. Normal accessory buildings and structures associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.

D. Private flower and vegetable gardening for non-commercial gain.

E. Private greenhouses and horticultural nurseries not exceeding three hundred (300) square feet for non-commercial gain.

F. Day care home.

G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per dwelling unit.

H. Home occupations permitted and limited by Section 175A.32 of this ordinance.

I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

J. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

K. The keeping of chickens in accordance with Section 55.17 of this Code of Ordinances, Urban Chickens.^{†6} The necessary chicken enclosure is also allowed, provided the following standards are met:

(1) The enclosure is covered and fully enclosed.

(2) The enclosure shall have a latch mechanism or lock to ensure that access to the enclosure remains secure.

(3) The enclosure provides a minimum of 5 square feet per chicken.

(4) The enclosure shall have a minimum height of four feet.

(5) The enclosure shall be located inside a fenced area that provides a minimum of 10 square feet per chicken, excluding the square footage of the enclosure. The fence shall have a minimum height of 6 feet.

(6) The enclosure shall not be located closer than 25 feet to any principal structure on an adjacent lot.

(7) No chickens shall be allowed to run at large.

(8) No wire mesh (chicken wire) shall be allowed as a material for fencing around the enclosure.

(Ord. 16-13 – May 19 Supp.)

4. Special Uses. The following use may be permitted in the R-1 Single-Family Residential Districts subject to the approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.

- A. Cemeteries, including mausoleums, and crematoriums which are part of the cemetery.
 - B. High schools, colleges and universities, and accessory facilities, both public and privately owned (this does not include bus storage and maintenance facilities).
 - C. Any nonresidential principal permitted use which exceeds the maximum height for a building.
5. Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.
6. Bulk Regulations. The following minimum requirements shall be observed for single-family dwellings in each of the following R-1 Single-Family Residential Districts and, other uses in any of the R-1 Districts:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
R-1(60)^	7,500 sq. ft.	60 feet	30 feet	7 feet	15 feet	35 feet
R-1(70)^	8,750 sq. ft.	70 feet	30 feet	7 feet	17 feet	35 feet
R-1(80)^	10,000 sq. ft.	80 feet	35 feet	8 feet	20 feet	35 feet
R-1(90)^	11,250 sq. ft.	90 feet	35 feet	10 feet	22 feet	35 feet
R-1(100)^	15,000 sq. ft.	100 feet	40 feet	12 feet	25 feet	40 feet
Other uses*	80,000 sq. ft.	200 feet	50 feet	50 feet	100 feet	50 feet

* Minimum principal building separation for other uses shall be 20 feet.
 ^ Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

7. Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,000 square feet shall be subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in building area or gross floor area.

- 8. Open Space and Landscaping Requirements. See Chapter 175D.
- 9. Off-Street Parking and Loading. See Chapter 175E.
- 10. Buffer Requirements. See Chapter 175F.
- 11. Architectural Standards. See Chapter 175G.
- 12. Sign Regulations. See Chapter 175H.
- 13. Site Plan Requirements. See Chapter 175I.

175B.05 R-F ZONING DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance, which are applicable, shall apply to the R-F Single-Family Town Center Residential Zoning District.

- 1. Statement of Intent. The R-F Zoning District is intended and designed to preserve and maintain the existing single-family residential neighborhoods in the original town areas with a desired diversity of single-family housing sizes and costs.
- 2. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-F Zoning District.
 - A. A single-family dwelling on each lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than 1 car garage that is a minimum 10 feet in width and 20 feet in depth.
 - B. Parks, playgrounds, golf courses, and recreation areas.
 - C. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
 - D. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization. (ORD. 02-04)
 - E. Public and parochial elementary, junior high, and middle schools.
 - F. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.
 - G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

3. Permitted Accessory Uses. The following uses may exist as part of or in accessory to the permitted use:

A. Normal accessory buildings and structures for a dwelling, religious place of worship, and school similar to and including one private garage or carport, swimming pools, one storage building, children’s playhouse, radio and television receiving antennas, barbecue pits, playground equipment, and tennis courts. Accessory structures for non-residential uses are subject to review by the City for compliance with architectural standards specified within Section 175G.03(2). Whenever multiple accessory structures for nonresidential uses are proposed with the principal use, the accessory structures are subject to site plan review by the Planning and Zoning Commission and City Council which may include compliance with architectural requirements of Subsection 175B.04(7) for cumulative accessory floor area upon a recommendation from the Planning and Zoning Commission.

B. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, and barbecue pits.

C. Normal accessory buildings and structures associated with the keeping of domestic animals similar to and including cats, dogs, birds, and tropical fish.

D. Private flower and vegetable gardening for non-commercial gain.

E. Private greenhouses and horticultural nurseries not exceeding three hundred (300) square feet for non-commercial gain.

F. Day care home.

G. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per dwelling unit.

H. Home occupations permitted and limited by Section 175A.32 of this ordinance.

I. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

J. Temporary use of a structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

4. Special Uses. The following use may be permitted in the R-1 Single-Family Residential Districts subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.

A. Cemeteries, including mausoleums, and crematoriums which are part of the cemetery.

B. High schools, colleges and universities, and accessory facilities, both public and privately owned (this does not include bus storage and maintenance facilities).

C. Any nonresidential principal permitted use which exceeds the maximum height for a building.

5. Maximum Height Regulations. No building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

6. Bulk Regulations. The following minimum requirements shall be observed for single-family dwellings in each of the following R-1 Single-Family Residential Districts and, other uses in any of the R-1 Districts:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
R-F*	7,500 sq. ft.	60 feet	25 feet	7 feet	15 feet	25 feet
Other uses^	80,000 sq. ft.	200 feet	50 feet	50 feet	100 feet	50 feet

* Single-family dwellings on corner lots may have one of the front yard setbacks reduced to 10 feet provided the other front yard setback of 25 feet is maintained or provided. Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the 25 foot front yard setback.
 ^ Minimum Principal Building separation for Other Uses shall be 20 feet.

7. Bulk Regulations for Accessory Structures. The cumulative total gross floor area of all permitted detached accessory structures shall not exceed ten (10) percent of the lot area, and occupy more than thirty (30) percent of the rear yard. Accessory structures greater than 1,000 square feet shall be subject to the approval of a special use permit by the Board of Adjustment in accordance with Chapter 175.J after notice and public hearing. In no instance shall the accessory structure exceed the principal structure in building area or gross floor area.

8. Open Space and Landscaping Requirements. See Chapter 175D.

9. Off-Street Parking and Loading. See Chapter 175E.

10. Buffer Requirements. See Chapter 175F.

11. Architectural Standards. See Chapter 175G.

12. Sign Regulations. See Chapter 175H.

13. Site Plan Requirements. See Chapter 175I.

175B.06 R-2 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-2, One and Two-Family Residential District.

1. Statement of Intent. The R-2 Zoning District is intended and designed to preserve certain medium density residential areas now developed with one-family and two-family dwellings, and permit additional areas to develop with one and two-family dwellings.
2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-2 District.
 - A. A Single-Family Dwelling on Each Lot. No temporary buildings, trailers, mobile homes, tents, portable or potentially portable structures shall be used for dwelling purposes. All single-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth.
 - B. Two-Family Dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
 - C. One and Two-Family Dwellings – Rowhouse / Townhomes. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in depth for each dwelling unit.
 - D. Parks, playgrounds, golf courses, and recreation areas.
 - E. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
 - F. Churches, chapels, temples, synagogues, and similar places of worship and associated residence of clergy or ordained official of the religious organization. (ORD. 02-04)
 - G. Public and parochial elementary, junior high, and middle schools.
 - H. Golf, swimming, and tennis clubs or country clubs, and similar public and non-commercial privately owned uses.
 - I. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.
3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted and special uses:
 - A. All accessory uses permitted in and as limited in the R-1 Zoning Districts.
4. Special Uses. The following uses may be permitted in the R-2 One- and Two-Family Residential District subject to the approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.
 - A. All special uses permitted in and as limited in the R-1 Single-Family Residential District.
5. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.
6. Bulk Regulations. The following minimum requirements shall be observed for the R-2, One and Two-Family Residential District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Single Family*	8,125 sq. ft.	65 feet	25 feet	7 feet	15 feet	35 feet
Two-Family*	12,500 sq. ft.	100 feet	25 feet	10 feet	20 feet	35 feet
One and Two-Family Rowhouse/ Townhouses	**	**	**	**	**	**
Other uses^	80,000 sq. ft.	200 feet	50 feet	50 feet	100 feet	50 feet

* Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

^ Minimum principal building separation for other uses shall be 20 feet.

** One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, with two attached dwelling units, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-2 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section 175A.36, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 175I, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.

7. Open Space and Landscaping Requirements. See Chapter 175D.
8. Off-Street Parking and Loading. See Chapter 175E.
9. Buffer Requirements. See Chapter 175F.
10. Architectural Standards. See Chapter 175G.
11. Sign Regulations. See Chapter 175H.
12. Site Plan Requirements. See Chapter 175I.

175B.07 R-3 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-3 Medium Density Multiple-Family Residential District.

1. Statement of Intent. The R-3 Zoning District is intended and designed for medium density residential areas of the City now developed with multiple-family dwellings and to permit additional areas to develop with medium density multiple-family dwellings.
2. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-3 Zoning District.
 - A. Two-Family Dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
 - B. One and Two-Family Dwellings – Rowhouse / Townhomes, not exceeding five (5) dwelling units per acre of lot area excluding public street right-of-way. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.
 - C. Multiple-Family Dwellings - Rowhouse / Townhomes, not exceeding twelve (12) dwelling units per acre of lot area excluding public street right-of-way and no greater than eight (8) dwelling units in a row or 8 units back-to-back per building. All multi-family dwelling buildings shall contain no fewer than 3 separate dwelling units and all units shall be horizontally attached only. All multiple-family dwellings shall have no less than one garage space for each unit. The garage space may be attached or detached and shall be a minimum 10 feet in width and 20 feet in depth. The number of garage spaces required for each dwelling unit shall be for the exclusive use of the occupants of each dwelling unit. Garage spaces may not be transferred for use by another tenant or separate individual or entity.
 - D. Parks, playgrounds, golf courses, and recreation areas.
 - E. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.
 - F. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.
 - G. Child care center, day nursery or nursery school licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from any adjoining RE-1, R-1, or R-2 District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.
 - H. Churches, chapels, temples, synagogues, and similar places of worship.
 - I. Public and parochial schools (elementary and secondary), colleges and universities.

J. Cemeteries, including mausoleums and crematoriums.

K. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.

L. Museums and libraries not operated for profit.

M. Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses.

A. All accessory uses permitted in and as limited in the R-2 Zoning District, provided such use shall comply with the minimum requirements of the R-3 Zoning District.

B. Management and sales offices associated and accessory to a multiple-family residential dwelling complex.

C. Recreation and service centers when provided as part of a multiple-family townhouse complex, and limited primarily for use by residents and their guests.

4. Special Uses. The following use may be permitted in the R-3 Medium Density Multiple-Family Residential District subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.

A. All special uses permitted in and as limited in the R-2 One- and Two-Family Residential District.

5. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the R-3 Medium Density Multiple-Family Dwelling District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Child Care Center^	40,000 sq. ft.	150 feet	35 feet	25 feet	50 feet	35 feet
Two-Family*	12,500 sq. ft.	100 feet	25 feet	10 feet	20 feet	35 feet
One and Two-Family Rowhouse/ Townhouses*	***	***	***	***	***	***
Multi-Family Rowhouse/ Townhouses*	***	***	***	***	***	***
Other uses^	80,000 sq. ft.	200 feet	35 feet **	50 feet**	100 feet	35 feet**

- * Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.
- ^ Minimum principal building separation for child care center and other uses shall be 20 feet, and all accessory structures shall comply with the principal building setbacks.
- ** An additional 10 feet of setback required for each building story.
- *** One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-3 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section 175A.36, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 175I, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.
- *** Multiple-Family Rowhouses / Townhouses - a rowhouse or townhouse, wherein the owner of the dwelling unit which is attached to 2 or more row dwellings owns the lot beneath the dwelling unit, shall be permitted in the R-3 District, provided the lot for one dwelling has a minimum lot area of 3,125 square feet per dwelling unit, minimum width of twenty (20) feet and no minimum setback from a townhouse lot line required. Subject to the requirements of City Code Section 175A.36, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network, and is master planned with a private, common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of dwellings shall not be greater than 660 feet in length for a dead-end cul-de-sac and 1,320 feet for a through street which shall be intended to serve only dwellings within the complex. The tract of land encompassing the townhouse lots and common areas shall have public street frontage with a minimum width of 200 feet, a minimum area of two (2) acres, maximum density of twelve (12) dwellings per acre, minimum separation of 15 feet side to side and 30 ft. back to back or back to side between residential buildings, minimum separation of 25 feet between a residential building and common private roadways and a minimum setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 17.80, 175I, and approval of Homeowners Association documents by the City, which establishes provisions for maintenance of common areas.

7. Open Space and Landscaping Requirements. See Chapter 175D.
8. Off-Street Parking and Loading. See Chapter 175E.
9. Buffer Requirements. See Chapter 175F.
10. Architectural Standards. See Chapter 175G.
11. Sign Regulations. See Chapter 175H.
12. Site Plan Requirements. See Chapter 175I.

175B.08 R-4 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-4 High Density Multiple-Family Residential District.

1. Statement of Intent. The R-4 Zoning District is intended and designed for high density residential areas of the City now developed with multiple-family dwellings, and to permit additional areas to develop with high density multiple-family dwellings.

2. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-4 Zoning District.

A. Two-Family Dwellings. All two-family dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.

B. One and Two-Family Dwellings – Rowhouse / Townhomes, not exceeding 5 dwelling units per acre of lot area excluding public street right-of-way. All one and two-family rowhouse and townhome dwellings constructed after the date of adoption of this ordinance shall have no less than a 2 car garage that is a minimum 22 feet in width and 20 feet in depth for each dwelling unit.

C. Multiple-Family Dwellings - Rowhouse / Townhomes, not exceeding twelve (12) dwelling units per acre of lot area excluding public street right-of-way and no greater than eight (8) dwelling units in a row or 8 units back-to-back per building. All multi-family dwelling buildings shall contain no fewer than 3 separate dwelling units and all units shall be horizontally attached only.

(1) All multiple-family dwellings shall have no less than one garage space for each unit. The garage space may be attached or detached and shall be a minimum 10 feet in width and 20 feet in depth. The number of garage spaces required for each dwelling unit shall be for the exclusive use of the occupants of each dwelling unit. Garage spaces may not be transferred for use by another tenant or

separate individual or entity.

D. Multiple-Family Dwelling – Apartments, with no less than 3 dwelling units attached vertically and not exceeding eighteen (18) dwelling units per acre of lot area excluding public street right-of-way.

(1) All multiple-family dwellings shall have no less than 70% garage spaces each dwelling unit. The garage space may be attached or detached and shall be a minimum 10 feet in width and 20 feet in depth. The number of garage spaces required for each dwelling unit shall be for the exclusive use of the occupants of each dwelling unit. Garage spaces may not be transferred for use by another tenant of separate individual or entity Multi-family dwellings designed as a senior living complex, which restricts the age of residents, shall be exempted from this requirement.

(Ord. 16-01 and Ord. 18-09 – May 19 Supp.)

E. Parks, playgrounds, golf courses, and recreation areas.

F. Agricultural crops, truck farming, tree farms, and orchards, provided that no offensive odors are created, and provided further, that no retail sales shall be permitted on the premises.

G. Group quarters with more than four (4) persons who are not related by blood or marriage and do not constitute a family as defined by this ordinance shall not be permitted unless such use is permitted by over-riding state law, and if such use has adequate parking and meets all other site development requirements of this ordinance.

H. Child care center, day nursery or nursery school licensed by the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from any adjoining RE-1, R-1, or R-2 District boundary; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.

I. Churches, chapels, temples, synagogues, and similar places of worship.

J. Public and parochial schools (elementary and secondary), colleges and universities.

K. Cemeteries, including mausoleums and crematoriums.

L. Golf, swimming, and tennis clubs on country clubs and similar public and non-commercial privately owned uses.

M. Museums and libraries not operated for profit.

N. Buildings and uses owned by a city, county, state or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.

O. Assisted living residential facilities, boarding house, nursing or convalescent home, dormitories, or other group quarters, not exceeding eighteen (18) dwelling units per acre of lot area exclusive of public street right-of-way, or for those facilities which do not provide separate living quarters defined as dwelling units within this ordinance, a maximum of thirty-six (36) beds or residents per acre of lot area exclusive of public street right-of-way.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted and special uses.

A. All accessory uses permitted in and as limited in the R-3 Zoning District provided such use shall comply with the minimum requirements of the R-4 Zoning District.

B. Retail establishments and refreshment stands accessory to the principal building or complex of principal buildings; provided; however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal courtyard, nor shall any identification signage, display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building or complex.

4. Special Uses. The following use may be permitted in the R-4 High Density Multiple-Family Residential District subject to the approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J after notice and public hearing.

A. All special uses permitted in and as limited in the R-3 Medium Density Multiple-Family Residential District.

5. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height, at the required front, side and rear yard building lines, except one (1) foot may be added to the building’s height for each additional one (1) foot that the building or portion thereof is set back from the minimum required setbacks. However, in no instance shall a building exceed a height of one hundred twenty-five (125) feet. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the R-4 High Density Multiple-Family Residential District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
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Child Care Center [^]	40,000 sq. ft.	150 feet	35 feet	25 feet	50 feet	35 feet
Two-Family*	12,500 sq. ft.	100 feet	25 feet	10 feet	20 feet	35 feet
One and Two-Family Rowhouse/ Townhouses*	***	***	***	***	***	***
Multi-Family Rowhouse/ Townhouses*	***	***	***	***	***	***
Multi-Family Apartments & Other uses [^]	80,000 sq. ft.	200 feet	35 feet**	25 feet**	50 feet	35 feet**

* Covered front porches that are fully open and not enclosed may encroach eight (8) feet into the front yard setback.

[^] Minimum principal building separation for child care center and other uses shall be 20 feet. The minimum principal building separation for multiple-family dwellings shall be 10 feet per each building story in height. All accessory structures shall comply with the principal building setbacks.

** An additional 10 ft of setback required for each building story.

*** One and Two-Family Rowhouse / Townhouse - a rowhouse or townhouse, wherein the owner of the dwelling unit owns the lot beneath the dwelling unit, shall be permitted in the R-4 District provided the lot for one dwelling has a minimum area of six thousand two hundred fifty (6,250) square feet, minimum width of fifty (50) feet and minimum side yard setback of zero (0) feet at the side lot line where the two dwellings are attached. Subject to the requirements of City Code Section 175A.36, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network and is master planned with a private common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of two-family townhouse dwellings shall not be greater than 660 feet in length for a cul-de-sac and 1,320 feet for a through street, which shall be intended to serve only dwellings within the complex. Individual townhouse lots shall not have minimum setback, lot width and area requirements, provided the tract of land encompassing the townhouse lots and common areas has public street frontage; a minimum width of one hundred (100) feet; a minimum area of forty thousand (40,000) square feet; maximum density of five (5) dwelling units per acre, minimum separation of fifteen (15) feet side to side and 30 ft. back to back or back to side between residential buildings; minimum separation of twenty-five (25) feet between a residential building and common private roadways; and a minimum building setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 175I, Site Plans, and approval of Homeowners Association documents by the City which establishes provisions for maintenance of common areas.

*** Multiple-Family Rowhouses / Townhouses - a rowhouse or townhouse, wherein the owner of the dwelling unit which is part of two or more row dwellings owns the lot beneath the dwelling unit, shall be permitted in the R-3 District, provided the lot for one dwelling has a minimum lot area of 3,125 square feet per dwelling unit, minimum width of twenty (20) feet and no minimum setback from a townhouse lot line required. Subject to the requirements of City Code Section 175A.36, public street frontage shall not be required for townhouse lots which are part of a complex which does not require a public street as part of the City's transportation network, and is master planned with a private, common roadway serving the townhouse lots and maintained by an association of townhouse homeowners. A private, common roadway serving a complex of dwellings shall not be greater than 660 feet in length for a dead-end cul-de-sac and 1,320 feet for a through street which shall be intended to serve only dwellings within the complex. The tract of land encompassing the townhouse lots and common areas shall have public street frontage with a minimum width of 200 feet, a minimum area of two (2) acres, maximum density of twelve (12) dwellings per acre, minimum separation of 15 feet side to side and 30 ft. back to back or back to side between residential buildings, minimum separation of 25 feet between a residential building and common private roadways and a minimum setback of thirty (30) feet from all boundaries of the complex, including public streets. The development of a townhouse complex shall require the approval of a site plan in accordance with the provisions of Chapter 175I, Site Plans, and approval of Homeowners Association documents by the City, which establishes provisions for maintenance of common areas.

7. Open Space and Landscaping Requirements. See Chapter 175D.
8. Off-Street Parking and Loading. See Chapter 175E.
9. Buffer Requirements. See Chapter 175F.
10. Architectural Standards. See Chapter 175G.
11. Sign Regulations. See Chapter 175H.
12. Site Plan Requirements. See Chapter 175I.

175B.09 R-5 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the R-5, Mobile Home Park District.

1. Statement of Intent. The R-5 District is intended and designed for medium density residential areas of the City which permits development of mobile home parks, and by reason of their design and location, will be compatible with adjoining and nearby land uses.
2. Principal Permitted Uses. Only the use of structures or land listed in this subsection shall be permitted in the R-5 District.
 - A. Any principal permitted use in the R-3, Medium-Density Multiple-Family Residential District, and such uses shall comply with

the minimum requirements of the R-3 District.

B. Mobile Home Parks, in accordance with the provisions of this sub-section and master planned as a complex with a minimum of fifty (50) mobile homes required.

3. Permitted Accessory Uses. The following uses are permitted as part of, or in accessory to the principal permitted uses, provided accessory buildings shall not occupy more than five (5) percent of the gross site area of a mobile home park.

A. All accessory uses permitted in and as limited in the R-3 Zoning District.

B. Recreation buildings and facilities including club house, game courts, swimming pools, and play fields, limited to use by residents and their guests.

C. Management and sales offices associated and accessory to a mobile home park complex, provided that display areas for sale of mobile homes shall not be greater than five percent (5%) of the site area, and shall comply with the bulk regulations set forth in Subsection 6.

D. Service buildings that allow placement of vending equipment or laundry facilities limited to use by residents and their guests.

E. Storm shelter facilities shall be required as part of a mobile home park, and shall be in compliance with all applicable codes to house residents in the event of threatening weather conditions. See Subsection 175B.08(12).

4. Special Uses. The following uses may be permitted in the R-5 District subject to approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J, after notice and public hearing.

A. All special uses permitted in and as limited in the R-3 Medium-Density Multiple Family Residential District.

5. Maximum Height Regulations. All uses which are permitted in the R-3 Medium-Density Multiple-Family Residential District shall comply with the maximum height regulations of the R-3 Zoning District. No building within a mobile home park shall exceed thirty-five (35) feet in height and no accessory garage or storage building shall exceed fifteen (15) feet in height.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the R-5 District, except uses permitted in the R-3 District shall comply with R-3 District Bulk Regulations:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
Mobile Home Park	400,000 sq. ft.	300 feet	*	*	*	*
Other uses	80,000 sq. ft.	200 feet	50 feet	25 feet	50 feet	50 feet

* The minimum area of a site or lot permitted for occupancy by an individual mobile home within a mobile home park shall be six thousand (6,000) square feet and shall have a minimum dimension of fifty (50) feet by one hundred twenty (120) feet. Mobile homes shall be located on each lot so there is a minimum twenty (20) foot clearance between each mobile home, five (5) feet of open space between the mobile home and any detached accessory building or walkway, and ten (10) feet of setback between the mobile home and the rear and side lot boundaries. All mobile homes shall maintain a minimum setback of seventy-five (75) feet from a public street right of way, thirty (30) feet from a private street, and thirty-five (35) feet from the boundary of the mobile home park. Accessory buildings shall not be located in the front yard of a mobile home, or between the mobile home and a public or private street.

7. Open Space and Landscaping Requirements. See Chapter 175D.

8. Off-Street Parking and Loading. See Chapter 175E.

9. Buffer Requirements. See Chapter 175F. In addition to the requirements of Chapter 175F, mobile home parks shall be screened from public street view and any other R District with a landscape buffer, which may be incorporated as part of the yard setback.

10. Architectural Standards. See Chapter 175G. In addition to the requirements of Chapter 175G, all parts of a mobile home, including building additions, shall be skirted within thirty (30) days after occupancy with skirting material standardized by restrictive covenants established for the mobile home park and approved by the City at the time of site plan review. The developer shall submit to the City for approval, covenants establishing standards for maintenance and construction of skirting and building additions (steps, decks, porches, etc.) which require adequate structural integrity, compatible appearance, and standards to keep property clean and in good repair. Skirting shall be of a permanent type material enclosing the open space between the bottom of the mobile home's floor and the ground or pad elevation, and structurally sufficient to withstand high winds. Tie-down and anchors shall be provided on every mobile home stand. Each anchor or tie-down shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds or as required by any other applicable codes.

11. Sign Regulations. See Chapter 175H.

12. Site Plan Requirements. See Chapter 175I. Site plans shall be submitted for approval of a mobile home park, and shall address all requirements as set forth in Chapter 175I, including the proposed location of mobile home pads (spaces), architectural standards, buffers, and development staging. A storm shelter or shelters shall be shown on the site plan, constructed as part of a mobile home park, and shall have adequate occupancy to accommodate all residents of the mobile home park with a minimum of thirty (30) square feet of floor

area provided for each mobile home planned. All internal streets, storm drainage facilities, sanitary sewers, and water mains and appurtenances, both public or privately owned, shall comply with City of Norwalk standard specifications for public improvements. Traffic control and directional signage shall be shown on the site plan, installed, and maintained in a manner acceptable to the City.

175B.10 C-O COMMERCIAL OFFICE DISTRICT.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-O Commercial Office District.

1. Statement of Intent. The C-O District is intended to serve both neighborhoods and the community with the development of professional, semi-professional, and public service buildings and office buildings.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-O District.

A. Professional and semi-professional office buildings for the following:

- Abstract title
- Accountants and bookkeeping
- Actuaries
- Advertising (no shops)
- Adjusters (insurance)
- Aerial survey and photography
- Appraisers - no sale or rental of any type of merchandise or equipment
- Architects
- Attorneys
- Auditors
- Banks and financial institutions
- Business analysts - counselors or brokers
- Building contractors, office only (no shops or storage)
- Chiropractors
- Consulates
- Counseling, child guidance and family service
- Court reporter and public stenographers
- Credit reporting
- Dentists
- Detective agencies and investigating services
- Drafting and plan services
- Engineers, professional
- Insurance and bonds
- Manufacturer's agents
- Market research
- Medical doctors and practitioners
- Model agencies or schools
- Mortgage brokers
- Notary public
- Opticians
- Optometrists
- Podiatrists
- Public libraries
- Public relations

Radio and television production and broadcast studios

Real estate

Real estate management

Secretarial services

Shoppers information services

Social service bureaus

Stock broker exchanges, investment services

Tax consultants

Telephone answering services

Theater ticket agencies

Travel agencies

Zoning consultants

B. Clinics or group medical centers, including dental clinics, but not including animal clinics.

C. Day care center, day nursery or nursery school, licensed in the State of Iowa, provided no building, structure, or accessory use for property so used is located less than twenty-five (25) feet from any other principal building on any other lot in an R District; and provided there is established and well maintained in connection therewith a completely fenced play lot of no fewer than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.

D. Public and parochial schools (elementary and secondary), colleges and universities.

E. Professional business training school, whose functions are wholly contained within the structures, or otherwise effectively conceals its functions from visual, olfactory, or auditory observation outside the premises.

F. Health and athletic fitness centers and clubs with all indoor facilities.

G. Church, chapel, temple, synagogue and similar place of worship, and associated residence of clergy or ordained official of the religious organizations.

H. Funeral homes and mortuaries.

I. Buildings and uses owned by a county, city and county, city or other political subdivision which are operated for the social benefit or convenience of the public, but excluding equipment storage yards and garages which are operated and maintained for the necessary business and industrial service of the community.

J. Museums and libraries not operated for profit.

K. Swimming, athletic, and tennis clubs or country clubs and similar public and privately owned uses with outdoor facilities, by special use permit.

L. Any use which is found by the Zoning Administrator to be similar to one of the above named uses and, in his/her opinion, conforms to the intent of this subsection.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted uses:

A. Retail establishments and refreshment stands accessory to principal buildings; provided, however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal courtyard, nor shall any identification signage, display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

B. Storage areas incidental to the principal use, but not to exceed a floor area which is equal to twenty-five (25) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building.

C. Temporary use of buildings or trailers for uses incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work.

4. Maximum Height Regulations. No principal building shall exceed thirty-five (35) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations. The following minimum bulk requirements shall be observed in the C-O Commercial Office District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	20,000 sq. ft.	100 feet	30 feet	10 feet	20 feet	35 feet

6. Open Space and Landscaping Requirements. See Chapter 175D.
7. Off-Street Parking and Loading. See Chapter 175E.
8. Buffer Requirements. See Chapter 175F.
9. Architectural Standards. See Chapter 175G.
10. Sign Regulations. See Chapter 175H.
11. Site Plan Requirements. See Chapter 175I.

175B.11 C-1 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-1 Neighborhood Commercial District.

1. Statement of Intent. The C-1 District is intended to provide commercial and retail uses to serve the most immediate shopping needs of the nearby residents and employment within a neighborhood with a trade area radius of approximately one (1) mile depending on the density of the residential and employment population of the neighborhood.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-1 District.

A. Any principal permitted use in the C-O Zoning District, provided such use shall comply with the minimum requirements of the C-1 Zoning District.

B. The following neighborhood retail commercial and service establishments and uses:

Apparel (specialty) shops

Bakeries (retail), including baking for sale on premises

Beauty shops and barber shops, but not including schools

Book stores and stationery stores

Camera and photographic supply stores, including photo finishing services for the general public

Candy, nut, and confectionery stores

Coffee shops

Coin operated laundries and dry cleaning establishment using nonflammable solvents

Convenience store; provided fuel sales facilities have a minimum separation of one thousand (1,000) feet between similar businesses with fuel sales and there is no vehicle washing or repair on site

Dairy product and ice cream stores and parlors; retail over-the counter sales only

Drug stores

Florists, including potted house plants

Gift, novelty, and souvenir shops

Hobby and game shops

Home accessories, such as glassware and linens

Home video equipment and movie rentals

Jewelry stores

Liquor stores

Meat and seafood specialty shops

News dealers and newsstands

Optical goods and hearing aids

Restaurants and cafes, provided there is no drive-through or drive-in facility

Retail coin, philatelist, and autograph shops

Sewing, needlework, and piece goods stores

Shoe repair shop, shoe shining

Tobacco stores

Tailor shops, including clothing alteration and repair shops

Watch, clock and jewelry repair

Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted uses:

A. Any accessory use permitted in the C-O Zoning District providing such use shall comply with the minimum requirements of the C-2 Zoning District.

B. The display of merchandise outside the building may be permitted when specifically approved by the City Council.

4. Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations. The following minimum bulk requirements shall be observed in the C-1 Neighborhood Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	20,000 sq. ft.	100 feet	30 feet	10 feet ^A	20 feet ^B	35 feet

A. If a building is planned to be attached or closely located to adjacent buildings in the same complex and part of a shopping center, the side, or sides, which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback, if construction complies with building and fire codes.

B. Outside restaurant seating and outside display areas shall not occupy any portion of required yard areas, open space, or parking areas, and shall be screened from public streets and adjacent property view.

6. Open Space and Landscaping Requirements. See Chapter 175D.

7. Off-Street Parking and Loading. See Chapter 175E.

8. Buffer Requirements. See Chapter 175F.

9. Architectural Standards. See Chapter 175G.

10. Sign Regulations. See Chapter 175H.

11. Site Plan Requirements. See Chapter 175I.

175B.12 C-2 DISTRICT REGULATIONS.

The regulations set forth in this section, or elsewhere in this ordinance which are applicable, shall apply in the C-2 Community Commercial District.

1. Statement of Intent. The C-2 District is intended to provide a wide range of commercial and retail uses and services for residents of the community and outside the community, and has performance standards that encourage quality of building design, site design, and construction aesthetically compatible with the desired character of the area.

2. Principal Permitted Uses. The use of structures or land listed in this section shall be permitted in the C-2 District.

A. Any principal permitted use in the C-1 Zoning District, provided such use shall comply with the minimum requirements of the C-2 Zoning District.

B. The following retail commercial and service establishments and uses:

Antique stores, but not including refinishing or refurbishing.

Artists' and architectural supply

Automobile parts store; no repair work on site permitted.

Banks, savings and loans and other financial institutions with drive-in facilities and free-standing ATM machines permitted

Bars and night clubs

Billiard parlors and pool halls

Bowling alleys

Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs

Commercial art galleries

Computers, typewriters, copiers, and similar office equipment retail sales and service

Convenience stores

Construction Contractor's Office, with up to 90 percent of the building devoted to interior storage of materials, tools, and equipment. No external storage of materials, tools, or equipment shall be permitted

Department or variety stores

Electrical repair shops

Floor covering stores, primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors

Formal wear and costume rental

Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit

Grocery and food stores

Hardware stores

Hospitals

Hot tub or sauna sales, but not including swimming pools

Hotels and motels

Household appliance stores

Household furniture, retail sales but not including cabinets

Household improvement products stores, i.e., paint, glass and wallpaper stores, retail sales to the general public only

Ice and roller skating rinks, indoor only

Interior decorations, including retail sales of draperies and curtains

Luggage and leather goods

Music or dance schools or studios, including children's or amateur instruction and exercise classes, but not including ballrooms or dance halls

Office furniture, and supplies, retail sales only

Pet shops, but not including boarding or outdoor kennels

Postal service (local substation of United States) or private parcel post delivery service

Radio, television, and music stores

Restaurants, drive-in facilities permitted

Sporting goods stores and bicycle shops, but not including sales of motorized vehicles

Swimming, athletic, and tennis clubs or country clubs, and similar public and privately owned uses with outdoor facilities

Theaters; does not include drive-in theaters

Toy stores

Veterinarian clinics for household pets on an out-patient basis only; no overnight boarding or lodging except by special use permit

Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses:

A. Any accessory use permitted in the C-1 Zoning District providing such use shall comply with the minimum requirements of the C-2 Zoning District.

4. Special Uses. The following uses may be permitted in the C-2 Community Commercial District subject to approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J, after notice and public hearing.

A. Rescue missions and shelters.

B. The following establishments of enterprises involving large assemblages of people or automobiles:

Temporary or seasonal amusement enterprises including carnivals and circuses

Commercial sport or recreational enterprises, including nonprofit amphitheaters, convention halls and auditoriums

5. Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height at the required front, side and rear yard

building lines, except one (1) foot may be added to the building height for each additional one (1) foot that the building or portion thereof is set back from the minimum required set backs. However, no building shall exceed a height one hundred twenty-five (125) feet. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the C-2 Community Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	80,000 sq. ft.	200 feet	50 feet	10 feet ^A 20 feet ^B	35 feet	50 feet
All uses if part of a complex	20,000 sq. ft.	200 feet ^C	30 feet ^C	10 feet ^A 20 feet ^B	20 feet ^C	35 feet ^C

A Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City, with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan, parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

B. If a building is planned to be attached or closely located to adjacent buildings and part of a shopping center, the side, or sides, which are to be attached or closely located to the adjacent building shall be permitted to have a zero (0) side yard setback, if construction complies with building and fire codes.

C The less restrictive bulk regulations may be used only when the subject parcel proposed for development is part of a larger commercial complex or where access with other parcels is prearranged or coordinated with the City.

7. Open Space and Landscaping Requirements. See Chapter 175D.

8. Off-Street Parking and Loading. See Chapter 175E.

9. Buffer Requirements. See Chapter 175F.

10. Architectural Standards. See Chapter 175G.

11. Sign Regulations. See Chapter 175H.

12. Site Plan Requirements. See Chapter 175I.

175B.13 C-3 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-3 Highway Service Commercial District.

1. Statement of Intent. The C-3 District is designed to provide for a wide range of highway service commercial uses, including highway and other retail uses not permitted in other C Districts in the City. It is intended that this district be located along major streets and not close to residential areas.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-3 District.

A. Any principal permitted use in the C-2 Zoning District, provided such use shall comply with the minimum requirements of the C-3 Zoning District.

B. The following retail, commercial, and service establishments and uses:

Amusement Parks, and outdoor stadiums and arenas.

Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including all repair work in connection with personal or customers' vehicles

Carpenter and cabinetmaking shops

Car Washes, including self-service

Gas Stations or Service Stations

Lumber yards, retail only

Monument sales yards

Public auction buildings or rooms. (Does not include animal, vehicle auctions.)

Mini-Warehouse

Transportation terminal or truck stops, including minor repairs as accessory use

Small repair shop, including but not limited to bicycle, motorcycle, lawn mower, and garden tractor repair. All activities must be confined inside the building(s), including storage of parts and machines.

Any use which is found by the Zoning Administrator to be a use similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses:

A. Any accessory use permitted in the C-2 Zoning District providing such use shall comply with the minimum requirements of the C-3 Zoning District.

4. Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height, at the required front, side and rear yard building lines, except one (1) foot may be added to the building height for each additional one (1) foot that the building or portion thereof is set back from the minimum required set backs, provided, however, that in no instance shall the building exceed a height of one hundred twenty-five (125) feet. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations. The following minimum bulk requirements shall be observed in the C-3 General Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	20,000 sq. ft.	100 feet	30 feet	10 feet ^A	20 feet ^A	35 feet

A If a building is planned to be attached or closely located to an adjacent buildings and part of a shopping center, the side, or sides, which are to be attached or located closely to the adjacent building shall be permitted to have a zero (0) side yard setback if the building and fire codes are complied with.

6. Open Space and Landscaping Requirements. See Chapter 175D.

7. Off-Street Parking and Loading. See Chapter 175E.

8. Buffer Requirements. See Chapter 175F.

9. Architectural Standards. See Chapter 175G.

10. Sign Regulations. See Chapter 175H.

11. Site Plan Requirements. See Chapter 175I.

175B.14 C-4 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the C-4 Founders Business District.

1. Statement of Intent. The C-4 District is intended to recognize the existing uses and bulk standards characteristic of the original central business district of Norwalk, and to preserve the original central business district concept with its original character.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-4 District.

A. Residential dwellings not exceeding sixteen (16) dwelling units per acre of total lot area, in addition to any other permitted use which may be located on the first floor of a building. Dwelling units shall not be located on the first floor of a building in order to preserve the first floor area for permitted nonresidential uses.

B. Any principal permitted use in the C-1 Zoning District, provided no fuel sales facilities are permitted, and all uses shall comply with the minimum requirements of the C-4 Zoning District.

C. The following retail commercial and service establishments and uses:

Antique stores, but not including refinishing or refurbishing.

Artists' and architectural supply

Automobile parts store; no repair work on site permitted.

Banks, savings and loans and other financial institutions with drive-in facilities permitted

Bars and night clubs

Billiard parlors and pool halls

Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs

Commercial art galleries

Computers, typewriters, copiers, and similar office equipment retail sales and service

Department or variety stores

Electrical repair shops

Floor covering stores, primarily engaged in retail sales and incidental installation, but not including establishments primarily engaged in installing or supplying building contractors

Formal wear and costume rental

Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit

Grocery and food stores

Hardware stores

Hot tub or sauna sales, but not including swimming pools

Hotels and motels

Household appliance stores

Household furniture, retail sales but not including cabinets

Household improvement products stores, i.e., paint, glass and wallpaper stores, retail sales to the general public only

Interior decorations, including retail sales of draperies and curtains

Luggage and leather goods

Music or dance schools or studios, including instruction and exercise classes, but not including ballrooms or dance halls

Office furniture, and supplies, retail sales only

Pet shops, but not including boarding or outdoor kennels

Postal service (local substation of United States) or private parcel post delivery service

Radio, television, and music stores

Sporting goods stores and bicycle shops

Theaters; does not include drive-in theaters

Toy stores

Veterinarian clinics for household pets on an out-patient basis only; no overnight boarding or lodging except by special use permit

Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

Small engine repair, automobile body shops, and machine shops, not including large multi-axle trucks, farm implements or equipment, or heavy machinery or equipment. All activities must be confined inside the building including storage of parts, automobiles, and machines.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special use:

A. Any accessory use permitted in the C-1 Zoning District provided such use shall comply with the minimum requirements of the C-4 Zoning District.

B. Sales of new motorcycles and motorized bicycles, as defined by Iowa Code Chapter 321, as amended. Sale is limited to no more than twenty-five (25%) percent of the floor area used by the principal permitted use. Outdoor display of more than three such vehicles, off street testing, and repair of vehicles is prohibited.

4. Maximum Height Regulations. No principal building shall exceed forty-five (45) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations. The following minimum bulk requirements shall be observed in the C-4 Founders Business District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	none	none	A	B	B	B

- A The front yard setback shall be established based on the planned right-of-way and street paving width for the street on which the buildings shall front. Buildings may have a zero (0) setback from the street right-of-way, but shall maintain a minimum setback of thirty-eight (38) feet from the centerline of any street, or sixteen (16) feet from the back of the street's curb, whichever is greater. However, existing uses may be expanded up to the setback of existing building frontage, provided the land on which the existing building is located on and the land on which the building is planned to be expanded is under common ownership at the time of the passage of this ordinance. Replacement of existing buildings or expansion of existing buildings to accommodate a new use or a use which is different than that use which is located within the existing building shall comply with the front yard setback requirement herein set forth. Front yard setback requirements shall apply to all street frontages.
- B No setback is required, except if adjoining an RE-1, R-1, or R-2 zoning district, in which case not less than twenty-five (25) feet; and if adjoining R-3, R-4, or R-5 Zoning Districts not less than ten (10) feet.

6. Open Space and Landscaping Requirements. See Chapter 175D.

7. Off-Street Parking and Loading. No parking area or access drive shall be located between a building and public street right-of-way. Public parking within close proximity of property planned for development or redevelopment may be used in fulfillment of off-street parking requirements if such public parking allocation is part of a Master Plan for the Founders Business District. See Chapter 175E for additional requirements.

8. Buffer Requirements. See Chapter 175F.

9. Architectural Standards. See Chapter 175G.

10. Sign Regulations. See Chapter 175H.

11. Site Plan Requirements. See Chapter 175I.

175B.15 TC DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the TC Town Center Commercial District.

1. Statement of Intent. The TC District is intended to provide a location in the community to establish a new center for business, retail, and municipal government activity within a traditional central business district atmosphere of mixed use development, providing close proximity and association between employment, retail, recreation, municipal government services, and housing uses; to encourage pedestrian travel versus automobile travel, and; to encourage the use of performance standards for building design and materials which will further a desired design concept and compatibility of appearance of buildings in the district.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the TC District.

A. Residential dwellings not exceeding sixteen (16) dwelling units per acre of total lot area, in addition to any other permitted use which may be located on the first floor of a building. Dwelling units shall not be located on the first floor of a building in order to preserve the first floor area for non-residential uses.

B. Any principal permitted use in the C-1 Zoning District, provided no fuel sales facilities are permitted, and all uses shall comply with the minimum requirements of the TC Zoning District.

C. The following retail commercial and service establishments and uses:

Antique stores, but not including refinishing or refurbishing.

Artists' and architectural supply

Bars and night clubs

Billiard parlors and pool halls

Clothing and accessory stores, including storage and repair of fur garments, but not including trading in furs

Commercial art galleries

Computers, typewriters, copiers, and similar office equipment retail sales and service

Department or variety stores

Formal wear and costume rental

Fruit stores and vegetable markets, provided that no outdoor or open-air display, sales, or storage shall be permitted except by special use permit

Hardware stores

Hotels or bed and breakfast inns, wherein guest rooms and dwelling units shall not be located on the first floor of a building.

Luggage and leather goods

Music or dance schools or studios, including instruction and exercise classes, but not including ballrooms, or dance halls

Music stores

Postal service (local substation of United States) or private parcel post delivery service

Sporting goods stores and bicycle shops, but not including sales of motorized vehicles

Sidewalk cafes

Theaters, including movie theaters.

Toy stores

Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion, conforms to the intent of this section.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses:

A. Any accessory use permitted in the C-1 Zoning District provided such use shall comply with the minimum requirements of the TC Zoning District.

4. Maximum Height Regulations. No principal building shall exceed three (3) stories and fifty (50) feet in height. No accessory structure shall exceed fifteen (15) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations.. The following minimum bulk requirements shall be observed in the TC Town Center Commercial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	80,000 sq. ft. ^A	200 feet	A	B	B	B

A The front yard setback shall be established based on the planned right-of-way and street paving width for the street on which the buildings shall front. Buildings may have a zero (0) setback from the street right-of-way, but shall maintain a minimum setback of thirty-eight (38) feet from the travel lane of the street. Front Yard setback requirements shall apply to all street frontages.

B No setback is required, except if adjoining another zoning district, in which case not less than twenty-five (25) feet.

C Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City, with restrictions placed upon the property requiring that buildings be compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan, parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

6. Open Space and Landscaping Requirements. See Chapter 175D.

7. Off-Street Parking and Loading. No parking area, loading area, or access drive shall be located between a building and public street right-of-way. Public parking within close proximity of property planned for development or redevelopment may be used in fulfillment of off-street parking requirements if such public parking allocation is part of a Master Plan for the Town Center Commercial District. See Chapter 175E for additional requirements.

8. Buffer Requirements. See Chapter 175F.

9. Architectural Standards. See Chapter 175G.

10. Sign Regulations. See Chapter 175H.

11. Site Plan Requirements. See Chapter 175I.

175B.16 PC DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the PC Professional Commerce Park District.

1. Statement of Intent. The PC District is intended to be an area for accommodating the management, research, design, marketing and production needs of those professional-commerce enterprises which comply with the performance standards of this section, and are in the interest of general community welfare, which recognizes that the Community should be beautiful, as well as financially prosperous, spacious, and efficient. Within the PC District it shall be emphasized that the manner in which a use is accomplished is as important as the use; detracting, detrimental, or other generally unacceptable characteristics, including ugliness of physical properties, shall be discouraged, and contemporary, modern and futuristic design techniques which yield visual attractiveness encouraged.

2. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the PC District. Any enterprise, regardless of professional - commerce category which cannot wholly enclose its functions within the principal structures or otherwise effectively conceal its functions from public observation shall be prohibited.

A. Professional and semi-professional office buildings and associated uses as listed in the CO Zoning District, Subsection 175B.09(2).

B. Day care center, day nursery or nursery school, licensed by the State of Iowa, and subject to standards for the same use permitted in the C-O District.

C. Health, athletic or fitness centers or clubs, with all indoor facilities, or outdoor facilities concealed from general public view.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses. Any accessory facility or use shall be physically accomplished in an aesthetically compatible manner and shall comply with all restrictions or performance standards applicable to the principal use.

A. Retail establishments, refreshment stands and employee cafeterias accessory to principal buildings; provided, however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal courtyard, nor shall any display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

B. Storage or warehousing area incidental to the principal use, but not to exceed a floor area which is equal to fifty (50) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building, and loading areas are screened or concealed from general public view.

C. Temporary use of buildings or trailers for use incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work.

4. Special Uses. The following uses may be permitted in the PC District subject to approval of a special use permit by the Board of Adjustment in accordance with Chapter 175J, after notice and public hearing. All special uses shall be accomplished in a manner compatible with performance standards required of principal permitted uses.

A. Hospitals.

B. Private dining clubs, which are operated for the use and benefit of its members.

C. Branch facilities of colleges, and schools which specialize in business, commercial and technical training courses.

5. Maximum Height Regulations. There shall be no height regulations in the PC Zoning District, except that no building or structure shall be constructed to a height which may create an air traffic hazard to the approach or departure of an existing airport.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the PC District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	100,000 sq. ft.	300 feet	50 feet	50 feet	100 feet	50 feet

A Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan and parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

7. Open Space and Landscaping Requirements. See Chapter 175D.

8. Off-Street Parking and Loading. See Chapter 175E.

9. Buffer Requirements. See Chapter 175F.

10. Architectural Standards. See Chapter 175G.

11. Sign Regulations. See Chapter 175H.

12. Site Plan Requirements. See Chapter 175I.

175B.17 IC DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the IC Industrial Commerce Park.

1. Statement of Intent. The IC District is intended to provide for the location of limited industrial uses while maintaining strict performance standards encouraging quality construction and site development for the protection of nearby non-industrial districts. The IC District shall be characterized by large lots with landscaped grounds and buildings constructed with materials of structural strength and permanency such as architectural steel, stone, concrete, and brick, versus wood and sheet metal.

2. Principal Permitted Uses. Only the uses of structures or land listed in this section shall be permitted in the IC District; provided, however that all manufacturing, assembling, compounding, processing, packaging, and other comparable treatment, including storage of any and all materials and equipment, shall take place within completely enclosed buildings.

A. Any principal use permitted in the PC Zoning District, provided such use shall comply with the minimum requirements of the IC

Zoning District.

B. Commercial trade schools and business colleges, which specialize in business, commercial and industrial training courses, and are operated for commercial gain.

C. Compounding and packaging of drugs, pharmaceutical, cosmetics, perfumes, and toiletries.

D. Distribution centers for finished or prepackaged products.

E. Laboratories; research, experimental, and testing uses.

F. Manufacturing, assembling, and packaging of medical instruments, cameras, drafting instruments, and electrical components.

G. Printing, lithographing, or film processing shops or plants.

H. Warehouses for storage of merchandise or materials in connection with the uses permitted in this district only.

I. Enterprises involving large assembly of people or automobiles, such as commercial sport or recreational enterprises, including nonprofit amphitheaters, convention halls and auditoriums.

J. Other uses that are consistent by type of use, use intensity, physical characteristics, style, size, and purpose with the uses listed above, provided the manner in which any use is accomplished shall demonstrate compatibility of neighborhood uses.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses. Any accessory building structure or use shall be physically accomplished in an aesthetically compatible manner and shall comply with all restrictions or performance standards applicable to the principal use.

A. Any accessory uses permitted in the PC Zoning District, provided such use shall comply with minimum requirements of the IC Zoning District.

B. Accessory shelter for a watchman, caretaker, or gate guard, and not a dwelling.

4. Maximum Height Regulations. No principal building shall exceed fifty (50) feet in height. No accessory structure shall exceed twenty (20) feet in height, unless a greater height is permitted for a special use.

5. Bulk Regulations. The following minimum bulk requirements shall be observed in the IC Industrial Commerce Park District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	100,000 sq. ft.	300 feet	50 feet	50 feet	100 feet	50 feet

A Multiple occupancy of a lot by more than one (1) principal building shall be permitted, only if the site is developed as a complex with a master plan for the building site submitted for approval by the City with restrictions placed upon the property requiring that buildings are compatible in architectural design and use of exterior materials; organized in close physical proximity, utilizing a centrally planned open space, landscape plan and parking plan to serve and maintain a unified master plan concept, and provided parking areas are not located between buildings within the complex.

6. Open Space and Landscaping Requirements. See Chapter 175D.

7. Off-Street Parking and Loading. See Chapter 175E.

8. Buffer Requirements. See Chapter 175F.

9. Architectural Standards. See Chapter 175G.

10. Sign Regulations. See Chapter 175H.

11. Site Plan Requirements. See Chapter 175I.

175B.18 M-1 DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the M-1 General Industrial District.

1. Statement of Intent. The M-1 District is intended to provide areas of the city suitable for activities and uses of a general industrial nature.

2. Principal Permitted Uses. The use of buildings, structures, or land listed in this section shall be permitted in the M-1 District; provided, however, that all manufacturing, assembling, compounding, processing, packaging, and other comparable treatment, shall take place within completely enclosed buildings. Outside storage will be allowed, provided such storage areas are screened from public streets and adjacent property and not cover more than thirty (30) percent of the lot area.

A. Any use permitted in the C-3 and IC Zoning Districts, provided such use shall comply with the minimum requirements of the M-

1 District.

B. Assembly of small electrical appliances, photographic equipment, small industrial and electronic instruments and devices, radios, phonographs, and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders, and similar products.

C. Auction rooms or buildings (does not include animal or vehicle auction buildings or rooms).

D. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including as incidental to these major uses all repair work in connection with their own or customers' vehicles.

E. Buildings and uses owned by a state, county, city or other political subdivision, including equipment storage yards and garages which are operated as a necessary business and industrial service of the community.

F. Building materials, wholesale and retail sales, including retail lumber yards.

G. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:

(1) Bakery foods, candy, dairy products, and food products, except the following:

a. Fish and meat processing.

b. Cereals.

c. Sauerkraut.

d. Vinegar.

e. Yeast.

f. Livestock or pet feeds.

g. Flour.

h. Rendering or refining of fats and oils.

(2) Cameras and other photographic equipment.

(3) Electric and neon signs, outdoor advertising signs.

(4) Medical, dental, and drafting instruments.

(5) Musical instruments, toys, novelties, and rubber and metal hand stamps.

(6) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.

(7) Products from the following previously prepared materials; bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, stripes, or wire.

(8) Small mechanical or electronic instruments, appliances, and communications devices.

H. Car wash, including self service.

I. Enameling, lacquering, or japanning.

J. Meat locker plants (for storage and retail sales only).

K. Monument sales yards (not manufacturing or construction).

L. Plumbing and heating shops and service businesses.

M. Public or private recreational facilities including sales and service buildings.

N. Rug and carpet cleaning and exterminators, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

O. Schools which specialize in industrial and technical training courses, either public or operated for commercial gain.

P. Small repair shop, including but not limited to household appliance, bicycle, motorcycle, lawn mower, and garden tractor repair.

Q. Truck stops, including minor repairs and accessory uses.

R. Wholesale storage and warehouse establishments.

S. Any use which is found by the Zoning Administrator to be similar to one of the above named uses, and in his/her opinion conforms to the intent of the section.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses.

A. Any accessory uses permitted in the IC Zoning District, provided such use shall comply with minimum requirements of the M-1 Zoning District.

B. Accessory shelters for a watchman, caretaker, or gate guard.

4. Special Uses. The following uses may be permitted in the M-1 General Industrial District in areas compatible with the Comprehensive Plan and subject to approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J, after notice and public hearing.

A. Adult entertainment facilities which are not prohibited by local, state, or federal law.

B. Any use permitted in the C-2 Zoning District, provided such use shall comply with minimum requirements of the M-1 Zoning District.

C. Animal research or veterinary hospital with overnight boarding or lodging of animals on the premises.

D. Carting, express, hauling, or storage yards.

E. Concrete mixing, concrete products manufacture.

F. Gasoline, fuel oil, or their derivatives, underground storage only, not to exceed forty thousand (40,000) gallons, provided storage is located at least two hundred (200) feet from any R district.

G. Gas storage and cylinder recharging.

H. Garages for truck, automobile, and farm equipment repairs.

I. Machine shops.

J. Manufacture of wood products not involving chemical treatment.

K. Microwave, radio, telecommunication, television transmitting stations and towers.

L. Publicly or community owned and operated water and waste water treatment facilities.

M. Storage and sale of livestock feed, provided dust is effectively controlled. (This does not include agricultural elevators.)

N. Vehicle auction establishments and impoundment yards.

O. Welding and metal working shops.

5. Special Use Permit Considerations. In its deliberation on the proposed special use, the Board and Commission shall consider all of the following provisions:

A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. To this end the Commission and Board may require that appropriate landscaping, walls, fences, or other artificial screens be provided as buffers to minimize the effects of these uses on adjoining or surrounding property.

B. That such use shall not impair an adequate supply of light and air to surrounding property.

C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

D. That such use shall not impair the City utility systems in adjoining or surrounding property; and in such a manner that the City could not adequately serve existing and planned development.

E. The best practical means known for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, and protection of air and water quality shall be employed.

F. All heavy industrial uses and structures permitted by special use permit in the M-1 Zoning district shall be located more than two hundred (200) feet from any R District and within areas designated for General Industrial use within the Comprehensive Plan.

G. That such use shall be in accord and with the intent, purpose and spirit of this ordinance and the Comprehensive Plan of the City.

6. Maximum Height Regulations. No principal building shall exceed sixty-five (65) feet in height. No accessory structure shall exceed twenty (20) feet in height, unless a greater height is permitted for a special use.

7. Bulk Regulations. The following minimum bulk requirements shall be observed in the M-1 General Industrial District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	20,000 sq. ft.	100 feet	50 feet	10 feet*	20 feet	50 feet

* A thirty (30) foot side yard shall be maintained when abutting an R District, floodway or greenbelt park.

8. Open Space and Landscaping Requirements. See Chapter 175D.

- 9. Off-Street Parking and Loading. See Chapter 175E.
- 10. Buffer Requirements. See Chapter 175F.
- 11. Architectural Standards. See Chapter 175G.
- 12. Sign Regulations. See Chapter 175H.
- 13. Site Plan Requirements. See Chapter 175I.

175B.19 PUD DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the PUD Planned Unit Development District.

1. Statement of Intent. The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with a Master Plan and development guidelines and standards in which the land uses, transportation elements, building densities, arrangements, and types are set out in a unified plan, which may provide greater flexibility of land use, transfer of development rights within the PUD, bulk regulations, and building locations than the conventional zoning district may permit. The PUD District is intended to: maximize benefits from the use of open spaces; maximize aesthetics; encourage certain architectural standards for buildings, permit mixed uses and diversity of bulk regulations without endangering the health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a mix of land uses of residential building types, commercial, and limited industrial, provided such Planned Unit Development is compatible with the Comprehensive Plan of the City.

2. Minimum Size, Land Use and Maximum Density. A PUD shall consist of at least ten (10) acres, land use types compatible with the Comprehensive Plan of the City, and the density of the PUD shall not be in excess of the density permitted by this section and compatible with the Comprehensive Plan. A Planned Unit Development may include multiple-family or two-family dwellings in areas designated as R-1 zoning in the Comprehensive Plan, if the proposed land use is compatible with land uses adjoining and outside the PUD, and the dwelling unit density of the PUD is not greater than ten percent (10%) greater than the maximum density permitted by the underlying zoning as set forth in this sub-section. The maximum number of dwelling units (du) permitted in a PUD in areas of the City designated as RE-1, R-1, and R-2 shall be based on the following maximum dwelling unit per acre density by proposed zoning district:

Zoning District	Maximum Density
RE-1	1.0 du/ac
R-1(100)	2.0 du/ac
R-1(90)	2.5 du/ac
R-1(80)	3.0 du/ac
R-1(70)	3.5 du/ac
R-1(60)	4.0 du/ac
R-2	5.0 du/ac

3. Master Plan. As part of a proposed Planned Unit Development rezoning of land in the City of Norwalk, a Master Plan shall be prepared and fifteen (15) copies submitted to the City which shows the generalized overall land use plan for development of the area of the proposed PUD and shall include the following information:

- A. A vicinity map of sufficient scale to show site boundaries and the zoning of adjacent properties within 1,000 feet.
- B. Dimensions, legal descriptions, acreage, existing zoning, land use, and ownership of the area of the proposed PUD; and existing zoning, land use, and ownership of contiguous properties within two hundred (200) feet. The Master Plan shall be submitted on paper sheets of 24 inches by 36 inches.
- C. The location and delineation of each parcel proposed with different land uses and bulk regulations, and a schedule of the proposed land use and bulk regulations for each parcel set forth by ordinance.
- D. Existing and proposed location of streets, pedestrian ways, trails, parks, recreation areas, open space, buffers, parking areas, schools, and anticipated traffic generation.
- E. Area and number of dwelling units, and anticipated floor area of nonresidential buildings by parcel.
- F. Existing tree masses, water channels, drainageways, flood hazard areas, and other topographic or environmentally important characteristics.
- G. Proposed privately owned common areas and public ownership areas, including open space, park land, and school sites.
- H. Location of existing or proposed municipal utilities to serve the PUD and adjoining properties, including sanitary sewer, storm sewer and water.
- I. In addition to storm sewer facilities, other required storm water management facilities and requirements shall be shown and/or explained on the Master Plan.
- J. Dimensions of all street right-of-way and paving widths, including all proposed easements.
- K. Staging schedule of development, including anticipated year construction shall be initiated and the phasing of development planned to be implemented.

L. Landscape areas proposed as part of small-scale PUD proposals to include general location of shrubs, trees and earth berms.

M. Delineate the traffic impacts that would result from the project and how they can be mitigated.

4. Rules, Regulations and Guidelines for Land Use and Performance. In conjunction with the submittal of Master Plan illustrating the location of each development parcel, there shall be prepared rules, regulations and guidelines for the development of the PUD, and such matters shall be part of the consideration by the Planning and Zoning Commission and the City Council and incorporated within an ordinance providing for the rezoning of the property to a PUD. The rules, regulations and guidelines shall set forth the permitted land use, bulk regulations, transfer of development rights within the area of the PUD, height requirements, open space and landscaping requirements, architectural standards, sign regulations, buffer requirements, off street parking and loading requirements, and other performance standards as required by the City for each parcel designated within the Master Plan. Any rules, regulations and guidelines set forth within the ordinance and Master Plan approved by the City Council providing for the rezoning shall be binding on the property owner, their heirs, successors or assigns, and shall be recorded at the Office of the County Recorder.

5. Process for City Review of Planned Unit Development. The Zoning Administrator shall review the submitted PUD proposal; may discuss any suggestions or provide additional information to the developer, and shall file a report together with the applicant's proposal to the Planning and Zoning Commission.

A. The Planning and Zoning Commission, after receipt of the report from the Zoning Administrator, or other delegated City personnel, and receipt of the PUD proposal, shall consider the presentation and give special attention to the following:

- (1) Compatibility with Comprehensive Plan.
- (2) Land use and density.
- (3) Building types, functions, architecture, buffers and arrangement.
- (4) Provision and use of open space and landscaping.
- (5) Access to and from the site, and traffic circulation.
- (6) General relationship to surrounding area.

B. The Planning and Zoning Commission may approve or disapprove the PUD Master Plan and associated development rules, regulations and guidelines as submitted, or may require the developer to modify, alter, adjust or amend the proposed Master Plan and associated rules, regulations and guidelines, as the Commission deems necessary, in order to preserve the harmonious intent and purpose of this ordinance and the Comprehensive Plan of the City.

C. An application for approval of PUD shall be deemed a petition for rezoning to the PUD Zoning District, but prior to an affirmative report from the Commission the applicant shall file the necessary petition as prescribed in Amendments, Section 175A.19.

D. Before any report is forwarded to the City Council by the Planning and Zoning Commission pertaining to an application submitted for a PUD, said Commission shall determine if such proposal is compatible with the Comprehensive Plan or if such proposal represents a substantial change to the Comprehensive Plan. The Commission shall hold a public hearing, giving notice as provided by law for a rezoning.

E. After a complete review by the Planning and Zoning Commission, a written recommendation and report giving reasons as to their action shall be filed with the City Council.

F. Within a period of sixty (60) days after the City Council has received a report from the Planning and Zoning Commission, together with the proposed Master Plan, and rules, regulations, and guidelines of the PUD development, a public hearing shall be held by the City Council in accordance with the provisions of Section 175A.19. The City Council shall then approve or deny the application, in accordance with Section 175A.19.

6. Recording of Master Plan and Associated Rules, Regulations and Guidelines. The ordinance providing for the rezoning of property to the PUD Zoning District and the associated Master Plan, rules, regulations, and guidelines as approved by the City Council shall be recorded at the Office of the County Recorder and shall be binding on the property owners, their heirs, successors or assigns.

7. Modifications. Any proposed modifications in the approved PUD shall first be reviewed by the Planning and Zoning Commission. Said proposed modification along with a report from the Commission shall then be forwarded to the City Council with appropriate recommendations. The City Council shall then take such appropriate action on the proposed modification and their decision shall be final. No modification may be considered that is more than a ten percent (10%) increase in density or change of uses on the site without a public hearing as required of a rezoning procedure. A public hearing may be required before the City Council on any modification, if determined by the Council. All modifications and adjustments shall be recorded at the Office of the County Recorder as required of the original rezoning.

175B.20 CD DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the CD Conservation District.

1. Statement of Intent. The CD Zoning District is intended to preserve and protect heavily wooded areas, areas of extreme slopes, rivers, stream banks, and flood hazard areas of the City of Norwalk from adverse future development. It is also intended that development of the flood hazard areas be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

2. Principal Permitted Uses. Only the uses of buildings, structures or land listed in this section shall be permitted in the CD District:

A. Agriculture, including truck gardening, orchards, vineyards, and plant nurseries, but not including livestock feed lots or poultry farms or similar uses; provided no building or dwellings shall be erected thereon.

B. Forests and forestry preserve uses.

C. Parks, nature areas, playgrounds, golf courses and similar recreational uses.

D. Picnic areas.

E. Pedestrian and bicycle trails.

3. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted or special uses.

A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work, provided the placement of such buildings shall be subject to the issuance of a Flood Plain Development Permit, when located in a flood hazard area.

4. Special Uses. The following uses may be permitted in the CD Conservation District subject to approval of a Special Use Permit by the Board of Adjustment in accordance with Chapter 175J, after notice and public hearing.

A. Farm buildings and a single family dwelling accessory to the agricultural use.

B. Boat houses and marinas.

C. Club houses, tennis courts, or playground equipment, or other accessory buildings and structures when associated with parks, golf courses or other recreational facilities.

D. Construction of dams, reservoirs, ponds.

E. Relocation of water courses.

F. Quarries or mining operations, including rock crushing plants or processing of materials quarried or mined.

G. Buildings and uses owned by public agencies.

H. Earth filling and excavation activities.

5. Maximum Height Regulations. There shall be no height regulations in the CD Zoning District, except as may be restricted as part of the issuance of a special use permit, and that no building or structure shall be constructed to a height which may create an air traffic hazard to the approach or departure of an existing airport.

6. Bulk Regulations. The following minimum bulk requirements shall be observed in the CD Conservation District:

Use	Lot Area	Lot Width	Front Yard Setback	Side Yard Setback, Least Width on Any One Side	Sum of Both Side Yard Setbacks	Rear Yard Setback
All Uses	80,000 sq. ft.	200 feet	50 feet	50 feet	100 feet	50 feet

7. Open Space and Landscaping Requirements. See Chapter 175D.

8. Off-Street Parking and Loading. See Chapter 175E.

9. Buffer Requirements. See Chapter 175F.

10. Architectural Standards. See Chapter 175G.

11. Sign Regulations. See Chapter 175H.

12. Site Plan Requirements. See Chapter 175I.

175B.21 OVERLAY ZONING DISTRICT REGULATIONS.

In addition to the zoning districts listed and their associated regulations set forth in Chapter 175B, additional regulations and requirements are imposed upon certain areas of the City of Norwalk in which the City desires to protect life and property from losses, hazards and related affects caused by the occupancy and use of flood hazard areas by buildings, structures, or activities which may increase the affects of flooding, and to prevent the creation or establishment of airport hazards and mitigate the impact of airport-generated noise on noise-sensitive land uses. The boundaries of the Overlay Zoning Districts are also indicated upon the Official Zoning Map of the city, which is made part of this ordinance by reference. If the regulations and restrictions for the Overlay Zoning Districts set forth in this chapter impose greater standards or more restrictive requirements than are required in any other chapter or section of this Ordinance, or other local, State or federal regulation, the regulations or requirements made under this chapter shall prevail and govern. In order to carry out the purpose and intent of this chapter, the following seven (7) Overlay Zoning Districts are established:

FW Floodway Overlay Zoning District

- FF Floodway Fringe Overlay Zoning District
- FP General Flood Plain Overlay Zoning District
- AZ Approach Zone Overlay Zoning District
- CZ Conical Zone Overlay Zoning District
- HZ Horizontal Zone Overlay Zoning District
- TZ Transitional Zone Overlay Zoning District

175B.22 FLOOD HAZARD OVERLAY ZONING DISTRICTS.

This section shall apply to all lands within the jurisdiction of the City of Norwalk shown on the Official Zoning Map as shown as being within the boundaries of the FW Floodway, FF Floodway Fringe, and FP General Floodplain and provisions of Sections 175C.01, 175C.02, and 175C.03.

1. Statement of Intent. It is the purpose of this chapter to promote the public health, safety, and general welfare by minimizing flood losses and secure safety from flooding and to provide the following:

- A. Reserve sufficient flood hazard areas 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 utilities which serve such uses, be protected against flood damage at the time of initial construction.
- D. Protect individuals from buying lands which are unsuited 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.

2. Statutory Authorization and Findings of Fact.

A. Statutory Authorization. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and general welfare.

B. Findings of Fact.

1. The flood hazard areas of the City of Norwalk are subject to periodic inundation which can result in loss of life, property, and health; safety hazards; disruption of commerce and governmental services; extra-ordinary public expenditures for flood protection and relief; and impairment of the tax base; all of which adversely affect the health, safety, and general welfare of the community.

2. These losses, hazards, and related 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 flood; and (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.

3. This section relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

3. General Provisions.

A. Rules for Interpretation of District Boundaries. The boundaries of the district shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the Zoning Administrator shall make the necessary interpretation with the use of available topographic information and projected flood elevations. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence to the Zoning Administrator subject to the right of appeal to the Norwalk Board of Adjustment.

B. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Warren County and incorporated areas, City of Norwalk, Panels 1918C0039G, 0043G, 0044G, 0126G, 0127G, 0129G, 0132G, 0133G, dated November 16, 2018, which were prepared as part of the Flood Insurance Study for Warren County, 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 this ordinance. *(Ord. 18-20 – May 19 Supp.)*

C. 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 this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

D. Lands to Which Ordinance Applies. The provisions of this ordinance shall apply to all lands within the jurisdiction of the City of Norwalk shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in Section 175B.22.

E. 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 this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

F. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

G. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

H. Warning and Disclaimer of Liability. The City, by adoption of this ordinance, does not warrant or imply to the public or any individual that compliance with this chapter will protect the public or any individual from injury, property damage, or death as result of flood, flood heights, or a consequence of water velocity or intensity accompanying any flooding. This section does not create any cause of action, right, or entitlement in the public generally or any individual whether that individual is a person, firm, corporation, or other entity. Neither the City of Norwalk nor any of its officers, officials, or employees shall have any liability to anyone for any claim, injury, property damage, death, or any claim connected therewith based upon any provisions of this section.

4. Administration of Flood Hazard Area Overlay Zoning District Regulations.

A. Duties and Responsibilities of Zoning Administrator Concerning Flood Hazard Area Overlay Zoning Districts.

(1) Duties and responsibilities of the Zoning Administrator shall include, but not necessarily be limited to, the following:

- a. Review all flood plain development permit applications to insure that the provisions of this section will be satisfied.
- b. Review all flood plain development permit applications to insure that all necessary permits have been obtained from federal, state, or local governmental agencies.
- c. Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum) of the lowest floor of all new or substantially improved buildings; or (ii) the elevation to which new or substantially improved structures have been flood proofed.
- d. Notify the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.
- e. Keep a record of all permits, appeals, variances, special use permits and such other transactions and correspondence pertaining to the administration of this chapter.
- f. Submit an annual report form supplied by the Federal Insurance Administration to the Federal Insurance Administrator concerning the community's participation.
- g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- h. Review subdivision and site plan proposals to insure such proposals are consistent with the purpose of this section and advise the Planning and Zoning Commission and the City Council of potential conflicts.
- i. Prepare, keep on file, and furnish each applicant a current list of documents and publications currently utilized to determine compliance with this section and governmental agencies that may be used as an aid to interpret that agency's requirements.

B. Flood Plain Development Permit.

(1) Permit Required. A Flood Plain Development Permit issued by the Zoning Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation, or drilling operations) including the placement of factory-built homes.

(2) Application for Permit. Application for a Flood Plain Development Permit shall be made on forms supplied by the Zoning Administrator and shall include the following information:

- a. Description of the work to be covered by the permit for which application is to be made.
- b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address, or similar legal description) that will readily identify and locate the work to be done.
- c. Identification of the use or occupancy for which the proposed work is intended.
- d. Elevation of the one hundred (100) year flood.
- e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.

(3) Action for Permit Application. The Zoning Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this chapter and shall approve or disapprove the application. For disapprovals the applicant shall be informed, in writing, of the specific reasons therefore and shall have the right to appeal to the Norwalk Board of Adjustment. The Zoning Administrator shall not issue permits for uses or variances except as directed by the Norwalk Board of Adjustment.

(4) Construction and Use to be as Provided in Application and Plan. Flood Plain Development Permits issued 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 this Ordinance and shall be punishable as provided in this Code of Ordinances. The applicant shall be required to submit certification by professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, and

the plans submitted for variance or Zoning Administrator's approval, prior to the building permit, use or occupancy of any structure or land.

C. Board of Adjustment Variances. The Norwalk Board of Adjustment may authorize upon request in specific cases such variance from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of this chapter will result in exceptional hardship. Variances granted must meet the following applicable standards:

(1) No variance shall be granted for any development within the Floodway District which would result in any increase in the one hundred (100) year level. 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.

(2) 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 or extraordinary public expense; create nuisances; or cause fraud on or victimization of the public.

(3) Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.

(4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this section, the applicant shall be notified in writing over the signature of the Zoning Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance; and (ii) such construction increases risks to life and property.

(5) All variances approved by the Norwalk Board of Adjustment shall be submitted for approval to the Iowa Department of Natural Resources for approval and such approval of the variance by the Norwalk Board of Adjustment shall not be valid until State approval is obtained.

(6) After the Norwalk Board of Adjustment has granted approval of a variance, the applicant shall have one (1) year in which to initiate and file for approval with the Iowa Department of Natural Resources.

(7) After approval by the Iowa Department of Natural Resources of the variance, the applicant must implement the development variance within one (1) year of the variance or the approval of the Norwalk Board of Adjustment is null and void and has no further force and effect.

D. Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for special uses or requests for variances, the Board shall consider all relevant factors specified in other sections of this ordinance:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept onto other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in time of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

(12) Such other factors which are relevant to the purpose of this chapter.

E. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of special uses or variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

(1) Modification of waste disposal and water supply facilities.

(2) Limitation on periods of use and operation.

(3) Imposition of operation controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.

(5) Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood

velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Norwalk Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(6) Flood proofing measures may include, but are not necessarily limited to the following:

- a. Anchorage to resist flotation and lateral movement.
- b. Installation of watertight doors, bulkheads and shutters, or similar methods of construction.
- c. Reinforcement of walls to resist water pressures.
- d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
- e. Addition of mass or weight structures to resist flotation.
- f. Installation of pumps to lower water levels in structures.
- g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
- h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
- i. Construction to resist rupture or collapse caused by water pressure or floating debris.
- j. Installation of valves or controls or sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures.
- k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding.

CHAPTER 175C

ZONING ORDINANCE

OVERLAY ZONING DISTRICT REGULATIONS

175C.01 FW Floodway Overlay District

175C.03 FP Overlay Zoning District Regulations

175C.02 FF Overlay Zoning District Regulations

175C.04 Airport Hazard, Height and Noise
Mitigation Overlay

175C.01 FW FLOODWAY OVERLAY DISTRICT.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FW Floodway Overlay District.

1. Principal Permitted Uses. The following uses shall be permitted within the FW Floodway Overlay District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, buildings, factory built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, aquaculture, truck farming, forestry, sod farming, wild crop harvesting, but not including livestock feed lots or poultry farms.

B. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, fishing areas, hiking, biking and horseback riding trails.

C. Open space uses such as lawns and gardens.

D. Such other open-space uses similar in nature to the above uses.

2. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted uses:

A. Accessory uses customarily incidental to a principal permitted use, provided all restrictions on development in the FW District shall apply to any accessory uses.

B. Floating and removable docks for residential uses, provided the standards of Subsection 4 of this section (Performance Standards) are met.

(Ord. 18-20 – May 19 Supp.)

3. Special Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon approval of a special use permit and only when adequate public liability insurance is provided. Such uses must also meet the applicable provisions of the Floodway District Performance Standards and the standards allowed usage of the appropriate

underlying zoning district.

- A. Extraction of sands, gravel, and other materials.
- B. Marinas, boat rentals, permanently installed docks, piers, and wharves.
- C. Utility transmission lines and underground pipelines.
- D. Other uses similar in nature to uses described in this subsection which are consistent with the provisions and the general spirit and purpose of this subsection.

(Ord. 18-20 – May 19 Supp.)

4. Performance Standards. All FW Floodway Overlay Zoning District uses allowed as a principal permitted use, accessory use or special use, shall meet the following standards:

A. No use shall be permitted in the FW Floodway Overlay Zoning District that would result in any increase in the one hundred (100) year flood level. 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 uses within the FW 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 use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

D. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the FF Floodway Fringe Overlay Zoning District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, 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, hazardous, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the FW 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 Iowa Department of Natural Resources.

H. Any fill allowed in the FW District shall not increase the one hundred (100) year flood profile.

I. Pipeline crossings of streams or rivers shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

175C.02 FF OVERLAY ZONING DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FF Floodway Fringe Overlay Zoning District.

1. Principal Permitted Uses. All uses within the Floodway Fringe Overlay Zoning District shall be limited to the extent that they are not prohibited by the underlying zoning district or any other section of this ordinance and provided they meet applicable performance standards of the Floodway Fringe Overlay Zoning District.

2. Performance Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

A. No development within the Floodway Fringe Overlay Zoning District shall increase the flood heights or flood profile.

B. All structures shall: (i) be adequately anchored to prevent flotation, collapse, or lateral movement of the structure; (ii) be constructed with materials and utility equipment resistant to flood damage; and (iii) be constructed by methods and practices that minimize flood damage.

C. Nonresidential Buildings. All new or substantially improved non-residential buildings shall have the first floor (including basement) elevated a minimum of one (1) foot above the one hundred (100) year flood level, or together with attendant utility and sanitary systems, be flood proofed 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 one hundred (100) year flood level; and that the structure, below the one hundred (100) year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (North American Vertical Datum) to which any structures are flood proofed shall be maintained by the Zoning Administrator.

D. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the one hundred (100) year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the one hundred (100) year flood level. Alternate methods of elevating (such as piers)

may be allowed subject to favorable consideration of the Norwalk Board of Adjustment and issuance of a variance by the Board of Adjustment, 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, and be engineered by a registered professional engineer in the State of Iowa.

E. All New and Substantially Improved Structures. Fully enclosed areas below the lowest floor (not including basement) 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 floodwater. Designs for meeting this requirement must be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
- (4) All such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

(Ord. 18-20 – May 19 Supp.)

F. 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.

G. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

H. Utility Systems.

(1) 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 shall be provided with a level of flood protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.

(2) On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

(3) New or replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the one hundred (100) year flood elevation.

(4) Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with flood damaged or impaired system.

I. Storage of materials and equipment that are flammable, explosive, hazardous, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the one hundred (100) year flood level. 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.

J. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, a protection from a one hundred (100) year flood with a minimum of three (3) foot of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Iowa Department of Natural Resources.

K. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or other drainage facility or system.

L. Accessory Structures to Residential Uses. 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.

(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

(2) 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.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) 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.

(6) The structure's walls shall include openings that satisfy the provisions of Paragraph 2(E) of this section.

(7) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

M. Factory-Built Homes.

(1) All 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 100-year flood level.

(2) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring 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.

(Ord. 18-20 – May 19 Supp.)

N. 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. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain above flood levels during occurrence of the one hundred (100) year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodway Fringe Overlay District.

O. Recreational vehicles are exempt from the requirements of Paragraph M of this subsection regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days; and

(2) 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.

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 Paragraph M of this section regarding anchoring and elevation of factory-built homes.

175C.03 FP OVERLAY ZONING DISTRICT REGULATIONS.

The regulations set forth in this section or elsewhere in this ordinance which are applicable, shall apply in the FP General Flood Plain Overlay District.

1. Principal Permitted Uses. Principal permitted uses in the Floodway of the FP Overlay Zoning District shall be as they are permitted in the FW Overlay Zoning District and in the Floodway Fringe of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources.

2. Permitted Accessory Uses. The following uses may exist as part of, or in accessory to the principal permitted uses:

A. Accessory open space uses customarily incidental to a principal permitted use, provided all restrictions required to develop in the FP Overlay Zoning District shall apply to any accessory use.

3. Special Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation, or alteration of a watercourse may be allowed only upon issuance of a special use permit by the Board of Adjustment as provided for in Chapter 175J. All such uses 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 one hundred (100) year flood level. The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination.

4. Performance Standards.

A. No development within the FP General Flood Plain Overlay Zoning District shall be permitted where such development increases flood heights or the flood profile.

B. All uses, or portions thereof, to be located in the Floodway of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources shall meet the applicable provisions and standards of the FW Overlay Zoning District.

C. All uses, or portions thereof, to be located in the floodway fringe of the FP Overlay Zoning District as determined by the Iowa Department of Natural Resources shall meet the applicable standards of the FP Overlay Zoning District and the appropriate underlying zoning district.

175C.04 AIRPORT HAZARD, HEIGHT AND NOISE MITIGATION OVERLAY.

The regulations set forth in this section or elsewhere in this ordinance which are applicable shall apply in the AZ Approach Zone, CZ Conical Zone, HZ Horizontal Zone, and TZ Transitional Zone Overlay Zoning Districts.

1. Statement of Intent. The Airport Hazard, Height, and Noise Mitigation Overlay Zoning Regulations are intended to prevent the creation or establishment of hazards which may affect the safe operations of the Des Moines International Airport, and to mitigate the effect of noise generated by the approach and departure of aircraft from the Airport upon incompatible noise-sensitive land uses.

2. Airport Zones and Airspace Height Limitations. In order to carry out the provisions of this subsection, there are hereby created and established certain zones, the boundaries of which are depicted as surfaces on the Des Moines International Airport's Airport Layout Plan (ALP) which is currently on file at the Office of the Norwalk City Clerk and at the City of Des Moines Engineering Department under Plan File No. 335-111/113. A structure or tree located in more than one (1) zone of the following zones shall comply with the

regulations of the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Approach Zone. The land lying under the Approach Surface, a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An Approach Surface is applied to each end of each runway based upon the types of approach available or planned for that runway end.)

(1) The inner edge of the Approach Surface is the same width as the primary surface, and it expands uniformly to a width of:

Non-Precision Instrument Runway	(1) 4,000 feet for Runway 23
Precision Instrument Runway	(2) 16,000 feet for all other runways

(2) The Approach Surface extends for a horizontal distance of:

Non-Precision Instrument Runway	(1) 10,000 feet at a slope of 34 to 1 for Runway 23
Precision Instrument Runway	(2) 10,000 feet at a slope of 50 to 1, and then 40,000 feet at a slope of 40 to 1.

No structure or tree shall exceed the Approach Surface to any runway, as depicted on the Des Moines International Airport ALP.

B. Conical Zone. The land lying under the Conical Surface, a surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure or tree shall exceed the Conical Surface in the Conical Zone, as depicted on the Des Moines International Airport ALP.

C. Horizontal Zone. The land lying under the Horizontal Surface, a plane 150 feet above the established airport elevation, the perimeter of which is constructed by: swinging arcs of 10,000 feet radii from the State Plane Coordinates at center of each end of the primary surface of all runways and connecting the adjacent arcs by lines tangent to those areas.

D. Transitional Zone. The land lying under the Transitional Surfaces. These surfaces extend outward and upward at right angles to the runway centerline and centerline extended from the sides of the primary surface and from the sides of the approach surfaces at a slope of 7 to 1 until said surfaces intersect the Horizontal or Conical Surfaces. Beyond the limits of the conical surface on all runway approaches except Runway 23 the Transitional Surfaces shall extend outward and upward at a slope of 7 to 1 from the sides of the Approach Surface for a distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline extended. No structure or tree shall exceed the Transitional Surface, as depicted on the Des Moines International Airport ALP.

No structure shall be erected or tree allowed to grow in the City of Norwalk that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected or tree allowed to grow that causes the Minimum Obstruction Clearance Altitude or Minimum En route Altitude to be increased on any Federal Airway in the City of Norwalk

3. Noise Attenuation. Any residential dwelling, hotel, motel, group quarters, school, hospital, auditorium, place of worship, or other place of public assembly proposed to be constructed within the Approach Zone and within areas of more than 65 dBA, as set forth as the area of noise attenuation on the attached map identified as Exhibit A, shall be constructed with soundproofing to achieve a noise level reduction of 25 dBA (outdoor to indoor). Construction standards to achieve this degree of sound attenuation are provided in the City of Norwalk Building Code. The development of land within that area of the Approach Zone set forth as the area of noise attenuation on the map identified as Exhibit A shall require the submission of a "Noise and Avigation Easement" to the City by the land owner prior to initiation of construction.

4. Use Restrictions. Notwithstanding any other provisions of Subsection 2 of this section, no use may be made of land or water within the zones defined in Subsection 2 in such manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare, or other visual hazards which are sufficient to endanger aircraft operating from the airport or in the vicinity thereof. When the Aviation Director believes such a hazard may exist, a determination shall be obtained from the FAA as to the existence of such a hazard.

C. No operations from any use shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

5. Nonconforming Structures, Trees and Uses. No pre-existing nonconforming structure, tree, or use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this subchapter was adopted.

6. Lighting.

A. Notwithstanding the provisions of Subsection 4 of this section, the owner of any structure or tree over 200 feet above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

B. A property owner shall permit the Des Moines International Airport at its own expense to install, operate, and maintain on such

property markers and lights as necessary to indicate to operators of aircraft the presence of an airport hazard.

7. Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his or her property in violation of any section of this subchapter may apply to the Board of Adjustment for a variance from such regulations. No application for a variance to the requirements of this subchapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Aviation Director for his or her opinion as to the aeronautical effects of such a variance. If the Aviation Director responds to the Board of Adjustment in favor of the variance, or if he or she does not respond within fifteen (15) days from receipt of the copy of the application, then the Board shall make its decision to grant or deny the variance based upon a preponderance of the evidence. If the Aviation Director responds in opposition to the variance within fifteen (15) days from receipt of the copy of the application, then the Board may grant the variance only if clear and convincing evidence outweighs the opinion of the Aviation Director.

8. Board of Adjustment. The Board of Adjustment appointed pursuant to Section 175A.20 shall have and exercise the following powers:

A. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this subsection.

B. To hear and decide special exemptions to the terms of this subsection upon which such Board of Adjustment under such regulations may be required to pass.

C. To hear and decide specific variances.

9. Judicial Review. Any persons aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, in the administration of this subsection, may appeal to a court of record as provided in Sec. 414.15, Code of Iowa.

10. Administration. The Zoning Administration is hereby designated as the administrative agency pursuant to Sec. 329.13 of the Code of Iowa, with the duty to administer the regulations prescribed in this section. Administration and enforcement of this section shall be in accordance with the procedures set forth in Section 175A.09.

11. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this subchapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

CHAPTER 175D

ZONING ORDINANCE

OPEN SPACE AND LANDSCAPING

175D.01 Application
175D.02 Statement of Intent

175D.03 Open Space Required
175D.04 Landscaping Required

175D.01 APPLICATION.

The requirements set forth in this chapter for Open Space and Landscaping shall apply to any development or redevelopment within the City of Norwalk, Iowa, by zoning district as listed within this chapter.

175D.02 STATEMENT OF INTENT.

It shall be recognized that the extensive use and excessive congestion of land is detrimental to the general health and welfare of the community. Therefore, the intent of this chapter shall be to require open space which is necessary to provide adequate light and air and the desired qualities and beauty that landscaping provides the City.

175D.03 OPEN SPACE REQUIRED.

The following open space requirements shall be adhered to for any development within the City of Norwalk:

1. Each principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than fifteen (15) feet in width except as required in Subsection 2 of this section.
2. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same apartment complex site, there shall be provided a minimum open space of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles at the opening, from the wall containing the opening to the opposite wall.
3. Cantilevers and uncovered decks may project from the building wall into the required open space, provided an uncovered deck shall not cover more than 50% of the open space within the front yard. Open stairways may project from the building wall into the required open space not more than seven and one-half (7-1/2) feet. Stairways when located in the required open space shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.
4. On each lot there shall be provided an open space equal to at least the following percentage of the total lot area for each zoning district listed. Said open space shall be unencumbered with any structure, or off-street parking or roadways, ingress-egress access drives and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used for pedestrian walks, courtyards or plazas.

Districts	Percent of Open Space
R, PC, and IC	30%
C-O, C-1, C-2, and TC	25%
C-3, C-4, and M	20%
A-R and CD	50%

5. Any existing use in the C-4 Old Town Business District shall be exempt from this chapter; however, all redevelopment or new development in the C-4 District shall be subject to compliance.

175D.04 LANDSCAPING REQUIRED.

Any development in the City of Norwalk, except single-family detached residences, shall provide the following minimum number and size of landscape planting based on the minimum required open space for the development. Lots with single-family detached residences shall have one tree of a minimum 8-foot height for deciduous or 6-foot height for evergreen for each five thousand (5,000) square feet of lot area, or portion thereof. The following is the minimum requirement of trees and shrubs, by number and size, and type of ground cover. Street trees planted in public street right-of-way shall not be counted toward fulfillment of the minimum site requirements set forth below. Plant species to be used for landscaping shall be acceptable to the City and not considered a nuisance or undesirable species, such as trees with thorns, cottonwood or cotton-bearing poplars, elm trees prone to Dutch elm disease, box elder, and silver maple. Existing trees and shrubs to be retained on site may be counted toward fulfillment of the landscaping requirements.

1. Minimum tree requirements at the time of planting for any development, except single-family detached residences - two (2) trees or one (1) tree of the following size per 1,500 square feet of open space, whichever is greater:

40 Percent minimum 2" - 2-1/2" caliper diameter deciduous and/or 8-foot height or greater evergreen.

Balance 8-foot height deciduous and/or 6-foot height evergreen.

2. Minimum shrub requirements at the time of planting for any development, except single-family detached residences - 6 shrubs, or 1 shrub per 1,000 square feet of open space, whichever is greater. Shrubs shall be a minimum of 18" height or minimum one (1) gallon potted.

3. To reduce erosion, all disturbed open space areas shall have ground cover of grass or native vegetation which is installed as sod, or seeded, fertilized and mulched. However, all single-family residential lots shall be sodded from the front of the front yard building setback to the street pavement.

CHAPTER 175E

ZONING ORDINANCE

OFF-STREET PARKING AND LOADING

- | | |
|---|---|
| 175E.01 Application | 175E.04 Off-Street Parking Requirements |
| 175E.02 Statement of Intent | 175E.05 Waiver of Requirements |
| 175E.03 Off-Street Loading Space Requirements | |

175E.01 APPLICATION.

The requirements and regulations of this chapter shall apply to any development or redevelopment of/and within the City of Norwalk.

175E.02 STATEMENT OF INTENT.

It shall be the intent of this chapter to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, it shall be recognized that the requirements of this chapter are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space is justified and may be required to preserve the intent of this chapter.

175E.03 OFF-STREET LOADING SPACE REQUIREMENTS.

In any zoning district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, office buildings, or other similar commercial or industrial uses which require the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space, and for multiple tenant commercial/retail shopping centers, one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet, provided the total number of loading spaces is not required to be more than the total number of occupying tenants.

1. Each loading space shall not be less than nine (9) feet in width and nineteen (19) feet in length for loading spaces not requiring loading dock access, and twelve (12) feet in width and fifty (50) feet in length for loading dock access for trucks. All loading areas shall be designed in a manner acceptable to the City and provide adequate space for loading access.

2. Such loading area may occupy part of a required yard or court space, except required open space under Chapter 175D, and provided the loading area and access roadways meet all setbacks required of off-street parking areas as set forth in this chapter.

3. Loading yards and loading docks shall be located and buffered from general public view, public streets, public buildings, recreation facilities, parks, schools, places of assembly for worship, residential zoning districts and uses, C-O and PC Zoning Districts, and screened from all other adjoining properties where it is determined said loading areas are considered offensive to more restrictive uses.

4. All loading yards and accesses to loading yards and loading docks shall be paved with asphaltic or Portland cement concrete pavement in accordance with surfacing requirements set forth in this chapter.

175E.04 OFF-STREET PARKING REQUIREMENTS.

1. In all zoning districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule.

Use	Parking Space Requirement
Automobile sales and service garages	One (1) parking space for each three hundred (300) square footage of gross floor area and one (1) parking space for each person regularly employed on the premises during the maximum working shift. In addition, paved surface area for each automobile on display for sale shall be provided.
Banks, business and professional offices	One (1) parking space for each two hundred fifty (250) square feet of gross floor area up to five thousand (5,000) square feet and one (1) space for each two hundred and seventy-five (275) gross square feet of floor area thereafter, or one (1) parking space for each person regularly employed on the premises during the maximum working shift or the maximum number of employees on the premises during a change of shifts, whichever is greater.
Bowling alley	Five (5) spaces for each alley and one (1) space for each four (4) spectator seats
Churches	One (1) parking space for each three (3) seats (one (1) parking space for each fifty-four (54) inches of pew space) and one (1) parking space for each classroom.
Dance halls, assembly halls	one (1) parking space for each one hundred (100) square feet of floor area devoted to patron use, or one (1) parking space for each four (4) seats of maximum seating capacity, whichever is greater.
Day nursery schools and child care centers (including day nursery for elderly)	Five (5) parking spaces, or one (1) parking space for each five (5) maximum client capacity, whichever is greater, plus additional spaces necessary to accommodate the parking of vans and buses used for client transport by the school or center.
Drive-thrus	All food and beverage service drive-thrus shall provide a minimum of 11 vehicle queuing spaces per drive-thru, 5 of which must be located ahead of the ordering station if separate from the pick-up window. All other drive-thru and pick-up windows shall have a minimum of 4 vehicle queuing spaces. Queuing spaces shall be a minimum of 12 feet wide and 20 feet long and must be located within any driveway or parking lot drive aisle and cannot block any designated parking spaces.
Dwellings, residential	a. Single Family and Two Family Dwellings, and One and Two Family Dwellings – Rowhouse/Townhome, and mobile home parks - two (2) parking spaces for each dwelling unit, exclusive of private garages. b. Multi-Family Dwellings - two (2) parking spaces for each 1 to 2-bedroom dwelling unit and two and one-half (2.5) parking spaces for each 3 or greater bedroom dwelling unit. One (1) garage parking space may be counted as a parking space in fulfillment of the parking requirements.
Funeral homes, mortuaries	Fifteen (15) parking spaces or one (1) parking space for each four (4) seats in the principal auditorium or four (4) parking spaces for each service or viewing room, whichever is greater. In addition, one (1) parking space for each two (2) persons regularly employed on the premises shall be provided.
Furniture, appliance, and other retail stores displaying large and bulky merchandise	Five (5) parking spaces or one (1) parking space for each four hundred (400) square feet of patron floor area, whichever is greater. The City may require an additional open space area reserved to accommodate parking needed for a future change to another retail use.
Gas stations, service stations, or convenience stores	Three (3) parking spaces, or one (1) parking space for each one hundred and seventy-five (175) gross square feet of floor area, whichever is greater. One vehicle stopping space for each fuel pump may be counted toward fulfillment of the minimum required parking, provided a minimum of three free-standing parking spaces are located on the site.
Golf course	Six (6) parking spaces for each golf hole, one (1) parking space for each employee on the premises during the maximum shift, and fifty (50) percent of the parking spaces required for any accessory use (e.g., bars, restaurants) associated with the golf course.
Golf driving range	One and one half (1½) parking spaces for each driving tee.
Health and athletic fitness centers or clubs	Ten (10) parking spaces, plus one (1) parking space for each two hundred (200) gross square feet of floor area and swimming pool area in excess of one thousand (1,000) square feet of floor area, plus four (4) spaces for each tennis court, and fifty (50) percent of the parking spaces required for any accessory use (e.g., restaurant, retail store) associated with the center or club.
Hospitals, sanitariums and nursing homes	One (1) parking space for each four (4) patient beds and one (1) parking space for each person regularly employed on the premises during the maximum working shift or change of shifts, whichever is greater, and one (1) space for each doctor.

Hotels, motels, boarding houses	One (1) parking space for each guest room or suite of rooms offered for transient guest accommodations, one (1) parking space for each two (2) persons regularly employed on the premises during the maximum working shift, and one (1) parking space per one hundred (100) gross square feet of associated floor area used for accessory uses such as restaurant, tavern, night club, meeting rooms and convention facilities.
Industrial or manufacturing plants	One and one-half (1-1/2) parking spaces for each two (2) employees on the maximum working shift; or one (1) parking space for each five hundred (500) square feet of gross floor area up to ten thousand (10,000) gross square feet devoted to manufacturing use, and then one (1) parking spaces for each seven hundred fifty (750) square feet devoted to manufacturing use thereafter; whichever is greater.
Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments	One (1) parking space for each fifty (50) square feet of floor area devoted to patron use within the establishment. In addition, one (1) parking space must be provided for each person regularly employed or intended to be regularly employed on the premises during the maximum working shift.
Retail stores, supermarkets, grocery, drug and sundry stores, department stores, etc	One (1) parking space for each two hundred fifty (250) square feet of gross floor area up to two thousand (2,000) square feet, and one (1) parking space for each two hundred (200) square feet of gross floor area thereafter; provided, however, there shall not be fewer than five (5) parking spaces.
Schools and other places of education or instruction	a. Elementary, junior high, middle school, or other places for under driving age students - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each ten (10) student desks or classroom seating capacity. b. High schools - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each three (3) student desks or classroom seating facilities. c. Colleges, trade schools and other places of learning - one (1) parking space for each and every person regularly employed on the premises. In addition, one (1) parking space for each three (3) student desks or classroom seating facilities. d. Accessory sports arenas, stadiums, and auditoriums, etc. - whichever is greater of the parking space required by a, b, and c above or parking space requirements for sports arenas, stadiums, auditoriums, etc. on site, shall be provided.
Shopping centers, multiple tenant shopping centers	One (1) parking space for each two hundred (200) square feet of gross floor area. If a multi-tenant shopping center is occupied by a tenant or tenants which collectively is determined to create a twenty percent (20%) or greater demand for parking by the shopping center in accordance with the schedule within this section, the required parking for said shopping center shall be calculated based upon the collective parking space requirements of all tenants based upon the schedule herein.
Wholesale establishments or warehouses	One (1) space for each person regularly employed on the premises, and one (1) space for each two thousand (2,000) square feet of floor area.

2. Change of Use. Any lot with a change of use upon its premise shall provide an adequate number of parking spaces required by the new use in accordance with the standards set forth within this chapter. For buildings which are designed to accommodate a use permitted in the zoning district which can create a greater demand for parking than the initial use of the property, additional open space can be required by the City Council to accommodate additional parking, if a change of use occurs.

3. Mixed Uses. For multiple use buildings and/or sites which are not multi-tenant retail shopping centers, space for parking and storage of vehicles shall be provided in accordance with parking requirements of each use.

4. Uses Not Listed Herein. In case the parking requirement of a building or use is not specifically mentioned herein, the parking space requirements for a use which is listed above and to which said use is similar, shall apply as determined by the Zoning Administrator. If no similar use is listed, the parking space requirements shall be determined based upon other available references or qualified sources of information to adequately determine parking demand.

5. Parking Area Dimensions. A parking stall reserved for the parking of automobiles shall have a dimension of not less than nine (9) feet in stall width and nineteen (19) feet in depth for 90° parking without front-end overhang over an open space area, plus such additional parking bay stall aisle width based on proven traffic engineering standards acceptable to the City of Norwalk and conforming to the minimum standards for parking lot dimensions set forth herein necessary to afford adequate ingress and egress. Where there is front end overhang over an open space area, the minimum stall depth for a parking space may be reduced two (2) feet. The following dimensions are minimum standards for the design of a parking lot for parking stalls without an overhang over an open space area:

Parking Lot Dimensions – Minimum Standards			
	A	B	C
Angle of Parking	Stall Width	Parking Bay Stall Depth	Aisle Minimum Widths (One-Way Traffic)
Parallel	23 feet	10 feet	12 feet
30°	9 feet	18 feet	12 feet
45°	9 feet	20 feet	13 feet
60°	9 feet	21 feet	18 feet
75°	9 feet	21 feet	22 feet
90°	9 feet	19 feet	24 feet

Two-Way Traffic Parking Bay Aisles and Access Roadways. All two-way traffic parking bay aisles and access roadways shall have a minimum 24' width.

Note: The stall depth is the distance perpendicular to the parking bay aisle from the edge of the aisle to the most distant point of the parking stall, and stall width is the distance between the parking stall lines measured perpendicular to the lines.

6. Performance Standards. Every parcel of land hereafter used as a public or private off-street parking area shall be developed and maintained in accordance with the following requirements:

A. Setback Requirements. No part of any parking space shall be closer than fifteen (15) feet to any established public street right-of-way or public street easement, except as hereinafter required for the following uses and zoned districts, and as shall be necessary to provide adequate landscaped screening as required by Paragraph D below:

(1) Single family and townhouse residences. Parking on driveways for single family and townhouse residences shall not encroach into the public street right-of-way.

(2) In the PC and IC Zoning Districts: twenty (20) feet.

Greater setbacks for off-street parking lots from public street right-of-ways may be required by the City for parking lots fronting planned arterial streets and collector streets which are proposed to be widened in the future. No part of any parking space shall be closer than eight (8) feet to an established alley line or five (5) feet from an adjoining lot line, unless the parking space adjoining a lot line is part of a common parking lot of joint usage between adjoining lots or within the driveway of a single family residence. Parking on driveways in all zoned districts shall not be permitted within the public street right-of-way or across public sidewalks. Driveways and associated off-street parking areas for single family residences shall not be located closer than one (1) foot from an adjoining residential lot line, unless such driveway is of joint usage by adjoining residential lot owners. Driveway approach returns shall not extend beyond the side lot line as extended, unless such driveway is of joint usage by the adjoining lots.

B. Surfacing Requirements. All off-street parking areas, loading areas, driveways, and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement in accordance with the latest published version of the Statewide Urban Design and Specifications (SUDAS), with the following exception:

Lots over 3 acres in size that are designated in the A-R, Agricultural Reserve District, shall be allowed granular surface driveways and access roadways that are designed in accordance with the latest published version of SUDAS.

The City may grant special use of other hard surface materials for off-street parking areas, loading areas, driveways, and access roadways provided that the materials are reviewed by City staff for durability and suitability and that the alternative material is approved for use by the Planning and Zoning Commission and the City Council. In all zoning districts, off-street parking of automobiles, vans, construction equipment, and any other mobile vehicles equipped for street and highway travel shall be on an asphaltic or Portland cement concrete paved off-street parking area as required herein and not parked or stored within the landscaped open space area of the front yard between the building and public street right-of-way, except however, the storage of a recreational vehicle, a camper, and boat within the rear yard upon an unpaved area shall be permitted. Paved driveways and any associated off-street parking areas within the front yard of a single-family detached residence shall not occupy greater than fifty (50) percent of the area between the building setback line and public right-of-way, and shall not provide greater than one (1) parking space in addition to that provided in the traveled portion of the driveway. Driveways shall not be greater than 20 feet in width between the public street roadway and a point on private property which is setback five (5) feet from the street right-of-way. Driveways shall have a maximum flare of two (2) feet on each side. Driveways shall be so graded and drained to dispose of the surface water to the street or public designated storm water drainage easements or facilities.

C. Lighting. Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to divert the light away from adjoining residential uses or premises, and away from the traveled roadway of public streets.

D. Landscaping, Screening and Open Space Requirements. It is desired that all parking areas be aesthetically improved to reduce obtrusive characteristics which are inherent to their use. Therefore, wherever practical and except for single family detached and townhouse style residential parking in driveways, all new parking areas shall be screened as practical from public street view by incorporating natural landscape and topography with the introduction of permanent earth berming of an adequate height, and additional landscape plantings to accomplish this desire. In any case, all parking areas shall include landscape areas and islands within the boundaries of the paved parking area equal to not less than five (5) percent of the total paved area. Landscaped islands within the parking area shall have ground cover of grass (i.e. sod), shrubs, or other acceptable plant life, unless an alternate ground cover is specifically approved as part of the site plan review by the City. Landscape islands within the parking area shall not be less than a minimum of eight (8) feet in width from back of curb to back of curb, and a minimum area of two hundred fifty (250) square feet, and no parking space shall be greater than seventy-five (75) feet from a landscaped open space. Parking spaces shall be separated from any adjoining roadway, except the roadway or parking bay aisle providing direct access to the parking space, by a landscaped island or elevated separation (i.e. sidewalk) of a minimum of nine (9) feet in width.

E. Off-Street Parking Access to Public Streets and Internal Traffic Circulation. Off-street parking or loading facilities shall be designed so as to permit entrance and exit by forward movement of the vehicle for all uses, except single-family detached or townhouse dwellings which shall be permitted backward movement from a driveway. The backing or backward movement of vehicles from a driveway, off-street parking or loading area onto a major thoroughfare, including all thoroughfares designated as arterial streets or major collector streets on the Major Streets Plan shall be strictly prohibited for all uses. The number of ingress/egress access points to public streets from off-street parking areas shall be approved by the City and located to limit vehicular conflicts, provide acceptable location of driveway accesses to public streets, preserve proper traffic safety and, as possible, not impair movement of vehicular traffic on public

streets. The permitted number of ingress/egress driveway approaches to public streets for an off-street parking lot shall be dependent upon the projected future average daily traffic (ADT) for the public street. As possible, public street accesses shall be located in alignment with driveway approaches gaining access to the same public street from property on the opposite side of the street. The design of off-street parking and loading facilities shall provide traffic circulation for the internal forward movement of traffic within the parking lot, so designed, limiting any impairment of vehicular movement on public streets, or backing of vehicles from an off-street parking or loading area to a public street. Single-family residential lots shall be permitted one (1) driveway approach for ingress and egress for each increment of one hundred (100) feet of frontage per street. Landscaped separations between ingress and egress lanes for driveway approaches serving single-family detached residences shall not be less than twenty (20) feet.

F. Handicap Accessible Parking Requirements. Provision of handicapped parking spaces within off-street parking areas shall be in accordance with applicable federal, state and local regulations, properly identified with signage and provided with accessible ramps and walks in accordance with federal and state regulations and comply with the following parking space minimum requirements:

Total Parking in Lot	Required Minimum Number of Handicap Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20 plus 1 for each 100 spots over 1,000

Access space or aisle adjacent to a handicap accessible parking space shall be a minimum five (5) feet wide. One in every eight handicap accessible spaces, but not less than one shall be served by an access space or aisle eight (8) feet wide minimum and shall be designated “van accessible.”

G. Satellite Parking Areas. Satellite parking areas shall not be permitted except by special use permit.

175E.05 WAIVER OF REQUIREMENTS.

The City Council reserves the right to waive or modify to a lesser requirement any provision or requirement of off-street parking and loading areas contained in this chapter, provided a recommendation on such change is submitted by the Planning and Zoning Commission, and further provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property. Exceptions will only be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.

CHAPTER 175F

ZONING ORDINANCE

BUFFER REQUIREMENTS

- | | |
|---|--|
| 175F.01 Application | 175F.06 Buffer Wall Standards |
| 175F.02 Statement of Intent | 175F.07 Burden of Provision of Buffer |
| 175F.03 Conditions for Requiring a Buffer | 175F.08 Reduction of Buffer Requirements |
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| 175F.05 Table of Buffer Requirements | |

175F.01 APPLICATION.

The requirements set forth in this chapter shall apply to any development or redevelopment of property within the City of Norwalk.

175F.02 STATEMENT OF INTENT.

The use of physical barriers or buffers is considered a necessary requirement to allow for the transition from one zoning district or use to another contrasting zoning district or use in recognition of neighbor’s rights, to promote the coordination of neighborhood efforts and compatibility of neighborhood elements, and to protect the value of buildings and property.

175F.03 CONDITIONS FOR REQUIRING A BUFFER.

The following conditions shall require a buffer:

1. Buffers shall be required as shown on the Table of Buffer Requirements where different zoning classifications abut. A buffer required by the table shall be provided by the proposed development when it is located in a zoning district listed in the left-most column of the table and the development abuts a zoning district listed across the top of the table

2. Where a proposed development is located adjacent to a Planned Unit Development (PUD) District, a buffer shall be required based on the existing uses in the area adjacent to the proposed development or the most intense uses permitted by the PUD District if the area adjacent to the proposed development is vacant. The buffer required shall be based on the Table of Buffer Requirements using the zoning district in which the existing or proposed uses permitted in the PUD District are first permitted.

175F.04 BUFFER STANDARDS.

Buffer standards are stated in terms of the width of the buffer and the number of plant units required per one hundred (100) linear feet. The width of each buffer shall, at a minimum, meet the standard buffer width. The City Council, with recommendation from the Planning and Zoning Commission, may allow the described narrower buffer widths. The “plant unit multiplier” is a factor by which the basic number of plant materials required for a given buffer is determined given a change in width of that yard. The number of plant materials required shall be rounded up when a fraction is calculated. The type and quantity of plant materials required by each buffer, and each buffer option, are specified in this section. These standards are minimum requirements. More plantings, wider buffers, or higher structures may be provided.

1. Buffer 1: The standard buffer shall be a thirty (30) foot wide landscaped buffer. A three (3) foot berm is required.

Required planting per 100 linear feet of buffer:

- 2 Canopy Trees
- 2 Understory Trees
- 5 Evergreen Trees
- 16 Shrubs

Buffer 1 Plant Multiplier Table	
Buffer Width	Planting Multiplier
0 feet*	Buffer Wall
15 feet*	1.4
20 feet*	1.2
30 feet	1.0
40 feet	0.8
50 feet	0.6

*P & Z and Council approval needed.

2. Buffer 2: The standard buffer shall be a fifty (50) wide foot landscaped buffer. A three (3) foot berm is required.

Required planting per 100 linear feet of buffer:

- 4 Canopy Trees
- 3 Understory Trees
- 4 Evergreen Trees
- 24 Shrubs

Buffer 2 Plant Multiplier Table	
Buffer Width	Planting Multiplier
0 feet*	Buffer Wall
30 feet*	1.4
40 feet*	1.2
50 feet	1.0
60 feet	0.8
70 feet	0.6

*P & Z and Council approval needed.

3. Buffer 3: The standard buffer shall be a fifty (50) wide foot landscaped buffer. A three (3) foot berm is required.

Required planting per 100 linear feet of buffer:

- 5 Canopy Trees
- 4 Understory Trees
- 5 Evergreen Trees
- 34 Shrubs

Buffer 3 Plant Multiplier Table	
Buffer Width	Planting Multiplier
0 feet*	Buffer Wall
30 feet*	1.4
40 feet*	1.2
50 feet	1.0
60 feet	0.8
70 feet	0.6

*P & Z and Council approval needed.

4. Buffer 4: The standard buffer shall be a seventy-five (75) wide foot landscaped buffer. A six (6) berm is required or a six (6) foot solid masonry/brick wall shall be provided along the property line.

Required planting per 100 linear feet of buffer:

6 Canopy Trees

5 Understory Trees

6 Evergreen Trees

38 Shrubs

Buffer 4 Plant Multiplier Table	
Buffer Width	Planting Multiplier
50 feet*	1.5
75 feet	1.0
125 feet	0.75

*P & Z and Council approval needed.

175F.05 TABLE OF BUFFER REQUIREMENTS.

Proposed Development	Adjacent Zoning District															
	A-R	RE-1	R-1	R-2	R-3	R-4	R-5	C-O	C-1	C-2	C-3	C-4	TC	PC	IC	M-1
A-R	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
RE-1	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-1	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-2	X	X	X	X	X	X	X	1	1	1	1	1	1	1	1	1
R-3	1	1	1	1	X	X	X	X	X	X	X	X	X	X	1	1
R-4	2	2	2	2	2	X	X	X	X	X	X	X	X	X	1	1
R-5	2	2	2	2	2	2	X	X	X	X	X	X	X	X	1	1
C-O	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-1	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-2	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-3	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
C-4	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
TC	1	1	1	1	1	1	1	X	X	X	X	X	X	X	X	X
PC	2	2	2	2	2	2	2	X	X	X	X	X	X	X	X	X
IC	4	4	4	4	4	4	4	3	3	3	3	3	3	3	X	X
M-1	4	4	4	4	4	4	4	3	3	3	3	3	3	3	X	X

X = no buffer required

1 = buffer shall meet requirements of a Buffer 1

2 = buffer shall meet requirements of a Buffer 2

3 = buffer shall meet requirements of a Buffer 3

4 = buffer shall meet requirements of a Buffer 4

175F.06 BUFFER WALL STANDARDS.

A buffer wall may be permitted with specific approval by the Planning and Zoning Commission and City Council, when it can be shown that a traditional landscaped buffer is not feasible. A buffer wall shall be a minimum of six (6) feet in height; constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality.

175F.07 BURDEN OF PROVISION OF BUFFER.

The burden of provision and selection of the buffer shall be as follows:

1. Where two different zoning districts, requiring a buffer between them, are both in an existing improved condition, the above requirement is not retroactive and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal or redevelopment, etc., that portion of such property being renewed or redeveloped, etc., shall be considered vacant land subject to the requirements herein.

2. Where one of two different zoning districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.

3. Where both zoning districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the more intense use.

175F.08 REDUCTION OF BUFFER REQUIREMENTS.

Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the required buffer width may be reduced, according to the buffer standards tables, with the exception that a buffer wall will still require City approval.

175F.09 WAIVER OF BUFFER REQUIREMENTS.

Where the line between two districts, requiring a buffer, follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the City Council upon receipt of a recommendation from the Planning and Zoning Commission, provided such waiver does not permit the exposure of undesirable characteristics of land use to the adjoining zoning district.

CHAPTER 175G

ZONING ORDINANCE

ARCHITECTURAL STANDARDS

175G.01 Application

175G.03 Architectural Performance Standards by
Zoning District and Use

175G.02 Statement of Intent

175G.01 APPLICATION.

The requirements, guidelines, and standards set forth in this chapter shall apply to any development or redevelopment of property within the zoning districts listed and within the City of Norwalk. Single-family and two-family dwellings are exempted from this chapter, except that all single-family and two-family dwellings, including manufactured homes and factory-built homes, and accessory structures including detached garages and sheds over 120 square feet in size, shall be residential in character and must incorporate Class 1, Class 2, Class 3, or Class 4 materials on 100% of their façade area.

175G.02 STATEMENT OF INTENT.

In the interest of promoting the general welfare of the community and to protect the value of buildings and property, the image and character of a community is considered important. It is recognized that the community should be visually attractive as well as economically prosperous and the manner in which a use is accomplished is as important as the use itself. It is the intent of these architectural standards to establish basic parameters for building design that when followed have the effect of producing structures that preserve and enhance building and property values, are long-lasting, resistant to deterioration, and maintain their visual appeal over time. It is further the intent of these standards to establish and promote a community image of permanence, quality, authenticity, and consistency through building design. It is not the intent of these standards to unduly restrict design freedom or apply a particular architectural style to all structures.

175G.03 ARCHITECTURAL PERFORMANCE STANDARDS BY ZONING DISTRICT AND USE.

As part of the submittal of a site plan for development within any of the zoning districts and for any of the uses listed within this chapter (with the exception of single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval by the City Council upon receipt of a recommendation from the Planning and Zoning Commission.

1. Submission Requirements. The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:

A. Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.

B. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.

C. Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.

D. Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan.

E. In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of

windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.

- F. Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
- G. Exterior building and finish material samples and color pallets.
- H. Other information as required.

2. General Requirements.

A. Nothing in this chapter shall be construed to limit the City's ability to approve designs and exterior materials different than those described herein as part of a planned unit development (PUD).

B. All buildings and additions thereto shall be subject to the standards of this chapter according to land use classes and zoning districts as described herein.

C. Buildings shall be subject to the following requirements for the application of exterior finish materials and other design elements:

(1) For the purpose of this chapter, materials shall be divided into Class 1, Class 2, Class 3 and Class 4 categories as follows:

Class 1 Materials

Fired clay brick laid up in a masonry wall system

Natural stone laid up in a masonry wall system

Glass

Copper panels

Other comparable or superior materials

Class 2 Materials

Integrally-colored, specialty concrete block such as textured, burnished block or split-face block, or concrete brick

Thin veneer brick (adhered)

Manufactured or cast stone (adhered)

Textured architectural concrete panels

Masonry stucco

Other comparable or superior materials

Class 3 Materials

Water-managed Exterior Insulation and Finish System (EIFS)

Fiber-cement board or panels, irrespective of form

Decorative opaque panels designed as exterior building finish

Ornamental metal

Other comparable or superior materials

Class 4 Materials

Vinyl siding or panels, irrespective of form or thickness

Standard Exterior Insulation and Finish System (EIFS)

Smooth or scored concrete block

Smooth concrete tip-up panels

Ceramic

Glass block

Wood

Other comparable or superior materials

(2) Buildings shall incorporate Classes 1, 2, 3, and 4 exterior finish materials in the following manner:

a. Primary materials shall be those covering at least 5% of a building's façade area.

b. Façade area shall be the total exterior wall area of all vertical or near-vertical faces of a building four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and

recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.

c. The mix of selected exterior finish materials shall be distributed throughout the exterior of a building unless the City agrees that consolidating certain materials on more visible locations provides the most positive architectural appeal to the general public.

d. Expansions of less than fifty 50% of the floor area of the existing building may use the same or superior materials as the existing structure.

e. A distinctly different color of fired clay brick may be considered as an additional Class 1 material. However, minor blended color variations shall not be considered as a separate material.

f. Brick and stone exterior finishes shall not be painted.

g. No EIFS shall be permitted within the lower three (3) feet of any building wall façade.

(3) No façade shall have a length exceeding forty (40) feet uninterrupted by one or more of the following features:

a. Projections or recessions in the wall plane at least two (2) feet in depth.

b. Change in material texture or masonry pattern.

c. Patterns of columns, piers, ribs or pilasters, or equivalent elements that subdivide the wall.

d. Change in fenestration pattern.

(4) For all office and retail buildings, at least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30% glass fenestrations (windows and full glass doors) on the first level.

(5) All retail buildings, whether single or multi-tenant, greater than 50,000 sq. ft. in gross floor area, shall incorporate Class 1 materials on no less than 80% of the façade area of all building facades that face or have frontage along a public street.

(6) All buildings shall be proportioned and designed so as to have a visual top, middle, and base.

(7) Screening. The following peripheral features of buildings shall be screened from view from any adjoining residential properties and all public street rights-of-way:

a. Rooftop equipment.

b. Roof access ladders and walkways.

c. HVAC equipment.

d. Utility meters.

e. Utility conduits, pipes, and cables.

f. Outdoor storage areas.

g. Loading areas, berths, or docks.

h. Areas and equipment for trash and/or recycling collection or compaction.

Screening shall be integral and consistent with the overall design of the building, utilizing the same materials and proportions of materials wherever practical. Metal cabinets used to enclose and protect rooftop mechanical equipment shall not substitute as screening. All trash and recycling dumpsters and bins must be enclosed on all sides with no less than a fence or masonry screen wall and include opaque gates. Buildings and sites shall be designed and oriented to screen all loading docks, overhead doors, and loading areas from public view from any adjoining residential properties, park and school sites, and public street rights-of-way.

(8) Lighting. All exterior building and site lighting shall be downcast in nature and exterior light fixtures must possess sharp, cut-off qualities to prevent off-site glare. Lighting levels from a site cannot exceed one (1) foot-candle at the property line.

(9) Fuel Pump Island Canopies. The following standards shall apply to all fuel pump island canopies. Canopies may be attached to the principal structure or stand-alone. Attached canopies shall meet the building setback requirements of the primary structure. Detached canopies shall have a minimum front yard setback of fifteen (15) feet. The maximum canopy heights shall be twenty (20) feet and must provide no less than fourteen (14) feet of clearance under the canopy. All under canopy lights shall be flush mounted. All columns shall be wrapped in brick or stone. Canopies shall contain no more than one color.

(10) Vehicle Drive-Thru and Drive-In Facilities. The following standards shall apply to all vehicle drive-thru and drive-in facilities. Drive-thru structures and components shall be incorporated into the overall design of the building; window service and menu boards shall be screened from view of public streets. With the exception of free-standing ATMs, stand-alone drive-thru canopies shall be prohibited.

(11) It is unlawful for a person to erect or maintain any awning over any sidewalk or shared use path unless the following requirements are met:

a. Any property owner wishing to construct an awning will submit detailed plans of the structure and its juxtaposition against the building and right-of-way. A building permit will be submitted for any awning being added to a building.

- b. All parts of the awning are elevated at least eight feet (8') above the surface of the sidewalk or shared use path.
- c. The awning does not extend beyond the back of curb and remains outside of the automobile travel portion of the right-of-way.
- d. The roof or covering is made of durable, easily maintained, and typical awning materials, and the building owner will be responsible for routine upkeep. The awning shall be designed for use in a commercial setting and typical residential awnings shall not be acceptable. Awning coverings may be required to be removed in the winter if it is determined that the material cannot support the weight of snow and ice.
- e. The awning will be supported by metal frames or brackets securely fastened to the building without any posts or other device that will obstruct the sidewalk or shared use path or hinder or interfere with the free passage of pedestrians. Larger awnings requiring post support may be proposed but are subjected to review and approval by the Planning & Zoning Commission and City Council.

(Ord. 18-14 – May 19 Supp.)

3. Requirements by Building Type and Zoning District.

A. One and Two-Family Dwellings - Rowhouse/Townhomes, and Multiple-Family Dwellings – Rowhouse/Townhomes in All Zoning Districts. All Rowhouse/Townhomes, whether one-family, two family, or multiple-family must incorporate at least three (3) primary Class 1, Class 2, Class 3, or Class 4 materials. Appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Each dwelling unit shall have its own functional porch, patio, or deck. The wall façade of each dwelling individual unit must have a change in the wall plane and/or a change in the exterior material type, texture, and/or color to differentiate it from the adjoining units.

B. Multiple-Family Dwellings - Apartments. Multiple-family buildings/ apartments must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 40% of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 60% of the façade area. Class 4 materials shall not exceed 10% of the façade area. Appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Shutters, if used, must be in proportion to the area of adjoining windows. All soffits and overhangs shall project no less than 12 inches. Asphalt shingles, if used, must be laminate style. Each dwelling unit shall have its own functional balcony (or defined patio area for first floor units). Elevated open walkways along the exterior of the building are prohibited. The main common building entry shall be covered by a projection from the façade or shall be recessed.

C. Nonresidential Uses in the R, C-O, and C-1 Zoning Districts. Any building used for a permitted nonresidential use in an R District, or a permitted use in a C-O or C-1 District must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 80% of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 20% of the façade area. Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

D. All Uses within the C-2 Zoning District. Any building within the C-2 Zoning District must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 75% of the façade area. Class 3 materials shall not exceed 25% of the façade area, and Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

E. All Uses within the TC Zoning District. Any building constructed in the TC District must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 85% of the façade area. Class 3 materials in aggregate shall not exceed 15% of the façade area. Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

F. All Uses within the C-3 District. Any building constructed in the C-3 District must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 50% of the façade area. Class 3 and Class 4 materials in aggregate shall not exceed 50% of the façade area. Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

G. All Uses within the C-4 District. Any building constructed in the C-4 District must incorporate at least three (3) primary Class 1 or Class 2 materials, together composing at least 85% of the façade area. Class 3 materials in aggregate shall not exceed 15% of the façade area. Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style. All screen or buffer walls shall be constructed of fired clay brick with mortar joints and a veneer depth of no less than three (3) inches.

H. All Uses Within the PC and IC Zoning Districts. Any building constructed in the PC or IC Districts must use at least three (3) primary Class 1 or class 2 materials, together composing at least 75% of the façade area. Class 3 materials shall not exceed 25% of the façade area, and Class 4 materials shall not exceed 10% of the façade area. Except where architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions. Asphalt shingles, if used, must be laminate style.

I. All Uses within the M Zoning District. The street-facing façade(s) of any building constructed in the M-District must use at least two (2) primary Class 1 or Class 2 materials together composing at least 20% of the street-facing façade area. Class 3 materials shall not exceed 80% of the street-facing façade area, and class 4 materials shall not exceed 10% of the street-facing façade area. Except where

architecturally unsuitable, appropriately-scaled trim of at least three (3) inches in width shall be included around all window and door openings, building corners, roof lines, and façade material transitions.

CHAPTER 175H

ZONING ORDINANCE

SIGN REGULATIONS

175H.01 Title	175H.14 Temporary Signs
175H.02 Statement of Intent	175H.15 Electronic Message Display
175H.03 General Prohibitions	175H.16 Permits and Fees
175H.04 Prohibited Signs	175H.17 Inspection
175H.05 Exemptions	175H.18 Unsafe and Unlawful Signs
175H.06 On-Premises Sign Regulations	175H.19 Painting Required
175H.07 Freestanding Identification Signs	175H.20 Wind Pressure and Dead Load Requirements
175H.08 Freestanding Bulletin Boards or Directory Signs	175H.21 Maintenance
175H.09 Building Signs	175H.22 Signs Not to Constitute Traffic Hazard
175H.10 Billboards; Off-Premises Advertising	175H.23 Signs Extending Over City Property
175H.11 Projecting Signs	175H.24 Nonconforming Signs
175H.12 Marquees, Awnings and Canopy Signs	175H.25 Revocation of Permits
175H.13 Directional Signs	175H.26 Jurisdiction of Norwalk Board of Adjustment

175H.01 TITLE.

This chapter shall be known and may be cited and referred to as the Sign Ordinance of the City of Norwalk, Iowa, and shall apply to all properties within the City of Norwalk.

175H.02 STATEMENT OF INTENT.

In the interest of promoting the general welfare and public safety of the city and recognizing the city should be aesthetically attractive as well as financially prosperous, the City of Norwalk desires to regulate signs in such a way as to establish a compatibility of sign usage with the land use patterns and standards for the zoning district, and to permit such signs which will not, by reason of their size, location, construction or manner of display cause an annoyance or disturbance to citizens, detract from the community's aesthetic attractiveness, create a hazard, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety.

175H.03 GENERAL PROHIBITIONS.

1. No sign shall be allowed except as permitted by this chapter.
2. No sign shall be located so that the safety of a moving vehicle or pedestrian will be impaired by obscuring a driver's or pedestrian's vision.
3. Sign shall be properly erected or attached to a structure and kept in good repair. Any lettering, logo, design, and other markings placed upon the sign shall be clear, distinct, and readable and maintained in that condition.

175H.04 PROHIBITED SIGNS.

The following signs shall not be permitted, erected or maintained on any property within the City of Norwalk, unless located within the confines of a building, or if not visible from outside the premises of the lot in which the sign is located.

1. Moving or Flashing Lights. Signs which incorporate in any manner any flashing, pulsating, rotating, beacons, or moving lights, except electronic message displays, as defined in Electronic Message Display Section 175H.15 of this chapter.
2. Banners. Except as specified in the Temporary Signs Section 175H.14 of this chapter, banners, pennants, spinners and streamers of any size, and local, state, or national flags greater than eighty (80) square feet in area, or numerous flags displayed to draw attention to a business and not to celebrate a national holiday.
3. String Lights. String lights used in connection with commercial premises for commercial purposes, other than Christmas decorations used from November 1 to January 15 on a temporary basis.
4. Moving Signs. Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, or mechanical means, including intermediate electrical pulsations, or by action of normal wind currents.
5. Hazardous Sign. Any sign or sign structure which:
 - A. Is structurally unsafe, or
 - B. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or

- C. Is not kept in good repair, or
 - D. Is capable of causing electrical shocks to persons likely to come in contact with it.
6. Traffic Hazard. Signs that constitute a traffic hazard, as noted in Section 175H.23 of this chapter.
 7. Obstructions. Signs that constitute an obstruction so as to prevent free ingress or egress through any door, window or fireescape.
 8. Prohibited Attachment. No sign or other advertising structure of any kind shall be attached to a stand-pipe or fire extinguisher.
 9. Obscene Matter. Signs that display obscene, indecent or immoral matter, or illustrate or state specified anatomical areas or specified sexual activities.
 10. Portable Sign. Portable signs except as specified in the Temporary Sign Section 175H.14 of this chapter.
 11. Roof Signs. A roof sign erected upon or above a roof or parapet of a building.
 12. Billboards. Billboards, except in accordance with Section 175H.10 of this chapter.
 13. Pole Signs. A free standing sign erected and supported by one or more uprights.
 14. Signs Projecting Over Public Right-of-Way. It is unlawful to erect or maintain any sign on, over, or above any land or right-of-way belonging to City of Norwalk or other governmental entity unless specifically allowed by Section 175H.24 of this chapter.
 15. Discontinued Use. On-premises signs that advertise an activity, business, product, or service no longer offered or conducted on the premises on which the sign is located for a period of more than twelve (12) months after such activity, business, product, or service has ceased being offered or conducted.
 16. High Intensity or Glaring Lights. High intensity lights, strobe lights, or rotating beams shall be prohibited outside of a building or visible from the outside of a building in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Illumination of signs shall be designed in such a way as to reflect light away from residential properties and motorists' vision.
 17. Conflicting Signs. Signs with a format which resembles or conflicts with traffic signs or signals.
 18. Unlawful Signs. Any sign unlawfully installed, erected or maintained in violation of this chapter.
 19. Vehicle Signs. Vehicle signs attached to or painted on a vehicle or trailer which is routinely parked within a public street right-of-way or within one hundred (100) feet of a public street right-of-way and visible from a public street during continuous or repetitive incidents for more than two (2) days or two (2) separate incidents with the intent to advertise or promote the interest of a business on-premises or off-premises.

175H.05 EXEMPTIONS.

The following signs shall not require a sign permit.

1. Real estate signs not exceeding thirty-two (32) square feet in area which advertise the sale, rental, or lease of the premises upon which said sign is located only. Such real estate signs shall not be located on public right-of-way and shall be limited to one sign for each street frontage.
2. Professional nameplates not exceeding one square foot in area.
3. Signs located within the confines of a building.
4. Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institution.
5. Directory signs denoting only the name and profession of occupants in a commercial building, public institutional building, or dwelling and not exceeding two square feet in area.
6. Memorial signs or plaques, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible and maintenance free materials, and not exceeding fifty (50) square feet in area.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, temporary off-premises signs for new businesses, and such temporary emergency or non-advertising signs as may be installed on public property and/or approved by the City Council.
8. Community Identification, information, or directional signs located on public property, which are owned by the City, identifies the name of the city, advertises community events, new businesses or identifies or directs traffic to public facilities, or landmark neighborhoods and commercial districts.
9. Political campaign signs of not greater than twelve (12) square feet in an R District and thirty two (32) square feet in all other zoning districts and shall not be located on public right-of-way.
10. The changing of the advertising copy or message on a painted or printed sign, theater marquees and similar signs specifically designed for the use of replaceable copy.
11. Painting, repainting, or cleaning of an a billboard or sign shall not be considered an erection or alteration which requires a sign permit unless a structural change is made or the area of the sign is enlarged.
12. Political and real estate signs permitted in accordance with the requirements of Section 175H.14 of this chapter.

13. Signs, referring to lease, or hire, not exceeding thirty-two (32) square feet in area.

14. Construction & Finance Signs located on residential lots in the RE-1, R-1, and R-2 zoning district that are smaller than twelve (12) square feet in area.

15. Name and address changes on directory signs.

16. Service signs identifying restrooms, public telephone facilities, first aid stations, emergency shelters and other similar public service facilities.

17. National, state, or local government flags which are less than eighty (80) square feet in area for each flag.

18. To assist with identification of new businesses in developing commercial districts with no direct arterial street frontage, the City Council and their discretion, can order the installation of a temporary sign to be installed by the City on public right-of-way. The purpose of the sign is to allow for the temporary attachment of business placards that direct traffic to new businesses and commercial areas. Approval of the attachment of business placards to the sign must be approved by the City Council and may be allowed up to a period of one (1) year. The design, attachment, and removal of the placards shall be arranged with City staff.

(Ord. 19-16 – Jan. 20 Supp.)

175H.06 ON-PREMISES SIGN REGULATIONS.

The standards and regulations set forth within Sections 175H.07, 175H.08, and 175H.09 shall apply to all on-premises signs, which advertise, identify, and/or direct attention to a profession, business, service, activity, product, campaign or attraction which carried on, sold, offered, or manufactured in or upon the premises.

175H.07 FREESTANDING IDENTIFICATION SIGNS.

There shall be permitted one (1) freestanding identification sign for each street frontage of a lot, or one (1) sign for each three hundred (300) feet of street frontage, whichever is greater. Freestanding identification signs shall include monument signs and project identification signs, as defined within this ordinance. Freestanding identification signs shall be constructed of Class 1 or Class 2 materials (as listed in the Architectural Standards, Section 175G.03(2) to match the exterior materials of the existing principal building. If building has exterior materials that do not meet the City’s Architectural Standards, then the sign shall still be constructed with Class 1 or Class 2 materials. The following type, size, height, and setback for free standing identification signs, shall be permitted within the following zoning districts by use.

Zoning Districts	Type of Sign	Maximum Size	Maximum Height	Minimum Setback from Front Setback Line
A-R R	Project Identification Sign*	40 sq. ft. (a)	7 feet (b)	10 feet
C-O	Monument	80 sq. ft. (a)	7 feet (b)	10 feet
C-1 C-2 C-3	Project Identification Sign(c)	200 sq. ft.	25 feet	15 feet
C-4 TC	Monument(d)	80 sq. ft.	7 feet	10 feet (e)
IC PC	Monument	80 sq. ft. (a)	7 feet (b)	10 feet
C-3 M-1	Monument	80 sq. ft. (a)	7 feet (b)	10 feet
	Interstate High Rise/Billboards	(f)	(f)	(f)

* Except for individual one and two family dwellings.

(a) The sign area may increase four (4) square feet in area for each additional one (1) foot of setback to a maximum area of eighty (80) square feet. The total area of a multiple sided ground sign’s exposed facings shall not be greater than twice the maximum sign size permitted at the signs proposed setbacks.

(b) The sign height may increase one (1) foot in height for each additional one (1) foot of setback to a maximum height of fifteen (15) feet.

(c) Identifies the name of a retail shopping center, or office or industrial complex with more than one (1) tenant on a lot of 100,000 sq. ft. or more and minimum 300 ft. of street frontage.

(d) Within the C-4 or TC district, if an individual or series of buildings that has a (0) foot front yard setback or no parking between the building and street, no freestanding identification sign is permitted due to the use of building signs in close proximity to the street.

(e) May be reduced to the building setback, however must be reviewed and approved at time of site plan submittal.

(f) Permitted only in the C-3 district and within 600 feet of the centerline of Highway 5. An interstate high-rise/billboard sign must be approved through the site plan review process and must adhere to regulations of Subsection 175H.10(2).

175H.08 FREESTANDING BULLETIN BOARDS OR DIRECTORY SIGNS.

One (1) freestanding bulletin board or one (1) directory sign shall be permitted within the lot of any permitted use in any zoning district, except within the lots of a one and two family dwellings. Bulletin Boards or Directory Signs shall not be greater than thirty-two (32)

square feet and ten (10) feet in height, and less than twenty-five (25) feet from a public street right-of-way.

175H.09 BUILDING SIGNS.

The following standards and regulations shall be applied to Building Signs as permitted by use and zoning district:

1. A-R, R, TC, IC, and PC Zoning Districts. Building Signs shall incorporate aesthetic features compatible with the overall character of the zoning district and neighborhoods. All building signs shall be composed of solid individual letters and logos or individual illuminated self-contained letters and logos attached to the building's exterior wall fascia. Panel signs with letters incorporated or painted upon a panel or wall area shall be prohibited. The following maximum building sign area requirements shall apply to the following uses within the A-R, R, TC, IC, and PC Zoning Districts:

A. Combined building signs not in excess of thirty (30) square feet per apartment complex, and for all other uses, except residential, combined wall signs not exceeding five (5) percent of the total square footage of each wall area of the principal building facing the streetfrontage.

2. C-O, C-1, C-2, C-3, and C-4 Zoning Districts. Building signs shall incorporate aesthetic features compatible with the overall character of the zoning district and neighborhoods. All building signs are encouraged to be composed of solid individual letters and logos or individual illuminated self-contained letters and logos attached to the building's exterior wall fascia. Open-channel neon signs are permitted, provided the neon does not flash, pulsate, or have a moving light. Panel signs with letters incorporated or painted upon a panel may be used on a building for one occupant, and shall be consistent in design. A uniform panel sign system to identify more than one occupant of a multi-tenant building may be permitted if approved by the City Council, upon receiving a recommendation by the Planning and Zoning Commission, and after a determination that the use of a uniform panel sign system maintains the aesthetic quality and character of the development, zoning district and neighborhood. Signs painted upon the building's exterior wall fascia shall be prohibited. The following maximum building sign area requirements shall apply to the following uses within the C-O, C-1, C-2, C-3, and C-4 Zoning Districts:

A. Combined building signs not in excess of thirty (30) square feet per apartment complex, and for all other uses, except residential, combined wall signs not exceeding five (5) percent of the total square footage of each wall area of the principal building facing the streetfrontage.

3. M-1 Zoning District. Building signs in the M-1 Zoning District shall comply with the following area requirements:

A. Combined wall signs shall not exceed five (5) percent of the total square footage of each wall area of the principal building facing the street frontage.

175H.10 BILLBOARDS; OFF-PREMISES ADVERTISING.

No off-premises sign or billboard shall be permitted within one hundred fifty (150) feet of any dwelling unit, public parkway, public park, or property line of a public or parochial school site, church site, hospital site, cemetery, similar institution or zoning district not permitting billboards or off-premises signs, and three hundred (300) feet of an R District.

1. Permitted Zoning Districts. Billboards which conform with the provisions of this section shall be permitted in the following zoning locations: C-3 Districts that are within 600 feet of the centerline of Highway 5 and M-1 Districts.

2. Billboard Setback, Size and Height Requirements. Billboards which conform with the provisions of this section shall be permitted in the following zoning district: C-3 and within 600 feet of the centerline of Highway 5. All billboards shall meet the minimum required setback of the zoning district it is located in. Billboards shall have a maximum height of 35 feet and a maximum of 350 square feet of sign area for a single sided sign and 675 square feet of sign area for a double sided sign.

3. Spacing of Billboards.

A. On federal and state highways, federal and state regulations for spacing and setbacks shall apply, provided, however, if the regulations of this chapter are found more restrictive, the more restrictive requirement shall apply.

B. No billboard shall be established within five hundred (500) feet of any other billboard.

4. Construction and Maintenance. Billboards shall be constructed of structurally sound, permanent and low maintenance metal, with a single pole design that is ground foundation mounted. Billboards shall be properly maintained as required of all signs regulated by this chapter, and a maintenance agreement and bond shall be executed with the City prior to issuance of a permit to allow installation of a billboard.

175H.11 PROJECTING SIGNS.

1. Application. Projecting signs as regulated by this chapter shall include any sign, other than an awning sign, canopy sign, marquee, or building sign, which projects from and is supported by a wall of a building or structure, and whose message is on a plane which is generally perpendicular to the supporting wall. Projecting signs which extend over public right-of-way shall be permitted only in the C-4 and TC Districts.

2. Construction. Every projecting sign, including the frame, braces and supports thereof, shall meet the compliance of the building code of the City of Norwalk, Iowa.

3. Thickness Limitation. The thickness measured between the principal faces of any projecting sign shall not exceed twelve (12) inches.

4. Sign Area and Height. Projecting signs shall not exceed twenty-five (25) square feet or the maximum square footage permitted for a building sign, whichever is least. The area allocated to a projecting sign shall be applied toward the maximum area allowed for building signs on buildings as permitted in the use in that zoning district. The area of a projecting signs shall be measured from the

extreme points of the peripheral encasement. No part of any projecting sign shall be less than ten (10) feet above ground level, except as provided in Subsection 5 of this section.

5. Location. Every projecting sign shall be at least ten (10) feet above any sidewalk area over which it is erected, and a distance not greater than two (2) feet from the wall to which it is attached, measuring from the point of the sign nearest thereto. Every projecting sign to be erected over public or private driveways or thoroughfares shall be placed not less than fifteen (15) feet above the level of same.

6. Obstructions and Traffic Hazards. Every projecting sign shall be erected in a manner which does not constitute an obstruction or traffic hazard regulated by this chapter.

7. Projection over Public Property. It is unlawful for any projecting sign to be located over public property or a public easement unless approval is granted by the City Council of the City of Norwalk, Iowa.

175H.12 MARQUEES, AWNINGS AND CANOPY SIGNS.

The term "sign" herein shall apply to lettering placed upon a marquee, awning, or canopy when projecting from a wall of a building.

1. Sign Area. The area of the letters or logo encompassing the sign message incorporated upon the marquee, awning or canopy shall be applied toward the maximum building sign area permitted for the use in that zoning district.

175H.13 DIRECTIONAL SIGNS.

1. Application. Directional signs as regulated by this chapter shall include any sign for the purpose of control of all modes of traffic which is located on private property.

2. Traffic Control. The provisions and regulations of Section 175H.16 of this chapter shall not apply to directional signs on private property of a traffic control nature including restricted parking, stop, yield, speed, and signs directing traffic flow, provided; however, said signs shall not be greater than eight (8) square feet in area.

3. Access Identification. Two free standing directional signs intended to identify an access into or out of a lot shall be permitted per access, provided; however, said sign is not greater than ten (10) square feet in area and two and one-half (2-1/2) feet in height. The provisions and regulations of Section 175H.16 of this chapter shall not apply to access identification signs.

175H.14 TEMPORARY SIGNS.

1. Application. Temporary signs shall include any construction, finance, real estate, political, portable sign, banner, pennant, inflatable signs, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a short period of time only.

2. Special Permission. Temporary signs except for construction, real estate, or political signs, may be used for special occasions with Zoning Administrator approval of a sign permit. Temporary signs shall be allowed for the following occasions:

A. Special events - there shall be no more than two (2) such occasions per year; duration shall not exceed ten (10) days per occasion. At the discretion of the Zoning Administrator, an extension of no more than twenty (20) days may be granted for the grand opening for a new business.

B. Community festivals or other similar events - duration shall not exceed thirty (30) days for each festival/event.

3. Real Estate and Political Signs. Temporary real estate and political signs less than thirty-two (32) square feet in area shall be permitted in any zoning district without the issuance of a sign permit, provided no real estate or political sign greater than twelve (12) square feet shall be permitted on a lot occupied by a single family dwelling in a RE-1, R-1, or R-2 District.

4. Construction and Finance Signs. Temporary construction and finance signs shall be permitted in conjunction with any construction project or subdivision. Such signs will obtain a City Sign Permit and meet the following minimum criteria:

A. Minimum ten (10) foot setback from property line

B. Maximum size of thirty-two (32) square feet

C. Maximum height of seven (7) feet

D. Removal at the end of the project or one (1) year from permit date, whichever is shorter. Additional permits can be acquired for a one (1) year period, provided the sign is removed at the end of the project.

(Ord. 19-16 – Jan. 20 Supp.)

175H.15 ELECTRONIC MESSAGE DISPLAY.

1. Application. Electronic Message Display shall refer to any sign utilizing light to display a message and that is changed by an electronic process. Electronic Message Displays are only allowed as part of a monument sign. The size of the Electronic Message Display shall count towards the allowed square footage of the sign.

2. Standards. The following standards shall apply to all Electronic Message Displays:

A. Electronic Message Displays along State routes shall comply with all Iowa Department of Transportation standards. If an Iowa Department of Transportation standard conflicts with a City standard, then the more strict standard shall apply.

B. Electronic Message Displays shall only include only text, logos, and other special characters,

C. Electronic Message Displays shall be prohibited from displaying video, multiple pictures or graphics that give the illusion of motion or a video, and moving graphics, this includes travelling or scrolling text messages.

D. Electronic Message Displays shall only use LED (Light Emitting Diode) displays.

E. Electronic Message Displays are prohibited from using television displays, plasma screens, LED screens, and holographic displays to messages.

F. Each message shall remain in a fixed position for a minimum of 8 seconds.

G. Each change of message is accomplished in one second or less.

H. Lighting must be shielded to prevent beams or rays of light from being directed at any portion of the main travel way of the adjacent roads. The display cannot cause glare or impair the vision of any driver or interfere with the operation of the driver's vehicle. In no event may an Electronic Message Display exceed a maximum illumination of 5,000 candelas per square meter during daylight hours and a maximum illumination of 500 candelas per square meter between dusk to dawn, as measured from the displays face at maximum brightness settings.

175H.16 PERMITS AND FEES.

It is unlawful for any person to erect, alter, or relocate within the City of Norwalk any sign or billboard except as specified in Sections 175H.03 and 175H.13 without first obtaining a permit from the building department and paying the fee required herein.

1. Application for Permit. Application for permits shall be made in such form as required by the building department, and shall contain or have attached thereto the following information unless such information shall be deemed unnecessary by the Zoning Administrator.

A. Name, address, and telephone number of the applicant.

B. Location of building(s), structure(s), or lot to which or upon which the sign or billboard is to be attached or erected.

C. Position of sign or billboard in relation to nearby buildings, structures, or streets.

D. One blueprint or drawing of the plans, specifications, and method of construction and attachment to the building or ground.

E. Copy of stress sheets and calculations showing the sign or billboard is designed for live and dead loads and wind pressure loads in any direction in the amount required by this and all other applicable laws and ordinances.

F. Name of person, firm, corporation, or association erecting the structure.

G. Valuation of cost of construction and sign.

H. Such other information as the Zoning Administrator shall require to show full compliance with this and all other laws and ordinances of the City of Norwalk.

2. Permit Fees. Sign permit fees shall be in accordance with Chapter 177, Rates and Fees, of this Code of Ordinances. (*Ord. 19-03 – May 19 Supp.*)

175H.17 INSPECTION.

The Zoning Administrator may inspect from time to time as he deems necessary, each sign, billboard or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

175H.18 UNSAFE AND UNLAWFUL SIGNS.

If the Zoning Administrator shall find that any sign, billboard, or other advertising structure regulated herein is unsafe, insecure, menace to the public, prohibited, or is in violation of the provisions of this chapter, he/she shall promptly give written notice to the permittee thereof or to the owner of premises on which the sign is located. If the permittee or owner fails to remove or alter the sign structure so as to comply with the standards herein set forth within three (3) working days after such notice, such sign, billboard or other advertising structure may be removed or altered to comply by the Zoning Administrator at the expense of the permittee or owner of the property upon which it located, however, if the owner of the sign has promptly ordered the necessary parts to repair the sign and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the three (3) work day period then a further extension of time may be granted upon a verified statement that such delay is not the result of any act of the permittee or owner of the premises. If the Zoning Administrator shall find that any sign, billboard or other advertising structure regulated herein has been constructed or erected in violation of the provisions of this chapter, he shall promptly give written notice to the owner of the premises on which the sign is located. If the owner fails to remove or alter the structure so as to comply with the standards herein set forth within three (3) work days after such notice, such sign or billboard may be removed or altered to comply by the Zoning Administrator at the expense of the owner of the property upon which it is located. The Zoning Administrator may refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed provided such authority is confined to the premises where the violation occurred.

175H.19 PAINTING REQUIRED.

The owner of any sign as defined and regulated by this chapter shall be required to have properly painted all parts and supports of said sign or billboard unless the same are otherwise treated to prevent rust or decay.

175H.20 WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

All signs, billboards and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, or as further regulated by the building code of the City of Norwalk, Iowa; and shall be constructed to receive dead loads as required in the building code or other ordinances of the City of Norwalk.

175H.21 MAINTENANCE.

All signs, billboards and other advertising structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation and working order. The display surfaces of all signs shall be kept neatly painted or posted at all times. The Zoning Administrator after ten (10) days' notice to the sign or billboard owner may order the removal of any signs or billboards that are not maintained in accordance with the provisions of this chapter and the cost assessed against the property where said sign or billboard is located, however, if the owner of the sign or billboard has promptly ordered the necessary parts to repair the sign or other advertising structure and has not received them or has promptly ordered the repair work done by an authorized erector and the erector has failed to respond within the ten (10) days period, then a further extension of time may be granted, upon filing a verified statement of that such delay is not a result of any act of the sign or billboard owner.

175H.22 SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD.

No sign, billboard or other advertising structure on private property as regulated by this chapter shall be erected: (i) at or near the intersection of any streets or near a private access to a public street in such a manner as to obstruct free and clear vision; or (ii) at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or (iii) which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead or confuse the motoring public. Notwithstanding the general requirements set forth in this section, no sign, billboard or other advertising structure shall be located: (i) on a corner lot in all districts, in such a manner as to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline elevations of the affected street and within an area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines; or (ii) in all districts, except C-4, TC, and one and two family residential lots, if erected within five (5) feet of a public right-of-way and within twenty-five (25) feet of a private access drive or adjoining building siteboundary.

175H.23 SIGNS EXTENDING OVER CITY PROPERTY.

It shall be unlawful for any person to erect or maintain any sign or billboard which extends over public property or a public easement. An exception may be granted by the City Council for a marquee, canopy, awning, projecting sign or projection of a building sign in the C-4 or TC District, if the building setback does not provide sufficient space to accommodate same. The posting of adequate insurance shall also be required to protect the City plus a signpermit.

175H.24 NONCONFORMING SIGNS.

Any sign or billboard in existence at the time of the adoption of this ordinance which does not conform with the provisions of this chapter shall be considered nonconforming, and shall be removed, or altered to be made in compliance with this section prior to January 1, 2013. Any alteration or replacement of a non-conforming sign, shall conform to the requirements and standards of thischapter.

175H.25 REVOCATION OF PERMITS.

The Zoning Administrator is hereby authorized and empowered to revoke any permits issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

175H.26 JURISDICTION OF NORWALK BOARD OF ADJUSTMENT.

The Norwalk Board of Adjustment shall have jurisdiction for any requests for variances involving sign location, sign height, or sign size not consistent with this chapter. The Board shall rule on any request in accordance with Section 175A.20 of this ordinance.

(Ord. 16-19 – May 19 Supp.)

CHAPTER 175I

ZONING ORDINANCE

SITE PLAN REQUIREMENTS

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|--|---|
| 175I.01 Application | 175I.05 Design Standards |
| 175I.02 Statement of Intent | 175I.06 Amendments to Approved Site Plans |
| 175I.03 Submittal and Review Procedure | 175I.07 Expiration of Approval |
| 175I.04 Site Plan Information | 175I.08 Filing Fees |

175I.01 APPLICATION.

The requirement for the submittal of site plans shall apply to any proposed development of property, except for the construction of single-family and two-family homes on existing platted lots, and the subdivision of land in accordance with the City's Subdivision Ordinance.

175I.02 STATEMENT OF INTENT.

To assure that commercial, industrial, multiple family residential, and special uses in the City of Norwalk are developed and accomplished in a manner conforming to the requirements, standards, and regulations of these ordinances, a detailed site plan shall be submitted showing the proposed use and development of all commercial, industrial, multi-family residential and special uses for approval by the City Council after review and recommendation by the Planning and Zoning Commission.

175I.03 SUBMITTAL AND REVIEW PROCEDURE.

Whenever any person, firm, corporation or other entity wishes to build or construct any use or special use in any zoning district upon any tract, lot, or parcel of land within the City of Norwalk, except one- or two-family dwellings on platted lots or buildings within existing farmsteads, a site plan shall be submitted for approval by the City Council after review and recommendation by the Planning and Zoning

Commission. The following procedure shall be followed as part of the site plan review process.

1. All site plans shall be submitted to the Zoning Administrator and shall be drawn at a scale not less than 1" = 100'. Seven (7) full-scale copies and two (2) 8½" x 11" reduced copies of the site plan shall be submitted with a zoning certificate application. Prior to an official submittal of a site plan for review by the Commission, the developer may submit a concept plan for initial review by the Zoning Administrator for comment.

2. The Zoning Administrator shall refer a copy of the site plan to pertinent City departments for their review and comment regarding the site plan's compliance with the ordinances of the City, its effects upon the City's municipal utilities, public street system and conformance to this zoning ordinance and all other ordinances of the City.

3. The Zoning Administrator shall also forward an 8½" x 11" copy of the site plan to each member of the Commission. The Commission shall, after receiving a report from the Zoning Administrator review the site plan for conformity with the regulations and design standards contained in this ordinance, and may confer with the developer on changes deemed advisable in such site plan.

4. The Commission shall review fully completed site plan applications within forty-five (45) days of the date of submission, and shall forward its recommendation either for approval or disapproval of the site plan to the City Council within forty-five (45) days of the date of action by the Commission.

5. The Commission may, in its discretion, hold a public hearing on the site plan of the proposed development and prescribe the notice thereof and to whom such notice shall be given.

6. The Council shall, upon receipt of the recommendation of the Commission, either approve or disapprove the site plan of the proposed development within thirty (30) days.

7. No building permit for any structure within any district within which a site plan is required shall be issued until the site plan has been approved as provided herein.

8. Upon final action by the Commission on any site plan, a copy of said site plan with any required corrections, modifications, or changes in accordance with the action of the Commission noted thereon and signed by the Zoning Administrator, shall be filed with the City Clerk.

9. If the Zoning Administrator finds that any construction or proposed construction of a development on a tract of land for which a site plan has been approved does not substantially comply with the site plan as approved, he shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project, or his successors in interest, shall have provided him with proof satisfactory to him that the site plan will be complied with. The Zoning Administrator or City Building Official shall not issue a certificate of occupancy for any structure within the development while the building permit for the development has been suspended pursuant to this paragraph or site improvements have not been completed in accordance with the approved site plan. Any person aggrieved by any decision or action of the Zoning Administrator under this paragraph may appeal such action or decision to the Council.

175I.04 SITE PLAN INFORMATION.

The site plan shall show all information needed to enable City staff, Commission and Council to determine if the proposed development meets the requirements of this ordinance and other City ordinances.

1. Information Required. The site plan shall include the following information concerning the proposed development
 - A. Names of the owner of the property, legal description of property, point of compass, scale, and date.
 - B. Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.
 - C. If the applicant is other than the legal owner, the applicant's interest shall be stated.
 - D. Name and address of persons who prepared the site plan.
2. Required Illustrations. The site plan shall clearly set forth the following information concerning any site improvements associated with the proposed development.
 - A. Property boundary lines, dimensions, and total area of the proposed development.
 - B. Existing and proposed contour lines of the proposed development and fifty (50) feet beyond the boundaries of the proposed development at intervals of not more than two (2) feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the site plan.
 - C. Temporary erosion control measures and methods required by the City and any other state or federal requirements.
 - D. The availability, location, size, and capacity of existing utilities, and of proposed utilities.
 - E. The proposed building materials, location, size height, shape, use, elevation, building sign type and illustration of all building or structures in the proposed development.
 - F. The total square footage of building floor area, both individually and collectively in the proposed development.
 - G. Existing buildings, rights-of-way, public sidewalks, street improvements, railroads, utility easements, drainage courses, streams and wooded areas.

H. The number of dwelling units, offices, etc. as required to determine ordinance compliance.

I. A vicinity sketch showing adjacent existing land uses within two hundred fifty (250) feet of the property.

J. Location, number, dimensions and design of off-street parking in the proposed development, including:

- (1) Driveways, islands, and planters.
- (2) Striping and curbs.
- (3) Loading facilities.
- (4) Type and location of lighting.
- (5) Surface treatment.

K. Open spaces, yards, recreational areas, public sidewalks, walkways, driveways, outside lighting, walls, fences, monuments, statues, and other man-made features to be used in the landscape of the proposed development.

L. Facilities for the collection and disposal of garbage and trash, and screening structures.

M. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and perspective as well as plan with proposed height and structural material to be used indicated.

N. Traffic considerations or utility capacities and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

O. As part of the information required in Section 175I.04, any project, in either its initial phase or determined cumulatively in all phases such as a master plan, which contains 80 dwelling units or 1000 average daily trips shall submit a traffic analysis which provides necessary information to determine the effect that the project will have upon the surrounding traffic. At a minimum the traffic analysis, which must be prepared by a licensed traffic engineer, shall contain project trip generation, directional distribution of project trips, traffic assignment, and capacity analysis, including identification of congestion and turning-movement conflicts. If congestion conflicts are identified, then solutions to remedy the potential conflicts shall be provided.

P. Free standing identification sign(s); location, setback, dimensions, height and illustration.

Q. Location and type of all plants, grass, trees, or ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size and exact names of plants, shrubs or trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all site plans the following requirements shall be met:

(1) Implementation. The landscaping plan shall be submitted for approval as part of site plan submittal. The landscaping plan is to show the following information in accordance with the requirements of Section 175D.04, Landscaping Required:

- a. Location of trees and shrubs.
- b. Size and species of trees and shrubs.
- c. Number of each size and species of tree and shrub.
- d. Type of ground cover and form of permanent erosion control.

(2) Approval of Landscaping. Landscaping is to be in-place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed. At the developers option and at the time of site plan filing he may submit a list of alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.

(3) Maintenance. All landscaping, buffering and screening shall be maintained at all times to conform to the regulations established in this chapter. Landscaping which is not maintained in a manner consistent with this chapter shall be replaced, as follows:

- a. Replacement includes, but is not limited to replacing plants damaged by insects, soil conditions, disease, vehicular traffic, vandalism, and acts of God;
- b. Required landscaping shall be replaced with equivalent vegetation if it is not living within one (1) year of a Certificate of Occupancy;
- c. Existing landscaping which was preserved shall be replaced with new landscaping if it is not living within two (2) years of a Certificate of Occupancy;
- d. Landscaping as part of a buffer shall be maintained as long as the buffer is required by this ordinance; and
- e. Replacement landscaping shall be installed (weather permitting) or proper guarantees provided within thirty (30) days following notification by the Zoning Administrator that a violation of this chapter has occurred.

175I.05 DESIGN STANDARDS.

The standards of design are intended as minimum requirements so that the general arrangement and layout of the development requiring the site plan may be adjusted to address a variety of site conditions.

1. All proposed uses for which site plans are required shall conform to the Comprehensive plan of the City of Norwalk; the provisions

of this Zoning Ordinance; the Subdivision Ordinance of the City of Norwalk, if applicable, and all other applicable City ordinances and statutes and regulations of the State of Iowa.

2. The proposed development shall have such entrances and exits upon public streets properly spaced and designed as are necessary for safety and the general welfare, and shall have such interior drives as are necessary for free movement of emergency vehicles; and shall have such pedestrian walkways as are necessary for safety and general welfare.

3. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded area, and other natural features which will lend themselves to proper, harmonious and attractive development of the site.

4. The proposed development shall be designed with adequate water mains, provisions for sanitary sewerage facilities, storm sewer management facilities and flood control, in accordance with the ordinances and regulations of the City of Norwalk and statutes and regulations of the State of Iowa, and good engineering practice to protect the public health and welfare and not overload any existing public utilities.

5. The proposed development shall be designed, and the buildings and improvements located in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining or surrounding property and to such end shall have such buffers, screen fences and landscaping as may be proper, and shall not impair an adequate supply of light and air to adjoining or surrounding property.

6. The proposed development shall not unduly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety, and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.

7. The proposed development and all structures therein shall be designed as required by Chapter 175G, and in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive.

175I.06 AMENDMENTS TO APPROVED SITE PLANS.

An approved site plan placed on file may be amended with respect to location, size, design and conformity of buildings and other improvements, provided that the amended site plan conforms to the general use regulations, performance standards, and provisions of the district in which located. Amended site plans shall be reviewed by the Commission and approved by the Council.

175I.07 EXPIRATION OF APPROVAL.

All site plan approvals shall expire and terminate three hundred sixty-five (365) days after the date of Council approval unless a building permit has been issued for the construction provided for in the site plan. The Commission and Council for reasons related to the Zoning Ordinance, the City Comprehensive Plan or for reasons of general City health and welfare may set an expiration and termination date at one hundred eighty (180) days after the date of Council approval unless a building permit has been issued for the construction provided for in the site plan. The Council may upon written request by the developer, extend the time for issuance of a building permit for sixty (60) days in addition to the termination date. In the event the building permit for construction provided for in a site plan expires or is canceled, then such site plan approval shall become null and void.

175I.08 FILING FEES.

The party or parties submitting a site plan to the City shall pay to the City a filing fee for said site plan as established by resolution, passed and approved by the Council.

CHAPTER 175J

ZONING ORDINANCE

SPECIAL USE PERMITS

175J.01 Application

175J.02 Statement of Intent

175J.03 Unclassified Uses

175J.04 Required Conditions

175J.05 Restrictions

175J.06 Filing Fees

175J.01 APPLICATION.

The regulations set forth in this chapter or elsewhere in this ordinance which are applicable shall apply to the unclassified and special uses listed in this ordinance.

175J.02 STATEMENT OF INTENT.

It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as permitted in the various zoning districts established by this ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Norwalk Planning and Zoning Commission and the issuance of a special use permit by the Norwalk Board of Adjustment.

175J.03 UNCLASSIFIED USES.

The following uses are declared Unclassified, and upon the issuance of a special use permit, may be authorized in any zone in addition to those zones in which the use may be specifically listed as a special use.

1. Accessory or branch structures and facilities for public utilities and public service uses, including water reservoirs and tanks, pumping stations, telephone exchanges, natural gas transmission and regulating facilities, and electric power and transformer stations,

but not including equipment storage yards and garages, etc., which are considered commercial and industrial uses.

2. Dam or levee.
3. Parks, playgrounds, and recreation areas intended for public use.
4. Recreation, refreshment, and service buildings in public parks, playgrounds, and golf courses.
5. Excavation to create artificial lakes, sand, soil, gravel, rock, or mineral quarries, borrow pits, or mining operations, except in an established residential area.
6. Satellite dish antennas with greater than a twelve (12)-foot diameter.
7. Windmills or wind generators of greater than twelve (12) feet in height.
8. Shooting ranges, including pistol, rifle, skeet and trap ranges, providing these uses are specifically excluded from any R District.
9. Golf courses and golf driving ranges.
10. Towers over twenty-five (25) feet in height, not including windmills and wind generators.
11. Tourist parks and campgrounds.
12. Any use not permitted by this ordinance as a principal permitted use, accessory use, or special use shall be considered an unclassified use, and permitted only by approval of a special use permit by the Board of Adjustment, provided such use is compatible with the type of uses permitted in the zoning district in which the use is proposed.

175J.04 REQUIRED CONDITIONS.

1. General Conditions.

A. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located or by its construction, architecture, or site improvements is not considered compatible with the neighborhood and surrounding use of land and construction.

B. A special use permit shall not authorize a use which is in conflict with any ordinance of the City of Norwalk or law of the State of Iowa regulating nuisances, pollution or hazardous occupation.

C. The authority for the location of an unclassified or special use through the issuance of a special use permit shall be subject to review and recommendation by the Planning and Zoning Commission to the Board of Adjustment.

D. Before issuance of any special use permit for any use, the Board of Adjustment and the Planning and Zoning Commission shall review the conformity of the proposal with the standards of the Comprehensive Plan, and any other applicable City ordinances or regulations. The Board, after review of the Commission recommendations, may approve or disapprove the special use permit as submitted or, before disapproval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to promote the public health, safety, morals, and general welfare.

2. Required Site Plan and Statistical Information. The request for authorization of a special use permit shall be accompanied by a site plan in compliance with Chapter 175I of this ordinance, as well as, the following information:

A. As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various zoning districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which maybe peculiar to the use, such as but not limited to the following:

- (1) Traffic intensity and control.
- (2) Excessive lighting.
- (3) Noise level.
- (4) Hazardous conditions to spectators, participants, trespassers, or neighboring use.
- (5) Pollution of air, water, or earth.

B. In the event of a special use permit application for a windmill, wind generator, ham radio antenna, radio, personal communication system, cellular telephone, and television transmitters and satellite dish antennas, a site plan shall be submitted to the City that includes: the height of the structure, dimensions of the property, location of the structure on the property, location and approximate height of overhead power or transmission lines, and location of principal and accessory structures on the applicant's property as well as surrounding properties.

(1) Any windmill, wind generator, ham radio antenna, radio, personal communication system, cellular telephone, and television transmitters, satellite dish antennas, or other tower must be located on a lot or property so that if it falls, it will not fall on any neighboring structures which are not owned by the person operating and owning the windmill, wind generator, ham radio antenna, radio and television transmitters, satellite dish antenna, or other tower.

(2) In the case of ham radio antennas, there shall be proof of a current ham radio license provided to the Zoning Administrator each year from date on which the special permit was granted by the Board. If such license is not up to date or the use is abandoned for a

period of six (6) months, then the provisions of Section 175A.15 shall apply with the two (2) year stipulation not applying as stated in said Section 175A.15 and the owner of record shall bear the cost of removing the structure.

(3) Ornamental windmills twelve (12) feet in height or less, or windmills used in pumping water on land being used for agricultural purpose are exempt from this section.

(4) Any special use permit request for sand, gravel, or mineral quarries shall require the submittal of a reclamation plan setting forth the reuse of the quarry site after the quarry activity is complete. The reclamation plan shall include a proposed Master Plan for reuse and redevelopment of the quarry site, as well as any water bodies. A performance guarantee may be required by the City.

C. In the event a special permit is granted under the terms of this chapter, any such change thereafter in the approved use or site plan shall be cause for submittal of the site plan to be considered in the same manner as the original proposal.

175J.05 RESTRICTIONS.

1. Authorization for a special use permit shall not be granted if the following conditions are not met.

A. Large outside assemblages of more than one hundred (100) people shall not be located less than three hundred (300) feet from any existing dwelling site, not including temporary assemblages on public property for public events.

B. Uses shall emit light and noise levels consistent with those found commonly in the district where located.

C. Uses involving the large assemblages of more than one hundred (100) people shall not be located in the vicinity where the street system is inadequate to provide for the increased traffic.

D. Exterior lighting shall not be located in a vicinity where such lighting would create a glare and be hazardous to air or ground trafficway and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R District boundary.

2. The following restrictions shall be complied with:

A. Accessory or branch structures and facilities for a public utility or public service, windmills, wind generators, satellite dish antennas over twelve (12) feet in diameter, and towers which require a special use permit and are located within an R, C, TC, PC, or IC District shall be screened from public view by a buffer wall or landscape buffer in accordance with Chapter 175F, if determined by the Planning and Zoning Commission and Board of Adjustment that such use is not compatible with the adjoining uses and zoning.

175J.06 FILING FEES.

The party or parties submitting an application for a special use permit shall pay to the City a filing fee in accordance with Chapter 177, Rates and Fees, of this Code of Ordinances.

(Ord. 19-03 – May 19 Supp.)

CHAPTER 175K

ZONING ORDINANCE

CELLULAR COMMUNICATION TOWERS

175K.01 Purpose and General Policy

175K.02 Definitions

175K.03 Telecommunications Act of 1996

175K.04 Priorities and Placement Requirements

175K.05 Lease Required

175K.06 Fee Required

175K.07 Limit on Term

175K.08 Application Process

175K.09 Special Use Permit Not Required

175K.10 Special Use Permit Is Required

175K.11 Standards for Special Use Permit

175K.12 Limitations on Siting Small Wireless Facilities

175K.13 Cell Sites on Private Property

175K.14 Noise and Emission Standards

175K.15 Abandonment

175K.16 Termination

175K.17 Home Rule

175K.18 New Technologies

175K.01 PURPOSE AND GENERAL POLICY.

It is necessary for the City to establish uniform rules and policies in order to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize wireless communication technologies and in order to protect public and private investments, ensure the health, safety and welfare of the population, to provide for the regulation and administration of the orderly location of antenna arrays and towers and to secure the rights of the City to a return on its investment on public property.

175K.02 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Antenna height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the cell site shall be used in calculating the antenna height.

2. "Antenna support structure" means any tower or any other structure which supports a device used in the transmitting or receiving telecommunication signals.

3. "Cell site" means a tract or parcel of land that contains the wireless communication antenna, its support structure, accessory building(s), and parking, and may include other uses associated with and necessary for wireless communication transmission.

4. "Communications tower" means a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed or on a building.

5. "Existing utility pole" means, for the purpose of citing a small cell facility, a pole existing on or before July 1, 2017.

6. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

All definitions as contained in Section 8C.2, Iowa Code, 2017 (as amended by Senate File 431), regarding the siting of Small Cell Facilities are incorporated herein.

175K.03 TELECOMMUNICATIONS ACT OF 1996.

The Telecommunications Act of 1996 prohibits the City from establishing policies that discriminate against one or a group of providers in favor of another or another group of providers or potential providers. The following objectives shall be applied consistently to all telecommunications providers that request a location on City property for their communications towers and antennas.

1. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communications companies, local law enforcement, fire and ambulance services.

2. To ensure that new towers will be safe and blend into the environment, a full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, landscaping, fencing, buffering and access.

3. To minimize placement of wireless equipment in highly populated areas, residential locations will be considered as a last resort. Mono-poles shall be required with respect to any cell site other than industrial zoning districts. All lattice or guyed towers are prohibited in all zoning districts except industrial zoning districts.

4. To assure revenues from site leases of City-owned and -controlled land and structures reflect fair compensation for use of City property and administration of this chapter.

175K.04 PRIORITIES AND PLACEMENT REQUIREMENTS.

Requirements for priority and placement shall be as follows:

1. Priority. Priority of the use of City-owned land for communications antennas and towers will be given to the following entities in descending order of priority:

A. All functions of the City.

B. Public safety agencies that are not a part of the City, including law enforcement, fire and ambulance services.

C. Other governmental agencies for uses which are not related to public safety.

D. Entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use.

2. Placement. The placement of communications antennas or towers on City-owned property must comply with the following requirements:

A. The antenna or tower will not interfere with the purpose for which the City-owned property is intended.

B. The antenna or tower will not adversely impact the aesthetics of the surrounding private property.

C. The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to City property and facilities. The applicant will also submit a letter of credit, performance bond, or other security acceptable to the City to cover the cost of antenna or tower removal.

D. The antenna or tower will not interfere with other uses which have a higher priority as discussed in the paragraphs above.

E. The applicant must reimburse the City for any costs that the City incurs because of the presence of the applicant's antenna or tower.

175K.05 LEASE REQUIRED.

No person or other entity shall use any public property without first obtaining a lease from the City.

175K.06 FEE REQUIRED.

No lease for the use of public property shall be granted without requiring the lessee thereof to pay a reasonable and competitively neutral fee for the use of public property.

175K.07 LIMIT ON TERM.

No lease for the use of public property shall be granted for a term of more than five (5) years.

175K.08 APPLICATION PROCESS.

All applicants who wish to locate a communications antenna or tower on City-owned or private property must submit to the Planning & Building Department, a completed development application accompanied by a fee of \$200.00 and the following documents:

1. Identification of the owners of all antennas and equipment to be located on the site.
2. Written authorization from the site owner for the application.
3. Proof shall be provided that the applicant is licensed by the Federal Communications Commission.
4. A copy of typical specifications for proposed structures and antennas, including description of design characteristics and material.
5. A current map showing locations of any existing antennas, facilities, existing towers and proposed towers currently serving any property within the City.
6. A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANS/EI4/TI4 222, latest revision, standards.
7. Applicant must provide the names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including City owned property, and written documentation that the applicant: (i) made diligent but unsuccessful efforts for a minimum of forty (40) days prior to the submission of the application to install or co-locate the applicant's telecommunications facilities on towers or useable antenna support structures owned by the City and other persons located within a one-half mile radius for the proposed tower site; or (ii) written technical evidence from an engineer that the proposed tower or facilities cannot be installed or co-located on another persons tower or support structure.
8. Applicant must show that a new tower is designed to accommodate additional antennas equal in number to applicant's present and future requirements.
9. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
10. Applicant must provide a written indemnification of the municipality and proof of liability insurance and financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life at no cost to the municipality.
11. A written agreement to remove the tower and/or antenna within 180 days after cessation of use.

175K.09 SPECIAL USE PERMIT NOT REQUIRED.

A cell site with an antenna that is attached to an existing communications tower, smoke stack, water tower, or other structure of sufficient height, is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing structure by more than twenty (20) feet. If the antenna is to be mounted on an existing structure, a site plan shall not be required but the following conditions must be met where applicable:

1. Water Tower Sites. The City's water tower(s) represent a large public investment in water pressure stabilization and peak capacity reserves. Therefore, its protection is of utmost importance. As access to the City's water storage system increases, so does the potential for contamination of the public water supply. For these reasons, the placement of communications towers or antennas on the water tower(s) will be allowed only when the following requirements are met:

A. The applicant must have approval from the Public Works Director each time access to the facility is desired. This will minimize the risk of contamination to the water supply.

B. It is determined by the Public Works Director that there is sufficient room on the structure and/or the grounds to accommodate the applicant's facility.

C. It is determined that the presence of the facility will not increase the water tower(s) maintenance cost to the City.

D. It is determined that the presence of the facility will not be harmful to the health or safety of the workers maintaining the water tower(s).

2. All Other Existing Structure Sites Other than Water Tower Sites. Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This setback requirement shall not apply to: (i) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of panels, walls, fences or other screening techniques approved by the City; or (ii) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such an antenna support structure.

3. For siting the small wireless facility in a public right-of-way or on an authority structure located outside of a public right-of-way to the extent that such structure is already in use as a wireless support structure by supporting non-authority communications equipment that involve external attachments, provided that such structure is not listed on the national register of historic places.

4. For siting the small wireless facility on an existing tower, utility pole, or wireless support structure, regardless of the location, except for on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 303.34 Iowa Code.

175K.10 SPECIAL USE PERMIT IS REQUIRED.

A special use permit shall be required for the following:

1. A cell site with an antenna that is either not mounted on an existing structure or is more than 20 feet higher than the structure on which it is to be mounted shall not be permitted except pursuant to a special use permit issued by the Zoning Board of Adjustments.

2. To install a new utility pole or wireless support structure for the siting of a small wireless facility on property zoned and used exclusively for single family residential use or within a previously designated area of historical significance pursuant to section 303.34 Iowa Code.

175K.11 STANDARDS FOR SPECIAL USE PERMIT.

The following standards and procedures shall apply to the issuance of a special use permit for a cell site with an antenna:

1. Necessity. The wireless communications company shall demonstrate, using technological evidence, that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's grid system.

2. Co-Location Effort. If the wireless communications company proposes to build a tower as opposed to mounting the antenna on an existing structure, it shall demonstrate that it has contacted the owners of structures with adequate height within a one-quarter mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for reasons other than failure to agree on compensation. The Board of Adjustment may deny a request for a special use permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing structure.

3. Antenna Height. The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment, that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.

4. Antenna Support Structure Safety. The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All support structures shall be fitted with anti-climbing devices.

5. Co-Location. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate others users, including other wireless communications companies, local law enforcement, fire and ambulance services.

6. Parks. Communications antennas or towers will only be considered in any of the parks in the City in the following situations:

- A. In a public park of sufficient size, scale and character that is adjacent to an existing commercial or industrial use.
- B. Commercial recreational areas and major ball fields.
- C. Park maintenance facilities.

7. Painting. Antenna support structures shall be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.

8. Site Plan. A full site plan shall be required for all cell sites, not on an existing structure, showing the antenna, antenna support structure, building, fencing, landscaping, buffering and access and shall include the following information:

A. Plan. A plan drawn to scale showing property lines, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of the proposed structure.

B. Parking Spaces. If the cell site is fully automated, adequate parking shall be required for maintenance personnel. If the cell site is not automated, the number of parking spaces shall be equal to the number of personnel on the largest work shift.

C. Fencing. An opaque fence shall be installed around the antenna support structure and other equipment unless the antenna is mounted on an existing structure. The fence shall be a maximum of six (6) feet in height and serve to screen the base of the structure and to ensure safety.

D. Setbacks from Base. The minimum distance between the base of the support structure and guy anchors and any property line shall be the largest of the following.

- (1) Fifty (50) percent of the antenna height.
- (2) One hundred and five (105) percent of the height of the tower if located within any R Zoning District.
- (3) The minimum setback in the underlying zoning district.
- (4) Sixty (60) feet.

E. Air Safety. Support structures 200 feet in height or taller shall meet all Federal Aviation Administration regulations.

175K.12 LIMITATIONS ON SITING SMALL WIRELESS FACILITIES.

1. New Pole Placement. The City shall reasonably limit the number of new utility poles or wireless support structures for a small wireless facility, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider's ability to provide wireless service within the area of a proposed new structure.

2. Aesthetics. A small wireless facility shall reasonably match the aesthetics of an existing utility pole or wireless support structure in the area that incorporates decorative elements.

3. Application For Process and Issuance of Permit for Siting Small Wireless Facilities. An applicant requesting a permit for the siting of a small wireless facility shall be charged a fee not exceeding the limitations in Section 8C, Iowa Code, 2017 (as amended by Senate

File 431). An authority shall approve or deny a permit application within ninety days following the submission of a completed application. Except as provided for in Section 8C, Iowa Code, 2017 (as amended by Senate File 431), an application shall be deemed approved if the City fails to approve or deny the application within ninety days following the submission of a completed application. The denial, by the City, of an application must be based on those factors allowed pursuant to Section 8C, Iowa Code, 2017 (as amended by Senate File 431) or pursuant to state, local or federal laws or legislation. Height limitations for new, replacement, or modified utility poles or wireless support structure is limited pursuant to Section 8C, Iowa Code, 2017 (as amended by Senate File 431).

175K.13 CELL SITES ON PRIVATE PROPERTY.

Prior to a special use permit being issued by the Board of Adjustments for the location of an antenna or tower on private property, the applicant must show that available publicly owned sites and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility.

175K.14 NOISE AND EMISSION STANDARDS.

1. Noise. No equipment shall be operated at towers and telecommunications facilities so as to produce noise in excess of applicable noise standards under WAC 173-60, except during emergencies or periodic routine maintenance which requires the use of a back-up generator, where the noise standards may be exceeded temporarily.

2. Emissions. The Federal Telecommunications Act of 1996 gives the FCC sole jurisdiction to regulate radio frequency emissions. Facilities that meet the FCC standards shall not be conditioned or denied on the basis of emissions impacts. Applicants for tower sites shall be required to provide information on the projected power density of the facility and how this meets the FCC standards.

175K.15 ABANDONMENT.

In the event the use of any communications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City Manager who shall have the right to request documentation and/or affidavits from the communications tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional 180 days within which to: (i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or (ii) dismantle and remove the tower and return the site to its condition prior to development. At the earliest, 181 days from the date of abandonment, without reactivating or upon completion of dismantling and removal, any special exception, variance and/or special use permit for the tower shall automatically expire.

175K.16 TERMINATION.

The Council may terminate any lease if it is determined that any of the following condition(s) exist.

1. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis.

2. A user violates any of the standards in this chapter or the conditions attached to the City's lease agreement.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for a hearing before the Council regarding the proposed action. This procedure need not be followed in emergency situations.

175K.17 HOME RULE.

This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforced against the holders of any lease.

175K.18 NEW TECHNOLOGIES.

Should, within the term of any lease, developments within the field for which the grant was made to the holder of the lease, present the opportunity to the holder of the lease to be more effective, efficient and economical through the use of a substance or material other than those for which the lease was originally made, the holder of the lease may petition the Council which, with such requirements or limitations as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the lease.

(Ord. 18-02 – May 19 Supp.)