

## Section 32.01 General Provisions

32.01.01	Short Title .....	1
32.01.02	Authority.....	1
32.01.03	Adoption and Repeal .....	1
32.01.04	Specific Approvals Preserved .....	1
32.01.05	Intent and Purpose .....	2
32.01.06	General Provisions.....	3
32.01.07	Separability of Provisions .....	4
32.01.08	When Effective.....	4
32.01.09	Transitional Provisions.....	4

### 32.01.01 Short Title

These regulations shall be known, cited, and referred to as the Cedar Rapids Zoning Code (or “this Code”).

### 32.01.02 Authority

This Code is enacted pursuant to powers granted to the City of Cedar Rapids by Chapter 414, Zoning; chapters 364, 368, 372, 376, 380, 384, 388 and 392 (collectively, the city code) of the Iowa Code, and all necessary and implied powers related to those specific grants of power.

### 32.01.03 Adoption and Repeal

This Code amends the Cedar Rapids Zoning Ordinance that became effective May 24, 1955, that was subsequently codified as Chapter 32 of the Municipal Code of Cedar Rapids, Iowa, and as amended on February 7, 1979 by Ordinance 9-79, and amended again on August 9, 2006 by Ordinance 033-06, by repealing that ordinance and all subsequent amendments to that ordinance, except as provided in Sections 32.01.09 and 32.06, and enacting a new ordinance replacing the repealed ordinance to establish comprehensive zoning regulations for Cedar Rapids, Iowa, and providing for the administration, enforcement, and amendment of such ordinance; and to repeal all ordinances or resolutions in conflict with this ordinance. This ordinance is adopted by authority of, and for the purpose set forth in the Code of Iowa and shall be codified as Chapter 32 of the Municipal Code, City of Cedar Rapids, Iowa.

### 32.01.04 Specific Approvals Preserved

All ordinances previously adopted by city council, whether the same have been published before or after the adoption of this Code, by which zoning map amendments for specific parcels of property were enacted with conditions, site development plans, or other requirements of the property owners, are specifically preserved and exempted from all repealed provisions of this Code, and all such conditions, site development plans, or other requirements are continued in full force and effect as set forth in such ordinances, and are ratified, confirmed, and re-enacted the same as set forth in such ordinances.

## **32.01.05 Intent and Purpose**

### **A. General**

The Cedar Rapids Zoning Code, as set forth in the text of this Chapter 32 and the official zoning map that is incorporated in this Code by reference, is adopted with the purpose of improving and protecting the public health, safety, and general welfare of the people. The fulfillment of this purpose is to be accomplished by seeking to:

1. Create an urban environment that promotes economic development through an enhanced quality of life.
2. Safeguard and enhance property values and protect public and private investment.
3. Improve mobility and connectivity for all modes of transportation.
4. Provide a variety of neighborhood and development types that allow options for residents and businesses.
5. Establish adequate standards for the provision of light, air, and open spaces.
6. Facilitate the provision of adequate transportation, and of other public requirements and services such as water, sewerage, schools, and parks.
7. Zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.
8. Establish reasonable separation and visual buffering of residential, business, commercial, and industrial areas from incompatible uses.
9. Avoid the inappropriate development of lands and provide for adequate drainage, curbing of erosion, and reduction of flood damage.
10. Establish reasonable standards to which buildings and structures shall conform.
11. Foster a rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.
12. Prescribe penalties for any violation of the provisions of this Code or of any amendment thereto.
13. Encourage preservation of existing trees and other significant vegetation, as well as the selection, installation, and maintenance of plant materials that result in the conservation and enhancement of natural resources.
14. Promote a pattern of development which efficiently utilizes public infrastructure.
15. Mitigate pollution and other adverse environmental effects of development.
16. Ensure that all development in the city occurs in conformance with the goals, objectives, and future land use map contained in the comprehensive plan.

### **B. Accord with Comprehensive Plan**

The standards and requirements contained in this Code, and the district mapping reflected on the Cedar Rapids Official Zoning Map, have all been made in accordance with the comprehensive plan for the city.

## **32.01.06 General Provisions**

### **A. Applicability of Regulations**

#### **1. Territorial Application**

This Code shall apply to all structures, land, and uses within the corporate limits of Cedar Rapids, Iowa, unless specifically prohibited by state and/or federal law.

#### **2. General Application**

After the effective date of this Code, (a) all buildings and structures erected, (b) all uses of land or buildings established, (c) all alterations or relocations of existing structures occurring, and (d) all enlargements of, additions to, changes in, and relocations of existing uses, shall be subject to all regulations of this Code. Existing buildings, structures and uses that do not comply with the regulations of this Code shall be allowed to continue subject to the provisions of Sec. 32.06, Nonconformities.

#### **3. Conversion of Use or Building**

The conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building or the conversion of any dwelling to accommodate an increased number of dwelling units, families, or residents, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Code, and only when the resulting occupancy will comply with the requirements in such districts, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, height, floor area ratio, off-street parking and any other applicable requirements, except as may be allowed by the provisions of Sec. 32.06, Nonconformities.

#### **4. General Prohibition**

No building or structure, no use of any building, structure or land, and no lot of record or zoning lot, now or hereafter existing, shall hereafter be established, altered, moved, divided, or maintained in any manner except in accord with the provisions of this Code.

### **B. Interpretation of Regulations**

#### **1. Minimum Requirements**

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare. Where the conditions imposed by any provision of this Code, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations that are more restrictive or that impose higher standards or requirements shall govern.

#### **2. Private Agreements**

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

### **32.01.07 Separability of Provisions**

It is the intention of the city council that each section, paragraph, sentence, clause and provision of this Code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part of this Code, other than that affected by such decision.

### **32.01.08 When Effective**

This Code shall be in full force and effect from and after its passage, approval, and publication as provided by law, and the date on which it comes into effect shall be known as the effective date.

### **32.01.09 Transitional Provisions**

#### **A. Violations Continue**

Any violation occurring under the previous ordinance will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to Sec. 32.07, Violations and Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Code.

#### **B. Nonconformities Under Prior Ordinance**

Any nonconformity under the previous ordinance will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist. If a nonconformity under the previous ordinance becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.

#### **C. Approved Projects**

##### **1. Validity**

- a. Except for planned unit developments approved prior to the effective date of this Code, permits and approvals that are valid on the effective date of this Code shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Code, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated even if said building or structure is nonconforming under the terms of this Code.

##### **2. Changes**

No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date.

##### **3. Extensions**

The decision-making body that granted the original approval may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in Sec. 32.05, Review and Approval Procedures.

##### **4. Re-Application**

Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

## **D. Planned Unit Developments Approved Prior To The Effective Date**

### **1. PUD Final Development Plan Approved**

Any planned unit development identified on the zoning map and approved prior to the effective date shall remain valid until its expiration date if it has received PUD final development plan approval for at least one phase of the PUD prior to the effective date of this Code. PUDs that receive PUD final development plan approval for at least one phase of the PUD prior to the effective date may be carried out in accordance with the development standards in effect prior to such date.

### **2. PUD Final Development Plan Not Approved**

PUDs approved prior to the effective date that fail to receive PUD final development plan approval for at least one phase of the PUD prior to the effective date shall be required to obtain approval of a PUD preliminary development plan that complies with the standards and criteria in this Code. Wherever possible, the standard and criteria of this Code shall be applied in a manner consistent with the terms of the approved PUD. In the event a standard or criteria in this Code is directly contradictory to a provision of the approved PUD, the latter shall govern.

## **E. Applications in Progress**

### **1. Completed Applications**

Complete applications for permits and other approvals, submitted before the effective date and pending approval at the time of adoption of this Code on the effective date may, at the applicant's option, be reviewed wholly under the terms of the previous ordinance. If approved, these projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

### **2. No Applications Submitted**

Projects for which no application has been submitted and accepted as complete prior to the effective date shall be subject to all requirements and standards of this Code.

### **3. Lapsing**

Regardless of whether or not a completed application has been received prior to the adoption of this Code, any permit or approval issued following the adoption of this Code shall be subject to the lapsing provisions of Sec. 32.05.01.

## **F. Lapsing of Previous Approvals**

If (a) a development permit or approval has been approved prior to the adoption of this Code, and (b) under the prior zoning ordinance that type of permit or approval did not have a lapsing date, but (c) under this Code that type of permit or approval is subject to a lapsing date under Sec. 32.05.01.0, then the permit or approval shall be subject to lapsing under Sec. 32.05.01.0, but the lapsing periods set forth in Sec. 32.05.01.0 shall be deemed to begin running on the date of approval of this Code (not the date of the prior permit or approval).

## **G. Conditional Use Permits Deemed Approved**

If (a) a use of land or structures was listed as a permitted use in a specific zone district under the previous zoning ordinance, and (b) that use of land or structures was established on property in that district prior to the adoption of this Code, and (c) the same use of land or property is now listed as a conditional use in the same district in Table 32.03-1 of this Code, then the established use shall be deemed to have received a conditional

use permit and shall be a legal, conforming use of land. Upon request by the property owner and submission that the use was established prior to approval of this Code, the development services department shall provide written confirmation of the legal, conforming status of the use.

## Section 32.02 Zone Districts

- 32.02.01 General Provisions ..... 7
- 32.02.02 Agricultural and Rural Districts ..... 13
- 32.02.03 Residential Districts ..... 17
- 32.02.04 Mixed-Use Districts ..... 33
- 32.02.05 Urban Form Districts ..... 42
- 32.02.06 Industrial Districts ..... 53
- 32.02.07 Public Districts..... 60
- 32.02.08 Special Purpose and Overlay Districts ..... 62

### 32.02.01 General Provisions

#### A. Official Zoning Map

The Official Zoning Map (“zoning map”) of the City of Cedar Rapids is described in this section. The zoning map shall identify the boundaries and classifications of the various zoning districts which are enacted and established as shown on that map, subject to the provisions set out in this Chapter 32 relating to subsequent district boundary classification changes and amendments.

#### 1. Adoption by Reference

The zoning map signed and dated by the mayor and city clerk on (ADOPTION DATE) is hereby approved and adopted. The zoning map shall be available for inspection in the office of the city clerk and the Community Development Department as well as on the City of Cedar Rapids website.

#### 2. District Boundary Rules

The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning map.

##### a. General Rule

District boundary lines are the centerlines of highways, streets, alleys; all public rights-of-way and the right-of-way lines of railroads; or section, division of section, tract and lot lines; or such lines extended unless otherwise indicated.

##### b. Special Areas

In areas not subdivided into lots and blocks, and wherever a district is indicated as an area adjacent to and paralleling a street or highway, the depth of such areas shall be in accordance with dimensions scaled on the map at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions scaled on the zoning map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.

#### 3. Urban Districts

Required design standards in the urban districts that are included on the zoning map, such as required building lines or alley and street connections, are governed by the standards of the applicable urban district and Section 32.04.05, Site and Structure Standards.

#### **4. Annexed Territory**

All territory that may be annexed to the City of Cedar Rapids after adoption of this Code shall be assigned a zone district classification within 90 days after annexation. All property annexed into the City shall be assigned a zone district that conforms to the underlying Land Use Typology Area on the Future Land Use Map, or the Agricultural (A-AG) district.

#### **5. Vacated Streets**

Whenever any street, alley, or other public way is vacated by official action of the City Council, the district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

### **B. Consistency with the Comprehensive Plan**

#### **1. Comprehensive Plan Consistency Required**

- a. All approvals granted under this Code shall be consistent with the City's comprehensive plan.
- b. All rezonings and future land use map amendments shall ensure consistency between the zone district and the Land Use Typology Areas (LUTAs) as outlined in Table 32.02-1.
- c. Development shall occur according to the LUTAs identified on the City's Future Land Use Map in the adopted comprehensive plan.



Table 32.02-1: Land Use Typology Areas and Zone District Consistency

Base Land Use Typology Area	Agricultural Preserve	Rural	Urban-Large Lot	Urban-Low Intensity	Urban - Medium	Urban -High Intensity	Downtown	Commercial	Industrial	Employment Reserve	Public, Semi-Public	Open Space	Flood Control
<b>Agricultural and Rural Districts</b>													
A-AG[1]	■												See Note 1 below
A-RR		■	■										
<b>Residential Districts</b>													
S-RLL			■	■									
S-RL1			■	■	■								
S-RM1				■	■								
T-R1					■	■							
S-RL2				■	■								
S-RLF				■	■	■							
S-RMF					■	■							
T-RF					■	■							
T-RH						■							
<b>Mixed Use Districts</b>													
T-ML				■	■								
T-MC				■	■								
S-MC					■	■			■	■			
S-MR						■		■		■			
<b>Urban Form Districts</b>													
U-DC							■						
U-DG						■	■	■					
U-MF						■							
U-NG					■	■	■	■					
U-NR					■	■	■						
U-NT					■	■	■						
U-VG				■	■								
U-VR				■	■								
U-VT				■	■								
<b>Industrial Districts</b>													
I-LI					■	■			■	■			
I-GI									■	■			
I-SW									■				
T-IM					■	■			■	■			
<b>Public and Districts</b>													
P-IN	■	■	■	■	■	■	■	■	■	■	■	■	■
P-PO	■	■	■	■	■	■	■	■	■	■	■	■	■
P-AP											■		
<b>Special Purpose and Overlay Districts</b>													
S-MH				■	■								
X-FM													■

[1] The A-AG District may be established in newly annexed areas of the City regardless of underlying LUTA at the time of annexation. In cases where the LUTA is not Agricultural Preserve (AP) the intent of the zone is to maintain existing land use conditions until such time as an appropriate and consistent zone change is requested.

## 2. Overlay LUTAs

### a. Environmental Conversation (EC) Overlay

The Environmental Conservation Overlay may be applied over any base LUTA.

### b. Urban Reserve (UR) Overlay

The Urban Reserve Overlay is intended to describe areas outside of the City's municipal boundaries that are not intended to be developed in the near future. Development within the UR Overlay LUTA is not subject to the provisions of this Chapter 32. Annexation of Urban Reserve land is generally discouraged in favor of more compact development within the City, but may be considered according to Section 32.05.11, Annexation.

## 3. Approval not Guaranteed

All approvals are subject to the criteria for approval established in Section 32.05, Review and Approval Procedures. Consistency between a zone district and a LUTA as part of a rezoning or a future land use map amendment is not sufficient to ensure approval.

## 4. Density

### a. Net Density

Net density shall be calculated by dividing the number of dwelling units by the net site area. Net density shall be used when calculating density on urban parcels where no additional street connections are required.

### b. Gross Density

Gross density shall be calculated by dividing the number of dwelling units by the gross site area. Gross density shall be used when calculating density on parcels of land not previously developed and where street dedications are necessary for roadway connectivity.

### c. Minimum Density Required

The intent of this Code is not to prevent incremental development of a parcel in conformance with the comprehensive plan or to mandate a timeline for an applicant to complete future development. Development that does not meet the minimum density can be permitted as long as a concept plan showing future development on the site to meet the minimum development standards is approved and actions, as determined by Development Services, are taken to preserve that land for future development. Any necessary design exceptions to accommodate future development should be approved with the initial approval to remove barriers to future growth.

- (i) All new development that is over 50 percent residential (by square footage) shall meet the minimum density requirement of the applicable LUTA. This can be done by either building the required units or demonstrating that the units can feasibly be constructed within future phases of the project.
- (ii) The following land can be excluded from the calculation to determine required minimum density:
  - (A) Land that is preserved for public use or natural preservation (deed restriction or zoned Public);
  - (B) Land that is necessary for roads, utilities, or other necessary infrastructure; and
  - (C) Land that is unbuildable due to topography issues such as being in the flood plain or steep slopes

- (iii) The minimum density requirement can be waived by the Development Services Manager for:
  - (A) Existing parcels under 1 acre
  - (B) Where redevelopment or expansion of existing structures makes providing the required density infeasible.

#### **d. Maximum Density Not Guaranteed**

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

### **5. Inconsistencies**

- a. Where districts that are inconsistent with the comprehensive plan exist at the time of adoption of this Code, the following shall apply:
  - (i) All development and uses within that parcel shall be considered Legal, Conforming provided that they are Legal, Conforming within their current zone.
  - (ii) No discretionary approvals (e.g., rezoning, any public site plan process, major design exceptions, conditional use permits, etc.) shall be granted unless the approval body finds that the approval does not increase the existing inconsistency AND that the approval could not be accommodated by a rezoning to a consistent zone district.

## **C. District Intent and Key Terms**

### **1. Overview**

The zone districts created by this Code are intended to allow for a variety of different uses within the city while recognizing the different patterns of development that make up the community. In addition to the zone districts, this Code also establishes four types of character areas: Agricultural and Rural, Suburban, Traditional, and Urban. Each character area is intended to represent a different pattern of development and has different development standards and criteria for compatibility with adjacent development.

### **2. Terminology**

Table 32.02-2 below identifies the districts established by this Code and categorizes them according to the general classifications used throughout this code, identified by the column and row headings. For example, where this Code identifies a specific provision applies to Residential Districts, it shall apply to all districts listed in the Residential row below. Similarly, standards applicable to Urban Districts shall apply to all districts listed in the Urban column below. Where “x” is used in describing Districts, it shall be interpreted to include all of the zone districts that have a name including that character. For example, “T-xx” shall apply to all districts with the prefix T, such as T-R1, T-MC, and T-IM.

**Table 32.02-2: Applicability of Character Areas**

Character Areas					
<< More Auto Oriented ----- More Pedestrian Oriented >>					
Use Type	Zone District Classifications	Character Areas			
		Agricultural and Rural (A-xx)	Suburban (S-xx & I-xx)	Traditional (T-xx)	Urban (U-xx)
<< More intense -- Less Intense >>	Agricultural (A-AG)	A-AG			
	Residential (S-Rxx, T-Rx & U-xR)	A-RR	<b>Single/Two-Unit:</b> S-RLL S-RL1 S-RM1 S-RL2 <b>Multi-Unit:</b> S-RLF S-RMF S-MH	<b>Single Unit:</b> T-R1 <b>Multi-Unit:</b> T-RF T-RH	U-VR U-NR
	Mixed-Use (S-Mx, T-Mx, U-xG, U-DC & U-MF)		S-MC S-MR	T-ML T-MC	U-VG U-NG U-DG U-DC U-MF
	Industrial (I-xx, T-IM & U-xT)	--	I-LI I-GI I-SW	T-IM	U-VT U-NT
	Public Districts (P-xx & x-FM)	x-FM P-PO P-IN P-AP	--	--	--
	Special Districts				

**3. Commercial Districts**

Where commercial districts or commercially zoned property is referenced outside of this Code, including but not limited to other chapters of the City Code, State, or Federal laws or regulations, or in adopted plans, the term shall apply to Mixed Use districts as described above.

**32.02.02 Agricultural and Rural Districts**

**A. Purpose**

The agricultural and rural districts are intended to:

1. Implement the vision, goals, and principles of the currently adopted Cedar Rapids Comprehensive Plan; and
2. Allow for and encourage the preservation and conservation of agricultural and environmentally sensitive areas.



**B. Agriculture (A-AG)**

**1. Intent**

The Agricultural (A-AG) district is intended for use in rural areas of the City to preserve farming, agricultural production, and prime farmland soil while minimizing development pressures or conflicts on agricultural uses from residential or other uses. The district allows for agricultural uses and very low-density/very large lot residential development associated with agricultural uses. A-AG may also be used as a base district to preserve existing conditions at the time of annexation prior to development.

**2. Comprehensive Plan Consistency**

The A-AG district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-3: Agriculture (A-AG) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas:	Minimum Density Required
Agricultural Preserve (AP)	None
All other LUTAs [1]	None
<b>Notes</b>	

[1] The A-AG District may be established in newly annexed areas of the City regardless of underlying LUTA at the time of annexation. In cases where the LUTA is not Agricultural Preserve (AP) the intent of the zone is to maintain existing land use conditions until such time as an appropriate and conforming zone change is requested.

### 3. Dimensions

**Table 32.02-4: Agriculture (A-AG) Dimensional Standards**

	Residential Detached	Other Structures
<b>Lot Requirements</b>		
Lot Size (acres, min.)	40 acres [1]	40 acres [1]
Frontage (ft., min.)	50	50
Width at Setback (ft., min.)	--	--
Coverage (% max.)	25	25
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	35	35
Side, Internal	20	20
Side, Street	35	35
Rear	20	20
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	--	10,000
<b>Residential Development [2]</b>		
Units per parcel, max	1	--
Units per structure, max	1	--
<b>Notes:</b>		
[1] May be reduced to 1 acre provided that a residential density of no more than 1 unit per 40 acres is preserved		
[2] Does not apply to accessory dwelling units		

### 4. Additional Standards

Standards in the following sections may be applicable to development in the Agriculture (A-AG) district:

**Table 32.02-5: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## C. Rural Residential (A-RR)

### 1. Intent

The A-RR district is intended to be a setting for very low-density and very large lot residential development at a density of up to one unit per acre. A-RR should be used to preserve rural character and existing natural environmental elements.

### 2. Comprehensive Plan Consistency

The A-RR district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-6: Rural Residential (A-RR) Comprehensive Plan Consistency**

Minimum Density Required	
<b>Consistent Land Use Typology Areas:</b>	
Rural (R)	None
Urban Large Lot (U-LL)	None

### 3. Dimensions

**Table 32.02-7: Rural Residential (A-RR) Dimensional Standards**

	Residential Detached	Other Structures
<b>Lot Requirements</b>		
Lot Size (acres, min.)	1 acre	1 acre
Frontage (ft., min.)	50	50
Width at Setback (ft., min.)	150	150
Coverage (% , max.)	25	25
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	35	35
Side, Internal	15/30	15/30
Side, Street	25	25
Rear	35	35
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	--	10,000
<b>Residential Development [1]</b>		
Units per parcel, max	1	1
Units per structure, max	1	1
<b>Notes:</b>		

[1] Does not apply to accessory dwelling units

#### 4. Additional Standards

Standards in the following sections may be applicable to Rural Residential (A-RR) development:

**Table 32.02-8: Additional Standards**

<b>Standard</b>	<b>Section</b>	<b>Standard</b>	<b>Section</b>
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12



## 32.02.03 Residential Districts

### A. Purpose

The residential zone districts are intended to:

1. Implement the vision, goals, and principles of the adopted Cedar Rapids Comprehensive Plan;
2. Provide appropriately located areas for residential development at a scale and density consistent with the adopted Cedar Rapids Comprehensive Plan;
3. Protect the character of existing residential neighborhoods and the community;
4. Establish a range of zone districts at differing scales of density to allow the development of a range of housing types in appropriate locations in Cedar Rapids;
5. Discourage any use that would generate traffic or create congestion on neighborhood streets other than the normal traffic that serves the residents of the district; and
6. Discourage any structure that, because of its character or size, would negatively impact the character of existing or anticipated residential development or create additional requirements and costs for public services that are in excess of such requirements and costs if the district were developed solely for the intended type of residential uses.



## B. Suburban Residential Large Lot District (S-RLL)

### 1. Intent

The Suburban Residential Large Lot District (S-RLL) district is intended to provide for low-density, large lot residential development at a density of up to approximately four units per acre. The S-RLL district can be located on existing development at this density and designated as a transitional district between very low-density development and smaller lot size medium density residential development. Cluster development is permitted in this district to allow for smaller lot sizes in combination with preservation of open space and sensitive lands.

### 2. Comprehensive Plan Consistency

The S-RLL district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-9: Suburban Residential Large Lot (S-RLL) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – Large Lot (U-LL)	None
Urban – Low Intensity (U-LI)	2 units/acre

### 3. Dimensions

The following dimensional standards shall apply in S-RLL:

**Table 32.02-10: Suburban Residential Large Lot (S-RLL) Dimensional Standards**

	Residential Detached	Other Structures
<b>Lot Requirements</b>		
Lot Size (sf, min.)	10,000	10,000
Frontage (ft., min.)	25	25
Width at Setback (ft., min.)	65	65
Coverage (% max.)	40	40
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	30	30
Side, Internal	5/14	15/30
Side, Street	15	15
Rear	30	30
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	--	10,000
<b>Residential Development [1]</b>		
Units per parcel, max	1	1
Units per structure, max	1	1
<b>Notes:</b>		
[1] Does not apply to accessory dwelling units		

#### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Large Lot (S-RLL) development:

**Table 32.02-11: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### C. Suburban Residential Low Single Unit (S-RL1)

#### 1. Intent

The Suburban Residential Low Single Unit (S-RL1) district is intended to provide for low-density single unit development at a range of up to six units per acre, depending on location. S-RL1 is appropriate for existing neighborhoods developed at this scale and can serve as a transition between very low-density rural development patterns and smaller lot, denser residential areas.

#### 2. Comprehensive Plan Consistency

The S-RL1 district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-12: Suburban Residential Low Single Unit (S-RL1) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – Large Lot (U-LL)	None
Urban – Low Intensity (U-LI)	2 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre

### 3. Dimensions

The following dimensional standards shall apply in S-RL1:

**Table 32.02-13: Suburban Residential Low Single Unit (S-RL1) Dimensional Standards**

	Residential Detached	Other Structures
<b>Lot Requirements</b>		
Lot Size (sf, min.)	7,200	7,200
Frontage (ft., min.)	25	25
Width at Setback (ft., min.)	60	60
Coverage (% max.)	50	50
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	25	25
Side, Internal	5/14	10/20
Side, Street	15	15
Rear	25	25
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	--	10,000
<b>Residential Development [1]</b>		
Units per parcel, max	1	1
Units per structure, max	1	1
<b>Notes:</b>		
[1] Does not apply to accessory dwelling units		

### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Low Single Unit (S-RL1) development:

**Table 32.02-14: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## D. Suburban Residential Medium Single Unit (S-RM1)

### 1. Intent

The Suburban Residential Medium Single Unit (S-RM1) district is intended to provide for single-unit residential development at a density range up to seven units per acre, depending on location. S-RM1 is appropriate for existing neighborhoods developed at this scale and can serve as a transition between very low density residential development patterns and smaller lot, denser residential areas.

### 2. Comprehensive Plan Consistency

The S-RM1 district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-15: Suburban Residential Medium Single Unit (S-RM1) Comprehensive Plan Consistency**

Minimum Density Required	
<b>Consistent Land Use Typology Areas:</b>	
Urban – Low Intensity (U-LI)	2 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre

### 3. Dimensions

The following dimensional standards shall apply in S-RM1:

**Table 32.02-16: Suburban Residential Medium Single Unit (S-RM1) Dimensional Standards**

	Residential Detached	Other Structures
<b>Lot Requirements</b>		
Lot Size (sf, min.)	6,000	6,000
Frontage (ft., min.)	25	25
Width at Setback (ft., min.)	50	50
Coverage (% max.)	70	70
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	25	25
Side, Internal	5/14	10/20
Side, Street	15	15
Rear	25	25
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	--	20,000
<b>Residential Development [1]</b>		
Units per parcel, max	1	1
Units per structure, max	1	1
<b>Notes:</b>		

[1] Does not apply to accessory dwelling units

#### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Medium Single Unit (S-RM1) development:

**Table 32.02-17: Additional Standards**

<b>Standard</b>	<b>Section</b>	<b>Standard</b>	<b>Section</b>
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## E. Traditional Residential Single Unit (T-R1)

### 1. Intent

The Traditional Residential Single Unit (T-R1) district is intended to provide for single-unit neighborhood development at an urban density of four to 12 units per acre, depending on location. T-R1 is appropriate within areas developed at this density and characterized by a predominance of older residential homes and traditional neighborhood development, which typically will include smaller single unit residential lots, a grid street pattern, and alleys. T-R1 is also intended to be applied to new and infill areas of the community which are intended to be developed in a similar pattern. T-R1 is also an appropriate transition between lower density residential development and mixed-use or non-residential development.

### 2. Comprehensive Plan Consistency

The T-R1 district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-18: Traditional Residential Single Unit (T-R1) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – Medium Intensity (U-MI)	4 units per acre
Urban – High Intensity (U-HI)	8 units per acre

### 3. Dimensions

The following dimensional standards shall apply in T-R1:

**Table 32.02-19: Traditional Residential Single Unit (T-R1) Dimensional Standards**

	Residential	All other Structures
<b>Lot Requirements</b>		
Lot Size (sf, min.)	3,600	--
Frontage (ft., min.)	25	25
Width at Setback (ft., min.)	30	30
Coverage (% ,max.)	80	80
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	15	15
Side, Internal	3/8	3/8
Side, Street	10	10
Rear	10	10
<b>Structure Size</b>		
Height (ft., max.)	35	35
Footprint Size (sf, max.)	0	10,000
<b>Residential Development [1]</b>		
Units per parcel, max	1	1
Units per structure, max	1	1
<b>Notes:</b>		

[1] Does not apply to accessory dwelling units

#### 4. District Specific Standards

Individual lots shall have driveway access only from an alley or side street unless access is not available due to existing development or lot configuration.

#### 5. Additional Standards

Standards in the following sections may be applicable to Traditional Residential Single Unit (T-R1) development:

**Table 32.02-20: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### F. Suburban Residential Low Two Unit (S-RL2)

#### 1. Intent

The Suburban Residential Low Two Unit (S-RL2) district is intended to provide for one or two-unit residential development at a density range of up to approximately twelve units per acre, depending on location. The S-RL2 district is appropriate for existing one- and two-unit neighborhoods developed at this density and can serve as a transition between single unit neighborhoods and more dense/smaller lot residential development. S-RL2 can also be used in conjunction with non-residential zoning to create low-density horizontal mixed-use development.

#### 2. Comprehensive Plan Consistency

The S-RL2 district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-21: Suburban Residential Low Two Unit (S-RL2) Comprehensive Plan Consistency**

Minimum Density Required	
<b>Consistent Land Use Typology Areas:</b>	
Urban – Low Intensity (U-LI)	2 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre



### 3. Dimensions

The following dimensional standards shall apply in S-RL2:

**Table 32.02-22: Suburban Residential Low Two Unit (S-RL2) Dimensional Standards**

	Single Unit, Detached	Single Unit, Attached and Two Unit	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	6,000	3,600 / du	6,000
Frontage (ft., min.)	25	25	25
Width at Setback (ft., min.)	50	25	50
Coverage (% , max.)	70	70	70
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	25	25	25
Side, Internal [2]	5/14	5/14	5/14
Side, Street	15	15	15
Rear	25	15	15
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	--	--	10,000
<b>Residential Development [1]</b>			
Units per parcel, max	1	2	2
Units per structure, max	1	2	2
<b>Notes:</b>			

[1] Does not apply to accessory dwelling units

[2] Attached units: applicable to the exterior of the structure, not between individually attached units.

### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Low Two Unit (S-RL2) development:

**Table 32.02-23: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## G. Suburban Residential Low Flex (S-RLF)

### 1. Intent

The Suburban Residential Low Flex (S-RLF) district is intended to provide for residential neighborhood development of either a single housing type (e.g., all single-unit) or range of housing types. S-RLF development can include single-unit, two-unit, and multi-unit development at a density range of up to twelve units per acre, depending on location. S-RLF is appropriate across many parts of Cedar Rapids, from traditional neighborhoods to transitional areas between single-unit neighborhoods and multi-unit or non-residential development. S-RLF districts can also be placed in proximity to non-residential districts to create horizontal mixed-use development.

### 2. Comprehensive Plan Consistency

The S-RLF district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-24: Suburban Residential Low Flex (S-RLF) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – Low Intensity (U-LI)	2 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre
Urban – High Intensity (U-HI)	8 units per acre

### 3. Dimensions

The following dimensional standards shall apply in S-RLF:

**Table 32.02-25: Suburban Residential Low Flex (S-RLF) Dimensional Standards**

	Single Unit, Detached	Single Unit Attached, Two Unit, and Multi-Unit	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	5,000	3,600 / du	5,000
Frontage (ft., min.)	25	18 / du	25
Width at Setback (ft., min.)	50	18	50
Coverage (% max.)	70	70	70
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	25	25	25
Side, Internal [1]	5/14	5/14	5/14
Side, Street	15	15	15
Rear	25	25	25
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	--	--	10,000
<b>Residential Development [2]</b>			
Units per structure, max	1	8	--

**Notes:**

[1] Attached units: applicable to the exterior of the structure, not between individually attached units.

[2] Does not apply to accessory dwelling units.

#### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Low Flex (S-RLF) development:

**Table 32.02-26: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### H. Suburban Residential Medium Flex (S-RMF)

#### 1. Intent

The Suburban Residential Medium Flex (S-RMF) district is intended to provide for high density residential development at a range of up to 24 units per acre, depending on location. S-RMF permits residential rowhouse and multi-unit housing types.

#### 2. Comprehensive Plan Consistency

The S-RMF district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-27: Suburban Residential Medium Flex (S-RMF) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – Medium Intensity (U-MI)	4 units per acre
Urban – High Intensity (U-HI)	8 units per acre

### 3. Dimensions

The following dimensional standards shall apply in S-RMF:

**Table 32.02-28: Suburban Residential Medium Flex (S-RMF) Dimensional Standards**

	Single-Unit, Detached	Single-Unit, Attached; Two Unit; and Multi-Unit	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	3,600 / du	1,800 / du	3,600
Frontage (ft., min.)	25	9 / du	25
Width at Setback (ft., min.)	25	18	50
Coverage (% ,max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal [1]	3/8	3/8	3/8
Side, Street	10	10	10
Rear	10	10	10
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	--	--	10,000
<b>Notes:</b>			
[1] Attached units: applicable to the exterior of the structure, not between individually attached units.			

### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Residential Medium Flex (S-RMF) development:

**Table 32.02-29: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**I. Traditional Residential Flex (T-RF)**

**1. Intent**

The Traditional Residential Flex (T-RF) district is intended to provide for residential neighborhood development of either a single housing type (e.g., all single-unit) or range of housing types. T-RF development can include single-unit, two-unit, and multi-unit development at a density range of four to 24 units per acre, depending on location. T-RF is appropriate within areas developed at this density and characterized by a predominance of older residential homes and traditional neighborhood development, which typically will include smaller single unit residential lots, a grid street pattern, and alleys. T-RF is also intended to be applied to new and infill areas of the community which are intended to be developed in a similar pattern. T-RF can be used in transitional areas between single-unit neighborhoods and multifamily or non-residential development and can be placed in proximity to non-residential districts to create horizontal mixed-use development.

**2. Comprehensive Plan Consistency**

The T-RF district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-30: Traditional Residential Flex (T-RF) Comprehensive Plan Consistency**

	<b>Minimum Density Required</b>
<b>Consistent Land Use Typology Areas:</b>	
Urban – Medium Intensity (U-MI)	4 units per acre
Urban – High Intensity (U-HI)	8 units per acre

### 3. Dimensions

The following dimensional standards shall apply in T-RF:

**Table 32.02-31: Traditional Residential Flex (T-RF) Dimensional Standards**

	Single Unit, Detached	Single-Unit, Attached; Two Unit; and Multi-Unit	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	3,600	1,800 / du	5,000
Frontage (ft., min.)	30	15 / du	25
Width at Setback (ft., min.)	30	18	30
Coverage (% max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal [1]	3/8	3/8	3/8
Side, Street	10	10	10
Rear	10	10	10
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	--	--	10,000
<b>Residential Development [2]</b>			
Units per structure, max	1	8	--
<b>Notes:</b>			
[1] Attached units: applicable to the exterior of the structure, not between individually attached units.			
[2] Does not apply to accessory dwelling units.			

### 4. District Specific Standards

- Individual lots shall have driveway access only from an alley or side street unless said access is not available due to existing development or lot configuration.
- Primary entrances to buildings must face the front of the lot.

### 5. Additional Standards

Standards in the following sections may be applicable to Traditional Residential Flex (T-RF) development:

**Table 32.02-32: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**J. Traditional Residential High (T-RH)**

**1. Intent**

The Traditional Residential High (T-RH) district is intended to provide for very high-density residential development at a range up to 43 units per acre.

**2. Comprehensive Plan Consistency**

The T-RH district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-33: Traditional Residential High (T-RH) Comprehensive Plan Consistency**

	Minimum Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban – High Intensity (U-HI)	8 units per acre

**3. Dimensions**

The following dimensional standards shall apply in T-RH:

**Table 32.02-34: Traditional Residential High (T-RH) Dimensional Standards**

	Residential Row	Multi-Unit, Small and Large	Non-Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	1,000 / du	1,000 / du	5,000
Frontage (ft., min.)	15 / du	5 / du	25
Width at Setback (ft., min.)	50	18	50
Coverage (% max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal [1]	3/8	3/8	3/8
Side, Street	10	10	10
Rear	10	10	10
<b>Structure Size</b>			
Height (ft., max.)	150	150	150
Footprint Size (sf, max.)	--	--	20,000
<b>Notes:</b>			

[1] Attached units: applicable to the exterior of the structure, not between individually attached units.

#### 4. Additional Standards

Standards in the following sections may be applicable to Traditional Residential High (T-RH) development:

**Table 32.02-35: Additional Standards**

<b>Standard</b>	<b>Section</b>	<b>Standard</b>	<b>Section</b>
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

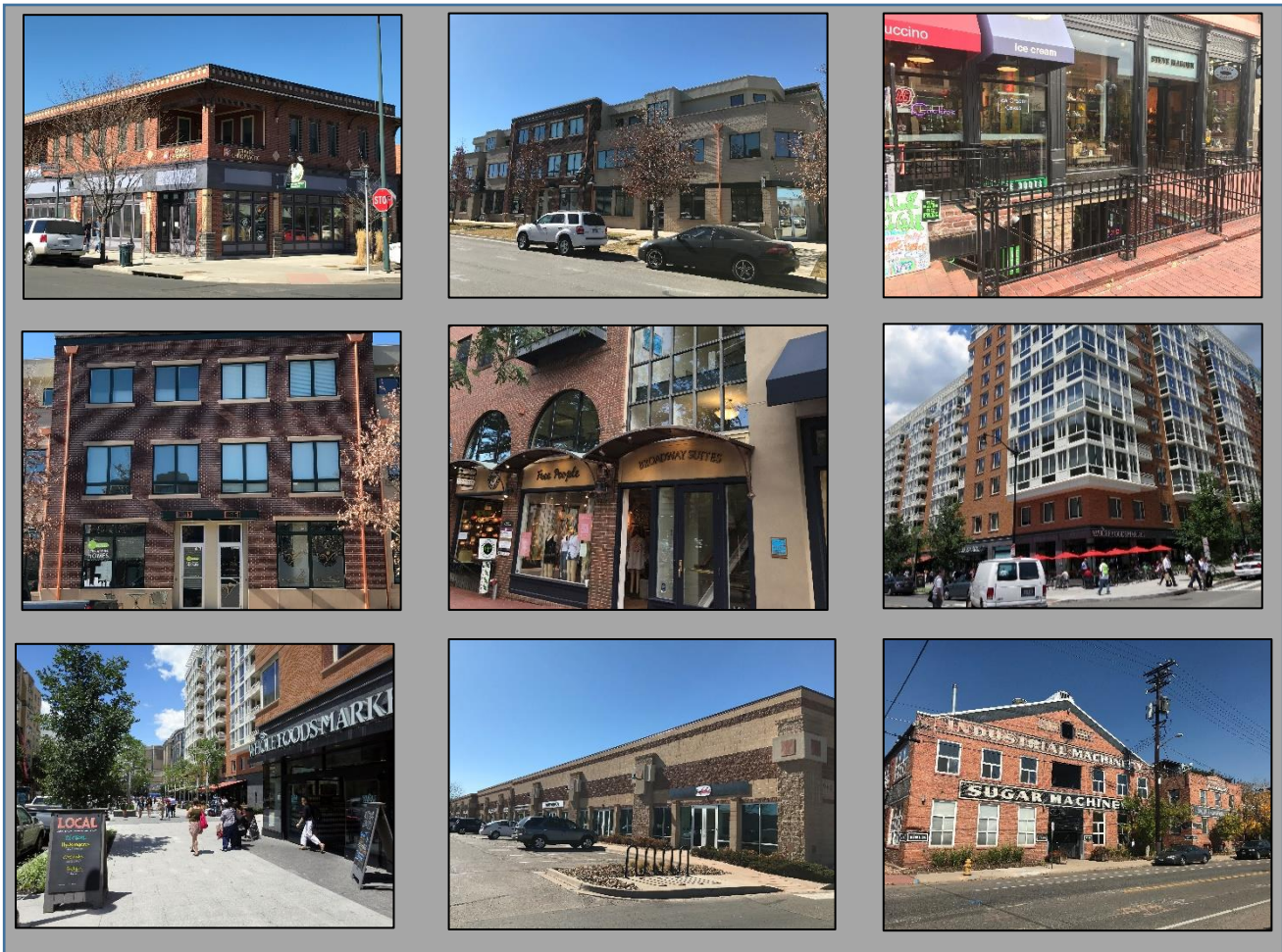


**32.02.04 Mixed-Use Districts**

**A. Purpose**

The mixed-use districts are intended to:

1. Implement the vision, goals, and principles of the currently adopted Cedar Rapids Comprehensive Plan;
2. Create and enhance traditional and urban neighborhoods with a variety of intermixing of uses that complement the established surrounding communities;
3. Provide for mixed use centers of activity which accommodate commercial uses along with residential and limited industry throughout the community at a variety of scales;
4. Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal development; and
5. Encourage infill and redevelopment of commercial, residential, and mixed-use development within surrounding uses.



## B. Traditional Mixed Use Limited (T-ML)

### 1. Intent

The Traditional Mixed Use Limited (T-ML) district is intended to provide a blend of services, amenities, and community spaces along with integrated residential development. The T-ML district promotes small scale retail and service uses that are compact, pedestrian-friendly, and connected to area amenities and surrounding neighborhoods. The T-ML district provides for neighborhood scale mixed-use development with a more limited mix of uses than other mixed-use districts.

### 2. Comprehensive Plan Consistency

The T-ML district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-36: Traditional Mixed Use Limited (T-ML) Comprehensive Plan Consistency**

	Minimum Density Required [1]	Maximum Density
<b>Consistent Land Use Typology Areas:</b>		
Urban – Low Intensity (U-LI)	2 units per acre	12 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre	24 units per acre
<b>Notes:</b>		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

### 3. Dimensions

The following dimensional standards shall apply in T-ML:

**Table 32.02-37 Traditional Mixed-Use Limited Dimensional Standards**

	Commercial or Mixed-Used	Civic and Institutional	Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	--	--	2,400 / du
Frontage (ft., min.)	50	50	12/ du
Width at Setback (ft., min.)	50	50	
Coverage (% ,max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal [1]	3/8	3/8	3/8
Side, Street	10	10	10
Rear	10	10	10
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	10,000	10,000	--
<b>Residential Development [2]</b>			
Units per parcel, max	--	--	--
Units per structure, max	10	10	10
<b>Notes:</b>			

[1] Attached units: applicable to the exterior of the structure, not between individually attached units.

[2] Does not include accessory dwelling units

#### 4. Additional Standards

Standards in the following sections may be applicable to Traditional Mixed Use Limited (T-ML) development:

**Table 32.02-38: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### C. Traditional Mixed-Use Center (T-MC)

#### 1. Intent

The Traditional Mixed-Use Center (T-MC) district is intended to provide a blend of services, amenities, and community spaces along with integrated residential development. The T-MC district promotes small scale retail and service uses that are compact, pedestrian-friendly, and connected to surrounding neighborhoods. The T-MC district provides for a variety of uses at the neighborhood scale.

#### 2. Comprehensive Plan Consistency

The T-MC district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-39: Traditional Mixed-Use Center (T-MC) Comprehensive Plan Consistency**

	Minimum Density Required [1]	Maximum Density
<b>Consistent Land Use Typology Areas:</b>		
Urban – Low Intensity (U-LI)	2 units per acre	12 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre	24 units per acre
<b>Notes:</b>		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

### 3. Dimensions

The following dimensional standards shall apply in T-MC:

**Table 32.02-40: Traditional Mixed-Use Center (T-MC) Dimensional Standards**

	Commercial or Mixed-Used	Civic and Institutional	Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	--	--	2,400 / du
Frontage (ft., min.)	--	--	12/ du
Width at Setback (ft., min.)	--	--	--
Coverage (% max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal [1]	3/8	3/8	3/8
Side, Street	10	10	10
Rear	10	10	10
<b>Structure Size</b>			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.)	10,000	10,000	--
<b>Residential Development [2]</b>			
Units per parcel, max	--	--	--
Units per structure, max	10	10	10
<b>Notes:</b>			

[1] Attached units: applicable to the exterior of the structure, not between individually attached units.

[2] Does not include Accessory Dwelling Units

### 4. District Specific Standards

- All commercial floor space provided on a ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
- Parking for mixed-use and non-residential structures shall be located within either side or rear yard.

### 5. Additional Standards

Standards in the following sections may be applicable to Traditional Mixed-Use Center (T-MC) development:

**Table 32.02-41: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## D. Suburban Mixed-Use Community Center (S-MC)

### 1. Intent

The Suburban Mixed-Use Community Center (S-MC) district is intended for dense, diverse, walkable areas that facilitate residential, commercial, employment, and recreation uses in a single location. Successful mixed-use districts require an active and inviting public realm along with safe and inviting pedestrian amenities. Common community mixed-use development configurations include active uses such as retail, restaurants, and services at the street level, with residential or office space above.

### 2. Comprehensive Plan Consistency

The S-MC district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-42: Suburban Mixed-Use Community Center (S-MC) Comprehensive Plan Consistency**

	Minimum Density Required [1]	Maximum Density
<b>Consistent Land Use Typology Areas:</b>		
Urban – Medium Intensity	4 units per acre	24 units per acre
Urban – High Intensity	8 units per acre	40 units per acre
<b>Notes:</b>		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

### 3. Dimensions

The following dimensional standards shall apply in S-MC:

**Table 32.02-43: Suburban Mixed-Use Community Center (S-MC) Dimensional Standards**

	Commercial or Mixed-Used	Civic and Institutional	Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	--	--	--
Frontage (ft., min.)	--	--	--
Width at Setback (ft., min.)	--	--	--
Coverage (% max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal	0	0	0
Side, Street	10	10	10
Rear	0	0	10
<b>Structure Size</b>			
Height (ft., max.)	75	75	75
Footprint Size (sf, max.)	60,000	60,000	40,000

#### 4. District Specific Standards

- a. All commercial floor space provided on a ground floor must have a minimum floor-to-ceiling height of 11 feet.
- b. Parking for mixed-use and non-residential structures shall be located within either side or rear yard.

#### 5. Additional Standards

Standards in the following sections may be applicable to Suburban Mixed-Use Community Center (S-MC) development:

**Table 32.02-44: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### E. Suburban Mixed-Use Regional Center (S-MR)

#### 1. Intent

The Suburban Mixed-Use Regional Center (S-MR) district provides a diversity of retail, service, office, finance and related business uses, as well as residential uses. The S-MR district accommodates larger-scale buildings and the intensity and density of uses is greater than in neighborhood or community commercial mixed-use districts. The S-MR districts should be concentrated at major activity centers and along high traffic transportation corridors accessible by public transit as well as non-motorized transportation options. Redevelopment within the S-MR district should also enable existing commercial activity centers and corridors to transform over time into more dense, diverse, and walkable places. S-MR districts should be supported and surrounded by adjacent multi-unit and mixed-use development that capitalize on the proximity to services and provide a transition to lower density residential neighborhoods

#### 2. Comprehensive Plan Consistency

The S-MR district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-45: Suburban Mixed Use Regional Center (S-MR) Comprehensive Plan Consistency**

	Minimum Density Required [1]	Maximum Density
<b>Consistent Land Use Typology Areas:</b>		
Urban – High Intensity (U-HI)	8 units per acre	40 units per acre
Commercial (C)	Shall meet U-HI density requirements	
<b>Notes:</b>		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

### 3. Dimensions

The following dimensional standards shall apply in S-MR:

**Table 32.02-46: Suburban Mixed-Use Regional Center (S-MR) Dimensional Standards**

	Commercial or Mixed-Used	Civic and Institutional	Residential
<b>Lot Requirements</b>			
Lot Size (sf, min.)	--	--	--
Frontage (ft., min.)	--	--	--
Width at Setback (ft., min.)	--	--	--
Coverage (% max.)	80	80	80
<b>Building Placement</b>			
<b>Setbacks (ft.)</b>			
Front	15	15	15
Side, Internal	0	0	0
Side, Street	10	10	10
Rear	0	0	0
<b>Structure Size</b>			
Height (ft., max.)	100	100	100
Footprint Size (sf, max.)	U-HI: 100,000 C: 250,000	60,000	60,000

### 4. Additional Standards

Standards in the following sections may be applicable to Suburban Mixed Use Regional Center (S-MR) development:

**Table 32.02-47: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## F. Traditional Industrial Mixed Use (T-IM)

### 1. Intent

The Traditional Industrial Mixed Use (T-IM) district is intended to provide areas for the development or continued use of light industrial and storage operations mixed with commercial and limited residential uses. T-IM is focused on providing the users, employees, and owners of the industrial operation already in place with additional options for a diversified range of services, food, shopping, and housing while creating opportunities for the adaptive reuse of structures in the district that are currently underused or abandoned. T-IM is limited to areas of Cedar Rapids where small industrial structures exist as of the adoption date of this zoning code; it is not intended to be used for the expansion of industrial uses into other locations in the city.

### 2. Comprehensive Plan Consistency

The T-IM district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-48: Traditional Industrial Mixed Use (T-IM) Comprehensive Plan Consistency**

	Minimum Density Required [1]	Maximum Density
<b>Consistent Land Use Typology Areas:</b>		
Urban-Medium Intensity	4 units per acre	24 units per acre
Urban – High Intensity	8 units per acre	40 units per acre
Industrial	Not permitted	Not permitted
<b>Notes:</b>		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

### 3. Dimensions

The following dimensional standards shall apply in T-IM:

**Table 32.02-49: Traditional Industrial Mixed Use (T-IM) Dimensional Standards**

	Industrial/ Workshop	Commercial and Mixed Use	Civic and Institutional	Residential
<b>Lot Requirements</b>				
Lot Size (sf, min.)	20,000	20,000	20,000	--
Frontage (ft., min.)				
Width at Setback (ft., min.)				
Coverage (% max.)	--	--	--	80
<b>Building Placement</b>				
<b>Setbacks (ft.)</b>				
Front	15	15	15	15
Side, Internal [1]	15	15	3/8	3/8
Side, Street	10	10	10	10
Rear	25	25	10	10
<b>Structure Size</b>				
Height (ft., max.)	100	100	35	35
Footprint Size (sf, max.)	50	50		
<b>Notes:</b>				
[1] Attached units: applicable to the exterior of the structure, not between individually attached units.				



#### 4. District Specific Standards

- a. Parking for mixed-use and non-residential structures shall be located within either side or rear yard.

#### 5. Additional Standards

Standards in the following sections may be applicable to Traditional Industrial Mixed Use (T-IM) development:

**Table 32.02-50: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## 32.02.05 Urban Form Districts

### A. Purpose

#### 1. Intent

The Urban Form districts are intended to implement the vision, goals, and principles of the currently adopted Cedar Rapids Comprehensive Plan.

These districts support walkable pedestrian-oriented and transit-ready environments in the City. The district standards are form-based, placing a primary emphasis on placemaking—physical form, character, and intensity—with a secondary focus on land uses, to maintain or create traditional urban design and preserve and enhance community character. The standards aim to create a vital and coherent public realm through the definition and shape of the street-space—the specific physical and functional character—of the urban form districts. The form and function controls on building frontages work together to frame the street-space while allowing greater latitude behind the building facades.

These districts:

- a. Accommodate a broad range of uses, either in the same building or in close proximity, due to the compact, street-oriented building forms;
- b. Emphasize the creation of a vital and coherent public realm;
- c. Are typically multiple parcels organized around an interconnected network of streets and blocks;
- d. Reflect a range of scales, intensities, and forms that are context sensitive to the surrounding areas.

#### 2. Scale

The scale, in decreasing intensity, is:

- a. Downtown core,
- b. Downtown,
- c. Urban neighborhood, and
- d. Urban village.

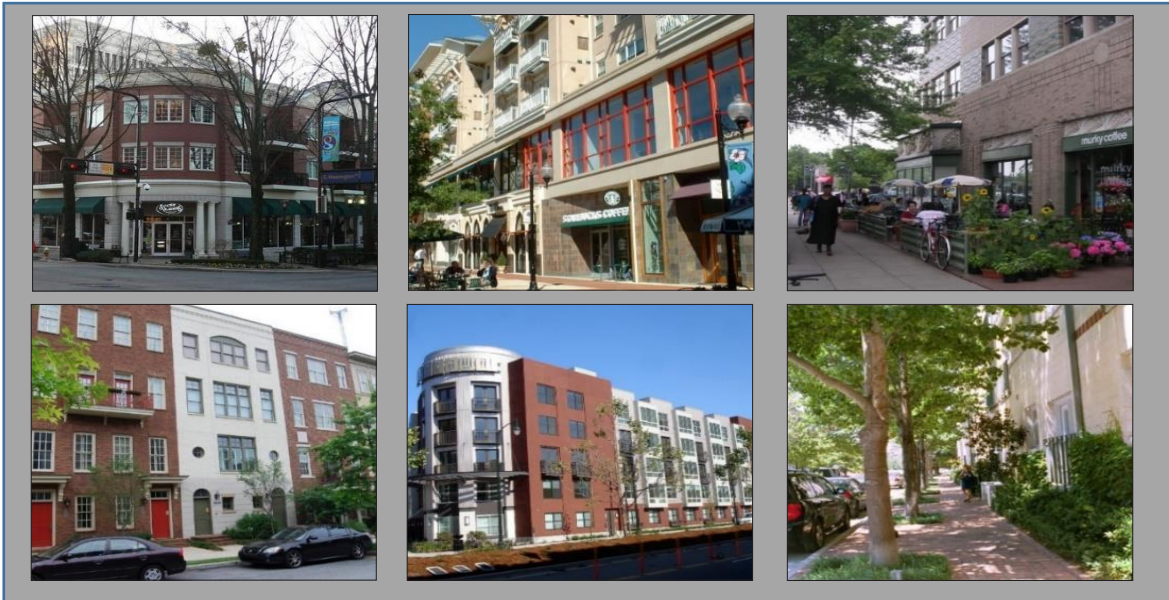
#### 3. Form Districts

- a. The Form District groups, defined in the following sections, are:
  - (i) Urban General Flex, including: U-DC, U-DG, U-NG, U-VG, and Shopfront Overlay
  - (ii) Urban Residential, including: U-NR and U-VR
  - (iii) Urban Medical Flex: including: U-MF
  - (iv) Urban Tech Shop: including U-NT and U-VT
- b. The urban form districts establish requirements related to form, character and design that complement the established pattern, promote compatible infill and redevelopment, and contribute to a greater sense of place within the designated areas of the city.

## B. Urban General Flex (U-DC, U-DG, U-NG, U-VG)

### 1. Intent

The Urban General Flex districts are intended as the basic urban street frontage. The purpose of these districts is to develop street-oriented, multi-story buildings placed directly at the sidewalk or behind small dooryards, with windows across the facade and one or more entrances. The uses range from commercial to residential, municipal to retail and restaurant, and combinations of all of the above. There could be several buildings lined up, filling out a block, or on smaller blocks a single building might fill the block face. The Urban General Flex Districts are designated in the most intense areas of the urban form districts. It is anticipated that there will be significant pedestrian traffic along these blocks. Sidewalks are wide and street trees are often interspersed with bridging pavement, rather than in continuous planting strips.



## 2. Comprehensive Plan Consistency

The Urban General Flex districts shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required. There are no minimum or maximum residential density standards for development in Urban Form districts.

**Table 32.02-51: Urban General Flex Districts Comprehensive Plan Consistency**

	Urban Downtown Core (U-DC)	Urban Downtown General (U-DG)	Urban Neighborhood General (U-NG)	Urban Village General (U-VG)
<b>Consistent Land Use Typology Areas:</b>				
Urban – Low Intensity (U-LI)				■
Urban – Med. Intensity (U-MI)			■	■
Urban – High Intensity (U-HI)		■	■	
Downtown (D)	■	■	■	
Commercial (C)		■	■	

## 3. Dimensions

**Table 32.02-52: Urban General Flex (U-DC, U-DG, U-NG, U-VG) Dimensional Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
<b>Building Placement</b>					
<b>Build-To</b>	32.04.05.B	RBL location identified on zoning map			
Front and Side, Street		RBL	RBL	RBL	RBL
Frontage Build-To (% min)		85	85	75	75
<b>Setbacks (ft.)</b>					
Side, Internal	32.04.05.B	0	0	0	0
Rear, with Alley		5	5	5	5
Rear, without Alley	32.04.05.B	15	15	15	15
<b>Structure Size</b>					
Stories Min/Max	32.04.05.B	3 / unlimited	2 / 10	1 / 6	1 / 3
Height (ft, max)	32.04.05.B	Unlimited	115	70	40
Footprint Gross Area, Primary Structure (sf, max)		42,000	30,000	25,000	15,000
<b>Uses</b> 32.03					
Ground Story		Residential/Commercial			
Upper Stories		Residential/Commercial			

#### 4. District Specific Standards

Where the Shopfront overlay is designated on the zoning map, the ground story configuration shall be that of a shopfront with uses, forward of the parking setback line, limited to commercial (including retail). Development shall comply with the Shopfront Overlay standards in Sec 32.04.05.B.7.g. In all other circumstances, the Urban General Flex district standards apply.

#### 5. Additional Standards

Standards in the following sections may be applicable to Urban General Flex (U-DC, U-DG, U-NG, U-VG) development:

**Table 32.02-53: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**C. Urban Residential (U-NR, U-VR)**

**1. Intent**

The Urban Residential districts are intended to provide for residential housing in a walkable urban setting. The districts are intended to provide for a range of unit configurations, including single unit residences, row homes, stacked flats, up to multi-unit buildings. Development in the Urban Residential districts will be at a more moderate intensity than adjacent Urban General Flex development. The street frontage will be developed with frequent entrances along the street, and the character and intensity will vary depending on the street and the location of the required building line.



**2. Comprehensive Plan Consistency**

The Urban Residential districts shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required. There are no minimum or maximum residential density standards for development in Urban Form districts.

**Table 32.02-54: Urban Residential Districts Comprehensive Plan Consistency**

	Urban Neighborhood Residential (U-NR)	Urban Village Residential (U-VR)
<b>Consistent Land Use Typology Areas:</b>		
Urban – Low Intensity		■
Urban – Medium Intensity (U-MI)	■	■
Urban – High Intensity (U-HI)	■	
Downtown (D)	■	

### 3. General Dimensional Standards

Table 32.02-55: Urban Residential (U-NR, U-VR) Dimensional Standards

	Instructions and Exceptions	U-NR	U-VR
<b>Lot Requirements</b>			
Lot Width (ft. min)		18	18
<b>Building Placement</b>			
<b>Build-To [1]</b>	32.04.05.B	RBL location identified on zoning map	
Front and Side, Street		RBL	RBL
Frontage Build-To (% min)		65	65
<b>Setbacks (ft.)</b>			
Side, Internal [2]	32.04.05.B	0	0
Rear, with Alley		2	2
Rear, without Alley	32.04.05.B	15	15
<b>Buildable Area Depth (ft, max)</b>			
Front		80	80
Side [3]		14	14
Rear		25	25
<b>Structure Size</b>			
Stories Min/Max	32.04.05.B	1/4	1/3
Height (ft, max)	32.04.05.B	48	38
Primary Structure (sf, max)		7,500	6,000
Accessory Structure (sf, max)		1,500	750
<b>Uses 32.03</b>			
Ground Story		Residential, Live/Work, or Accessory Commercial [4]	
Upper Story		Residential	
Rear Lot Buildable Area		ADU, Accessory Structure, Parking	
<b>Notes:</b>			
[1] Live work shall be designed to U-NR standards except the ground story may be configured at grade as a shopfront.			
[2] Although there is no side setback, the maximum continuous frontage cannot be exceeded without a minimum 10' gap between an attached group of townhouses or small multi-unit buildings. This required gap shall be shared equally between adjacent properties.			
[3] The side buildable area applies to only one side.			
[4] Live-work units may include commercial uses. Accessory support areas such as lobbies, party rooms, management offices, and exercise facilities are permitted.			

#### 4. Additional Standards

Standards in the following sections may be applicable to Urban Residential (U-NR, U-VR) development:

**Table 32.02-56: Additional Standards**

<b>Standard</b>	<b>Section</b>	<b>Standard</b>	<b>Section</b>
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12



**D. Urban Tech Shop (U-NT, U-VT)**

**1. Intent**

The Urban Tech Shop districts are intended to accommodate artisanal to medium-scale manufacturing, repair or workshops, as well as art studios. These structures are of limited height and may be built to the fronting sidewalk or with a small dooryard, depending on the street. Exterior work areas are confined to work courts and/or the center of the block.



**2. Comprehensive Plan Consistency**

The Urban Tech Shop districts shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required. There are no minimum or maximum residential density standards for development in Urban Form districts.

**Table 32.02-57: Urban Tech Shop Districts Comprehensive Plan Consistency**

	Urban Neighborhood Tech Shop (U-NT)	Urban Village Tech Shop (U-VT)
<b>Consistent Land Use Typology Areas:</b>		
Urban – Low Intensity		■
Urban – Medium Intensity (U-MI)	■	■
Urban – High Intensity (U-HI)	■	■
Downtown (D)	■	

### 3. General Dimensional Standards

	Instructions and Exceptions	U-NT	U-VT
<b>Building Placement</b>			
<b>Build-To</b>	32.04.05.B	RBL location identified on zoning map	
Front and Side, Street		RBL	RBL
Frontage Build-To (% min)		60	60
<b>Setbacks (ft.)</b>			
Side, Internal [2]	32.04.05.B	0	0
Rear, with Alley		10	10
Rear, without Alley	32.04.05.B	15	15
<b>Structure Size</b>			
Stories Min/Max	32.04.05.B	1/4	1/3
Height (ft, max)	32.04.05.B	60	45
Primary Structure (sf, max)		45,000	20,000
<b>Uses</b>			
	<b>32.03</b>		
Ground Story		Any Permitted Use	
Upper Story		Any Permitted Use	
Back of Lot		Loading, Delivery, Parking and other services from alley	

### 4. Additional Standards

Standards in the following sections may be applicable to Urban Tech Shop (U-NT, U-VT) development:

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**E. Urban Medical Flex (U-MF)**

**1. Intent**

The Urban Medical Flex (U-MF) district is intended to accommodate high occupancy, large-scale hospital facilities (and their subordinate uses such as cafeterias and gift shops), which have special physical/functional requirements as well as significant security and privacy concerns, in a pedestrian-friendly urban environment.



**2. Comprehensive Plan Consistency**

The U-MF district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required. There are no minimum or maximum residential density standards for development in Urban Form districts.

**Table 32.02-60: Urban Medical Flex (U-MF) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas	
Urban – High Intensity (U-HI)	■
Downtown (D)	■

### 3. General Dimensional Standards

Table 32.02-61: Urban Medical Flex (U-MF) Dimensional Standards		
	Instructions and Exceptions	U-MF
<b>Building Placement</b>		
<b>Build-To</b>	32.04.05.B	RBL location identified on zoning map
Front and Side, Street		RBL
Frontage Build-To (% min)		60
<b>Setbacks (ft.)</b>		
Side, Internal [2]	32.04.05.B	0
Rear, with Alley		10
Rear, without Alley	32.04.05.B	25
<b>Structure Size</b>		
Stories Min/Max	32.04.05.B	1/15
Height (ft, max)	32.04.05.B	Unlimited
Primary Structure (sf, max)		Limited by ROW/block perimeter
<b>Permitted Uses</b>		
	<b>32.03</b>	
Ground Story		
Upper Story		
Top Story or Roof Deck		
Back of Lot		Loading, Delivery, Parking and other services from alley or internal drive

### 4. Additional Standards

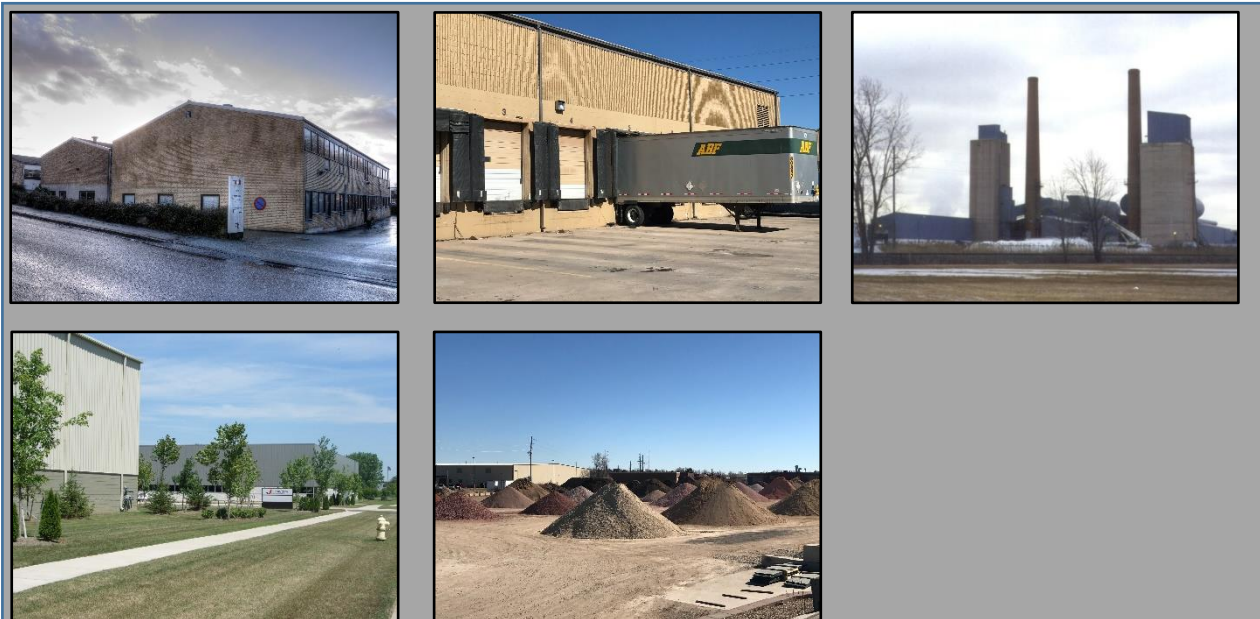
Standards in the following sections may be applicable to Urban Medical Flex (U-MF) development:

Table 32.02-62: Additional Standards			
Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**32.02.06 Industrial Districts****A. Purpose**

The industrial districts are intended to:

1. Implement the vision, goals, and principles of the currently adopted Cedar Rapids Comprehensive Plan;
2. Preserve important city assets such as agricultural-related uses and active industrial areas;
3. Provide appropriate locations for an intensive mix of primarily industrial and intensive non-residential uses;
4. Protect areas of industrial development from encroachment of incompatible uses;
5. Ensure the availability of appropriate locations with convenient access to existing and future arterial thoroughfares and railway lines; and
6. Allow the development of large development sites to accommodate parking, screening and buffering.



## B. Light Industrial (I-LI)

### 1. Intent

The Light Industrial (I-LI) district is intended to provide for a variety of businesses, including warehouses, research and development firms, repair shops, wholesale distributors, and light manufacturing. This district may include supporting office and commercial uses where appropriate. The I-LI district is intended to be located away from low- and medium- density residential development.

### 2. Comprehensive Plan Consistency

The I-LI district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-63: Light Industrial (I-LI) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas:	
Urban – Medium Intensity (U-MI)	■
Urban – High Intensity (U-HI)	■
Industrial (I)	■
Employment Reserve (ER)	■

### 3. Dimensions

The following dimensional standards shall apply in I-LI:

**Table 32.02-64: Light Industrial (I-LI) Dimensional Standards**

All Structures	
<b>Lot Requirements</b>	
Lot Size (sf, min.)	20,000
Frontage (ft., min.)	--
Width at Setback (ft., min.)	--
Coverage (% max.)	--
<b>Building Placement</b>	
<b>Setbacks (ft.)</b>	
Front	25
Side, Internal	15
Side, Street	25
Rear	25
<b>Structure Size</b>	
Height (ft., max.)	100
Structure Footprint Size (sf, max.)	--
<b>Notes:</b>	

#### 4. Additional Standards

Standards in the following sections may be applicable to Light Industrial (I-LI) development:

**Table 32.02-65: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

### C. General Industrial (I-GI)

#### 1. Intent

The General Industrial (I-GI) district is intended to accommodate uses with one or more of the following characteristics: intensive use of property; open uses and/or storage; industrial processes which may involve significant amounts of heat, mechanical and chemical processing, large amounts of materials transfer, extended or multiple shift operation, large scaled structures, etc. Such uses often function best in association with other similar or supportive uses.

#### 2. Comprehensive Plan Consistency

The I-GI district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-66: General Industrial (I-GI) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas	
Industrial (I)	■
Employment Reserve (ER)	■

### 3. Dimensions

The following dimensional standards shall apply in I-GI:

**Table 32.02.67: General Industrial (I-GI) Dimension**

All Structures	
<b>Lot Requirements</b>	
Lot Size (acres, min.)	1 acre
Frontage (ft., min.)	50
Width at Setback (ft., min.)	50
Coverage (% max.)	--
<b>Building Placement</b>	
<b>Setbacks (ft.)</b>	
Front	35
Side, Internal	15
Side, Street	25
Rear	25
<b>Structure Size</b>	
Height (ft., max.)	150
Structure Footprint Size (sf, max.)	--

### 4. Additional Standards

Standards in the following sections may be applicable to General Industrial (I-GI) development:

**Table 32.02-68: Additional Standards**

Standard	Section	Standard	Section
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

## D. Industrial, Solid, and Hazardous Waste (I-SW)

### 1. Intent

The Industrial, Solid, and Hazardous Waste (I-SW) district is intended is to protect the public health, safety and general welfare by providing a specific zoning district for the use of land for the establishment and operation of solid and hazardous waste facilities. Because these uses are so unique, their demands upon public services are so intense, and their potential for causing harm to the environment, to surrounding uses, and to the public health, safety, and general welfare is so great, a special zoning district is necessary.



## 2. Comprehensive Plan Consistency

The I-SW district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-69: Industrial, Solid, and Hazardous Waste (I-SW) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas	
Industrial (I)	■

## 3. Dimensions

The following dimensional standards shall apply in I-SW:

**Table 32.02-70: Industrial, Solid, and Hazardous Waste (I-SW) Dimensional Standards**

All Structures	
<b>Lot Requirements</b>	
Lot Size (acres, min.)	43,560
Frontage (ft., min.)	--
Width at Setback (ft., min.)	--
Coverage (% max.)	--
<b>Building Placement</b>	
<b>Setbacks (ft.)</b>	
Front	35
Side, Internal	15
Side, Street	25
Rear	25
<b>Structure Size</b>	
Height (ft., max.)	150
Structure Footprint Size (sf, max.)	--

## 4. District Specific Standards

### a. Conditions for Uses Permitted

Uses permitted in the Industrial, Solid, and Hazardous Waste District are subject to the following conditions:

- (i) Land zoned into the I-SW district will also remain in its original zoning district. Only those uses that are permitted, conditional, or accessory uses in the underlying district will be allowed on land zoned into the I-SW district.
- (ii) Solid and hazardous waste facilities approved by the City and in operation on March 10, 1999 may be continued, without being zoned into the I-SW district, subject to the regulations for nonconforming uses set forth in Section 32.06 (Nonconformities) except for solid and hazardous waste facilities proposing to expand. Solid and hazardous waste facilities established and operating on March 10, 1999 that propose to expand shall comply with all requirements of the I-SW district and all other requirements of this Code. Solid and hazardous waste facilities that are not operational on or before March 10, 1999,

- including solid and hazardous waste facilities that would otherwise have been permitted, or that have obtained all other approvals required by this Code, shall not be allowed unless the proposed solid and hazardous waste facility is a permitted or conditional use in the underlying zoning district, and all requirements of the underlying district have been met; and the zoning lot on which the proposed solid and hazardous waste facility will be located has obtained I-SW district approval pursuant Section 32.05.04, Rezoning.
- (iii) Conditions for permitted uses, yard requirements, height requirements, sign regulations, parking and loading requirements and all other regulations, restrictions, standards, and requirements applicable in the underlying district shall apply in the I-SW district, subject to the additional requirements, regulations, and standards that must be met pursuant to the Cedar Rapids Municipal Code for the establishment and operation of solid and hazardous waste facilities.

#### **b. Location**

- (i) In addition to the conditions and requirements applicable to the underlying zoning district, solid and hazardous waste facilities shall be subject to the following additional requirements and conditions that are intended to protect surrounding uses and properties and the public health, safety, and general welfare, from the unique impacts of solid and hazardous waste facilities.
- (ii) Solid and hazardous waste facilities shall be located, operated or maintained only on zoning lots located within areas meeting the following location criteria. The Board of Adjustment, upon recommendation of the Planning Commission, may waive or vary these restrictions upon the applicant providing evidence demonstrating strict compliance with any of these restrictions will result in unnecessary hardship or that the subject property is unique or exceptional as compared to other properties subject to these restrictions, and that the granting of the waiver or variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not endanger the public safety; nor substantially diminish or impair property value in the vicinity:
- (iii) At least one-half mile separation from a residential zoning district, measured from the nearest point of the two property lines;
- (iv) At least one-half mile separation from any property used for manufacturing, packaging or processing of food products for human consumption, measured from nearest point of the two property lines.
- (v) In addition, such facilities located within  $\frac{1}{4}$  mile of the nearest edge of a state, federal, or interstate highway shall include buffering consisting of a combination of distance, tree planting, berms, and solid fencing to provide an adequate visual screen from said highway as determined by City Council.

#### **c. Operation Requirements**

Solid and hazardous waste facilities shall be situated, equipped, operated and maintained so as to minimize to the maximum extent possible, using the best available technology, any impacts on, or interference with other land uses and activities in the general area, or the public health, safety and general welfare. Specific requirements include:

- (i) Odor control;
- (ii) Federal and state requirements;
- (iii) Debris control;

- (iv) Rodent and pest control; and
- (v) Such other requirements as the City Council shall find appropriate and necessary to prevent the proposed facility from becoming a public nuisance or adversely affecting surrounding uses or the public health, safety and welfare.

**5. Additional Standards**

Standards in the following sections may be applicable to I-SW development:

**Table 32.02-71: Additional Standards**

<b>Standard</b>	<b>Section</b>	<b>Standard</b>	<b>Section</b>
Uses, Permitted	32.03.03	Mobility and Connectivity	32.04
Uses, Accessory	32.03.04	Alternative Energy	32.04.04
Uses, Nonconforming	32.06.03	Landscaping	32.04.06
Uses, Temporary	32.03.05	Design Standards	32.04
Use Standards	32.03	Exterior Lighting	32.04.07
Parking and Loading	32.04.02	Signs	32.04.08
Bicycle Parking	32.04.02.P	Minor Design Adjustment	32.05.11
Traffic Impact	32.04.03.C	Major Design Exception	32.05.12

**32.02.07 Public Districts****A. Public - Institutional (P-IN)****1. Intent**

The Public - Institutional (P-IN) district is intended to designate the public facilities and to restrict the possible uses of publicly owned land to particular existing or proposed uses that do not impose adverse height, density, or traffic impacts on surrounding properties.

**2. Comprehensive Plan Consistency**

The P-IN district may be established in any Land Use Typology Area as shown on the City's Future Land Use Map, with the exception of Open Space.

**3. Dimensions**

No minimum dimensional standards are required for development in the P-IN district.

**4. District Specific Standards**

To the extent possible, development should be consistent with the design requirements for adjacent land. For example, development adjacent to traditional zone districts should be built in a compatible manner.

**B. Public - Parks and Open Space (P-PO)****1. Purpose**

The Public - Parks and Open Space (P-PO) district is intended to designate areas of the community reserved for recreation and preservation of natural resources along with open space required for stormwater management.

**2. Comprehensive Plan Consistency**

The P-PO district may be established in any Land Use Typology Area as shown on the City's Future Land Use Map.

**3. Dimensions**

- a. No minimum dimensional standards are required for development in the P-PO district.
- b. To the extent possible, new structures should match setbacks of adjacent zone districts.

**C. Public - Airport (P-AP)****1. Purpose**

The Public - Airport (P-AP) district is intended to accommodate those activities associated with the operation of The Eastern Iowa Airport or of smaller private or general aviation airports, and to implement the Cedar Rapids Airport Zoning Regulations contained in Chapter 39A of the Cedar Rapids Municipal Code. The Airport district permits the operation of an airport and all associated aviation-related activities and uses, specific uses compatible with and auxiliary to airport operations, accessory commercial and service uses, and agricultural uses compatible with airports.

**2. Comprehensive Plan Consistency**

The P-AP district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-72: Airport (P-AP) Comprehensive Plan Consistency**

Consistent Land Use Typology Areas:	
Public, Semi-Public (P)	■

**3. Dimensions**

- a. No minimum dimensional standards are required for development in the P-AP district.
- b. To the extent possible, new structures should match setbacks of adjacent zone districts.

**4. District Specific Standards**

All activities within the Airport district shall comply with conditions and regulations contained in Chapter 39A of the Cedar Rapids Municipal Code.

## 32.02.08 Special Purpose and Overlay Districts

### A. Suburban Mobile and Manufactured Housing (S-MH)

#### 1. Intent

The Suburban Mobile and Manufactured Housing (S-MH) is intended to provide a means to review and accommodate manufactured and mobile home parks in those areas of the City where such use will be compatible with existing and indicated future development. The S-MH District will be used in conjunction with Chapter 65 of the Cedar Rapids Municipal Code (Manufactured - Mobile Home and Manufactured – Mobile Home Park Code) that regulates the development of such parks. It is intended that the S-MH District will permit flexibility in park design to provide a quality living environment for park residents and appropriate buffering to adjoining land uses.

#### 2. Comprehensive Plan Consistency

The S-MH district shall only be established in the following Land Use Typology Areas as shown on the City’s Future Land Use Map. For property in a LUTA not listed below, a different zone district should be considered, or a Future Land Use Map Amendment to a conforming LUTA shall be required.

**Table 32.02-73: Suburban Mobile and Manufactured Housing (S-MH) Comprehensive Plan Consistency**

	Minimum Net Density Required
<b>Consistent Land Use Typology Areas:</b>	
Urban-Low Intensity	2 units per acre
Urban-Medium Intensity	4 units per acre

#### 3. Dimensions

**Table 32.02-74: Suburban Mobile and Manufactured Housing (S-MH) Dimensional Standards**

	Residential Structures	All Other Structures
<b>Lot Requirements</b>		
Lot Size (acres, min.)	5,500 sf/du	4,000
Frontage (ft., min.)	50	
Width at Setback (ft., min.)	50	
Coverage (% ,max.)		
<b>Building Placement</b>		
<b>Setbacks (ft.)</b>		
Front	15	
Side, Internal	3/10	
Side, Street	15	
Rear	10	
<b>Structure Size</b>		
Height (ft., max.)	35	
Structure Footprint Size (sf, max.)		

#### 4. District Specific Standards

Manufactured and mobile home park development shall comply with development standards provided under Chapter 65 of the Cedar Rapids Municipal code. Said development standards shall be included in the Manufactured – Mobile Home Park Plan to clearly indicate the location of major elements of the MHP and the extent of peripheral buffering provided to adjoining land uses.

### B. Flood Mitigation Overlay (X-FM)

#### 1. Intent

The Flood Mitigation Overlay (X-FM) district is intended to prevent further development in areas of the City which are affected by the development of flood mitigation measures by the City. This includes land which is necessary for the construction and operation of the Flood Control System, greenways, and other public improvements. The X-FM overlay may also be established on land which is planned for future development. Modifications to the X-FM overlay must be carefully considered. The long-term intent of the X-FM district is for it to be removed as part of the completion of the Flood Control System.

#### 2. Comprehensive Plan Consistency

The X-FM district may be established in any Land Use Typology Area shown on the City's Future Land Use Map. It is intended for areas of high flood risk.

#### 3. Dimensions

Dimensional standards of the underlying zone district shall apply.

#### 4. Exceptions and Modifications

No modifications or design exceptions shall be permitted within the X-FM.

#### 5. District Specific Standards

- a. Except for property owned by the City of Cedar Rapids, on and after the effective date of this section, buildings, structures and uses within the Northwest Flood Mitigation District shall be deemed to be nonconforming and subject to the provision of Section 32.06.
- b. Within the bounds of this district, all of the following shall also apply:
  - (i) No new construction, addition to, or relocation of any structure to this area;
  - (ii) No permits for new fencing shall be issued;
  - (iii) No alteration of surfaces including, but not limited to patios, sidewalks, driveways, or parking areas;
  - (iv) No Rezoning, Home Occupation, Conditional Use Permit, Revised Site Development Plan, Site Development Plan, Land Use Change, Major/Minor Preliminary Plat or Subdivision shall be applied for, nor be considered by city staff or other Board/Commission;
  - (v) No new rental registrations shall be issued.
- c. Exceptions
  - (i) Typical maintenance to structures or buildings to meet existing building and mechanical codes shall be allowed so long as the repairs do not exceed 50 percent of the current market value of the building or structure.

- (ii) Development which will be located within the area Identified for Future Redevelopment within the Ellis Blvd Corridor Viable Business District and, if determined to be necessary by resolution of the City Council, will incorporate and construct any element(s) of the approved Flood Control System are exempt from the standards within this overlay district.
- d. Any permit applied for within the bounds of this overlay shall be subject to review by Department Services for up to three business days.



### 32.03 USE-SPECIFIC STANDARDS

32.03.01.	General Provisions .....	65
32.03.02.	Tables of Permitted Uses.....	67
32.03.03.	Use Categories and Use Specific Standards .....	77
32.03.04.	Accessory Use-Specific Standards .....	98
32.03.05.	Temporary Use-Specific Standards.....	109
32.03.06.	Supplemental Provisions .....	116

#### 32.03.01. General Provisions

##### A. Explanation of Table Abbreviations

The abbreviations used in Table 32.03-1, Permitted Uses, and Table 32.03-2, Permitted Uses in Special Districts, have the following meanings.

##### 1. Permitted By-Right Uses

/P/ in a cell indicates that the use is permitted by right in that zone district. Permitted uses are defined in this section and are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this section and the requirements of Sections 32.04, Development Standards.

##### 2. Use-Specific Standards

/\*/ in a cell indicates that the use is subject to use-specific standards, some use-specific standards may be unique to that district and may either prevent the use from establishing in certain areas or limit the scope, intensity or location of a use or require a conditional use approval in certain circumstances. Uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this section and the requirements of Sections 32.04, Development Standards.

##### 3. Conditional Uses

/C/ in a cell indicates that the use is allowed in that zone district only if reviewed and approved as a conditional use in accordance with the procedures of Sec. 32.05.09. Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this section and the requirements of Section 32.04, Development Standards, unless otherwise stated in this Code or in the conditional use approval.

##### 4. Prohibited Uses

A blank cell indicates that the use is prohibited in that zone district.

##### B. Use-Specific Standards

There may be additional standards that are applicable to the use regardless of the type of approval. The existence of these use-specific standards is noted through a cross-reference in the right-hand column of Tables 32.03-1 and -2. These standards apply in all zone districts unless otherwise specified.

### **C. Table Organization**

In Tables 32.03-1 and -2, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

### **D. Use for Other Purposes Prohibited**

Approval of a use listed in Tables 32.03-1 and -2, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Tables 32.03-1 or -2 is prohibited.

### **E. Classification of New and Unlisted Uses**

#### **1. Interpretation of Uses**

- a. New or unlisted uses may be interpreted into the use table through the process outlined in this section. Development or use of a property for any other use not specifically allowed in Tables 32.03-1 or -2 or added through this interpretation process is prohibited.
- b. If a use is identified in a specific use category listed in Table 32.03-1 or -2, it may not be interpreted into a different use category even though it may broadly fit within the non-identified use category definition.

#### **2. Interpretation Process**

- a. Cedar Rapids recognizes that new types of land uses will develop and applicants may seek to locate land uses not anticipated in this Code. When a use category or use type is proposed that is not specifically listed in Table 32.03-1 or -2, the Development Services Manager shall make a determination as to the appropriate classification of any new or unlisted form of land use based on the criteria listed below.
- b. If the Development Services Manager is unable to determine the appropriate use category for a proposed use based on the criteria listed below or where the potential impacts of the proposed use on the surrounding area or community are significant, the Development Services Manager is authorized to submit the request to the City Planning Commission for review and determination. The Development Services Manager shall hold permits and certificates for occupancy of the proposed use pending CPC determination.

#### **3. Interpretation Criteria**

- a. The Development Services Manager is authorized to classify uses on the basis of the use category, subcategory, and specific use type descriptions of this section.
- b. When a use cannot be reasonably classified into a use category, subcategory, or specific use type, or appears to fit into multiple categories, subcategories, or specific use types, the Development Services Manager is authorized to determine the most similar, and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this section. In making such determinations, the Development Services Manager shall consider:

- (i) The types of activities that will occur in conjunction with the use;
  - (ii) The types of equipment and processes to be used;
  - (iii) The existence, number and frequency of residents, customers or employees;
  - (iv) Parking demands associated with the use;
  - (v) Any special public utility requirements for serving the proposed use type, including but not limited to electricity, water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures or infrastructure and communications towers or facilities;
  - (vi) The impact on adjacent structures, uses, or lands created by the proposed use type, which should not be greater than that of other use types in the zone district; and
  - (vii) Other factors deemed relevant to a use determination.
- c. If a use can reasonably be classified in multiple categories, subcategories, or specific use types, the Development Services Manager shall categorize the use in the category, subcategory, or specific use type that provides the most exact, narrowest and appropriate fit.

### **32.03.02. Tables of Permitted Uses**

Tables 32.03-1 and 32.0302 identify uses permitted by zone district along with identifying use-specific standards that might be applicable.

*Table 32.03-1 starts on the next page and Table 32.03-2 follows.*

Table 32.03-1  
Permitted Uses

	Residential Districts						Mixed-Use Districts						Urban Districts				Industrial Districts			Definition and Use Specific Stand			
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI	I-GI		I-SW		
<b>Residential Uses</b>																							
<b>Household Living</b>																							
Dwelling, single unit, detached	P	P	P	P	P	P	P	P						P, subject to 32.04.05, Site and Structure; not permitted on ground floor w/in 25' of RBL in Shopfront Overlay							32.03.03.A.1.a		
Dwelling, single unit, attached				P	P	P	P	P	P	P													32.03.03.A.1.b
Dwelling, two unit				P	P		P	P	P	P													32.03.03.A.1.c
Dwelling, multiple unit					P		P	P	P	P	P	C											32.03.03.A.1.d
Dwelling(s) in Mixed-Use Structure									P	P	P	P	P										32.03.03.A.1.e
Live/Work unit						C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*						32.03.03.A.1.f	
Mobile home																						32.03.03.A.1.g	
<b>Group Living</b>																							
Assisted Living Facility					P		P	P		P	P	P		P	P	C						32.03.03.A.2.a	
Boarding or rooming house					C		C	P		P	P	P		P	C	C						32.03.03.A.2.b	
Emergency residential shelter			C	C	C	C	C	P		C	C	C		C	C	C						32.03.03.A.2.c	
Family home	P	P	P	P	P	P	P	P		P	P	P	P	P	P							32.03.03.A.2.d	
Fraternity or sorority house								C	P	C	C			C	C							32.03.03.A.2.e	
Rehabilitation house					C			C		C	C	C	C	C	C	C						32.03.03.A.2.f	
Group home	P	C	C	C	P	C	C	P		P	P	P	C	C	C	C						32.03.03.A.2.g	
<b>Civic and Institutional Uses</b>																							
Airport																						32.03.03.B.1	
Cemetery	C	C	C	C	C																	32.03.03.B.2	
Correctional facility																		C	C			32.03.03.B.3	

Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1  
Permitted Uses

	Residential Districts							Mixed-Use Districts					Urban Districts				Industrial Districts			Definition and Use Specific Stand	
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI	I-GI		I-SW
<b>Communications and Information Service Uses</b>																					
Antenna	P/C	P/C	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P		32.03.03.B.4.d & Chapter 32D
Communication tower	P/C	P/C	C	C	C	C	C	C		P/C	P/C	P/C	P	P/C	P/C	P	P/C	P	P		32.03.03.B.4.d & Chapter 32D
<b>Educational</b>																					
College or university							C	C	C	C	P	P		P							32.03.03.B.5.a
School Pre-K-12		P	P	P	P	P	P	P	P	P	P	P	P	P	P						32.03.03.B.5.b
Vocational or trade school										P*	P*	P*	P*			P*		P	P		32.03.03.B.5.c
<b>Health Care</b>																					
Hospital											P	P	P				P	P	P		32.03.03.B.6.a
Treatment facility							C				P	P		P		P	P				32.03.03.B.6.b
<b>Institutional, Cultural and Assembly</b>																					
Assembly, Civic and Religious																					
Large			C	C	C	C	C	C	C	P	P	P		P	C	P					32.03.03.B.7.ai
Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		32.03.03.B.7.a.ii
Library, museum, or cultural institution			C		C		C	C	P	P	P	P		P		P					32.03.03.B.7.b
<b>Parks and Open Space</b>																					
Park and playground	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P		32.03.03.B.8.a
Conservation Land	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32.03.03.B.8.b
<b>Government or Public Safety</b>																					
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32.03.03.B.9.a

Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1 Permitted Uses	Residential Districts						Mixed-Use Districts						Urban Districts				Industrial Districts			Definition and Use Specific Stand	
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI	I-GI		I-SW
Essential public and utility services, not listed separately	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	32.03.03.B.9.b
<b>Transportation and Parking</b>																					
Parking Lot (sole primary use)			C*	C*	C*	C*	C*	C*	C*	C*	P	P	P	C	C*	C	C	P	P	P	32.03.03.B.10.a
Parking Structure (sole primary use)								C	C	P	P	P	P	P	P	P	P	P	P	P	32.03.03.B.10.b
<b>Utilities and Public Services</b>																					
Utility, major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	32.03.03.B.11.a
Utility, minor	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	32.03.03.B.11.b
<b>Commercial Uses</b>																					
<b>Animal and Pet Sales or Services</b>																					
Animal Shelter	C	C								C	P	C			C		P	P			32.03.03.C.1.a
Boarding	P	C						C	P	P	P	P	P		P		P				32.03.03.C.1.b
Dog Breeding	P	C																			32.03.03.C.1.c
Grooming	P	C						C	P	P	P	P	P		P		P	P			32.03.03.C.1.d
Stable	P	C																			32.03.03.C.1.e
Veterinary Hospital	P	C						C	C	P	P	P	P		P		P	P			32.03.03.C.1.f
<b>Assembly, Entertainment and Trade</b>																					
Large										C	P	P	P		P	P	C				32.03.03.C.2.a
Small									C	P	P	P	P		P	P	P				32.03.03.C.2.b
<b>Child/Adult Care</b>																					
Day care center	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P						32.03.03.C.3.a
Day care home																					32.03.03.C.3.b

Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1 Permitted Uses	Residential Districts					Mixed-Use Districts							Urban Districts				Industrial Districts			Definition and Use Specific Stand	
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI	I-GI		I-SW
Group	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	P*		P*	P*	P*					32.03.03.C.3.c
Family	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P					32.03.03.C.3.d
<b>Commercial Services</b>																					
Consumer maintenance and repair									P	P	P	P	P	P		P	P				32.03.03.C.4.a
Personal service									P	P	P	P	P	P		P	P				32.03.03.C.4.b
Studio or instruction service									P	P	P	P	P	P		P	P	P			32.03.03.C.4.c
Funeral home									C	P	P	P	P	C		P		P	P		32.03.03.C.4.d
Rental services											P*	P*	P*	P*		P*		P*	P*		32.03.03.C.4.e
<b>Financial Institutions</b>																					
Financial institution										P	P	P	P	P		P					32.03.03.C.5.a
Alternative financial services										C*	C*	P*	C*	C*		C*					32.03.03.C.5.b
<b>Office</b>																					
Business or professional									P	P	P	P	P	P		P	P	C			32.03.03.C.6.a
Medical									P	P	P	P	P	P		P	P				32.03.03.C.6.b
<b>Retail Sales</b>																					
General Retail									P	P	P	P	P	P		P	P				32.03.03.C.7.a
Fireworks																		P*	P*		32.03.03.C.7.b
Liquor or Tobacco Store										C	C	P		P		P					32.03.03.C.7.c & 32.03.06.C
<b>Eating and/or Drinking Establishment</b>																					
Bar										C*	P*	P*	P*	P*		P*		C*			32.03.03.C.8.a & 32.03.06.C
Restaurant									P	P	P	P	P	P		P	P				32.03.03.C.8.b

Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1 Permitted Uses	Residential Districts					Mixed-Use Districts					Urban Districts				Industrial Districts			Definition and Use Specific Stand			
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF		I-LI	I-GI	I-SW
Restaurant with Alcohol									C*	P*	P*	P*	P*			P*	P*				32.03.03.C.8.a & 32.03.06.C
<b>Entertainment and Recreation Uses</b>																					
Amusement, indoor										P	P	P	P			P		C			32.03.03.C.9.a
Amusement, outdoor										C	C	P	C	C		C		C			32.03.03.C.9.b
Adult entertainment																		P*			32.03.03.C.9.c
<b>Visitor Accommodations</b>																					
Bed and breakfast home	C*	C*	C*	C*	C*	C*	C*	P*	C*	P*	P*			P*	P*	P*					32.03.03.C.10.a
Campground or recreational vehicle park	C	C																			32.03.03.C.10.b
Hotel or motel										C	P	P		P		P	P				32.03.03.C.10.c
<b>Vehicle Sales or Service</b>																					
Fueling station										C*	P*	P*	P*	C*		P*		P*	P*		32.03.03.C.11.a
Car Wash										C*	P*	P*	C*	C*		C*		P*	C*		32.03.03.C.11.b
Vehicle maintenance and repair, major												C	P			C		P	P		32.03.03.C.11.c
Vehicle maintenance and repair, minor										C	P	P	P	C		P		P	P		32.03.03.C.11.d
Vehicle rental											C	P	P	P		P		P	P		32.03.03.C.11.e
Vehicle sales											C	P	P	C		C		P	P		32.03.03.C.11.f
<b>Industrial, Wholesale, and Storage Uses</b>																					
<b>Energy Production and Natural Resource Extraction</b>																					
Solar array	C	C	C	C	C						C	C						P	P	P	32.03.03.D.1.a
Wind energy conversion system	C	C																P			32.03.03.D.1.b



Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1 Permitted Uses	Residential Districts						Mixed-Use Districts						Urban Districts				Industrial Districts			Definition and Use Specific Stand	
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI	I-GI		I-SW
Resource Extraction and Preparation	C																		P		32.03.03.D.1.c
<b>Industrial Services</b>																					
Industrial Services										C	C	P	C			P		P	P		32.03.03.D.2.a
Truck and Heavy Equipment Sales and Service												C				C		C	P		32.03.03.D.2.b
Truck stop/wash											C	C						P	P		32.03.03.D.2.c
<b>Manufacturing, Assembly, or Processing</b>																					
Artisan/craft	P							C	P	P	P	P	P			P		P	P		32.03.03.D.3.a
Limited									C	C	P	P	C			P		P	P		32.03.03.D.3.b
General												C				C		P	P		32.03.03.D.3.c
Intensive																			C	C	32.03.03.D.3.d
<b>Warehouse and Storage Services</b>																					
Outdoor storage												C				C		P	P		32.03.03.D.4.a 32.03.06.D
Self-service storage facility								P*	P*	P*	P*	P*	P*			P*		P	P		32.03.03.D.4.b
Warehouse including wholesale and distribution facility										C	C	P	C			P		P	P		32.03.03.D.4.c
<b>Waste and Salvage</b>																					
Hazardous waste facility																				C	32.03.03.D.5.a
Recycling collection facility										P	P	P						P	P	P	32.03.03.D.5.b
Refuse hauling facility																		C	P	P	32.03.03.D.5.c
Salvage yard																			C	P	32.03.03.D.5.d
Solid waste facility																				P	32.03.03.D.5.e

Cedar Rapids Zoning Code Update

Adoption Draft – November 2018

Table 32.03-1  
Permitted Uses

	Residential Districts						Mixed-Use Districts						Urban Districts			Industrial Districts			Definition and Use Specific Stand	
	A-AG	A-RR	S-RLL S-RL1 S-RM1	S-RL2	S-RLF S-RMF	T-R1	T-RF	T-RH	T-ML	T-MC	S-MC	S-MR	T-IM	U-DC U-DG U-NG U-VG	U-NR U-VR	U-NT U-VT	U-MF	I-LI		I-GI
<b>Agriculture</b>																				
Agriculture	P	C																		
Urban Agriculture	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Aquaculture	P											C*			C*	C*	P*	P*		
Greenhouse, nursery, orchard or truck farm	P	P								P	P	P	P		P		P	P		

Table 32.03-2 Permitted Uses in Special Districts

	P-IN	P-PO	P-AP	S-MH	X-FM	Use Specific Stand.
<b>Residential Uses</b>						
<b>Household Living</b>						
Mobile home				P*		32.03.03.A.1.g
<b>Group Living</b>						
Emergency residential shelter	P					32.03.03.A.2.c
<b>Civic and Institutional Uses</b>						
Airport			P			32.03.03.B.1
Cemetery	C	P				32.03.03.B.2
Correctional facility	P					32.03.03.B.3
<b>Communications and Information Service Uses</b>						
Antenna	P/C	P/C	P/C	P/C		32.03.03.B.4.d & Chapter 32D
Communication tower	P/C	P/C	P/C	P/C		32.03.03.B.4.d & Chapter 32D
<b>Educational</b>						
College or University	P					32.03.03.B.5.a

Table 32.03-2 Permitted Uses in Special Districts

	P-IN	P-PO	P-AP	S-MH	X-FM	Use Specific Stand.
School Pre-K-12	P					32.03.03.B.5.b
<b>Parks and Open Space</b>						
Park and playground	P	P		P	P	32.03.03.B.8.a
Conservation Land	P	P	P		P	32.03.03.B.8.b
<b>Public Safety</b>						
Public Safety Facility	P	P	P	P		
Essential public and utility services, not listed separately	P		P	P		
<b>Transportation and Parking</b>						
Parking Lot (sole primary use)	P		P			
Parking Structure (sole primary use)	P		P			
<b>Utilities and Public Services</b>						
Utility, major	C	C	C	C		
Utility, minor	P	P	P	P		
<b>Commercial Uses</b>						
<b>Animal and Pet Sales or Services</b>						
Shelter	P					
<b>Assembly, Entertainment and Trade</b>						
Large	P					
<b>Child/Adult Care</b>						
Day care center	P					
Group				C		32.03.03.I
<b>Entertainment and Recreation Uses</b>						
Amusement, outdoor	P	P				
<b>Industrial, Wholesale, and Storage Uses</b>						
<b>Energy Production and Natural Resource Extraction</b>						
Solar array	C					
<b>Warehouse and Storage Services</b>						
Outdoor storage			P			32.03.03.M
<b>Waste and Salvage</b>						

Table 32.03-2 Permitted Uses in Special Districts

	P-IN	P-PO	P-AP	S-MH	X-FM	Use Specific Stand.
Recycling collection facility	P					
Refuse hauling facility	P					32.03.03.0
Solid Waste Facility	P					
<b>Agriculture</b>						
Agriculture			P			
Urban Agriculture	P		P	P		32.03.03.W

### 32.03.03. Use Categories and Use Specific Standards

#### A. Residential Uses

This is a category of uses offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of one month or property ownership. This use category also includes group residential facilities.

##### 1. Household Living

Uses characterized by residential occupancy of a dwelling unit by one or more persons. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging. An Accessory Dwelling Unit, if permitted by this code, shall be permitted in addition to the number of units described below.

###### a. Dwelling, single unit, detached

A building containing one dwelling unit. A manufactured home, as defined in this Code, may be located in any district where a single unit dwelling is permitted, provided the manufactured home complies with the district dimensional standards.

###### b. Dwelling, single unit, attached

A building containing more than one dwelling unit, which shares one or more common walls with at least one other unit in which no unit is located above another unit, and in which each unit is on a separate, legal lot.

###### c. Dwelling, two-unit

A building containing two dwelling units on a single lot – also a duplex.

###### d. Dwelling, multiple unit

A building, or portion of a building, which typically contains three or more dwelling units. A multi-unit dwelling may have fewer than three units. In districts that do not permit a single or two unit dwelling, it shall be subject to all applicable development standards for a multi-unit dwelling and shall not be afforded exemptions granted to single or two unit dwellings by this code.

###### e. Dwelling(s) in Mixed-Use Structure

A building, or portion of a building, which contains one or more dwelling units in addition to commercial or other non-household living uses.

###### f. Live/Work Unit

A single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. A Live/Work Unit shall be subject to the following Use-Specific Standards:

- (i) A Live/Work Unit shall comply with all applicable building and fire codes.
- (ii) The commercial or office use shall be operated by the occupant of the dwelling and shall not be separately sold.
- (iii) The commercial or office use may be located in an accessory structure.
- (iv) In districts where a Live/Work Unit is a permitted use, the commercial or office use associated with the Live/Work unit shall be a use that may be permitted or permitted by conditional use in that district.

- (v) A Live/Work use may be considered by Conditional Use Permit in certain residential districts. The intent is to allow for consideration of small commercial uses that may exceed the limitations of a Home Occupation in limited circumstances within residential districts. The Conditional Use process is intended to allow for these uses without permanently changing the zone district. In districts where a Live/Work unit is subject to a Conditional Use, the following standards shall be met:
  - (A) A Special Use Permit shall be obtained for Live/Work in a Residential District.
  - (B) The proposed commercial or office use shall not be a use that is prohibited from being operated as a Home Occupation.
  - (C) The total area dedicated to the commercial or office use shall not exceed the total area dedicated to the associated residential use.
  - (D) Development standards for a Live/Work unit shall be the same as those for the dwelling unit, except an approved Live/Work unit in a residential may provide up to 24 square feet of wall or monument signage that is not internally lit.
  - (E) The applicant shall provide a detailed plan of how the commercial or office use will be operated in a manner to limit impacts on the overall neighborhood, including but not limited to hours of operation, anticipated traffic, provision of parking, trash control, lighting, and signage. Development Services shall evaluate this plan and make recommendations on conditions as part of the approval process.
  - (F) Through the Conditional Use Process, additional development standards may be imposed as is necessary to accommodate the use with minimum impact to surrounding properties in a residential district.
  - (G) A Conditional Use shall not be approved when the Board of Adjustment finds that the proposed use cannot be accommodated without significant modifications or additions to existing structures, construction of new structures not of a similar size and scale to those of adjacent residential uses, significant off-street parking lots not in character with surrounding residential uses, or other impactful site modifications that are more commonly associated with mixed use districts.

**g. Mobile Home**

A factory-built structure that is transportable in one or more sections, is built on a permanent chassis, and is so designed and constructed to permit lawful occupancy as a dwelling whether attached or unattached to a permanent foundation. A mobile home may have wheels, axles, hitch and other appurtenances of mobility removed, but shall remain a mobile home. Mobile Homes shall comply with the following Use-Specific Standards:

- (i) A mobile home used for residential purpose, if not meeting the standards and qualifications contained within the definition of a manufactured home in this Code, shall be located only in an approved mobile home park.

**2. Group Living**

This use type is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living". Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may also reside at the site.

**a. Assisted Living Facility**

Use providing housing with services that may include but are not limited to health-related care, personal care, assistance with instrumental activities of daily living to three or more tenants in a physical structure that provides a homelike environment. Assisted living also includes encouragement of family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. Assisted living includes the provision of housing and assistance with instrumental activities of daily living only if personal care or health-related care is also included. [Iowa Code Sec. 231.C.2]

**b. Boarding or Rooming House**

A residential building, or portion of a residential building, containing rooms for accommodating, for compensation, three or more persons who are not transients. Lodging may or may not include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters or rooms, and with or without individual bathrooms, but shall not include individual cooking facilities.

**c. Emergency Residential Shelter**

A residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation and similar human service functions.

**d. Family Home**

A residential home that 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, rehabilitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons or persons with physical disabilities, and any necessary support personnel. This use does not include an individual foster care family home licensed under Chapter 237 of the Code of Iowa.

**e. Fraternity or Sorority House**

A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

**f. Rehabilitation House**

A facility that provides shelter, supervision and short-term rehabilitative services for persons who have had physical or social disabilities that make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society. Facilities participating in a work release, or similar programs from a state institution, and under the supervision of a court, state or local agency shall be included within this definition.

**g. Group Home**

A facility for the residence of six or more individuals including resident persons providing care and supervision in a family setting. A group home shall be duly approved and licensed as required by applicable state and local regulations. This use does not include facilities such as family home, rehabilitation house, lodging house, fraternities, sororities, health care facility, or similar institutions.

## **B. Civic and Institutional Uses**

This is a use category for public, quasi-public, and private uses that provide unique services that are of benefit to the public at-large.

### **1. Airport**

Any area of land or water that is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas that are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces. Accessory uses may include restaurants, cafes, hotels or motels, car rental or storage facilities.

## **2. Cemetery**

An area of land and related facilities used for the interment of the dead. This definition includes columbaria, crematoria, and mausoleums.

## **3. Correctional Facility**

A public or privately operated facility housing person awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

## **4. Communication and Information Service Uses**

This use type includes structures, locations, and equipment for the transmission of voice, data, image, or video programming. All communication towers shall comply with the requirements of Chapter 32D of this code

### **a. Antenna**

A system of electrical conductors that transmits or receives radio frequency waves. Such waves shall include but not be limited to radio-navigation, radio, television, and microwave communications.

### **b. Communication Tower**

A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals.

## **5. Education**

This use type includes institutions of learning that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

### **a. College or University**

An educational institution authorized by the state to award associate, baccalaureate, or higher degrees. This definition shall include dormitories, laboratories, research facilities, libraries, museums, and similar uses or structures tied to academic programs or research, as well as accessory retail uses intended to serve students or visitors to the campus.

### **b. School, Pre-K-12**

An educational institution that satisfies the compulsory education laws of the State of Iowa for students in the elementary grades, middle school grades, or high school grades, respectively. This definition includes both public schools and private, non-boarding schools that have a curriculum similar to that in the permitted public schools.

### **c. Vocational or Trade School**

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type. A Vocational or Trade School shall be subject to the following Use-Specific Standards:



- a. Vocational schools utilizing, servicing, or repairing vehicular or heavy equipment or machinery shall be permitted in the I-LI and I-GI districts, permitted by Conditional Use in the T-IM, U-VT and U-NT districts, and not permitted in any other zone district.

## 6. Health Care

This use type is characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

### a. Hospital

An establishment providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury, or disability, and including any related facilities such as laboratories, outpatient care, obstetrical, central service, staff offices, or training facilities. "Hospital" does not include establishments that are intended primarily for permanent or long-term care or custodial care.

### b. Treatment Facility

A health care facility providing either or both live-in or outpatient therapy for substance abuse, mental illness, or other behavioral problems.

## 7. Institutional, Cultural, and Assembly

Civic and cultural assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Institutional and cultural assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations as well as places of community assembly such as libraries and museums.

### a. Assembly, Civic, and Religious

A building or structure, or group of buildings or structures, that by design and construction are primarily intended for the conducting of organized meetings, public worship and other religious activities, or other activities and accessory uses associated therewith, for non-commercial purposes. This definition may include meeting rooms and childcare facilities provided for persons while they are attending assembly functions. This use does not include home meetings or other activities conducted in a privately occupied residence. Schools and permanent childcare services shall require approval as a separate permitted use.

- (i) Assembly, Civic and Religious (Small)

Uses designed to accommodate fewer than 500 persons.

- (ii) Assembly, Civic and Religious (Large)

Uses designed to accommodate 500 or more persons.

### b. Library, Museum, or Cultural Institution

A library is a use for the loan or display of books and other media materials, which is sponsored by a public or quasi-public agency, and which institution is open and available to the general public. A Museum of Cultural Institution is use devoted to the procurement, care, study, and display of objects of lasting interest or value.

## 8. Parks and Open Space

This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. These lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

### a. Park and playground

A tract of land available to the general public for recreational purposes. This definition includes playgrounds and athletic fields.

### b. Conservation Land

A tract of land, either private or public, and intended for use as a wildlife refuge, natural preservation or other long-term conservation uses. Conservation lands are generally undeveloped but may have accessory uses and structures such as trails, shelters, parking lots, or similar. This definition does not include landscaping, bufferyards, or stormwater management areas, which may be required or permitted under this ordinance.

## 9. Government or Public Safety

This is a use type for locations and structures that provide a place for the regular transaction of governmental business.

### a. Public Safety Facility

A building or structure, or part of a building or structure, which is operated by a government agency for the purpose of providing fire protection, police, or other emergency services.

### b. Essential public services, not listed separately

Service and utilities needed for the health, safety, and general welfare of the community. This definition includes, but is not limited to Governmental or quasi-governmental buildings and uses that are otherwise not described in this code. An essential public service shall be established by the following criteria:

- a. The City Planning Commission shall consider the compatibility of the proposal with the character of the surrounding area. In making its recommendation, the City Planning Commission shall consider any actions that would minimize any incompatibility.
- b. After review and recommendation by the City Planning Commission, the City Council may establish a new Essential Public Service or expand an existing Essential Public Service by resolution.

## 10. Transportation and Parking

This is a use type for uses that provide public and private modes of transportation.

### a. Parking Lot (sole primary use)

An open-air surface parking facility for the parking of motor vehicles that is the sole primary use on a parcel or tract of land including access driveways. A parking lot as a sole primary use may be shared with adjacent or nearby uses to meet the requirements of Section 32.04.02. A parking lot does not include areas used for display or storage of vehicles that are owned by a licensed business on the site. A Parking Lot in a residential district and subject to approval by conditional use shall meet the following criteria:

- a. A conditional use for a parking lot in a residential district shall not be approved if the proposed parking lot shares a lot line with and is intended to provide parking for a use or uses within an

adjacent non-residential district. Such situations shall be considered by an application to rezone the property and expand the adjacent non-residential district.

**b. Parking Structure (sole primary use)**

A structure used solely for the parking of motor vehicles, which is the sole primary use on a parcel or tract of land including access driveways. A parking structure as a sole primary use may be shared with adjacent or nearby uses to meet the requirements of Section 32.04.02. A parking structure does not include areas used for display or storage of vehicles that are owned by a licensed business on the site.

**11. Utilities (and Public Services)**

This use type includes structures and locations for public or private lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity. Utility uses may or may not have regular employees at the site and the services may be public or privately provided.

**a. Utility, major**

Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities, rail yards, and electric generation plants.

**b. Utility, minor**

Infrastructure services that do not have substantial impacts on surrounding areas or are otherwise necessarily distributed throughout the community to aid in the operation, distribution, collection, conveyance, transmission, storage or other necessary aspect of a public or private utility service. Typical uses include electric substations, pump or lift stations, water towers, electric or control vaults or cabinets, and other similar equipment or structures necessary for the operation of any public or franchised private utility or service. A minor utility shall comply with the following use-specific standard:

- (i) Mechanical, electrical or similar equipment shall be enclosed located within a vault or cabinet, or shall be screened from any adjacent Urban district, Residential District, Mixed Use District or Public Right of Way. Exceptions may be granted by Major Design Exception

**C. Commercial Uses**

This is a use category for any retail, consumer service, or office use.

**1. Animal and Pet Sales or Services**

Uses that include the sale, boarding, and care of animals on-site. This category does not include the retail sale of pet or animal care related products where animals are not present or the keeping of animals for agricultural purposes, where permitted. This category does not include the keeping of household pets. All uses shall comply with Chapter 23 of the City Code – Cats, Dogs, and Other Animals. All uses shall be conducted within an enclosed structure or an accessory Outdoor Animal Run.

**a. Animal Shelter**

An establishment where stray, lost, abandoned, sick, wounded, or surrendered animals are kept and rehabilitated. This definition shall include wildlife rehabilitators

**b. Boarding**

An establishment for the keeping, sheltering, or boarding of household pets. This use includes establishments for pet day care as well as overnight lodging of pets.

**c. Dog Breeding**

An establishment for the breeding, training, or selling of dogs.

**d. Grooming**

An establishment where a household pet may be cleaned, styled, or have appearance maintained.

**e. Stable**

A facility to house horses and provide riding classes or equestrian activities to the public. This definition includes but is not limited to horse barns and horse boarding and riding facilities, but does not include show arenas or barns for the sale of horses or other animals.

**f. Veterinary Hospital**

A place where animals are given medical care and the boarding of animals limited to short-term care incidental to the hospital use. Other Boarding activities shall be permitted under that use.

**2. Assembly, Entertainment and Trade**

A building or portion thereof used for groups of people to gather for an event, or regularly scheduled program. General assembly uses include arenas, auditoriums, banquet facilities, conference and reception centers, concert halls and theaters. Entertainment and trade assembly uses are permanent places where persons regularly assemble for commercial and business purposes, such as conventions, meetings, and public or private entertainment. Excluded are restaurants and nightclubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as “eating and drinking establishments.”

**a. Assembly, Entertainment and Trade (Small)**

Uses that are designed to accommodate fewer than 500 persons.

**b. Assembly, Entertainment and Trade (Large)**

Uses that are designed to accommodate 500 or more persons.

**3. Child/Adult Care**

A use category that includes a building or structure wherein an agency, person, or persons regularly provides care for a child or adult away from their own home for any part of the 24-hour day for compensation or otherwise.

**a. Day care center**

A Day Care Center is a facility that meets either one of the following definitions:

- (i) A facility that receives 12 or more children for part or all of a day for care and/or instruction or a facility with between 6 and 11 children that is not operated by a resident occupant. The facility shall be approved and licensed by the state. The term "day care center" includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens, preschools and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems. Day care center does not include a group day care home or family day care home.
- (ii) A facility that provides supervised activities as a principal use, on a daily basis, for adults who do not require specialized care and do not remain on the premises overnight.

**b. Day Care Home, Group**

A facility operated by a resident occupant providing nonresident child day care for 11 or fewer children. No more than six children, at one time, shall be less than six years of age, and there shall never be more than four children under two years of age, present at any one time. The provider's children, not regularly in school full days, shall be included in the total. A Group Day Care Home shall be subject to the following Use-Specific Standards:

- (i) The applicant shall obtain a Special Use Permit per Section xx.xx.
- (ii) The resident occupant shall be the principal care provider, registered by the State, and shall be present during operating hours, except when there are six or fewer children being cared for then the resident occupant need not be present. However, the employee of the resident occupant must be present when there are six or fewer children being cared for and the resident occupant is not present. Both the resident occupant and the employee must be present when there are more than six children being cared for. Only one employee, over the age of 14, shall be permitted. Family members are not considered employees.
- (iii) Any required outside play area shall be effectively screened from adjacent residential uses.
- (iv) If located on a major street, an off-street drop-off/pickup area must be provided.
- (v) Required Parking may be provided in a residential driveway.

**c. Day Care Home, Family**

A facility operated by a resident occupant that provides nonresident child day care to 6 or fewer children.

**4. Commercial Services**

This use type includes uses that provide for consumer, business, or personal services and for the repair and maintenance of a wide variety of products.

**a. Consumer maintenance and repair**

Uses that provide maintenance, cleaning and repair services for consumer goods. Typical uses include laundry and dry cleaning pick-up shops, tailors and other garment repair or medication services, electronics repair shops, taxidermists, picture framing shops, copy shops, locksmiths, and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

**b. Personal Services**

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

**c. Studio or instruction service**

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

**d. Funeral home**

An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This definition includes other

undertaking establishments such as columbaria, crematoria, and may include a facility for the permanent storage of cremated remains of the dead.

**e. Rental service**

Uses which rent goods and equipment, and may include accessory retail sales related or incidental to the primary rental business. Vehicle rental is separately defined. Rental services shall be subject to the following Use-Specific Standards:

- (i) Rental of construction equipment or heavy machinery shall be permitted in the I-LI and I-GI districts, Subject to Conditional Use in the T-IM, U-NT and U-VT districts, and not permitted in any other district.
- (ii) In the I-LI and I-GI districts, retail sales shall be clearly incidental and subordinate to the permitted principal rental use and no more than 20% of the total floor area of any establishment shall be used for any such retail sales purpose.

**5. Financial Institutions**

Facilities that have as their primary purpose the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds, including drive-in facilities and automatic teller machines.

**a. Financial institution**

Establishments engaged in deposit banking. Banks and financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses. For the purposes of this Code, a financial institution shall not include alternative financial services.

**b. Alternative Financial Services**

The use of a site for the provision of alternative financial services such as vehicle title loans, check-cashing, payday advance/payday loan, or money transfer as defined below. An alternative financial services establishment does not include state or federally chartered banks, savings and loans, and credit unions. An alternative financial establishment does not include an establishment that provides financial services that are accessory to another main use.

- (i) Check cashing business. An establishment that provides one or more of the following: An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction; An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or the cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.
- (ii) Payday advance/loan business. An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate based on the size of the loan amount.
- (iii) Money transfer business. An establishment that transfers funds for a fee.
- (iv) Vehicle title loan business. An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

- (v) All Alternative Financial institutions shall comply with the following Use-Specific Standards:
  - (A) The use shall be separated at least 1,000 feet from any parcel containing any Child/Adult Care use, Educational Use, Public Park, or Civic and Religious Assembly use as well as any other Alternative Financial Institution use.
  - (B) The spacing requirement shall not apply to state-licensed delayed deposit service uses operating within the City on June 11, 2013.

## 6. Office

This type includes uses where people are engaged primarily in on-site administrative, business, or professional activities. These uses are characterized by activities in an office setting that focus on the provision of off-site sale of goods or on-site information-based services, usually by professionals. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking or other amenities primarily for the use of employees in the firm or building.

### a. Business or Professional

A category of establishments in which services are performed involving administrative, professional, business, or clerical operations. This use includes contractors and others who perform services off-site only if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on the site.

### b. Medical Clinic or Lab

A building or portion of a building containing offices and associated facilities related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that performed in an office setting with no overnight care. Also a facility for conducting medical or scientific research, investigation, testing or experimentation, or the limited crafting or manufacture of medical devices such as dentures or prosthesis. Typical uses may include the offices of physicians, dentists, psychiatrists, psychologists, osteopaths, chiropractors, eye clinics, medical laboratories, and the like.

## 7. Retail Sales

This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, hardware store, general merchandise store, pharmacies, garden supplies, furniture, home furnishings and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for in-site sales.

### a. General Retail

An establishment engaged in the sale of goods to the public at retail. General retail shall include the sale of all goods unless otherwise defined or restricted by this code or other applicable ordinances or laws. Examples include but are not limited to vehicles sales, Truck and heavy equipment sales, firework sales, and liquor/tobacco stores as defined in this section. General retail may derive less than 50% of its gross receipts from the sale of liquor, wine, beer, or tobacco products, subject to the Supplemental Use Restrictions for Alcohol and Tobacco Related Uses found in section 32.03.06.C

### b. Fireworks Sales

A use or part of a use that sells consumer fireworks as defined by Iowa Code Chapter 100. The sale of display fireworks within the city limits shall not be permitted. All fireworks sales shall comply with the following Use-Specific Standards:

- (i) Fireworks may only be sold during the dates allowed under Iowa Code Chapter 100 and in zoning districts permitted by this ordinance
- (ii) No sale of fireworks shall be permitted within 450 feet of any Residential or Urban district.
- (iii) Any person or entity engaged in the sale of consumer fireworks shall meet the definition of a retailer or community group as defined in Iowa Code Chapter 100 and shall possess and comply with all requirements of, and possess, a consumer fireworks seller license issued by the State Fire Marshall.
- (iv) Off-street parking shall be provided in addition to parking required for other uses on the site and meet the dimensional and surface standards of this ordinance. Firework sales may not utilize on-street or off-site parking and may not take advantage of any shared parking or reduced parking provisions of this code.

**c. Liquor/Tobacco Store:**

Any retail use that derives 50% or more of its gross receipts from the sale of liquor, wine, beer or tobacco products for consumption off-site. Businesses that derive less than 50% of their gross receipts from the sale of liquor, wine, beer, or tobacco would be considered General Retail. A Liquor/Tobacco Store is subject to the Supplemental Use Restrictions for Alcohol and Tobacco Related Uses found in section 32.03.06.C

## **8. Eating and/or Drinking Establishment**

This is a use category for businesses that prepare or serve food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

**a. Bar**

A bar is a facility that sells alcoholic beverages for consumption on the premises and derives more than 50% of its gross receipts from the sale of liquor, wine, beer, or tobacco products. A bar may also sell to consumers only and not for resale, alcoholic beverages in sealed or corked containers, for consumption off the premises. This use may also serve food. A bar is subject to the Supplemental Use Restrictions for Alcohol and Tobacco Related Uses found in section 32.03.06.C.

**b. Restaurant**

A retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These restaurants may include entertainment and dancing, but do not allow the serving of alcoholic beverages.

**c. Restaurant with Alcohol**

A retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These restaurants may include entertainment, dancing, and the serving of alcoholic beverages if permitted by applicable state or local law and any required licenses or permits have been official. A restaurant with alcohol derives no more than 50% of its gross receipts from the sale of liquor, wine, beer, or tobacco products. Any business that allows onsite consumption that exceeds this threshold would be defined as a bar. A Restaurant with Alcohol is subject to the Supplemental Use Restrictions for Alcohol and Tobacco Related Uses found in section 32.03.06.C.

## **9. Entertainment and Recreation Uses**

This use type includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise: (1) establishments involved in producing, promoting, or



participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants and nightclubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as “eating and drinking establishments.”

**a. Amusement, indoor**

Uses that provide commercial recreation or amusement indoors, including but not limited to: bowling alleys and poolrooms; indoor sports arenas, movie theaters and live theaters; indoor skating rinks (ice or roller); video arcades; and shooting arcades. This definition does not include Adult Entertainment Establishments as defined below.

**b. Amusement, outdoor**

Uses that provide commercial recreation or amusement outdoors, including but not limited to: drive-in movie theater; amusement park or theme park; fairgrounds; miniature golf establishments; golf driving ranges; water slides; and batting cages.

**c. Adult Entertainment**

Uses that are defined as an Adult Entertainment Establishment by Section 32.08 of this code, including but not limited to adult book stores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult theaters, adult artist-body painting studios, adult modeling studios, adult sexual encounter centers, adult cabaret and all other adult entertainment establishments. Adult Entertainment Establishments shall conform to the following Use-Specific Standards:

- (i) No Adult Entertainment establishment shall be located within 450 feet of the following uses: any Educational Use, Child/Adult Care use, or Park and Playground.
- (ii) No Adult Entertainment establishment shall be located within 450 feet of the following districts: any Residential District, any Urban District, or the P-PO district.
- (iii) No adult entertainment establishment shall be located within 450 feet of any other such establishment.
- (iv) Only one adult entertainment use may be located on a lot containing an adult entertainment establishment.
- (v) No nonconforming Adult Entertainment establishment shall be permitted to increase, enlarge, expand, extend or alter such land area, building or structure involved in the use except by change the use to another use permitted in that zone district.

## 10. Visitor Accommodations

Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation, and is open to transient rather than permanent guests.

**a. Bed and Breakfast home**

A dwelling and/or accessory building within which a portion or the dwelling or building is used to provide short-term lodging and meals for compensation for a limited number of overnight guests. A Bed and Breakfast shall comply with the following Use-Specific Standards:

- (i) Meals prepared or presented for payment are only for the overnight guests and only as part of the lodging fee.

- (ii) Meetings, receptions, parties, or like activities for remuneration are not permitted under this definition.
- (iii) Signs shall comply with Section 32.04.08, Signs, with the exception that a single conforming sign may be placed within the required front or side yard setback.
- (iv) An accessory building may be used for guest rooms.
- (v) The location and maximum number of guest rooms within a bed and breakfast home shall be limited to rooms designated as bedrooms.

**b. Campground or recreational vehicle park**

A plot of ground on which offers for rent space for two or more recreational vehicles or campsites that are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

**c. Hotel or motel**

An establishment in which lodging is provided to the public for compensation and that is open to transient guests. In contradistinction to a boarding, rooming or lodging house. A hotel/motel includes a motor hotel, tourist court, extended stay hotel or motel, apartment hotel, or similar use, but does not include a mobile home park or any facility in which the majority of lodging units are rented or leased for periods of more than 30 days.

## 11. Vehicle/Equipment Sales and Services

This use type includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Uses in this category do not include activities related to semi-trucks, agricultural implements, construction or earthmoving vehicles, or other heavy equipment. Accessory uses may include incidental repair, storage, and offices.

**a. Fueling Station**

A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities, which shall be defined as Industrial Services and truck stops, which shall be defined as a Truck Stop/Wash. A commercial Fueling Station is often combined with other permitted primary uses, such as General Retail, Car Wash, and Minor Vehicle Maintenance and Repair. All Fueling Stations shall comply with the following Use-Specific Standards:

- (i) All driveways, fuel pumps, stacking spaces, and any other vehicle maneuvering areas shall comply with the location and screening requirements for a parking lot within the district it is located.
- (ii) In Traditional and Urban districts, fuel pumps shall be located to the side or rear of the primary structure and shall not be located at the corner of two street frontages. This may be waived for properties with 3 or more street frontages where the primary structure is located at the primary intersection as determined by Development Services.
- (iii) Accessory retail sales of convenience items shall be permitted in the I-LI and I-GI districts.

**b. Car Wash**

A commercial use that involves the washing of personal vehicles, either through an automated drive-through method or that provide space, water, equipment and/or soap for the complete or partial washing of personal vehicles, either by an operator or by the customer. A car wash shall comply with the following Use-Specific Standards:

- (i) All driveways, stacking spaces and other vehicle maneuvering areas shall comply with the location and screening requirements for a Parking Lot within the district it is located.

- (ii) Within Urban districts, all car-washing activities, including accessory activities such as vacuuming or shampoo stations, shall occur within an enclosed structure.
- (iii) In all districts, any outdoor car washing activities, such as vacuuming or shampoo stations, shall be screened along interior side or rear lot lines from adjacent Residential Districts.

**c. Vehicle maintenance and repair, minor**

Uses that repair, install or maintain the mechanical components of automobiles, trailers, motorcycles or boats. Minor repair does not include vehicle bodywork or painting. Typical uses include service stations, automotive repair shops, oil change shops, tire shops, and the like. This definition does not include Truck and Heavy Equipment maintenance and repair, which is separately defined.

**d. Vehicle maintenance and repair, major**

Uses that repair, install or maintain the mechanical components of automobiles, trailers, motorcycles or boats. Major repair includes vehicle bodywork and painting. Typical uses include autobody shops, collision repair centers, and uses permitted under minor Vehicle Maintenance and Repair. This definition does not include Truck and Heavy Equipment maintenance and repair, which is separately defined.

**e. Vehicle Rental**

Uses involving the rental of personal vehicles such as automobiles, pick-up trucks, motorcycles, personal watercraft and moving trucks which do not require a commercial driver's license to operate. This definition does not include the rental of large trucks, heavy equipment, construction equipment, agricultural equipment, aircraft or similar large or specialized vehicles. Vehicle Rental shall be subject to the following Use-Specific Standards:

- a. The storage of vehicles for rent shall occur within an enclosed structure or in a parking lot that meets the design standards, including parking setback line and screening, for that district.

**f. Vehicle Sales**

Uses engaged in the Retail sales of new or used motor vehicles, boats, motorcycles, trailers, recreational vehicles, and associated sales and service. Vehicle Sales shall be subject to the following Use-Specific Standards:

- a. The display of vehicles for sale shall occur within an enclosed structure or in a parking lot that meets the design standards, including parking setback line and screening, for that district.

## **D. Industrial, Wholesale, and Storage**

This is a use category including uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced.

### **1. Energy Production and Natural Resource Extraction**

This use category includes energy produced from resources that are regenerative, and the extraction or quarrying of oil, gas, coal, ores, stone, minerals, top soil or aggregate resources from the ground.

**a. Solar array**

A free-standing, ground-mounted solar collection system consisting of a linked series of photovoltaic modules, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating on-site; however, the energy output may be delivered to a power grid to offset the cost of energy on-site. Roof-mounted solar collection systems are not included in this definition. A Solar Array shall be

considered a primary use when it is the principal use on a parcel, or when the total area of a solar array is 50% or more of the land area on a parcel. Ground-mounted solar collection system is not considered a primary use shall be considered an Accessory Solar Collection System. A Solar Array is subject to the Use-Specific Standards found in Section 32.04.04.B

**b. Wind energy conversion system**

A wind energy conversion system is an apparatus, over 20 feet in height as measured from the bottom of the base to the highest point of the rotor swath, for converting the kinetic energy available in the wind to mechanical energy that can be used to power machinery (grain mills, water pumps, etc) and/or to operate an electrical generator. A wind energy conversion system is permitted as a primary use and is subject to the Use-Specific Standards of Section 32.04.04.D.

**c. Resource Extraction and Preparation**

An area where sand, gravel, or other rocks and minerals are removed from the ground or prepared. Includes mining, quarrying, rock crushing, concrete recycling, storing of extracted or recycled material, and other similar processes.

**2. Industrial Services**

This use type is characterized by companies that are engaged in the repair or servicing of heavy machinery, equipment, products, or by-products, or the provision of heavy services including construction or contracting. Accessory activities and uses may include sales, offices, parking, and storage.

**a. General Industrial Services**

Uses, not defined separately, that are engaged in the provision of industrial services. This definition includes construction or contracting shops, including uses that may be involved in the servicing of trucks or heavy equipment off-site. Accessory activities and uses may include sales, offices, parking, and storage.

**b. Truck and Heavy Equipment Sales and Service**

Uses oriented to the sales and service of trucks, agricultural machinery and implements, industrial machinery, railroad vehicles, motors, machines, implements, and other heavy equipment.

**c. Truck stop/wash**

An establishment that provides for the servicing of trucks with incidental operations similar to those permitted for fueling stations and/or washing semi-tractor trailers. Also includes truck wash facilities, either as a primary or accessory use.

**3. Manufacturing, Processing, and Assembly**

**a. Artisan and Limited Artisan/Craft**

Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading, but which may include retail sales of goods produced on on-site. Where located along a Shopfront Overlay in an Urban district, artisan fabrication and production uses must include retail sales of goods produced on-site, with a sales area of at least 625 square feet, with direct access from the main building entrance.

**b. Limited**

Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor,

hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, musical instrument manufacturing, newspaper printing and binderies.

**c. General**

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

**d. Intensive**

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

#### **4. Warehousing and Wholesale Sales and Distribution**

This use type includes facilities used for the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking, and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

**a. Outdoor storage**

A primary Storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or property of any nature that are not kept in a structure having at least four (4) walls and a roof, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as vehicles or the outdoor display of goods for sale, where such items are permitted for sale in the zoning district in which they are located. Trailers and commercial containers mounted on wheels are not accepted structures for outdoor storage unless such trailers and commercial containers remain movable and are regularly moved to and from work sites as part of the primary use of the property. Storage of wrecked or inoperable vehicle(s) is not included in this definition. Outdoor storage is a primary use when it is the sole primary use on a property, or when outdoor storage is conducted for commercial purposes, such as the lease of land for storage of vehicles or items by a third party. Outdoor storage as an accessory use is permitted by Section 32.03.04. Outdoor storage shall comply with the supplemental Use-Specific Standards of Section 32.03.06.D.

**b. Self-service storage facility**

Real property designed and used for the purpose of renting or leasing individual storage space to tenants with access to such spaces for the purpose of storing and removing personal property. All storage of goods and materials under this definition shall occur within a completely enclosed structure. The leasing of space outdoors for storage shall be defined as Outdoor Storage. Self-Service Storage Facilities shall be subject to the following Use-Specific Standards:

- (i) No business activity other than rental of storage units shall be conducted within a Self-Service Storage unit.
- (ii) All facade elevations for Self-Service Storage Facilities shall comply with the design requirements for the district. Design exceptions solely to accommodate the development of Self-Service Storage is expressly discouraged.
- (iii) Screening of individual self-storage units, unit doors, loading areas or other service areas shall be provided from a public right-of-way and any adjacent non-industrial districts.
- (iv) Security fencing or gates shall be located behind any required landscaping area. Use of chain-link fencing, barbed wire, razor wire, or other such materials are prohibited
- (v) Security gates shall be located so that two vehicles awaiting entry do not stack into the public right of way or any pedestrian path. This may be reduced to one vehicle for facilities with fewer than 25 units or where security gates are only locked outside of normal business hours.
- (vi) U-xx and T-xx District Standards:
  - (A) Individual storage units or areas shall be located completely within an enclosed structure and shall not be individually accessed from the outside.
  - (B) No more than 2 garage or overhead doors providing access to the individual storage areas shall be permitted. The intent is to permit a secure interior area for the loading and unloading of material to be stored.
  - (C) Individual structures shall not exceed 250 feet on any side.
- (vii) S-xx District Standards
  - (A) Exterior doors serving individual units shall not be oriented towards a public right of way unless located behind other structures.
  - (B) Individual units accessed from outdoors shall be located at least 100 feet from a front or street set property line.
  - (C) No self-service storage facility shall exceed 3 acres in size.

### c. Warehouse

Uses involving the storage of residential, commercial, industrial, or other goods, including inventory and/or finished products, and where no such goods are sold either at wholesale or at retail. This use does not include the storage of goods incidental to a different primary use on the same lot, which is considered an accessory use.

## 5. Waste and Salvage

This is a use type for uses that collect, store, process, or sell waste or salvage materials, or collect and process recyclable material, for the purpose of marketing or reusing the material in the manufacturing of new, reused, or reconstituted products.

### a. Hazardous waste facility

A facility principally or solely used for the processing, storage, or disposal of hazardous waste and subject to compliance with all applicable federal, state, and local regulations. See *definition for "Hazardous Waste"*

### b. Recycling collection facility

A lot or parcel of land, with or without buildings, upon which used materials are separated and temporarily stored before they are sent to a processing facility.

**c. Refuse hauling facility**

To include office buildings, employee parking and structures for the storage of garbage/hauling equipment (only when enclosed), that are utilized for collection and disposal of garbage, trash, junk, waste and rubbish materials, and providing that no open storage or disposal shall be allowed on-site. A Refuse Hauling Facility shall be subject to the following Use-Specific Standards:

- (i) No open storage or disposal shall be allowed on-site.
- (ii) Outdoor storage of commercial refuse boxes shall be allowed provided that such boxes:
  - (A) Have been emptied;
  - (B) Have been washed out if their prior use was for disposal of restaurant waste or other food produce waste, or if such boxes emit offensive odors;
  - (C) Are arranged in an orderly manner on the site; and
  - (D) Are screened from the view of adjoining roadways or residential units.

**d. Salvage yard**

A lot or portion of a lot where junk, waste, discarded or salvaged materials are bought, sold, exchanged, baled, stored, packed, disassembled or handled, including auto wrecking activities, building wrecking activities, used lumber places and places for storage of salvaged building materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building. This definition includes junkyard. A Salvage yard shall be subject to the following Use-Specific Standards:

- (i) The minimum front setback shall be at least 100 feet from any street right-of-way.
- (ii) Salvage yards shall not be established within 500 feet of any residentially district or use.

**e. Solid waste facility**

- (i) A facility principally or solely used for the processing or disposal of solid waste and subject to compliance with all applicable federal, state, and local regulations including:
  - (A) Transfer Stations: Facilities at which solid waste collected from any source is temporarily deposited to await transportation to another solid waste facility. All activities associated with a Transfer Station shall be done within an enclosed structure including but not limited to sorting, reducing, compressing, shredding, compacting, composting, and storage of waste materials, equipment or vehicles.
  - (B) Solid Waste Processing Facilities: Facilities at which solid waste is sorted, reduced, compressed, shredded, compacted or composted for purposes of volume reduction or preparation for burning or landfilling.
  - (C) Waste Burning Facilities: Any incinerator, boiler, percolator or other solid waste facility at which solid waste, including previously processed solid waste is burned for the purposes of volume and weight reduction or steam heat, power or energy generation.
  - (D) Sanitary Landfills: Facilities employing a method of disposing of solid wastes on or into land by various forms of excavation, placement, burial, compaction, or covering.
  - (E) Recycling Processing Facilities: Facilities at which the primary function is to extract useful materials from the solid waste, and all processing activities are conducted within a completely enclosed building.
- (ii) A Solid Waste Facility shall be subject to the following Use-Specific Standards:

- (A) All solid waste facilities shall comply with all applicable federal, state, and local regulations, and this Code.
- (B) Solid Waste Facility shall not include facilities used for generating steam heat, power or energy generation pursuant to a franchise granted by the City Council.
- (C) All recycling processing activities shall be conducted within a completely enclosed building, and subject to compliance with all applicable federal, state, and local regulations.
- (D) A recycling facility for solid/hazardous waste is only permitted in the I-SW district.

## E. Agricultural Uses

### 1. Use Category Description

This is a category of uses characterized by active and on-going agricultural uses, activities, and related uses. An agricultural use, in general, means the use of and for the growing and production of field crops, livestock, aquatic, and animal products for the production of income. Other agricultural uses might include fruit and vegetable standards, livestock sales, wholesale nurseries, and stables. Lands in agricultural uses and districts may also be held for preservation and conservation purposes.

#### a. Agriculture

The raising of food and feed crops and products, and including tree and vine products; animal husbandry including beekeeping, dairying, poultry, and pasturage and the like, but excluding commercial feed lots, fur farms, kennels, and boarding and riding stables. It includes the ordinary accessory uses and structures for preparing, treating, and storing products, equipment and machinery, provided, however, that the operation of any such accessory uses shall be secondary to that of ordinary agricultural activities.

#### b. Urban Agriculture

Agricultural activities permitted within an urban setting. Urban Agriculture under this definition shall be limited to the cultivation of plants and produce and shall not include animal husbandry or the keeping of livestock. Beekeeping or the keeping of Urban Chickens shall not be permitted under this definition but may be separately permitted. Urban Agriculture uses shall comply with the following Use-Specific Standards:

- (i) A Special Use Permit shall be obtain when Urban Agriculture is the primary use on any parcel or when Urban Agriculture is established as an accessory use and 10,890 sq. ft. or more of land is disturbed on any parcel.
- (ii) Use of mechanical farm equipment shall be limited to walk-behind equipment or small garden tractors of a size typical of residential use. Larger machinery intended for industrial agricultural operations shall not be used as part of urban agriculture.
- (iii) Pesticides, insecticides, fertilizers, and other chemical products used in Urban Agricultural operations must be designed for household use. Chemical products designed for commercial agricultural operations shall not be used.
- (iv) All seed, chemicals, tools and equipment stored on-site shall be in a permitted primary or accessory structure.
- (v) Urban Agriculture may encroach into or be incorporated into required landscaping or bufferyards, but a minimum setback of 5 feet shall be maintained from front, street side and rear lot lines.
- (vi) Parcels used for urban agricultural uses shall be situated, equipped, operated and maintained so as to minimize to the maximum extent possible, using the best available methods, any impacts on, or interference with other land uses and activities in the general area, or the public health, safety and general welfare. Specific requirements include:



- (A) Odor control;
- (B) Debris control;
- (C) Rodent and pest control;

**c. Aquaculture**

The commercial raising of marine animals and plants in an aquatic environment. Aquaculture uses shall comply with the following Use-Specific Standards:

- (i) Aquaculture shall be conducted within an enclosed structure in all districts except A-AG.
- (ii) This use includes processing of animals and materials and ordinary accessory uses and structures. However, the operation of any such accessory uses shall be secondary to that of ordinary aquaculture activities unless otherwise allowed within the Zoning District.

**d. Greenhouse, nursery, orchard, or truck farm**

A use primarily dedicated to the cultivation and sale of plants including trees, various decorative or ornamental flowers, shrubs and other plants, fruits, or vegetables. The retail sale of other goods to the public shall be clearly secondary and incidental to that produced by the use unless such sale would otherwise be permitted in the district. This definition is not intended to prevent the construction of what is commonly referred to as a greenhouse structure as an accessory structure to any other use. Uses regulated under this definition are those that primarily fall under one or more of the following definitions:

- (i) Greenhouse – Use comprised primarily of buildings or structures whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.
- (ii) Nursery – An establishment for the planting, raising, care, and/or sale of plants and appropriate tools/accessories associated with gardening. Any retail sales of goods to the public shall be clearly secondary and incidental to wholesale sales or sales to landscaping, contractors or suppliers.
- (iii) Orchard or Truck Farm – A farm where vegetables and/or fruit are grown and harvested. This use does not include raising or breeding livestock or the growing of grains on parcels larger than ten (10) acres.

## **32.03.04. Accessory Use-Specific Standards**

### **A. Intent**

This section supplements the regulations contained in this Code as they apply to accessory uses and structures, except for on premise signs that are governed by the provisions of Section 32.05.18, Signs.

### **B. Generally Applicable Standards**

#### **1. Time of Construction or Establishment**

No accessory structure or use shall be constructed or established more than 120 days prior to the time of completion of the construction or establishment of the principal structure or use to which it is accessory.

#### **2. Interpretation of Unidentified Accessory Uses and Structures**

The Development Services Manager shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the Development Services Manager is authorized to determine the most similar, and thus most appropriate accessory use category and apply the regulations for the similar accessory use to the application.

- a. The definition of "accessory use" in this chapter, and the general accessory use standards and limitations established in this section;
- b. The purpose and intent of the district in which the accessory use is located;
- c. Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- d. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

#### **3. Compliance with this Code**

- a. All accessory uses and structures shall be subject to the dimensional requirements of the zone district in which they are located except as specifically provided in this section. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.
- b. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

#### **4. Location**

- a. The accessory use or structure shall be conducted or located on the same lot(s) as the principal use.
- b. No accessory building shall be erected in any required setback nor within five feet of any other building except as specified in this section.

## 5. Use as a Dwelling Restricted

No accessory structure except an approved accessory dwelling unit shall be used as watchman's quarters as defined in Sec. 32.09, Definitions, or for living, sleeping, or housekeeping purposes. Additionally, no such occupancy shall be permitted prior to issuance of an occupancy permit for the principal structure.

## 6. Accessory Use Table

Accessory uses may be permitted as shown in Table 32.03-3 in the following districts and subject to applicable standards.

### b. Permitted by Right Accessory Use

/P/ in a cell indicates the accessory use is permitted by right in the district. Permitted accessory uses are subject to all other applicable standards of these regulations and the requirements of Article xx, Development Standards.

### c. Conditional Uses

/C/ in a cell indicates that the accessory use is allowed in that zone district only if reviewed and approved as a conditional use in accordance with the procedures of Sec. 32.05.09. Conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this section and the requirements of Section 32.04, Development Standards, unless otherwise stated in this Code or in the conditional use approval.

Table 32.03-3: Accessory Uses

Accessory Use	Zone Districts										Definition & Use Standards			
	A-AG A-RR S-RLL	S- RL1	S- RL2	S- RLF, S- MH	S- RM	1 S- 2 T- VR	T- RF T- RH U- NR U- VR	T- ML S- MC U- NG U- VG	S- MR	U- DG		T- IM I-LI U- VT U- NT	I-GI	P-PO P-IN P-AP
Accessory Dwelling Unit (ADU)	C	P	P	P	P	P	P	P	P	P				32.03.04.C.1
ATM, Stand-alone ATM							P	P	P	P				32.03.04.C.2
Beekeeping	P	P	P	P	P	P	P	P	P	P	P	P	P	32.03.04.C.3
Accessory Day Care Facility	P	P	P	P	P	P	P	P	P	P				32.03.04.C.4
Commercial Service Use						P	P	P	P	P	P	P	P	32.03.04.C.5
Drive-Through or Drive-In							P	P	P					32.03.04.C.6
Electric Vehicle Charging Station	P	P	P	P	P	P	P	P	P	P	P	P	P	32.03.04.C.7
Home Occupation	P	P	P	P	P	P	P	P	P	P				32.03.04.C.8
Outdoor Animal Run	P						P	P	P	P				32.03.04.C.9
Outdoor Display or Sales							P	P	P	P				32.03.04.C.10
Outdoor Alcohol Service Area							P	P	P	P				32.03.04.C.11 & 32.03.06.C
Outdoor Storage							P	P	P	P	P			32.03.04.C.12 & 32.03.06.D
Solar Collection System	P	P	P	P	P	P	P	P	P	P	P	P	P	32.03.04.C.13 & 32.04.04.C
Vehicle Service, Repair, or Maintenance											P	P		32.03.04.C.14
Urban Chickens	P	P	P	P	P	P								32.03.04.C.15 & Chapter 23A

## C. Standards Applicable to Specific Accessory Uses

### 1. Accessory Dwelling Unit

A single dwelling unit, which may be permitted as an accessory use. Accessory Dwelling Units shall not be considered a unit of density and therefore are not included in the density calculation for a residential property. An accessory dwelling unit shall comply with the following Use-Specific Standards:

- a. The owner, operator, or tenant shall obtain a Special Use Permit
- b. The accessory dwelling unit shall not be sold separately and shall be located on the same lot as the principal unit.
- c. Accessory dwelling units may be incorporated within or added onto an existing house, garage, or other permitted structure, or may be built as a separate, detached structure on a lot where a single-unit dwelling exists.
- d. Unless specifically addressed in this section, accessory dwelling units shall be subject to the regulations for a structure on the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).
- e. Mobile homes, manufactured housing, industrialized housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
- f. The maximum size of an accessory dwelling unit may be no more than 50 percent of the square foot of the principal dwelling unit or 800 square feet, whichever is less.
- g. The minimum size of an accessory dwelling unit is 220 square feet of living space, not including bathrooms and closets.
- h. An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit but the structure may not be altered in any manner that would increase the degree of non-compliance.
- i. One accessory dwelling unit is permitted per lot.
- j. Home occupations may be permitted in an accessory dwelling unit.

### 2. ATM, Stand Alone ATM

A stand-alone automated teller machine (ATM) that is permitted as an accessory structure. A Stand Alone ATM shall meet the dimensional standards for the subject district and the following Use-Specific Standards:

- a. The ATM machine and any drive aisles shall be screened along interior side or rear lot lines from adjacent Residential Districts.
- b. For drive-up ATMs, the vehicle maneuvering areas including the drive aisle and stacking spaces shall meet the setbacks and landscaping standards for a parking lot in the subject district.

### 3. Beekeeping

The keeping and maintenance of honey-producing bees in hives and the collection of honey and other products created by the hive such as beeswax, propolis or royal jelly. Beekeeping shall be subject to the following Use-Specific Standards:

- a. The owner, operator, or tenant shall obtain a Special Use Permit
- b. No more than 1 hive per 5,000 square feet may be located on a lot. A single hive may be located on lots less than 5,000 square feet provided they meet all applicable requirements of this section. A maximum of two extra hives may be provided on a temporary basis of no more than 20 days for the purposes of rescuing a swarm or to accommodate the division of a bee colony into multiple colonies.
- c. Ground-level beehives shall be elevated at least five inches off the ground and screened to exclude pests.
- d. No hive shall exceed 20 cubic feet in volume.
- e. No hive shall be located closer than three feet from any property line.
- f. Hives are not permitted in a required front setback.
- g. No hive shall be located closer than ten feet from a public sidewalk or 25 feet from a principal building on an abutting lot.
- h. A constant supply of water shall be provided for all hives.
- i. A flyway barrier at least six feet in height and located at within three feet of the entrance shall shield any part of a property line that is within 25 feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

#### **4. Accessory Day Care Facility**

A child or adult Day Care facility, including nursery and preschool, which is an accessory use to a Civic and Institutional Use, subject to compliance with applicable state, county and city regulations.

#### **5. Commercial Service Use**

A coffee shop, snack bar, gift shop, tea room, cafeteria, newsstand, barbershop, pharmacy or beauty shop, or similar uses operated primarily for the convenience of and for service to the patients, residents, guests or employees occupying the building containing a different primary use. Approval of Commercial Service Use is not necessary for uses that would otherwise be permitted within the subject district. An accessory Commercial Service Use shall meet the following Use-Specific Standards:

- a. An accessory commercial service use may be established as an accessory use within a principal building if the principal use meets the following criteria:
  - (i) The principal use is a multi-unit dwelling complex containing at least 50 dwelling units or apartments; or
  - (ii) The principal use is an Educational use, Institutional, Cultural or Assembly Use with over 200 students.
  - (iii) The principal use is a hospital containing at least 50 patient rooms; or
  - (iv) The principal use has offices containing at least 12,000 square feet of floor area.
  - (v) The principal use is a Parks and Open Space, Government or Public Safety Facility use.
  - (vi) Within I-LI, I-GI, U-VT, U-NT, and T-IM a Commercial Service Use may be permitted for uses that have over 100 employees.

- b. A Commercial Service Use shall be limited to the convenience of the occupants of the principal use.

## 6. Drive-Through or Drive-In

A Drive-Through (or Drive-Thru) is the use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station. A Drive-In is a use that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only. A Drive-in or Drive-Through Facility shall comply with the following Use-Specific Standard:

- a. Shall be accessory to a permitted use or an approved conditional use where the conditional use approval specifically permits drive-in or drive-through facilities.
- b. Any such facility shall be so located and/or soundproofed to prevent any associated noises from violating the City's Noise Ordinance.
- c. All drive-in and drive-through facilities shall comply with the design standards in Section 32.04.02 Parking and Loading. The drive aisles, service window, stacking spaces and maneuvering areas shall comply with the location and screening standards for a parking lot in that district.

## 7. Electric Vehicle Charging Station

A public or private parking space that provides battery charging equipment with the purpose of transferring electric energy to an electric vehicle. This definition is not intended to regulate the charging of electronic vehicles within a personal garage associated with a Household Living Use or charging stations that may be placed within the public right of way. An electric vehicle charging shall comply with the following use-specific standards:

- a. The Charging Station shall be associated with an approved off-street parking space.
- b. Equipment associated with a charging station shall be located so as to not impede pedestrian movement or create trip hazards within the right of way or any pedestrian pathway.

## 8. Home Occupation

An activity conducted for gain entirely within a residential building, or an accessory building thereto, that is incidental and secondary to the use of such building for dwelling purposes and that does not change the essential residential character of such building. Home Occupation regulations specifically intended to discourage the conversion of residential structures to commercial uses in residentially zoned areas. The intent of the section is to allow such uses only in situations where the use will not be discernable, except for allowed signage, from neighboring properties and from adjoining streets. Occupations that do not meet the requirements of this section may qualify as a Live/Work use. Licenses for Home Occupations shall be subject to the following Use-Specific Standards:

- a. All Home Occupations shall obtain a Special Use Permit, except for home office, work-from-home, remote-working or similar arrangements in which no goods are sold, manufactured, assembled, stored or shipped from the site, and no customers or clients are present on site.
- b. The activity shall not involve any outside storage nor in any way create, outside the building, any external evidence of the operation.
- c. No alteration of a building shall be made that changes the character and appearance thereof as a residential building.

- d. No more than 20% of floor area of the principal building, and no more than 500 square feet of floor area of an accessory building, shall be devoted to the activity. All home occupation activities shall be carried out wholly within the principal structure or in an accessory building.
- e. Not more than one motor vehicle associated with the home occupation shall be permitted in conjunction with the activity. The motor vehicle shall be parked or stored in a manner that conforms with Section 32.03.02 of this code.
- f. No mechanical, electrical, or other equipment shall be used except of a type normally used on a residential premise.
- g. Home occupations shall be permitted one unlighted wall sign not over 4 square feet in area.
- h. No activity shall be permitted that is noxious, offensive or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat, vibration, smoke, radiation or any other objectionable emissions, or by interference with televisions or radio reception.
- i. No product sales of any kind shall occur on the premises, excluding online sales.
- j. No more than one customer at any one time.
- k. Improvements necessary to bring a residence into compliance with commercial building code requirements shall not be allowed. The practical consequence of this restriction is that businesses requiring commercial building code improvements are considered not allowed as Home Occupations.
- l. The following occupations are prohibited from being operated as home occupations:
  - (i) Adult Entertainment establishments
  - (ii) Firearms-related occupations.
  - (iii) Businesses which involve the storage, repair, maintenance or cleaning of automobiles on the premises, other than the routine maintenance of the occupant owners' private or business vehicle as may otherwise be permitted under this code.
  - (iv) Personal Services occupations, such as barbers, hair and nail salons, massage therapists, spas, and other uses where the services are provided on the premises.
  - (v) Animal-Related businesses that bring animals other than those otherwise legally possessed by the owner occupant onto the premises. The keeping of animals for commercial purposes by an owner occupant shall not be permitted under this definition.
  - (vi) Renting of rooms by a resident owner, which shall be considered a Bed and Breakfast
  - (vii) Any occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit.

## 9. Outdoor Animal Run

An area located outside of a building or in a courtyard that is used as an accessory to any Animal and Pet Sales or Services use. This includes areas for animal exercise, training, recreation, and other activities. This definition does not include areas where animals are kept as part of an Agricultural use, or the keeping of Urban Chickens or Bees. This definition is not intended to regulate or otherwise constrain the keeping of household pets, or the development of public recreational facilities such as dog parks. All uses involving animals shall comply with Chapter 23 of the City Code – Cats, Dogs and Other Animals, and the following Use-Specific Standards:

### a. Stables

When associated with a Stable use, animals shall be confined within a fenced in enclosure that is of sufficient height to prevent animals from escaping. Chain link fence shall not be permitted for this



purpose. No animal run associated with a stable use shall be permitted in a front yard or corner side yard setback.

**b. All Other Uses**

For outdoor animal runs associated with any other use, all animals shall be confined within a fenced in enclosure that is of sufficient height to prevent animals from escaping.

- (i) In any Urban, Traditional, Suburban or Public District
  - (A) An outdoor animal run shall require a Conditional Use permit to be located within 100 feet of a Residential District.
  - (B) The outdoor animal run shall be located in an interior side or rear yard and screened from any right-of-way or adjacent residential district by a wall or fence at least four feet in height.
  - (C) Animals shall not be permitted in an outdoor animal run unless a handler is present. Loud or disruptive animals shall be promptly removed. Overnight boarding of animals outdoors shall not be permitted.
- (ii) In any Industrial or Agricultural and Rural District
  - (A) The outdoor animal run shall not be located within any front or street side setback.
  - (B) An outdoor animal run shall be screened from any adjacent residential district by a wall or fence at least four feet in height.

**10. Outdoor Display or Sales**

An area not including primary circulation space or any public right of way, or public street, located outside of a building or in a courtyard that is provided for the display of goods for sale. This definition of Outdoor Display or Sales shall not include the display of vehicles, trucks or heavy equipment for sale as part of an approved primary use. An Outdoor Display or Sale area is intended to be a permanent, semi-permanent or seasonal display that remains beyond the timeframe permitted by Outdoor Sale/Promotional under Section 32.03.04. Outdoor Display or Sales shall meet the following Use-Specific Standards:

- a. Outdoor Display and Sales areas permitted under this definition shall not be located within the public right-of-way. The lease of public right-of-way for outdoor display and sales, if permitted, shall be governed by other Chapters of the municipal code.
- b. Outdoor Display and Sales areas shall be permitted:
  - (i) Within 10 feet of a primary structure where display area is accessible to pedestrians from the front door of the primary use.
  - (ii) Within forecourts permitted in Urban Form Districts.
- c. Outdoor Display or Sales areas not meeting the requirements above may be permitted up to the greater of 500 sq. ft. or 10% the floor area of the primary use. Display areas larger than that, up to the greater of 1,500 sq. ft. or 25% the floor area of the primary use, may be permitted by Conditional Use.
- d. All outdoor display and sales areas shall be maintained in a neat, clean, orderly fashion to assure that no adverse impacts will be caused to adjoining properties due to lack of poor maintenance.
- e. Display areas shall not exceed 8 feet in height.
- f. Display areas shall be screened along interior side or rear lot lines from adjacent Residential Districts.

- g. Display and sales area shall not be located within required landscaping areas or remove required parking spaces.
- h. Display and sales areas shall not block or reduce any pedestrian circulation to less than 6 feet.

**11. Outdoor Alcohol Service Area**

An area not including primary circulation space or any public right of way, or public street, located outside of a building or in a courtyard that is provided for the use of serving alcoholic beverages. The lease of public right-of-way for alcohol sales shall be covered by the city’s Sidewalk Café Policy permitted under Chapter 9 of the City Code. Outdoor Alcohol Service Areas shall comply with the following Use-Specific Standards:

- a. An Outdoor Alcohol Service Area shall be accessory to a permitted Primary Use that complies with the Supplemental Use Restrictions for Alcohol and Tobacco Related Uses found in Section 32.03.06.C. The Outdoor Alcohol Service Area shall meet all applicable separation distances for the primary use.
- b. Outdoor Alcohol Service Areas, where permitted by Table 32.03-3, Accessory Uses shall be permitted for the service of alcohol during hours of food service. Other activities may be permitted or be permitted subject to Conditional Use according to Table 32.03-4 below:

Table 32.03-4	Zone Districts						
	U-DG	U-NG U-NT	U-VG U-VT	T-IM T-MC	T-ML	S-MC	S-MR
<b>During Food Service (Outdoor Dining)</b>							
All Locations	P	P	P	P	P	P	P
<b>No Food Service (Beer Garden)</b>							
Within 300 feet of Residential District	P	C	C	C		C	C
300 or more from Residential District	P	P	C	C		P	P
<b>Other Activities</b>							
Amplified Music or Live Entertainment	C	C	C	C		C	P

- c. Outdoor Alcohol Service Areas shall provide screening at least 6 feet high along an interior side or rear lot line from any adjacent residential district.
- d. Alcohol service area shall clearly be delineated by fence, wall or similar feature that is approved by the Cedar Rapids Police Department and meets the design guidelines for the zone district. Chain link fence shall not be permitted.
- e. Service area is subject to licensing requirement of Chapter 51 of the Municipal Code and any conditions on operations placed by the Cedar Rapids Police Department.

**12. Outdoor Storage**

The accessory storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or property of any nature that are not kept in a structure having at least four (4) walls and a roof, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as vehicles or the outdoor display of goods for sale, where such items are permitted for sale in the zoning district in which they are located. The commercial leasing of land for the storage of vehicles, shipping containers, or other materials outdoors shall be considered a primary and is not included in this definition. Accessory outdoor storage is storage that is related to the activities of a primary use on the same parcel. Outdoor Storage is subject to the Supplemental Provisions of Section 32.03.06.D.

### 13. Solar Collection System

Either a Solar Array or a solar collection system mounted to a building that is permitted as an accessory use. A Solar Array is an accessory use when it is not the sole use of a parcel and the total area of the solar array is less than 50% of the land area of the parcel. Building-mounted solar collection systems shall be considered an accessory use and shall comply with the Use-Specific Standards of Section 32.04.04.C.

### 14. Vehicle Service, Repair, or Maintenance

#### a. Residential Districts

- (i) Vehicle repair, service, or maintenance, when done for compensation, shall be limited to only:
  - (A) Emergency services as defined in Section 32.09, Definitions; and
  - (B) Oil change, filter replacement, chassis lubrication, adding or removal of fluids, vacuuming interiors, washing windows, windshield wiper blade replacement, washing of vehicles, engine tune-ups limited only to spark plugs and wires, points, distributor cap, and carburetor adjustment.
- (ii) All persons providing the services described in subsection J.1.a above shall be required to first register with the City, and at the time of registration also file a copy of any waste oil disposal permit required by the Department of Natural Resources; have a permanent place of business in a commercial and industrial or other district authorizing such use; restrict the service and repair activities on all residential lots to a maximum of four consecutive hours to be conducted only between the hours of 8:00 a.m. and 9:00 p.m. Compliance with this subsection shall not relieve the person providing the services of compliance with all other provisions of applicable federal, state, and local laws and regulations.
- (iii) A property owner/occupant shall be permitted to perform vehicle repair, service or maintenance only upon vehicles owned by him/her, and also only when such vehicle repair, service or maintenance is done on a property owned or occupied by such vehicle owner, and also subject to the following conditions:
  - (iv) When outside an enclosed structure, activities shall be limited to washing, lubrication, replacement of tires, filters, fluids, plugs, points, lights, battery, windshield wipers, fuses, spot body repair and spot painting. Once such activities are commenced, the same shall be completed within 48 hours, and shall be limited to only one vehicle during such period of time. Parts, machinery, equipment, fluid, or debris associated with the repair shall be kept within an enclosed structure.
  - (v) When done within an enclosed structure the following additional activities are permitted: engine rebuilding; repair or replacement of drive train, body and frame components; upholstery; painting, undercoating; repair or replacement of mufflers, tail and exhaust pipes; and similar heavier service and repairs not authorized in subsection iii (A), above.
- (vi) Repair, service, and maintenance on a vehicle with a maximum gross weight of 10,000 pounds or more is prohibited.

#### b. Mixed Use or Urban General Flex Districts

No vehicular repair, service, or maintenance shall be permitted in unenclosed accessory parking facilities or any other unenclosed area in any mixed use or commercial zoning district, except emergency service and repairs defined in Section 32.09, Definitions, and except washing of vehicles. No motor fuel or oil shall be sold in conjunction with any accessory parking facilities provided in a T-

ML District. A property owner/occupant of a lot within a mixed use or urban general flex zoning district, whose principal use is residential, will be permitted to perform repair, service, and maintenance authorized under Section 16.a above, notwithstanding other provisions prohibiting the same.

**c. Industrial or Urban Tech Shop Districts**

Unless otherwise permitted, no vehicular repair, service, or maintenance shall be permitted in or in conjunction with any unenclosed accessory parking facilities or any other unenclosed area in an industrial or urban tech shop district, except emergency service and repairs defined in Section 32.09, Definitions, and except washing of vehicles. A property owner/occupant of a lot within an industrial or urban tech shop zoning district, whose principal use is residential, will be permitted to perform repair, service, and maintenance authorized under Section 16.a, above, provided that the service is provided in compliance with all other portions of Section 16.a, above, notwithstanding other provisions prohibiting such activities

**15. Urban Chickens**

The keeping of chickens on a permitted tract of land. The intention of this definition is to permit the keeping of a small number of hens by resident occupants and does not include the keeping of fowl as a permitted Agricultural use. The keeping of urban chickens shall be permitted pursuant to a permit issued under Chapter 23A of the City of Cedar Rapids Municipal Code.

### **32.03.05. Temporary Use-Specific Standards**

#### **A. Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses comply with the standards in this subsection, and are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

#### **B. Permit**

Temporary uses require the issuance of a temporary use permit pursuant to Section 32.05.08. Temporary use permits shall be issued to those applications that meet all applicable requirements of this Code, including without limitation the use-specific standards of this section.

#### **C. Temporary Use Table**

##### **1. Temporary Uses Permitted**

Temporary uses may be approved in the following districts as identified in Table 32.03-5 and the following temporary use standards.

##### **2. Interpretation of Unidentified Temporary Uses**

The Development Services Manager shall evaluate applications for temporary uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the Development Services Manager is authorized to determine the most similar and thus most appropriate temporary use category and apply the regulations for the similar temporary use to the application.

- a. The definition of "temporary use" in this chapter, and the general temporary use standards and limitations established in this section;
- b. The purpose and intent of the district in which the temporary use is located;
- c. Potential adverse impacts the temporary use or structure may have on other lots, compared with other temporary uses permitted in the district; and
- d. The compatibility of the temporary use with other principal, accessory, and temporary uses permitted in the district.

Table 32.03-5: Temporary Uses

Temporary Use	Zone Districts										Use Regulations		
	A-AG A-RR S-RLL S-RL1 S-RL2 S-RLF	S-RM 1 S- RM 2 T- R1	T-RF T-RH T-ML U-ML NR U-VR	T-ML C S- MC U-NG U-VG	S-MR	U-DC U-DG	T-IM U-I-LI U-VT	I-GI	P-PO P-IN P-AP S-MH		Occurrence per Parcel per Year	Days per Occurrence	Definition & Use Standards
Commercial Storage Container	P	P	P	P	P	P	P	P	P	P	2 per address	14 cumulative unless valid building permit	32.03.05.E.1
Construction Office or Buildings	P	P	P	P	P	P	P	P	P	P	Up to 3 year permit		32.03.05.E.2
Declared State of Emergency											Determined by circumstance of emergency		32.03.05.E.3
Farm Stand	P	P	P	P	P	P	P	P	P	P	60 cumulative		32.03.05.E.4
Farmers' Market				P	P	P	P				60 cumulative		32.03.05.E.5
Garage/Yard/Estate Sale	P	P	P	P	P	P					6, not more than once every 60 days	3 consecutive	32.03.05.E.6
Temporary Outdoor Alcohol Service Area	P	P	P	P	P	P	P	P	P	P	12	5 consecutive	32.03.05.E.7
Outdoor Sale/Promotional Event				P	P	P	P	P			7	5 consecutive	32.03.05.E.8
Portable Storage Unit	P	P	P	P	P						6	2 consecutive	32.03.05.E.9
Public Event on Private Property	P	P	P	P	P	P	P	P	P	P	5	3 consecutive	32.03.05.E.10
Searchlights				P	P	P	P	P			10	1	32.03.05.E.11
Seasonal Sales			P	P	P	P	P	P			3	30 cumulative	32.03.05.E.12
Sidewalk Displays			P	P	P	P	P	P			7	5 cumulative	32.03.05.E.13
Temporary Office Facility				P	P	P	P	P	P		Up to 3 year permit		32.03.05.E.14

Table 32.03-5: Temporary Uses

Temporary Use	Zone Districts										Use Regulations							
	A- AG	A- RR	S- RL	S- RL1	S- RL2	S- RLF	T- RF	T- RH	T- ML	C S- MC	U- MC	U- DC	U- I-LI	I-GI	P- POP- INP- APS- MH	Occurrence per Parcel per Year	Days per Occurrence	Definition & Use Standards
Temporary Residential Occupancy	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Determined by City Council Resolution		32.03.05.E.15

**D. General Standards for All Temporary Uses and Structures**

All temporary uses shall be subject to the issuance of a temporary use permit, and shall meet the following general requirements, unless otherwise specified in this Code.

**1. Impact on Subject Property and Surrounding Properties and Uses**

- a. Permanent alterations to the site are prohibited.
- b. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use, or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- c. If the property is developed, the temporary use shall be located so as to have minimal impact on the regular functioning of the principal use unless the proposed temporary use is a short-term enhancement of the principal use, such as sidewalk sales.
- d. Off-street parking shall be adequate to accommodate the proposed temporary use.
- e. Trash containers shall be provided on site for debris, and all waste from the permitted use shall be properly disposed of.

**2. Compliance with Applicable Regulations**

- a. The temporary use shall comply with all applicable general and specific regulations of this section and this Code, unless otherwise expressly stated.
- b. Temporary uses are only permitted on private property with the written permission of the property owner.
- c. All temporary signs associated with the temporary use shall be properly permitted and removed when the activity ends or the permit expires, whichever occurs first.
- d. The temporary use shall not violate any applicable conditions of approval that apply to a principal use on the site.

- e. The applicant or operator must obtain any other required permits, such as health or building permits prior to the commencement of the temporary use.
- f. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet all requirements of the Code.

## **E. Temporary Use Standards**

### **1. Commercial Storage Container**

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, and that does not contain a foundation or wheels for movement, and that is located on a lot or parcel for thirty (30) or more consecutive days in a calendar year. This use includes but is not limited to piggyback containers that can be transported by mounting on a chassis, as well as "POD"-type boxes that can be transported on a flatbed or other truck, but does not include (a) pre-fabricated sheds that are not designed for transport after erection, or (b) commercial trailers used by construction or industrial uses in the regular performance of their business (as opposed to simply for on-site storage). Containers that are located on a lot or parcel for periods of less than thirty (30) days in a calendar year for purposes of storage of goods during the relocation of a household, intuition.

#### **a. Use Specific Standards:**

Temporary commercial storage containers shall be limited as follows:

- (i) No temporary commercial storage container shall be more than eight feet in height, nor more than 40 feet in length.
- (ii) Temporary commercial storage containers shall not be stacked vertically.
- (iii) Temporary commercial storage containers shall be located so as to minimize visibility from both public streets and residential land uses, and shall not be located (a) between the front facade of the primary structure and any street right-of-way, or (b) in any required side or rear setback area.
- (iv) A temporary commercial storage container that remains on site in any zone district except the I-GI district shall be screened from view by a fence or opaque wall as described in Section 32.04.06.
- (v) A temporary commercial storage container shall not remain on any site for more than six months in any one calendar year period unless a conditional use permit for a longer period has been obtained.

### **2. Construction Office or Buildings**

Temporary buildings and structures, including mobile homes, that are used for office or storage purposes in conjunction with construction work only.

#### **a. Use Specific Standards:**

- (i) Temporary construction buildings may be permitted on the same lot or an adjacent lot in any district during the period that the construction work is in progress, but such facilities shall be removed upon completion of the construction work.
- (ii) The City Council may by resolution permit the temporary establishment in any district of a Portland concrete or asphaltic concrete mixing plant in conjunction with the construction of a highway or other large-scale project. Such permission shall contain a termination time and any other conditions deemed necessary and proper to protect surrounding properties.



- (iii) Any temporary buildings and structures permitted by this section need not comply with district yard requirements but shall be set back from all lot lines and otherwise be located on the property as may be required by the City to reduce any potential safety hazards to vehicles and pedestrian traffic on adjacent public ways, and to also reduce any adverse effects on adjacent properties.

### 3. Declared "States of Emergency"

Temporary uses which may be necessary as a result of a "State of Emergency" declared by a federal, state or local government. Because of the unpredictable nature of disasters or other emergencies, the intent of this definition is to give broad authority to Development Services and other departments to issue temporary permits associated with disasters or other emergency situations. The following criteria shall be used when issuing permits during a Declared "State of Emergency"

- a. Temporary use permits may be issued by Development Services upon review and recommendation of appropriate City Departments to government agencies, volunteer organizations/groups, businesses and residential property owners directly affected by or involved recovery from a disaster or other emergency.
- b. Approval of the temporary use may be subject to any rules, regulations, conditions, and permit fees established by the City Council to protect the public health, safety, comfort, convenience, and general welfare of the people.

### 4. Farm Stand

Open lot sales of farm produce and related products and is operated in conjunction with a permitted Agriculture or Urban Agriculture Use on the parcel. Farm Stands shall be permitted subject to the following Use-Specific Standards:

- a. The operator shall be the original producers of items for sale. Eligible products are fruits, vegetables, herbs, flowers, eggs, meats, seafood, cheese, baked goods, jellies and jams, honey, and handmade crafts, consistent with all federal, state and local laws relating to the production and selling of such goods. A minimum of 75% of the products displayed and offered for sale must be directly linked to farm products.
- b. Live animals or birds shall not be sold or displayed.
- c. Adequate solid waste disposal methods shall be provided for vendors and customers.
- d. Any tent or temporary structure shall meet all applicable codes and disassembled after hours of operation.
- e. Only temporary signage shall be allowed for these temporary uses. A maximum of two temporary signs shall be allowed on site to advertise for the market as a whole.
  - (i) Individual signs shall not exceed 35 square feet in sign area. All permitted signs shall have a maximum height of 6 feet and shall be setback a minimum of 5 feet from any property line.
  - (ii) Illumination of signage is prohibited.
- f. The applicant shall demonstrate safe access to the farm stand. This shall include, at a minimum, adequate parking on the site or on public streets adjacent to the site for two vehicles. Development Services shall have the authority to deny or modify applications with inadequate access.

### 5. Farmers' Market

An event with one or more vendors permitting the open lot sales of farm produce and related products. A Farmer's Market is specifically defined to permit the temporary sale of agricultural goods in commercial settings not covered by the definition of a Farm Stand. A Farmer's Market is also intended to provide an

opportunity for the sale of agricultural goods in addition to the limitations on Outdoor Sale/Promotional Events. This definition is intended for sales on private property and is not intended to apply to public markets in parks, streets or other public property permitted through a Special Use Permit. A Farmer's Market is subject to the following Use-Specific Standards:

- a. All vendors must be original producers of items for sale. Eligible products for temporary farmer's markets or produce stands are fruits, vegetables, herbs, flowers, eggs, meats, seafood, cheese, baked goods, jellies and jams, honey, and handmade crafts, consistent with all federal, state and local laws relating to the production and selling of such goods. A minimum of 75% of the products displayed and offered for sale must be directly linked to farm products.
- b. The applicant shall demonstrate safe access to the Farmer's Market. Ingress, egress, circulation, and parking plans shall describe measures proposed to assure safety and minimize traffic impacts on surrounding areas.
- c. Adequate solid waste disposal methods shall be provided for vendors and customers
- d. Only temporary signage shall be allowed for these temporary uses. A maximum of two temporary signs shall be allowed on site to advertise for the market as a whole.
  - (i) Individual signs shall not exceed 35 square feet in sign area. All permitted signs shall have a maximum height of 6 feet and shall be setback a minimum of 5 feet from any property line.
  - (ii) Illumination of signage is prohibited.
- e. Tents or other shelters must meet fire safety codes and shall be disassembled after market hours of operation. Tents shall be located so that they will not interfere with the normal operations of any permanent use on the property.

## **6. Garage, Yard, or Estate Sale**

A temporary sale event conducted by the occupant of a Residential Use of used or purchased personal property. A Garage, Yard or Estate sale shall be subject to the following use specific standards:

- a. All items for sale shall be the property of the occupant conducting the sale. Items for sale shall not be merchandise purchased for resale or items otherwise manufactured or produced for the purpose of sale.
- b. Garage sales shall be conducted between the hours of 8am and 7pm.
- c. Temporary Signs associated with a Garage, Yard or Estate Sale shall only be placed on the parcel on which the sale is conducted. Signs shall not be placed in the public right-of-way or on other parcels.

## **7. Temporary Outdoor Alcohol Service Area**

A temporary event where a liquor license is issued, transferred or modified to permit the outdoor consumption of alcohol sold on the premises. A Temporary Outdoor Alcohol Service Area shall not include routine or special events conducted by a permitted accessory Outdoor Alcohol Service Area or an annual Sidewalk Café service area. A Temporary Outdoor Alcohol Service Area shall comply with the following Use Specific Standards

- a. All Temporary Outdoor Alcohol Service Area approvals shall be subject to conditions established by Chapter 51 of the Municipal Code and by the Police Department.
- b. The limitation on number of events in a year shall not apply to Carnivals, Festivals and other public events issued a Special Event Permit by the City Council, and shall not apply to applications made by businesses located within or directly adjacent to the boundaries of an approved Special Event Permit.

## 8. Outdoor Sale/Promotional Event

The temporary outdoor displaying of wares, including for temporary parking lot sales, except for sales by a transient merchant which are subject to and shall meet the provisions of Cedar Rapids Municipal Code, Chapter 42-Pushcarts, Peddlers, Solicitors, and Transient Merchants. An Outdoor Sale/Promotional Event shall be subject to the following Use-Specific Standards:

- a. Shall be located within the confines of the seller's owned or leased property.
- b. Shall be located at least 25 feet from all property lines;
- c. Shall not block any sight triangle or the view of on-coming traffic;
- d. No merchandise shall block any public pedestrian way, and a minimum clearance width of three feet from any public sidewalk shall be provided;
- e. No merchandise may be placed on landscaping, or within three feet of either side of a working doorway, or within 10 feet directly in front of a working doorway;
- f. Minimum off-street parking requirements shall be maintained;
- g. Merchandise shall not be hung resulting in a clearance less than eight feet above a pedestrian way. Additionally, any display with moving parts shall not come into contact with pedestrians if there is any potential to cause harm, including movement driven by the movement of air or by mechanical or electrical means.
- h. This section shall not apply to the sale of motor vehicles, trailers or boats; and
- i. Hours of operation shall coincide with the hours of operation for the principal use.
- j. All merchandise shall be secured during non-operational hours.

## 9. Portable Storage Unit

- a. A portable storage unit may be permitted on a residential premise subject to the following:
  - (i) A portable storage unit is intended to be used only for temporary storage. It is not intended to be used for long-term, on-site storage, and any such use in any zoning district is expressly prohibited.
  - (ii) The outside dimensions shall not exceed 16 feet in length, eight feet in width and nine feet in height.
  - (iii) Portable storage units are prohibited within any street right-of-way.
- b. A portable storage unit may be placed on a non-residential zoned premise provided the unit is located in a manner that does not hinder pedestrian or vehicular access to the premises, and does not obstruct intersection sight distance.

## 10. Public Event on Private Property

An event open to the general public, which may or may not charge admission, located on private property. This definition is meant to encompass temporary uses, which cannot be applied to other permitted, accessory or temporary use standards. This definition specifically is not intended to regulate or limit the holding of public events by Civic and Institutional or Commercial uses in a manner consistent with the permitted use. Event uses that include the use of public property are separately regulated as special events and not subject to this definition. A Temporary Use Permit is required for uses that meet the following standards:

- a. A public event on private property that is anticipated to displace more than 10% of the required parking for an existing residential use, or

- b. A public event on private property that is anticipated to displace more than 25% of the required parking for an existing non-residential use on the site.

### 11. Temporary Residential Occupancy

The temporary use of recreational vehicles or camp grounds for human occupancy related to a Special Event authorized by City Council. A Temporary Residential Occupancy shall be subject to the following Use-Specific Standards:

- a. The temporary occupancy shall be related to a Special Event permit that is issued by the City Council
- b. The request shall be reviewed by the City’s Special Events Committee and/or by Departments deemed necessary by Development Services to review the request and make recommendations on rules, regulations, conditions or restrictions.
- c. Specific rules, regulations, conditions or restrictions and any associated permit fees for these uses shall established by City Council Resolution.

### 32.03.06. Supplemental Provisions

The following supplemental provisions shall apply to all uses defined in this Section 32.03

#### A. Hours of Operation

- 1. Outdoor uses, such as outdoor dining and performance venues, located adjacent to lots in a residential district shall curtail outdoor activities by 10:00 p.m.
- 2. Loading or unloading activities shall take place only between the hours of 7:00 am and 10:00 pm
- 3. Alternate hours of activities may be approved through the conditional use permit process.

#### B. Noise

All uses permitted by this ordinance shall comply with Chapter 56 – Motor Vehicle Noise and Noise Limits from Certain Sound Sources. No authority is granted by this ordinance to grant any exceptions, modifications or reductions by to the requirements of Chapter 56.

#### C. Alcohol and Tobacco Related Uses

The following standards shall apply to all uses that require a license for the sale of Alcoholic Liquors and Beer under Chapter 51 of the City Code or a permit for the sale of Cigarette/Tobacco products as may be regulated by the Iowa Code. The purpose of this section is to determine whether principal or accessory uses in this code meet zoning criteria to be eligible for such licenses, and is not intended to guarantee approval. Approval of any required licenses shall be governed by the applicable regulations for those licenses. Violations of this section shall be considered zoning violations, though they may also violate the terms or conditions of an applicable license. Uses applying for a license to sell Alcoholic Liquors and Beer or Cigarette/Tobacco Products shall be conforming to this code if they meet the following criteria:

- 1. Alcohol and Tobacco sales regulated in this section shall be categorized by table 32.03-06 below:

Table 32.03-06: Classification of Alcohol-Related Uses

Category	Total Sales	Typical uses [1]
<b>Level I Alcohol and Tobacco Use</b>	Less than or equal to 50% of gross receipts from Alcohol and Tobacco Sales	<ul style="list-style-type: none"> <li>• General Retail</li> <li>• Restaurant, with Alcohol</li> </ul>
<b>Level II Alcohol and Tobacco Use</b>	Greater than 50% of gross receipts from Alcohol and Tobacco Sales	<ul style="list-style-type: none"> <li>• Bar</li> <li>• Liquor/Tobacco Store</li> </ul>

Category	Total Sales	Typical uses [1]
<ul style="list-style-type: none"> <li>Note 1: Typical Uses are listed for illustrative purposes. Alcohol and Tobacco Sales may be conducted in association with other uses listed in Sec 32.03.03 where Development Services determines the activity is conducted in a manner that is consistent with the definition of the use.</li> </ul>		

- No Level I or Level II Alcohol and Tobacco Use shall be located within 300 feet of a Pre-K-12 School unless located in the U-DC, U-DG or U-NG districts, in which case no minimum separation distance is established. This provision shall not be modified by a Minor Design Adjustment or a Major Design Exception.
- The sale of Alcohol or Tobacco products shall be conducted in conjunction with and in a manner that is consistent with the definition of a Permitted or Conditional Use in Sec 32.03.03. In addition to any Use-Specific Standards all Alcohol and Tobacco Uses shall permitted or subject to conditional use according to table 32.03-07 below:

Table 32.03-07: Use-Table for Alcohol-Related Uses	Zone Districts						
	U-DG U-DC	U-NG U-NT	U-VG U-VT	T-IM T-MC P-xx	T-ML	S-MC	S-MR
<b>Level I Alcohol and Tobacco Use(s)</b>							
All Locations	P	P	P	P	C	P	P
<b>Level II Alcohol and Tobacco Use(s)</b>							
Within 300 feet of a Residential District	P	C	C	C		C	C
300 or more from a Residential District	P	P	P	C		P	P

- For districts not listed in table 32.03-07 above, A Level I Alcohol and Tobacco use may be permitted by Conditional Use where Development Services determines that such activity is conducted in a manner that is consistent with the definition of the use.
- Upon reasonable suspicion of violation or if requested as part of review of a license renewal, the Development Services Department may require that the owner or operator of a Level I Alcohol and Tobacco use prove, within 45 days, that during the prior 6 months no more than 50% of its gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products. In such event it shall be presumed that more than 50% of the gross receipts from sales are derived from the sale of alcoholic liquor, wine, beer or tobacco products, which presumption may be overcome by the business timely furnishing of a statement prepared and verified by a certified public accountant identifying the total dollar volume of all sales, and separately identifying the total dollar volume of sales derived from the sale of alcoholic beverages, from the sale of tobacco products, and from the sale of all other merchandise and food exclusive of alcoholic beverages and tobacco products, from the business premises in the preceding 6 months. Where a Level I Alcohol and Tobacco use fails to overcome the presumption, either by failure to respond or by having sales of alcoholic liquor, wine, beer or tobacco products in excess of 50% of its gross receipts, the following shall be in effect:
  - The use shall be considered to be operating as a Level II Alcohol and Tobacco use as defined in this section.
  - Where a Level II Alcohol and Tobacco use is not permitted or requires a conditional use, it shall be considered to be operating in violation of this Zoning Ordinance and subject to penalties as may be prescribed by Section 32.07. This shall be in addition to any penalties, suspensions, or revocations that the use may be subject to under the terms of any licenses issued for the sale of alcoholic beverages and tobacco products.

## **D. Outdoor Storage**

All outdoor storage areas, whether permitted as a principal or accessory use, shall comply with the following standards:

### **1. Type of Materials**

Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements. Outdoor storage shall include the parking/storage of vehicles to be serviced at a collision service or towing/wrecker service use and all parking/storage of vehicular equipment, such as farm or construction machinery or equipment and commercial delivery vehicles. The placement of storage vaults or shipping containers shall be regarded as outside storage, except as may be otherwise permitted by this Zoning Ordinance.

### **2. Location**

When permitted as a principal or accessory use, Outdoor Storage shall be permitted in the following locations:

- a. Outdoor Storage shall not be located within any required front or exterior side setback;
- b. In Urban and Traditional districts, outdoor storage shall not be located in a front yard or street side yard between a primary structure and the street.
- c. Outdoor Storage shall not obstruct or eliminate any required parking or loading space, access drive or fire lane; nor occupy any street right-of-way.
- d. Outdoor Storage shall not be located within any required landscaping area.
- e. Within Urban Tech Shop Districts, outdoor storage is limited to the Work Court area.

### **3. Secured Storage**

All outdoor storage, except for the storage of operable vehicles, shall be located within a secured area.

### **4. Screening**

Screening of all outdoor storage areas from right of way and adjacent properties shall be provided according to Service Area Screening and Requirements – Sec. 32.04.06.K.

### **5. Height:**

Storage of stacked materials shall not exceed the height of the screening fence or eight feet, whichever is less. Individual items of greater height may be stored, but may not exceed one-half the height of the principal building.

### **6. Surfacing:**

Storage areas shall be surfaced as follows:

- a. Storage of goods and materials shall be conducted only on a paved surface or an approved all-weather surface that is maintained in a dust-free condition.
- b. The storage of vehicles, trailers, and equipment, which is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on a surface that is provided in accordance with the requirements for parking areas.

## Section 32.04 Development Standards

### 32.04.01 General Applicability

A. Development Standard Range of Compliance .....	119
B. Measuring Required Compliance .....	120
C. Ten-Year Timeframe .....	121

#### A. Development Standard Range of Compliance

1. All development shall conform to the provisions of the following sections to the maximum amount of conformance feasible:
  - a. 32.04.02: Parking Standards
  - b. 32.04.03: Mobility and Connectivity Standards
  - c. 32.04.04: Alternative Energy Regulations
  - d. 32.04.05: Site and Structure Standards
  - e. 32.04.06: Landscaping, Buffering, and Screening Standards
  - f. 32.04.07: Lighting Standards
  - g. 32.04.08: Sign Regulations
2. Some development types may seek approval for less than complete compliance with standards in the following sections. The potential amount of reduced compliance is identified in Table 32.04-1.
  - a. 32.04.02: Parking Standards
  - b. 32.04.03: Mobility and Connectivity Standards
  - c. 32.04.05: Site and Structure Standards
  - d. 32.04.06: Landscaping, Buffering, and Screening Standards

**Table 32.04-1: Applicability of Development Standards**

Structure Type	Single Unit	Two-Unit	Multi-Unit	Comm.	Ind.
<b>Development Type</b>					
<b>Percent compliance with development standards [1]</b>					
<b>New Development</b>					
New Development	100	100	100	100	100
Infill, Conforming Lot	90	90	90	90	90
Infill, Nonconforming Lot	70	70	70	70	70
<b>Existing Development [2]</b>					
External additions less than 10 %	n/a	n/a	n/a	n/a	n/a
External additions between 10% and 75%	See Sec. B.2, below.				
External additions greater than 75%	100	100	100	100	100
Interior	n/a		Parking applicable [3]		
<b>Nonconformities</b>					
Lots	<i>Development standards are not applicable to lot w/o structure</i>				
Uses	<i>Uses may not be enlarged or increased</i>				
Structures [4]	100	100	100	100	100
Uses or Structures on Nonconforming Lots [4]	100	100	100	100	100

**Notes:**

- [1] Only standards applicable to the specific development type.
- [2] Increase in building permit valuation based on the area of the individual structure subject to improvements, regardless of the total number of structures on the site.
- [3] Uses that exceed maximum parking standards prior to improvements may not increase overall parking count.
- [4] External changes only; applicable to enlargement or alteration where permitted, as well as reconstruction following damage or destruction.

**B. Measuring Required Compliance**

**1. New Development**

The development standards shall apply to all new development unless otherwise specified in the specific development standard.

**2. Existing Development**

The development standards shall apply to all external additions as follows:

- a. External additions that increase the building permit valuation of the existing structure by less than 10 percent, as determined by the building permit valuation, shall not be required to comply with these development standards.
- b. External additions that increase the building permit valuation of the existing structure by more than 10 percent but less than 75 percent, as determined by the building permit valuation, shall require a corresponding percent increase in compliance with these development standards or until the site reaches compliance, whichever is less. For standards without specifically measurable requirements, the Development Services Manager shall determine required compliance. The Development Services Manager’s determination may be appealed to the BZA.
- c. External additions that increase the building permit valuation of an existing structure by 75 percent or greater, as determined by the building permit valuation, shall be required to fully comply with these standards.



---

**C. Ten-Year Timeframe**

Any application by property owners to expand structures shall remain on record for 10 years from the date of said work completion. Any subsequent application to expand structures shall be cumulative to any requests made within the previous 10 years. The total shall be used by the city to determine the property owner's necessary level of compliance.

## Section 32.04 Development Standards

<b>32.04.02. Parking</b>	
A. General Applicability.....	122
B. Calculation of Required Parking.....	123
C. Measurement of Distances.....	123
D. Parking Context.....	124
E. Public Parking District .....	129
F. Parking Exceptions and Reductions.....	129
G. Maximum Surface Parking Waiver .....	131
H. Parking Layout – Single Unit and Two Unit Residential Uses .....	132
I. Parking Layout – All Other Development .....	133
J. Parking Location.....	136
K. Access and Circulation .....	140
L. Surface Parking Design Standards .....	141
M. Drive-Through Design .....	142
N. Loading Spaces .....	143
O. Parking, Keeping, and Storage of Motor Vehicles.....	144
P. Bicycle Parking.....	146

### A. General Applicability

#### 1. Intent

The parking and loading provisions of this section are intended to ensure that adequate parking is provided to meet the needs of individual site designs and the community at-large. The provisions of this section are intended to provide the appropriate amount of motor vehicle parking, bicycle parking, stacking spaces, and loading facilities.

#### 2. Minimum Parking Required

Required motor vehicle and bicycle parking shall be provided in accordance with this section for the parking context in which such facilities are located, unless one or more of the exemptions or reductions in this section applies.

#### 3. Interpretations

If, for any reason, the classification of any use for the purpose of determining the amount of parking, or the number of spaces to be provided by such use is not readily determinable, the parking class of such use or the number of spaces to be provided shall be determined by the zoning administrator, based on an

evaluation of anticipated parking requirements for similar uses, after consulting with appropriate City departments.

#### 4. Definition of Parking

Unless specifically identified in this section as bicycle parking or parking for any other type of vehicle, the term parking shall refer to automobile parking.

### B. Calculation of Required Parking

1. When determination of the number of parking or loading spaces results in a requirement of a fractional space, any fraction shall be rounded up and counted as one parking space.
2. When there are multiple structures on a lot or multiple uses in a structure, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
3. When the standards use the amount of square footage in buildings as a unit of measurement, all calculations may be based on gross floor area minus 10 percent to account for spaces utilized for storage, circulation, and utility and equipment rooms.
4. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time.
5. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.
6. When the standards use seating as a unit of measurement, all calculations shall be based on the number of fixed seats. If fixed seats are not provided, then parking shall be determined at a rate of one space per four occupants.
7. When the standards use the number of occupants as a unit of measurement, all calculations shall be based on the maximum occupant load, as determined by the adopted building code.

### C. Measurement of Distances

Where Section 32.04.02 requires that parking spaces be located within a defined distance of a lot, building entrance, or similar, the following shall apply:

1. At least 50 percent of the spaces in any contiguous parking lot must entirely be within the required distance.
2. The distance shall be measured from the primary entrance of the use or uses served as measured along the shortest legal and practical walking route.
3. This route may include crossing a right-of-way provided it uses a crosswalk.
4. In addition, adequate and safe pedestrian access must be provided from and to the parking areas.

**D. Parking Context**

**1. Identification of Parking Context**

Parking and loading facilities shall be provided according to the standards of either the urban or general parking contexts. The applicable parking context shall be determined by district according to Table 32.04.02-1, below. Provisions that do not specifically apply to either urban or general parking contexts shall apply to both.

**Table 32.04.02-1: Parking Context**

Districts	Parking and Loading Context
Urban (U-xx) Districts	Urban
Traditional (T-xx) Districts	Urban or General standards may be applied at the applicant’s discretion, unless urban standards are required by an adopted plan.
Public (P-xx) Districts	Based on adjacent land uses, as determined by Development Services.
All Other Districts	General

**2. Urban Parking Context**

- a. The minimum required and maximum number of parking spaces permitted in the urban parking context are identified in Table 32.04.02-2. Where this table does not specify a parking requirement, the general context standards shall apply.

**Table 32.04.02-2: Parking Required in Urban Parking Context**

Land Use	Minimum Required	Minimum District Shared	Maximum Permitted
<b>GFA - Gross Floor Area</b>			
Residential Uses	1 per studio or 1 bedroom; 1.25 per 2 bedroom; 1.25 + 0.25 for each bedroom over 2	0.25 per dwelling unit	2 per studio or 1 bedroom; 2.5 per 2 bedroom; 2.5 + 0.25 for each bedroom over 2
Non-Residential Uses	1 per 800 SF GFA	1 per 1,000 SF GFA	1 per 250 SF GFA

- b. All development within the Urban Parking context shall provide the minimum number of District Shared parking spaces indicated in Table 32.04.02-2. District Shared spaces promote a “park once” atmosphere in urban areas of the community by creating parking spaces that may be shared by uses within the district.
- c. District Shared parking may be achieved by one or more of the following:
  - (i) Public on-street parking spaces immediately adjacent to the development
  - (ii) Parking spaces within an off-street parking lot that are available to the general public for at least 12 hours in any 24-hour period and meet the following:
    - (A) Be subject to approval by Development Services and must be based on a finding that the public parking spaces will contribute to the parking needs of the neighborhood at times of high demand;
    - (B) Clearly visible and accessible from the parking lot entrance;
    - (C) Not be marked for the exclusive use of visitors to any particular use or property; and
    - (D) Not be more restrictive than nearby public street parking spaces.

- d. As part of a Public Parking District described in Section 32.04.02.E, the City may establish a one-time fee in lieu of development of District Shared Parking. Payment of this fee will permanently satisfy the requirement for district shared parking.
- e. District Shared Parking shall not be required within the boundaries of the Downtown SSMID.
- f. Reserved Parking: Off-street parking spaces that do not fulfill the District Shared Parking requirement may be restricted to users of the site at the discretion of the property owner or designee. This may include reserved parking for tenants, visitors to a particular use or the property in general, or additional district shared parking.

### 3. General Parking Context

#### a. Minimum Number of Spaces Required

The minimum number of parking spaces shall be provided in accordance with Table 32.04.02-3. Where this table does not specify a parking requirement, the standards of Sec. 32.04.02.5 shall apply.

**Table 32.04.02-3: Parking Required in General Parking Context**

Land Use	Minimum Required GFA - Gross Floor Area; GLA - Gross Land Area
<b>Residential Uses</b>	
<b>Household Living</b>	
Dwelling, single unit, detached	2 per DU
Dwelling, single unit, attached	2 per DU
Dwelling, two unit	2 per DU
Dwelling, multiple unit	1 per studio; 1.5 per 1 bedroom DU; 2 per 2 bedroom DU; 2 + 0.5 for each bedroom over 2
Dwelling(s) in mixed-use structure	2 per DU
Live/work unit	Residential requirement + 1 per 333 SF office space
Mobile home	2 per mobile home
Dwelling, Accessory (ADU)	1 per ADU
<b>Group Living</b>	
Assisted living facility	2 + 0.5 per dwelling unit over 2
Boarding or rooming house	1 per bedroom
Emergency residential shelter	2 + 1 per guest room
Fraternity or sorority house	3 per 5 occupants with a minimum of 10 spaces
Rehabilitation house	2 + 0.5 per DU
Group home	2 + 1 per 5 beds
<b>Civic and Institutional Uses</b>	
Airport	N/A
Cemetery	1 per 50 SF chapel area
Correctional facility	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
<b>Communications and Information Service Uses</b>	
Antenna	N/A
Communication tower	1
<b>Educational</b>	
College or university	1 per 400 SF GFA
School K-12	Elementary School: 2 per classroom Middle School: 2 per classroom

Table 32.04.02-3: Parking Required in General Parking Context

Land Use	Minimum Required GFA - Gross Floor Area; GLA - Gross Land Area
	High School: 6 per classroom and 1 per 300 SF GFA additional enclosed floor space
Vocational or trade school	1 per 300 SF indoor GFA
<b>Healthcare</b>	
All uses, unless otherwise specified	1 per 2 beds based on maximum capacity + 1 per 350 SF GFA office and administrative area + spaces as required per accessory use
<b>Institutional, Cultural and Assembly</b>	
Assembly, Civic and Religious, large or small	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Library, museum, or cultural institution	1 per 1,000 SF GFA for museum and art gallery; 1 per 333 SF GFA for library
<b>Parks and Open Space</b>	
Park and playground	None
Conservation	None
<b>Public Safety</b>	
Public safety facility	1 per 300 SF GFA of space used by the public + 1 per 600 SF GFA of space not used by the public
Essential public and utility services, not listed separately	N/A
<b>Transportation and Parking</b>	
Parking lot (sole primary use)	N/A
Parking structure (sole primary use)	N/A
<b>Utilities and Public Services</b>	
Utility, major	Table 32.04.02-4
Utility, minor	Table 32.04.02-4
<b>Commercial Uses</b>	
<b>Animal and Pet Sales or Services</b>	
Animal Shelter	1 per 800 SF GFA
Boarding	1 per 400 SF GFA
Dog Breeding	2 spaces
Grooming	1 per 400 SF GFA
Stable	1 per 5 stalls
Veterinary Hospital	1 per 250 SF GFA
<b>Assembly, Entertainment, and Trade</b>	
Large	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
Small	1 per 4 seats in assembly area or 1 per 100 SF GFA in assembly area without seats
<b>Child/Adult Care</b>	
Day care center	1 per 500 SF GFA
Day care home, Group	2 plus 2 drop-off spaces
Day care home, Family	N/A
<b>Commercial Services</b>	
Consumer maintenance and repair	1 per 333 SF GFA
Personal service	1 per 333 SF GFA
Studio or instruction service	1 per 333 SF GFA
Funeral home	1 per 200 SF GFA used by general public + 1 per 600 SF GFA not used by general public
Rental Services	1 per 333 SF GFA

Table 32.04.02-3: Parking Required in General Parking Context

Land Use	Minimum Required GFA - Gross Floor Area; GLA - Gross Land Area
<b>Financial Institutions</b>	
Financial institution	1 per 200 SF GFA used by general public + 1 per 600 SF GFA not used by general public
Alternative financial institution	1 per 200 SF GFA used by general public + 1 per 600 SF GFA not used by general public
<b>Office</b>	
Business or professional	1 per 333 SF GFA
Medical	Medical, dental or optical: 1 per 222 SF GFA; Therapy: 1 per 250 SF GFA
<b>Retail Sales</b>	
All uses, unless otherwise specified	1 per 333 SF GFA
<b>Eating and/or Drinking Establishment</b>	
All uses, unless otherwise specified	1 per 200 SF GFA
<b>Entertainment and Recreation Uses</b>	
Amusement, indoor	6 per 1,000 SF GFA
Amusement, outdoor	1 per 4 occupants
Adult entertainment establishment	1 per 200 SF GFA
<b>Visitor Accommodations</b>	
Bed and breakfast home	2 + 1 space for each guest room
Campground or recreational vehicle park	1 space per campsite/RV site
Hotel or motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
<b>Vehicle Sales or Service</b>	
Fueling station	2 + 1 per 333 SF GFA for retail
Vehicle maintenance and repair, major and minor	1 per 250 SF GFA
Vehicle rental	1 per 250 SF GFA plus storage of cars for rent
Vehicle sales	1 per 1,000 SF GFA plus storage of cars for sale
<b>Industrial, Wholesale, and Storage Uses</b>	
<b>Energy Production and Natural Extraction</b>	
Solar array	1
Wind energy conversion system, large	1
Mining	Table 32.04.02-4
Quarrying or rock, sand, or gravel production or preparation	Table 32.04.02-4
<b>Industrial Services</b>	
Industrial Services	Table 32.04.02-4
<b>Manufacturing, Assembly, or Processing Uses</b>	
Artisan/craft	1 per 500 SF GFA
Limited	Table 32.04.02-4
General	Table 32.04.02-4
Intensive	Table 32.04.02-4
<b>Truck Sales and Service</b>	
Truck and heavy equipment maintenance and repair	1 per 1,000 SF GFA
Truck stop/wash	N/A
<b>Warehouse and Storage Services</b>	
Outdoor storage	Table 32.04.02-4
Self-service storage facility	Table 32.04.02-4

**Table 32.04.02-3: Parking Required in General Parking Context**

Land Use	Minimum Required GFA - Gross Floor Area; GLA - Gross Land Area
Warehouse, including wholesale and distribution facility	Table 32.04.02-4
Truck and equipment storage	Table 32.04.02-4
<b>Waste and Salvage</b>	
Hazardous waste facility	Section 32.04.02.D
Recycling collection facility	Table 32.04.02-4
Refuse hauling facility	Table 32.04.02-4
Salvage yard	Table 32.04.02-4
Solid waste facility	Table 32.04.02-4
<b>Agricultural and Resource Uses</b>	
Agriculture	Section 32.04.02.D.5
Urban agriculture	None
Aquaculture	Section 32.04.02.D.5
Greenhouse, nursery, orchard, or truck farm	1 per 1,000 SF GFA

**4. Parking for Industrial and Warehouse Uses**

Uses that reference this subsection in Table 32.04.02-3, shall provide the minimum number of parking spaces identified in Table 32.04.02-4.

**Table 32.04.02-4: Parking for Industrial, Warehouse, and Waste and Salvage Uses in General Parking Context**

Use or Activity	Minimum Required	
Office or administrative area	1 per 300 GFA	
Indoor sales area	1 per 200 GFA	
Assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	1 per 200 GFA
	3,001-5,000 square feet of floor area	1 per 500 GFA
	5,001-10,000 square feet of floor area	1 per 750 GFA
	10,001 or more square feet of floor area	1 per 1,250 GFA
Indoor storage or warehousing area	1 per 1,000 GFA or 1 per employee on largest shift	
Outdoor sales, display, or storage area (3,000 square feet or less)	1 per 750 GFA	
Outdoor sales, display, or storage area (more than 3,000 square feet)	1 per 1,000 GFA	

**Notes:**

The total number of required spaces is cumulative based on the variety of different functions present in a single use.

**5. Number of Spaces for Uses with Variable Parking Demand**

Uses that reference this subsection in Table 32.04.02-3 have widely varying parking demand characteristics, making it difficult to establish a single parking standard. Upon receiving a development application for a use subject to this subsection, the zoning administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use or establish minimum parking standards on the basis of a parking study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) *Parking Generation*, or other acceptable estimates as approved by the zoning administrator, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.



**6. Maximum Number of Parking Spaces**

- a. The maximum permitted number of parking spaces shall be determined as follows in Table 32.04.02-5:

**Table 32.04.02-5: Maximum Number of Parking Spaces**

Number of spaces required	Maximum Number of Spaces Permitted
0-49	The greater of 6 or 150% of the spaces required
50-99	The greater of 75 or 120% of the spaces required
100 or more spaces	The greater of 120 or 110% of the spaces required

- b. Exceptions and waivers to the maximum number of parking spaces may be granted per Sec. 32.04.02.F.

**E. Public Parking District**

A public parking district consists of parking spaces approved or constructed by the city for the purpose of providing shared public parking. Where a public parking district is planned or available, the following shall apply:

**1. Location**

City council may establish, by resolution, boundaries for a public parking district that identify which properties are served by existing or proposed public parking facilities.

**2. Availability of Parking Spaces**

City council, or its designated operator, shall have sole discretion in determining the location and availability of public parking spaces.

**3. Application to Urban Parking Standards**

Where planned or existing City-provided public parking is used to meet requirements for public parking in the urban parking context, the City may accept a one-time payment for each space. City council shall establish an amount based on the approximate cost to build structured parking. The one-time payment shall permanently satisfy the requirement for the subject property to provide public parking.

**F. Parking Exceptions and Reductions**

**1. Downtown Exception**

Parking is not required within the boundaries of the downtown Cedar Rapids Self-Supporting Municipal Improvement District (SSMID) in order to minimize disruptive curb cuts and driveways and to encourage the consolidation of parking space in appropriate locations.

**2. Exception for Change of Use**

A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces if one of the following conditions are met:

- a. The applicant provides the maximum amount of parking spaces possible without being required to remove or partially remove a structure or landscaping.
- b. If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary.

### 3. Shared Parking Reduction

The following reductions may apply to general parking contexts at the request of the applicant.

- a. Where two land uses listed in separate use categories in Table 32.04.02-3 share a parking lot, parking lots, or parking structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 32.04.02-6.
- b. Total parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 32.04.02-6. For example, where a development includes both (a) civic and (b) retail sales uses, the amount of parking required is the sum of the parking required for the two uses divided by 1.3.

**Table 32.04.02-6: Shared Parking**

Property Use	Multi-Unit Residential or Group Living	Civic and Institution	Eating & Drinking, Entertainment, or Visitor Accom.	Retail Sales	Office
<b>(Add the two parking requirements and divide by these factors)</b>					
Multi-Unit Residential or Group living	-	1.1	1.1	1.2	1.3
Civic	1.1	-	1.2	1.3	1.3
Eating and Drinking, Entertainment, or Visitor Accommodation	1.1	1.2	-	1.3	1.7
Retail Sales	1.2	1.3	1.3	-	1.2
Office	1.3	1.5	1.7	1.2	-

- c. Shared parking spaces shall be located within 500 linear feet of the primary entrance of all uses served.

### 4. Reduced Need Populations

The required minimum number of parking spaces in general and urban parking contexts may be reduced by:

- a. 33 percent for any group living use or multi-unit use in which occupancy of at least 80 percent of the units is restricted for use by those 55 years of age or older.
- b. 50 percent for any group living use or multi-unit use in which occupancy of more than 80 percent of the units is restricted for use by those meeting the definition of “handicapped” individuals under the federal Fair Housing Act.

### 5. Parking Reductions

The following reductions may be used to provide relief from the parking required in general and urban parking contexts. The reductions listed below shall be considered cumulative and may be combined.

- a. Up to three parking stalls may be waived by the Development Services Manager for each approved driveway connection, or stub-out for future driveway connection between adjoining parking lots under different ownership.
- b. A five percent parking reduction shall be granted if the building or use is within 500 feet of a bus route.
- c. Parking shall be reduced at a rate of one space for each two motorcycle spaces provided up to a maximum of four motorcycle spaces.
- d. A five percent parking reduction shall be granted if the building or use is within one-quarter mile of a recreational trail or bike route and a sidewalk connection is provided between the site and the recreational trail or bike route.

## **G. Maximum Surface Parking Waiver**

### **1. Applicability**

Parking spaces shall not be provided in a surface parking lot in an amount that exceeds the maximum number of parking spaces in the general or urban parking contexts unless the maximum parking requirement is waived as provided in this section.

### **2. Maximum Surface Parking Calculation Exceptions**

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum surface parking requirement:

- a. Parking spaces identified as District Shared Parking within the Urban Parking context;
- b. Accessible parking;
- c. Vanpool and carpool parking;
- d. Spaces with electrical vehicle charging stations, up to a maximum of two per 50 parking spaces;
- e. Parking spaces which are used seasonally (March 1-November 1) to provide bicycle parking;
- f. On-street parking adjacent to the lot or lots on which the parking is located; and
- g. Structured parking, underground parking, and parking within, above, or beneath the building(s) it serves.

### **3. Maximum Surface Parking Waiver**

#### **a. Maximum Surface Parking Waiver Request**

Requests to exceed the maximum surface parking requirement shall be accompanied by a written justification demonstrating how the maximum number of parking spaces specified in Sec. 32.04.02.D is insufficient for the proposed development. The written justification must include an analysis of current parking supply and conditions, an assessment of the ability of existing supply to meet existing peak demand, a projection of future demand, and must demonstrate consideration and evaluation of alternative parking management practices (e.g., shared parking, shuttle, valet, etc.).

#### **b. Review Criteria**

A waiver to the maximum surface parking requirement may be allowed by the zoning administrator in situations that meet all of the following criteria:

- (i) The proposed development has unique or unusual characteristics such as high sales volume per floor area or low turnover, that create a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
- (ii) The parking demand beyond the maximum parking standard cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
- (iii) The request is the minimum necessary increase from the standards; and
- (iv) The applicant can provide all of the design requirements for excess parking.

**c. Design Requirements for Excess Surface Parking**

An applicant that receives a parking waiver to provide parking that exceeds the maximum number of permitted parking spaces permitted in Sec. 32.04.02.D shall be required to include additional internal landscaping and incorporate pervious pavement as described below.

**a. Pervious Surfaces**

All parking spots in excess of the maximum number of permitted parking spaces shall be constructed with pervious parking lot surfaces, as approved by the City Engineer. To the maximum extent possible, pervious surfaces shall be located at parking spaces, rather than drive aisles.

**b. Additional Landscaping**

- (i) Parking lot landscaping shall comply with the internal landscaping standards in Section 32.04.06, Landscaping.
- (ii) In addition to the landscaping standards in Section 32.04.06, deciduous trees and shrubs shall be provided in the quantities outlined in Table 32.04.02-7 for parking that exceeds the maximum limit. Any required additional landscaping shall be distributed throughout the site.

**Table 32.04.02-7: Additional Landscaping Requirement for Excess Surface Parking**

Number of Spaces Over Maximum Parking Limit	Number of Deciduous Trees (2-inch Caliper)	Number of Deciduous Shrubs (5-Gallon)
0-5	0	4
6-10	1	8
11-15	2	12
16-20	3	16
21+	1 per 4 spaces over maximum	1 per space over maximum

- (iii) Where the maximum number of parking spaces in the Urban Parking Context is exceeded, the applicant may provide, as an alternative to the additional landscaping standards in Table 32.04.02-7, public art or street furniture with a value of at least \$500 for each additional parking space provided. The art or street furniture may be installed adjacent to the public right of way on the site or at a public location acceptable to the city and the applicant. The applicant may, at their discretion, provide a lump sum payment to the City’s Visual Art fund in lieu of installation.

**H. Parking Layout – Single Unit and Two Unit Residential Uses**

**1. Applicability**

The following standards shall apply to parking for single unit, two-unit, and attached residential uses.

**2. Parking Dimensions**

The minimum parking space dimension shall be 8.5 feet by 18 feet.

**3. Tandem Spaces**

Required parking may be provided in tandem spaces to accommodate two vehicles parked end-to-end, under the following circumstances:

- a. May be provided in tandem, either on a driveway, garage, or both; and
- b. For each dwelling unit, including accessory dwelling units, at least one parking space shall be provided that is not blocked by another parking space.

**4. Garage and Carports**

- a. To allow for vehicle maneuvering, there shall be a minimum clear distance on private property of 20 feet perpendicular to the garage doors or carport openings for any opening that is perpendicular to the public right-of-way.
- b. When garage doors or carport openings face an alley, a minimum of 2 feet shall be provided from the garage door or carport opening to the furthest alley right-of-way boundary. Parking between the garage or carport shall not be permitted unless at least 20 feet of pavement between the garage or carport and the alley is provided.

**I. Parking Layout – All Other Development**

**1. Applicability**

The following standards shall apply to parking for all uses except for single unit and two-unit residential uses.

**2. Parking Dimensions**

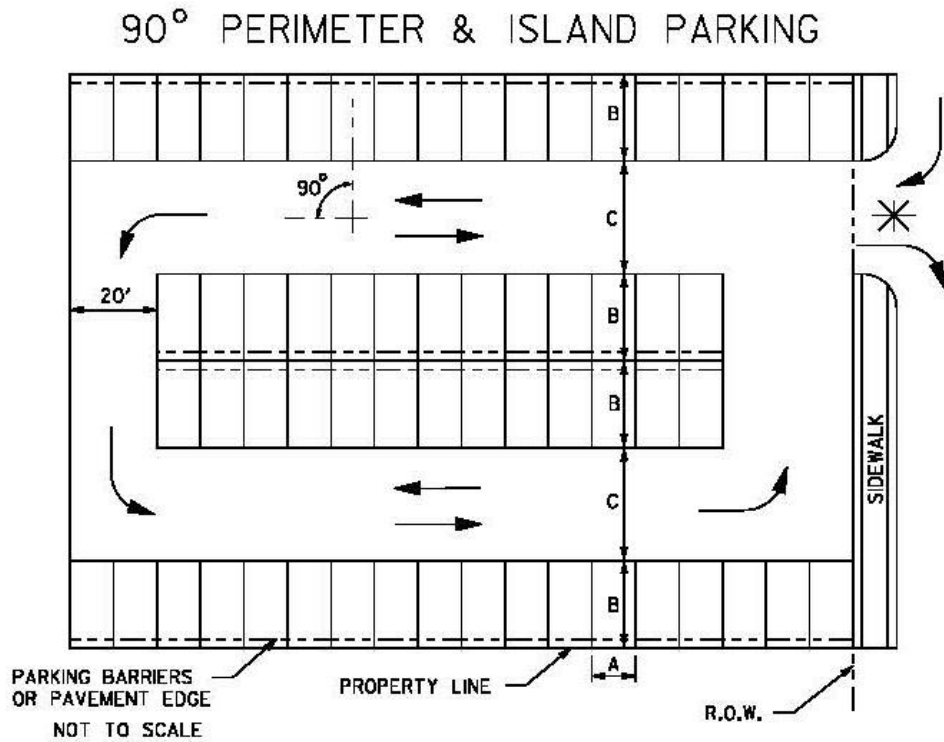
- a. Parking areas shall comply with the dimensions of parking spaces, drives, and aisles in Table 32.04.02-8.
- b. Existing parking structures with parking spaces that do not meet minimum design standards shall be allowed to serve buildings or uses if it can be demonstrated structural constraints prevent the redesign of parking spaces to meet current standards. The design of the structured parking spaces and drive aisles within the parking structure shall be approved by the City Traffic Engineer.

**Table 32.04.02-8: Parking Dimensions**

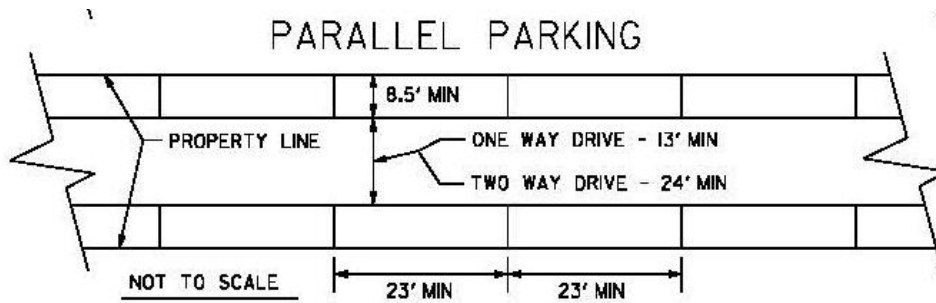
Standard		Standard Space (feet)			Compact Space (feet)
<b>90 Degree Parking</b>					
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Drive/aisle width	C	24	23	22	24
<b>60 Degree Parking</b>					

**Table 32.04.02-8: Parking Dimensions**

Standard		Standard Space (feet)			Compact Space (feet)
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Curb length/car	C	10.4	11	11.5	9.2
Stall depth	D	21	21.2	21.5	17.8
Drive/aisle width	E	18	17	16	18
Island width	F	37.4	37.7	37.9	31.7
<b>45 Degree Parking</b>					
Stall width	A	9	9.5	10	8
Stall length	B	19	19	19	16
Curb length/car	C	12.7	13.4	14.1	11.3
Stall depth	D	19.8	20.2	20.5	17
Drive/aisle width	E	13	12	11	13
Island width	F	33.2	33.6	33.9	28.3
<b>0 Degree Parking</b>					
Stall width	A	8.5	-	-	Not permitted
Stall length	B	23	-	-	
Drive/aisle width	C	13/24	-	-	







### 3. Compact Spaces

- a. Parking lots with 20 spaces or more may include up to 20 percent of the spaces as compact spaces.
- b. Each compact stall shall be identified with a sign reading, "Small cars only."

### 4. Tandem Spaces

Required parking may be provided in tandem spaces to accommodate two vehicles parked end-to-end, including garage space, under the following circumstances:

- a. Row house: tandem parking is permitted by right;
- b. Multi-unit dwelling: Units with more than one parking space may have tandem parking provided that both tandem spaces are clearly assigned to a specific dwelling unit through:
  - (i) Connection of the tandem spaces to a garage or carport of that unit, or
  - (ii) Signage limiting use to the exclusive use of that unit.
- c. Nonresidential uses: tandem parking may be used to provide parking for:
  - (i) Employees where signage limits the use of such spaces to employee parking, or
  - (ii) Customers or visitors where an attendant will be on hand during all hours of business operation to assist in the parking and removal of vehicles in spaces not adjacent to a public street or driveway.

## J. Parking Location

### 1. Parking Location – Single Unit and Two Unit Uses

Parking spaces provided for single unit or two unit uses shall be located on the same lot as the primary use served in an attached or detached garage or carport or on an approved hard-surfaced driveway.

### 2. Parking Location – All Other Development

Parking spaces provided for all development except single unit and two unit uses shall meet one or more of the following location criteria:

#### a. On-Site Parking

Parking shall be located on the same lot as the primary use for which the parking is provided.



**b. Off-Site Parking**

Parking may be located on a different lot than the primary use for which parking is provided, subject to compliance with the following standards:

- (i) Off-site parking lots shall be located within 500 linear feet of the lot line of the subject property. This distance shall not apply if a remote parking shuttle bus service is provided.
- (ii) Off-site spaces shall be under the same possession as the property served. Such possession shall be either by deed, lease, or a shared parking agreement for the duration of the use served and filed with the Linn County Recorder. The deed, lease or shared access agreement shall require the owner, or his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served.
- (iii) Properties served by off-site parking shall have a written, legal access right to those spaces.

**c. On-Street Parking in Urban Parking Contexts**

On-street parking spaces adjacent to the property served may be counted towards the number of required spaces subject to the following:

- (i) Marked spaces shall be counted if:
  - (A) 50 percent or more of the stall length of a parallel space is adjacent to the property served; or
  - (B) 50 percent or more of the stall width of perpendicular or angled parking is adjacent to the property served.
- (ii) Unmarked parallel spaces shall be determined by dividing the total curb length adjacent to the property served where parking is permitted by 23 feet.
- (iii) Unmarked perpendicular or angled parking, short-term loading spaces, and reserved parking spaces as required in urban parking contexts shall not count as meeting the required amount of parking.

### 3. Siting of Parking – Yards and Setbacks

Parking shall be sited according to Table 32.04.02-9. Surface parking shall be permitted in yards as outlined in Table 32.04.02-9. Surface parking and parking structures shall meet the parking setbacks outlined in Table 32.04.02-9.

**Table 32.04.02-9: Permitted Parking Location On-Site**

Zone District	Yard (Side of Structure)			Parking Setback [1]		
	Front	Street Side	Interior Side	Rear	Required	Alternate
<b>-- = Not Permitted; P= Permitted</b>						
A-XX Districts	--	P	P	P	30	15
S-RLL, S-RL1, S-RL2, S-RLF, S-RM1, S-RMF, T-R1, T-RF, T-RH	--	P	P	P	25	15
T-ML, T-MC, T-IM	--	--	P	P	15	5
S-MC	P	P	P	P	15	5
S-MR	P	P	P	P	15	10
U-xx Districts	--	--	P	P	25	15
I-xx Districts	P	P	P	P	25	15
P-xx Districts				[Note 2]		
PUD				[Note 3]		

**Notes:**

- [1] When located on an interior (non-corner) lot, or at least 60 feet from a corner, the alternative distance may be used where a 4-foot street or garden wall is constructed with canopy trees planted on 25-foot centers, between the wall and the setback line.
- [2] There is no yard or parking setback requirements in public districts. To the maximum extent possible, parking locations shall match adjacent development, as determined by the Development Services Director.
- [3] Parking for PUD districts shall match the requirements for the T-ML district unless otherwise established by the PUD.

### 4. Exceptions to Parking Lot Location

Exceptions to the requirements of Table 32.04.02-9 shall only be granted as follows:

- a. The Required Parking Setback shall not be modified by Major Design Exception, as it would circumvent the intent of the Alternative Parking Setback. Exceptions to the Alternative Parking Setback may be considered as allowed by Sec. 32.04.05, Site and Structure Standards.
- b. Within Urban districts, the Alternative Parking Setback shall be reduced to 5 feet for parking lots that meet the following requirements:
  - (i) The parking lot is only accessed by an alley;
  - (ii) The parking lot is located on a corner lot, and the lot width, as measured along the rear lot line, is equal to or less than 60 feet;
  - (iii) The number of parking spaces provided would not exceed the maximum surface parking requirements of this section 32.04.02.G;
  - (iv) Parking spaces are located 60 or more feet from the street corner; and
  - (v) A minimum 4 foot high street or garden wall is provided along the edge of the parking lot.

- c. Where front yard or street-side yard parking is prohibited in a Suburban or Traditional district, exceptions may be approved as follows:
- (i) By Minor Design Adjustment: a single bay of parking, consisting of a single drive aisle and parking on either side, may be granted within a front or street-side yard where:
    - (A) There is no alley access or existing driveway that would accommodate parking to the rear or side of the primary structure;
    - (B) Front yard parking is consistent with any adopted plan.
    - (C) For corner lots, the parking is provided within the street-side yard only.
    - (D) At least two of the following are met:
      - (1) No on-street parking is available adjacent to the site;
      - (2) The proposed parking would share an access with or directly connect to an adjacent parking lot, improving overall circulation and access;
      - (3) Front yard parking is provided by a majority of similarly zoned developments within 300 feet;
      - (4) The adjustment is necessary to avoid significant topography or terrain constraints that would make it uniquely infeasible to provide rear or side yard parking, such as steep slopes, wetlands, or placement of a primary structure in a flood plain.
  - (ii) By Major Design Exception: a single bay of parking, or additional parking not exceeding 50 percent of the required minimum, may be granted within the front or street-side yard subject to the criteria for approval criteria for a Major Design Exception and the following:
    - (A) There is no alley access or practical difficulties or significant negative impacts with providing alley access.
    - (B) Front yard parking is typical for similar uses within the neighborhood or corridor.
    - (C) Parking spaces are not located within 60 feet of a street corner.

## K. Access and Circulation

### 1. Site Access

- a. Site access shall be from a street, frontage road, alley, or vehicle access easement, as permitted by Table 32.04.02-10.
- b. All points of access, including driveways, stacking lane entrances, shall:
  - (i) Comply with the Design Standards Manual and Complete Streets Policy.
  - (ii) Be designed in a manner that will least interfere with traffic movement.
  - (iii) Access points on a corner site shall be located as far as possible from the abutting street intersection.

**Table 32.04.02-10: Site Access**

-- = Not Permitted; P= Permitted				
District	Alley Access	Frontage Road Access if an Alley is not Present	Street Access if an Alley is not Present	Street Access
Agricultural (A-xx)	P	P	P	P
Urban (U-xx)	P	--	P [1]	--
Traditional (T-xx)	P	--	P [1]	-- [2]
Suburban (S-xx)	P	P	P	P
Industrial (I-xx)	P	P	P	P
Public (P-xx)	Shall match the requirements for adjacent development as determined by Development Services			
<b>Notes:</b>				
[1] For corner lots, access shall be located on the secondary street, as determined by Development Services. Exceptions may be granted by Major Design Exception.				
[2] Street access may be granted for parcels which qualify for an exception to parking lot location per Sec. 32.04.02.J.4.				

### 2. Vehicle Maneuvering

Parking areas shall be designed to enable:

- a. Access to and egress from each parking space shall be from a drive aisle or driveway with no more than a two-movement maneuver by a vehicle parking there.
- b. All vehicle maneuvers shall occur on private property and not in the public right-of-way, alley, or walkways. An exception for head-in or parallel parking adjacent to an alley may be granted by Minor Design Adjustment subject to approval by Public Works.
- c. Vehicles to access and egress a parking space without moving another vehicle except where tandem parking is permitted per Sec. 32.04.02.I.4.
- d. Parking areas with controlled access shall be designed to accommodate queuing of vehicle on private property and not in the public right-of-way.

## **L. Surface Parking Design Standards**

### **1. Applicability**

The following design standards shall apply in all zone districts to any surface parking area, including parking spaces, drives, aisles, turnarounds, and loading areas.

### **2. Drainage**

Drainage of surface parking areas is subject to the approval of the City Engineer.

### **3. Surface Materials**

- a. All surface parking areas shall be hard surfaced and maintained to provide a durable pavement surface free of dust, weeds, and standing water.
- b. Permitted hard-surface materials include:
  - (i) Permeable or porous surfaces, as approved by the zoning administrator;
  - (ii) Portland concrete
  - (iii) Hot mix asphalt
  - (iv) A comparable surface, as approved by the zoning administrator.
- c. The following materials are prohibited:
  - (i) Sealcoat
  - (ii) Gravel, and
  - (iii) Dirt or grass.
- d. Permeable or porous surfaces designed to help mitigate stormwater runoff are encouraged for surface parking areas.

### **4. Screening and Landscaping**

All parking areas containing more than four parking spaces shall be landscaped and screened as required by Sec. 32.04.06, Landscaping.

### **5. Lighting**

Exterior lighting shall comply with Sec. 32.04.07, Lighting.

### **6. Protection of Landscaping and Pedestrian Areas**

- a. Parking spaces shall be provided with wheel guards, bumper guards, or continuous curbing located so that no part of parked vehicles will extend beyond the property line and to prevent vehicles from damaging required landscaping, buffering, or screening.
- b. Parking lots shall be designed to prevent any part of a parked vehicle from extending into any pedestrian or bicycle facility.
- c. Parking barriers shall be installed at all locations that are adjacent to public property, so that vehicles will not obstruct public property. A vehicle may overhang parking barriers two feet.

**7. Markings**

- a. All parking areas shall be follow the Manual on Uniform Traffic Control Devices (MUTCD) for all markings and signage.
- b. Surface parking areas of three or more automobiles shall have individual spaces marked.
- c. All stall lines shall be a minimum of four inches in width and painted white.

**M. Drive-Through Design**

**1. Required Stacking Spaces**

Any parking area that provides access to or from a drive-in or drive-through use on the same property or an adjacent property shall contain adequate space to allow a minimum of the following:

**Table 32.04.02-11: Stacking Space Requirements**

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution	3	Teller or Window
Retail, ATM	2	Window or ATM Display
Restaurant, Fast Serve	5	Pick-Up Window
Coffee Shop	6, min. 4 between menu board and window	Pick-up Window
School Drop-Off (non-preschool)	6	Drop-Off Zone
Full Service Vehicle Washing Establishment	6	Outside of Washing Bay
Self-Service or Automated Vehicle Washing Establishment	2	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the development services director	

**2. Stacking Space and Lane Requirements**

- a. Drive-through stacking lanes shall have a minimum width of eight feet and length of 20 feet.
- b. The first position in a drive through station, located at the window, is counted as a stacking space.
- c. When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
- d. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.
- e. Stacking lanes shall comply with the applicable setback distance from rights-of-way.
- f. The location and design of required stacking spaces shall not:
  - (i) Encroach into the right-of-way, public streets and alleys; and
  - (ii) Obstruct any required parking space, loading space, or the driving aisles required to access any required parking or loading space.
- g. The entrance to a stacking lane shall be located so as to avoid conflicting with the street access.

- h. Pedestrian/barrier-free access to building entrances shall provide direct pedestrian links to main parking areas and public sidewalks that do not pass through a stacking lane.

**N. Loading Spaces**

**1. Applicability**

Loading requirements shall apply to all non-residential uses in the General Parking Context. Loading spaces are not required within the urban parking context.

**2. Required Number of Spaces**

**Table 32.04.02-12: Loading Spaces**

Land Use	Gross Floor Area		Number of Loading Spaces	
	Short-Term		Long-Term	
Retail and Storage Primary Uses	0-15,000 SF		0	
	15,001-50,000 SF		1	
	50,001-200,000 SF		2	
	200,001-350,000 SF		3	
	350,001 SF or more		4	
All Other Primary Uses	0-25,000 SF		0	
	25,001-250,000 SF		1	
	250,001-500,000 SF		2	
	500,001-750,000 SF		3	
	750,001 SF or more		4	

**3. Location**

- a. Loading spaces shall be located to comply with the siting standards in Sec. 32.04.02.J on the same lot as the use served.
- b. Loading spaces shall be located 30 feet from the nearest point of intersection of any two streets.

**4. Dimensions**

A loading space shall be at least 12 feet in width by at least 35 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.

**5. Access**

Each on-site loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement, shall not be designed so as to require trucks using the loading space to back up onto any public street, and shall meet standard Traffic Engineering Department specifications. All driveways servicing loading spaces shall be in accordance with applicable city standards.

**6. Screening**

All on-site loading spaces that are within or abut a residence district or intervening alley shall be completely screened from the adjacent residential lot by building walls or by a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height.

## 7. Utilization

Space allocated to any loading use shall not be used to satisfy the number of required motor vehicle parking spaces.

## O. Parking, Keeping, and Storage of Motor Vehicles

### 1. Use

- a. Motor vehicle parking provided for under this code shall be solely for the purpose of:
  - (i) Parking of passenger motor vehicles of patrons, occupants, visitors, or employees of such uses, or
  - (ii) A temporary use specifically permitted on surface parking lots.
- b. No such vehicles or equipment shall be used for living, sleeping, or housekeeping purposes while so parked or stored.

### 2. Inoperable Vehicles

#### a. Applicability

The following standards shall apply to the parking and storage of inoperable vehicles in all districts, except for vehicle repair uses and refuse uses.

#### b. Permitted location

Inoperable vehicles and vehicular component parts shall be permitted to be parked or stored within an enclosed lawful structure.

### 3. Buses, Trailers, and Recreation Vehicles

#### a. Applicability

The following standards shall apply to the parking and storage of vehicles including, but not limited to buses, trailers, recreation vehicles, campers, boats, or similar vehicles or equipment, on attached or detached single-unit and two-unit developments in residential districts.

#### b. Permitted Vehicles

Any vehicle stored on a residential lot shall be operable and licensed to the occupant or land owner. No more than one vehicle permitted under this section may be related to a home occupation, live-work use, or other business use.

#### c. Permitted Location

- (i) The vehicles listed in this subsection shall be permitted to be parked or stored on a hard surface only in one of the following locations:
  - (A) Within an enclosed lawful structure;
  - (B) Interior side yard behind the street-facing front facade; or
  - (C) Rear yard.
- (ii) Temporary access to a vehicle shall be permitted in the front yard on a hard-surfaced area for a period of no more than 24 consecutive hours.



**d. Screening**

If three or more vehicles are stored on a lot, they shall be screened by a wall, fence, or densely planted compact hedge, not less than five and one-half feet in height.

**4. Large Vehicles, Equipment, and Machinery, or other Specialized Vehicles****a. Applicability**

The following standards shall apply to the parking and storage of vehicles on residential lots in residential districts.

**b. Vehicle Types**

The standards in this subsection shall apply to the following vehicles, equipment, and machinery:

- (i) Equipment, vehicles, and machinery used for farming, construction, or repair and maintenance;
- (ii) Stake body trucks;
- (iii) Cube or box vans;
- (iv) Backhoes;
- (v) Semi-truck or tractor truck, including cabs and trailers;
- (vi) Stock cars and race cars; and
- (vii) Other similar specialized vehicles, as determined by the zoning administrator.

**c. Permitted Location**

Vehicles, equipment and machinery outlined in this subsection shall be:

- (i) Located within an enclosed lawful structure, or
- (ii) In temporary use to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities. Vehicles, equipment, machinery, or materials in temporary use shall, upon completion of said activity, be promptly removed from the lot or stored in an enclosed structure.

**P. Bicycle Parking**

**1. Number of Bicycle Parking Spaces**

- a. Bicycle parking spaces shall be provided in accordance with Table 32.04.02-13.

**Table 32.04.02-13: Bicycle Parking Standards**

Land Use	Minimum Number of Parking Spaces Required	
	Short-Term (as defined in Sec. 32.04.02.P.4.a)	Long-Term (as defined in Sec. 32.04.02.P.4.b)
Household Living Residential	1 per 10 units	1 per 2 units
Group Living Residential	1 per 20 bedrooms	1 per 4 bedrooms
Office	1 per 4,000 SF GFA	1 per 12,000 SF GFA
Commercial Sales and Service (retail, bars, etc.)	1 per 2,000 SF GFA	1 per 12,000 SF GFA
Community Use (non-utility)	1 per 6,000 SF GFA	1 per each 10 employees
Schools	1 per 2 classrooms	1 per 4 classrooms
Assembly, Entertainment & Spectator	1 per 50 seats	1 per each 20 employees
All Other Uses	Encouraged	Encouraged

- b. When calculating the number of required bicycle parking spaces, areas to be used to provide bicycle parking may be excluded.

c. Exemptions

Certain residential units may be considered “bike accessible” and therefore exempted from calculations for short-term or long-term parking requirements, as follows:

- (i) Short-term and long-term bicycle parking shall not be required for parcels developed as single unit attached or detached, or two unit uses.
- (ii) Residential units that meet one of the following may be exempted from the calculation for the number of required long-term bicycle parking spaces:
  - (A) Units located on the ground floor or an elevator-accessible floor that permit bicycles to be stored in-unit and provide a space for bicycle storage near the entrance to the unit; or
  - (B) Units that have access to a private ground floor or elevator accessible storage locker which provides adequate space for and is intended to be used for bicycle storage; or
  - (C) Units that have access to a private individual or shared garage with adequate space to provide for secure bicycle storage in addition to a motor vehicle parking space.

**b. Reductions**

The Development Services Manager may reduce bicycle parking requirements for uses which it is expected that at least half of the users of the site, whether residents, employees or those seeking services, are disabled or have mobility limitations. Any reduction shall be based on the percentage of all users with mobility limitations.

**2. General Bike Parking Standards**

**a. Bicycle Parking in the Public Right-of-Way**

- (i) Bicycle parking may be located in the public right-of-way only if approved and permitted by the public works department.

- (ii) City council may adopt design standards or a standard bike rack for short-term parking in the right of way or visible from the right of way. Such standards may apply either citywide or for defined areas of the city.

#### **b. Bicycle Parking Space Design**

Bicycle parking spaces shall be:

- (i) Accessible without moving another bicycle;
- (ii) Provided with an aisle measured perpendicular to one side of the bicycle parking space to allow for access and maneuvering. Aisle widths are listed in Table 32.04.02-14;
- (iii) Connected to an ADA accessible sidewalk or corridor;
- (iv) Hard surfaced;
- (v) Illuminated if accessible to users after dark; and
- (vi) Located so they do not interfere with pedestrian or motor vehicle traffic.

#### **c. Long-term and Sheltered Bicycle Parking**

Long-term and sheltered bicycle parking shall meet the following standards:

- (i) Located inside buildings, a secured and enclosed area under roof overhangs or awning, or in bicycle lockers;
- (ii) Permanent;
- (iii) Designed to protect from rainfall;
- (iv) Provide at least seven feet of clear space above the floor or ground.

#### **d. Distance from Main Entrance to Bike Facilities**

- (i) When multiple entrances are provided, bicycle parking may be distributed proportionately between entrances.
- (ii) When multiple buildings are located on a site, bicycle parking shall be distributed based on bicycle parking required per building.

### **3. Bicycle Fixture Types**

- a. The following bicycle racks are permitted: inverted u, inverted u series, post and ring, secured wheel well, tree-guard, modified coat hanger, two-tier, double decker, and wall-mounted racks.
- b. The following bicycle racks are not permitted to meet bicycle parking standards: undulating, spiral, schoolyard grid or comb, wheel well, and coat hanger racks.
- c. Bicycle racks shall:



- (i) Support the bicycle in at least two places, preventing it from falling down;
  - (ii) Allow locking of the frame and one or both wheels with a U-lock;
  - (iii) Be securely anchored to the ground; and
  - (iv) Resist cutting, rusting, bending or deformation.
- d. Bicycle lockers shall:
- (i) Fully enclose the bicycle;
  - (ii) Provide weather protection;
  - (iii) Be securely anchored to the ground;
  - (iv) Contain a wheel track in upper lockers to guide the bicycle into the locker; and
  - (v) Resist tampering and vandalism.



Fig. 32.04.02-A: Inverted u (above) and post and ring (below) bike fixtures

#### 4. Bicycle Parking Dimensions

Table 32.04.02-14: Bicycle Parking Dimensions

Standard	Minimum Distance (feet)
<b>Ground-Mounted Bicycle Racks</b>	
Parking space width	2
Parking space length	6
Distance between single capacity racks	2
Distance between double capacity racks	3
Aisle width perpendicular to racks	5
Distance from parking space to obstructions (walls, doors, columns, curbs and trees)	2
<b>Wall-Mounted Bicycle Racks</b>	
Parking space width	2
Parking space length (measured perpendicular to wall)	5
Distance between parallel racks	2
Distance between staggered racks	1.5
Aisle width perpendicular to racks	6
Parking space distance from obstructions, including walls, doors, columns, curbs, walkways.	2
<b>Bicycle Lockers</b>	
Aisle width perpendicular to locker door	7

##### a. Short-Term Bicycle Parking

Short-term bicycle parking is intended for visitors, customers, those seeking services, and other users of a site who may park for two hours or less. Short-term parking shall be:

- (i) Bicycle racks located in a contiguous area where the closest point is no more than 50 feet from a main building entrance;
- (ii) Located in convenient, visible, well-lit areas with easy access to a main entrance; and
- (iii) Along the desired travel path from adjacent bike paths.

**b. Long-Term Bicycle Parking**

Long-term bicycle parking is intended for residents, employees or other users of a site who may park for two hours or more. Long-term parking shall be:

- (i) Located in a sheltered storage facility that provides weather protection, such as bicycle lockers, or bicycle racks located in cages or bicycle rooms;
- (ii) Located no more than 300 feet to its closet point from a main building entrance;
- (iii) Identified via effective guide signage;
- (iv) Secure with access-controlled lockers, cages, and bicycle rooms or monitored by security while in use by providing:
  - (A) Access control with keyed locks, self-locks, smartcards, keycards, or code access; or
  - (B) Monitoring indoor facilities with video surveillance cameras or security guards.
- (v) Accessible at all times for users of the site as follows:
  - (A) For residential uses, the parking shall be accessible to residents 24 hours a day.
  - (B) For employment uses, the parking shall be accessible to employees at all times employees are permitted on the site.
  - (C) For other uses, the parking shall be accessible at all times when the building is open to general public.

## Section 32.04 Development Standards

### 32.04.03. Mobility and Connectivity

- A. Purpose .....150
- B. Circulation Plan.....150
- C. Traffic Impact Evaluation and Mitigation .....151
- B. Internal Connectivity.....156

#### A. Purpose

The purpose of this section is to:

1. Support the creation of a highly connected transportation system within Cedar Rapids in order to provide choices for drivers, cyclists, and pedestrians;
2. Increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, shopping, and entertainment;
3. Reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times;
4. Mitigate the traffic impacts of new development, and free up arterial capacity to better serve local and regional travel needs; and
5. Avoid the creation of large, disconnected tracts without routes for through traffic or pedestrian and bicycle connections.

#### B. Circulation Plan

Except for development in urban and traditional design areas with existing street systems and pedestrian/bicycle facilities and new residential developments with fewer than three dwellings, all new developments and redevelopment shall require a circulation plan or diagram as part of the site development plan review.

1. The circulation plan may be conceptual in nature or incorporated into other site plan exhibits and shall illustrate the movements of all modes of transportation into and through the site.
2. The circulation plan shall address street, pedestrian, and bicycle connectivity; emergency and service vehicle access; parking ingress and egress; accommodation of loading operations; turning radii; traffic calming measures where future “cut-through” traffic is likely; application of the City’s complete streets policy; and similar circulation issues.
3. The circulation plan shall identify how bicycle and pedestrian paths shall connect to existing facilities on adjoining parcels and/or to paths, trails, and routes as shown on the Comprehensive Trails Plan.

## C. Traffic Impact Evaluation and Mitigation

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Impact Analysis (TIA), that should consider the following factors: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety.

### 1. Applicability of Traffic Impact Analysis Requirement

- a. When required by this section, preparation of a TIA shall be done at the applicant's cost. The work shall be done by an engineering firm approved by the City.
- b. A TIA shall be required with applications for development review and approval when:
  - (i) Trip generation is expected to exceed 100 trips during any one-hour peak period, based on traffic generation estimates of the Institute of Transportation Engineers' Trip Generation Manual (or any successor publication);
  - (ii) There are current traffic problems or issues in the project area such as high traffic accident frequency; or
  - (iii) A TIA is required by the City Planning Commission or City Council as a condition of any land use application.
- c. The Development Services Manager may require a TIA for:
  - (i) Any application for a rezoning that involves an intersection traffic control modification;
  - (ii) Sites where proposed entrances and exits are too close to an intersection;
  - (iii) Site where there are potential negative impacts on pedestrian or bicycle movement or public safety issues;
  - (iv) Any case where the previous TIA for the property is more than five years old;
  - (v) Any case where increased land use intensity will result in increased traffic generation per the Traffic Impact Analysis Categories in Table 32.04.03-1, below; or
  - (vi) Any case in which the Development Services Manager determines that a TIA should be required after consultation with the Public Works Department because of other transportation concerns that may be affected by the proposed development.

**Table 32.04.03-1 Traffic Impact Analysis Categories**

Analysis Category	Development Characteristic	Study Horizons	Minimum Study Area
I	Traffic Impact Statement Less than 100 peak hour trips	<ul style="list-style-type: none"> <li>▪ Opening year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Site access drives</li> <li>▪ Any existing driveways or intersections in the vicinity</li> </ul>
II	TIA Small Development 100-200 peak hour trips	<ul style="list-style-type: none"> <li>▪ Opening year</li> <li>▪ 5 year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Site access drives</li> <li>▪ All major intersections within 1/4 mile of the study site, either signalized or unsignalized</li> <li>▪ All driveways/intersections where traffic movements could be affected by new driveway traffic movements</li> <li>▪ Additional locations as requested</li> </ul>
III	TIA Moderate Development 200-300 peak hour trips	<ul style="list-style-type: none"> <li>▪ Opening year</li> <li>▪ 10 year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Site access drives</li> <li>▪ All major intersections within 1/4 mile, either signalized or unsignalized</li> <li>▪ All driveways/intersections where traffic movements could be affected by new driveway traffic movements</li> <li>▪ Additional locations as requested</li> </ul>
IV	TIA Large Development 300-500 peak hour trips	<ul style="list-style-type: none"> <li>▪ Opening year</li> <li>▪ 10 year</li> <li>▪ 20 year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Site access drives</li> <li>▪ All major intersections within 1/2 mile, either signalized or unsignalized</li> <li>▪ All driveways/intersections where traffic movements could be affected by new driveway traffic movements</li> <li>▪ Additional locations as requested</li> </ul>
V	TIA Regional Development >500 plus peak hour trips	<ul style="list-style-type: none"> <li>▪ Opening year</li> <li>▪ 10 year</li> <li>▪ 20 year</li> </ul>	<ul style="list-style-type: none"> <li>▪ Site access drives</li> <li>▪ All signalized intersections and major street intersections without signal control within 1 mile,</li> <li>▪ All driveways/intersections where traffic movements could be affected by new driveway traffic movements</li> <li>▪ Additional locations as requested</li> </ul>

- d. For developments that are not projected to exceed the 100 trips during any one-hour peak period threshold, a letter describing the project and documenting its trip generation potential will be required. The letter shall be prepared by a licensed professional engineer.

**2. Traffic Impact Analysis and Development Review Process**

- a. A scoping meeting, either in person or via electronic communication, between the applicant, Development Services, and the Traffic Engineering Division shall be required prior to the start of the TIA in order to determine the parameters of the study. This may be conducted as part of a pre-application meeting.
- b. The TIA study shall be defined for as limited a vicinity as is feasible to make adequate traffic determinations for the project.
- c. Where a larger boundary is necessary to make adequate traffic determinations, the City shall work with the applicant to provide traffic information as is necessary to study the area outside of the project vicinity.
- d. When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies may be required when a site plan becomes available or the access points are defined.



- e. Cedar Rapids Transit shall be consulted when development adjacent to a bus route requires a TIA.
- f. The TIA shall be submitted with the applicable development application at the preliminary stage.
- g. The Traffic Engineering Manager or designee shall review the TIA and identify any required revisions.
- h. Verification by Traffic Engineering Manager or his designee is required as part of the City’s approval of the final TIA report.

### 3. Traffic Mitigation Measures

- a. The TIA shall recommend measures to reduce and mitigate traffic safety and capacity concerns anticipated from the development site. Mitigation measures may include:
  - (i) Access management – location, number and layout of entrances to limit direct access to major roadways, reduce conflict points, and preserve functional area of intersections. Use of non-traversable medians to manage turning movements.
  - (ii) Geometric improvements to streets and intersections such as turn lanes, intersection radii, and roundabouts.
  - (iii) Sight distance improvements to the street and Rights-of-Way.
  - (iv) Improve pedestrian, bicycle, and transit facilities.
  - (v) Intersection traffic control modifications, including roundabouts, adding or removing traffic signals to intersections or upgrade existing signalized intersections and constructing limited access intersections.
- b. The scope and schedule to complete traffic mitigation and responsibilities for funding and constructing the improvements will be formally detailed as part of a project approval, such as by ordinance, resolution, development agreement, petition and assessment agreement, or acceptance of conditions.

## 32.04.04. Mobility

The following standards are designed to improve walking and cycling opportunities, offer a variety of mobility choices, reduce the number of daily trips by single occupancy vehicles, and preserve the capacity of existing roadways. Consideration shall be given to bicycle and pedestrian ways, and paths, and these mobility options shall be included in site master planning.

### 1. Sidewalks

- a. Sidewalks Required
  - (i) Sidewalks shall be installed on both sides of all streets (including loop streets and cul-de-sacs) pursuant to the City’s sidewalk installation policy. Construction deferral shall be subject to the same policy.
  - (ii) The placement of street furniture and other decorative or functional items on the sidewalk shall not narrow the sidewalk at any point to less than five feet wide.
  - (iii) Installation of sidewalk shall be provided for in a timeframe as close as feasible to the completion of roadways and other public improvements. The City’s sidewalk installation policy may permit a reasonable delay in installation for undeveloped and newly platted parcels to allow sidewalk installation to occur at the end of construction. Such delay shall only apply to the frontage or

portion of frontage where access shall be granted or construction traffic is anticipated. All other frontages, in particular along streets classified as collectors or higher or entrances into a development, shall occur as soon as feasible.

- b. New development should include provisions for the common maintenance and snow removal of sidewalks along double fronted parcels at the perimeter of a development or other common sidewalks that serve to provide access to the community as a whole.

## 2. Mid-Block Pedestrian Connections

All new or newly extended streets with length greater than 600 feet between the centerlines of the nearest pair of intersections shall have a mid-block pedestrian connection with accessible pedestrian ramps on both sides of the street.

- a. Mid-block pedestrian connections shall:
  - (i) Be located approximately equidistant from either intersection in the pair;
  - (ii) Be located along property boundaries wherever possible;
  - (iii) Be located at least 25 feet from the nearest driveway curb-cut;
  - (iv) Contain a minimum of a 20-foot easement width, such easement to be dedicated for public pedestrian access, and minimum-width improved travel surface of five feet. At a minimum, the connection surface shall be striped. Connections may be improved with patterned pavement and shall be designed with a center pedestrian refuge (e.g., accessible median or island) if located on streets with collector or above status or when located on wide, two-way streets with four or more lanes and high traffic volumes, high travel speeds, and large pedestrian volume;
  - (v) Connect at both ends to either: (i) a public sidewalk or similar pedestrian feature; or (ii) another public off-street pedestrian pathway;
  - (vi) Not conflict with utility structures, manhole covers, and storm sewer grates.
- b. The mid-block crossing may be waived by Development Services in consultation with the Traffic Engineering Manager or his designee where:
  - (i) The ADT is lower than 1,000 vehicles per day,
  - (ii) Pedestrian safety concerns exist from diminished sight lines or other physical constraints: or
  - (iii) The crossing would encroach on a significant natural feature (e.g., stream channel, wetland, steep slope).



Figure 32.04.03-A: Mid-block connection example.

### 3. Public Transportation

Provision of bus pads, turn-outs, or shelters is required where deemed necessary by Development Services in consultation with Cedar Rapids Transit pursuant to the following standards:

- a. Where shelters are provided they shall be installed outside of the sidewalk area. Required turnouts may encroach into the perimeter landscape area.
- b. A concrete bus pad linked to the sidewalk shall be provided for any existing bus stop that does not already have a pad.

### 4. Bicycle and Pedestrian Connections

- a. Provisions shall be made in all new developments to encourage the use of bicycle and pedestrian travel through the integration of bicycle and pedestrian paths, trails and/or bicycle lanes that connect to parks, open spaces, schools, public transit, and shopping areas. Within new residential subdivisions, bicycle and pedestrian paths, trails, and/or bicycle lanes shall also connect to collector and minor arterial streets.
- b. Easements and/or rights-of-way shall be provided for bicycle/pedestrian paths/trails between and within developments as necessary to provide pedestrian and bicycle linkages between developments, unless the applicant can demonstrate that to do so would be infeasible based on topography or constraints posed by the site layout of pre-existing development.
- c. A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the each of the following connections:
  - (i) Entrances to each building on the site, including pad site buildings;
  - (ii) Public sidewalks, walkways, paths, or trails on adjacent properties that extend to the boundaries shared with the subject development;
  - (iii) Public sidewalks along the perimeter streets adjacent to the development;
  - (iv) Adjacent public park, trail or other public or civic use; and
  - (v) Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.
- d. Internal pedestrian walkways shall be provided through surface parking areas in excess of 50 spaces. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.
- e. Pedestrian walkways that are provided through areas with paved or other impervious surfaces shall be constructed of materials distinguishable from the non-walkway surface through one of the following methods:
  - (i) Changing paving material, patterns, or paving color;
  - (ii) Changing paving height;
  - (iii) Decorative bollards;
  - (iv) Painted crosswalks;
  - (v) Raised median walkways with landscaped buffers; or
  - (vi) Stamped asphalt along asphalt streets only.

- f. Bicycle paths and lanes required by this Code shall be provided and designed in accordance with the City's currently adopted standards and specifications.
- g. Bicycle and pedestrian facilities located within private communities shall be maintained by the private community through a homeowner's association or other method as approved by the City.

## 5. Trail Linkages

- a. All development, either at the time of platting or during site plan approval, shall be required to demonstrate that the design of the proposed development includes open space and trail linkages pursuant to the Cedar Rapids Comprehensive Trails Plan.
- b. Trails shall be constructed at the time of development in accordance with City Policy.

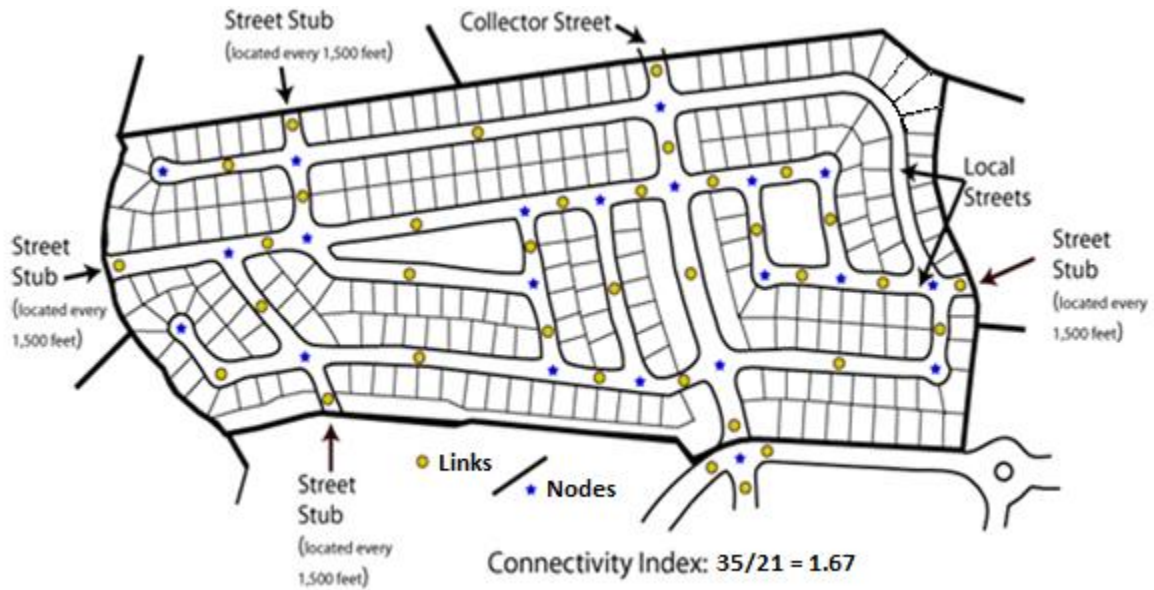
## B. Internal Connectivity

### 1. Urban (U-xx) and Traditional (T-xx) Design Areas Internal Connectivity: Grid Pattern

- a. In general, blocks shall have sides greater than 240 feet and less than 600 feet. The typical City block length of 300 feet shall be the design standard where feasible. New or reconfigured blocks shall not have a perimeter greater than 1,800 feet. Exceptions to block dimensional standards may be granted as follows:
  - (i) The Development Services Manager may waive the requirement for projects where critical natural features, the riverfront, parks, railroads, high access controls, existing development lacking street connections, or other unique topographical challenges prevents the creation of conforming blocks.
  - (ii) The block dimensional standards shall not apply in the U-MF (Urban Medical Flex) district.
  - (iii) Other exceptions may be requested through Section 32.05.13, Major Design Exception.
- b. Street and block patterns shall include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes.
- c. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining neighborhoods.
- d. Within each development, the access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses.
- e. Local neighborhood street systems shall provide multiple direct connections to and between local destinations such as residential neighborhoods, parks, schools, and shopping.

### 2. Suburban (S-xx) Design Area Internal Connectivity: Connectivity Index

- a. Circulation plans prepared for all new development in suburban design areas (S-xx) and areas with topographic changes that hinder the development of a gridded street pattern shall maintain internal street connectivity through the use of a connectivity index, in accordance with the following standards.



**Figure 32.04.03-B: Connectivity Index**

This figure provides an example of how to calculate the connectivity index. In the diagram, there are 35 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.67 ( $35/21 = 1.67$ ). In addition, each side of the development includes at least one street stub or connection to the greater street system.

- b. All development shall achieve a connectivity index score in accordance with Table 32.04.03-2, Minimum Connectivity Index Score:

**Table 32.04.03-2: Minimum Connectivity Index Score**

Base Zone District	Minimum Index Score
Agricultural (A-xx), Industrial (I-xx) Public (P-xx)	None
Residential (S-Rx)	1.5
Mixed-Use (S-Mx)	1.65

- c. The connectivity index for a development shall be calculated by dividing its links by its nodes.
  - (i) Nodes (shown as stars in Figure 32.04.03-B) exist at street intersections and cul-de-sac heads within the development.
  - (ii) Links (shown as circles in Figure 32.04.03-B) are segments of road that connect nodes.
- d. For purposes of calculating the index for a development:
  - (i) One link beyond every node that exists in the development and provides access to the street network shall be included in the index calculation. Street stub-outs are considered as links.
  - (ii) Temporary dead-end streets internal to a development, gated streets, private streets in gated sections, or alleys shall not be counted as links.

- (iii) Temporary dead-end streets terminating at the perimeter of a development shall be counted as a link.
- e. A request to change the required connectivity index score may be made through Section 32.05.12, Minor Design Adjustments if the applicant demonstrates it is impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns.

### 3. Mixed-Use and Non-Residential Block Pattern

- a. Blocks shall generally be square or rectangular, but may vary in shape to protect to natural features or respond to site constraints.
- b. To the maximum extent feasible, streets and access lanes should be oriented to create block and lot configurations with their longest dimension along an east-west axis to facilitate the use of passive solar principles.
- c. Block length shall not exceed 600 feet except that blocks up to 800 feet in length are permitted if a mid-block pedestrian connection is provided.
  - (i) Larger block sizes may be approved in Industrial districts through Section 32.05.13, Major Design Exception.
  - (ii) A request to change the maximum block length may be made through Section 32.05.12, Minor Design Adjustments if the applicant demonstrates it is impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns.
- d. Blocks shall be measured from curb to curb, regardless of whether the street is public or private.
- e. New development and redevelopment shall establish a regular pattern of blocks to the extent feasible to avoid creating large “superblocks” that limit pedestrian, bicycle, and vehicular circulation.
- f. On large sites or where block consolidation is proposed as part of development or redevelopment (by right-of-way abandonment), pedestrian, bicycle, and vehicular circulation access to surrounding neighborhoods shall be maintained to the maximum extent feasible.

### 4. Residential Streets

- a. Residential streets shall be laid out so that use by through-traffic will be discouraged. Traffic-calming techniques such as diverters, neck-downs, street gardens, and curvilinear alignments to reduce speeds and cut-through traffic are encouraged.
- b. Should topography or other constraints require the use of streets that extend more than 600 feet without being punctuated by cross streets, an oblong median, traffic-calming device, or similar feature shall be used to slow traffic and break-up the “runway” appearance. Location, dimensions, and design of such features shall be coordinated with required mid-block pedestrian connections so as to maximize pedestrian safety.
- c. To the maximum extent practicable, streets shall be arranged to follow the natural contours of the site.
- d. Cul-de-Sacs and Dead-End Streets
  - (i) Permanent cul-de-sacs and dead-end streets should only be used when topography, the presence of natural features, and/or vehicular safety factors make a vehicular connection impractical.

- (ii) All permanent dead-end streets shall be developed as cul-de-sacs and extend no further than 600 feet.
- (iii) All cul-de-sacs shall conform to the requirements of the present adopted Cedar Rapids Fire Code or City adopted SUDAS standards as approved by the Fire Marshal or their designee.
- (iv) Whenever cul-de-sac streets are created, at least one ten-foot-wide pedestrian access easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway. See Figure 32.04.03-D: Pedestrian Accessways.

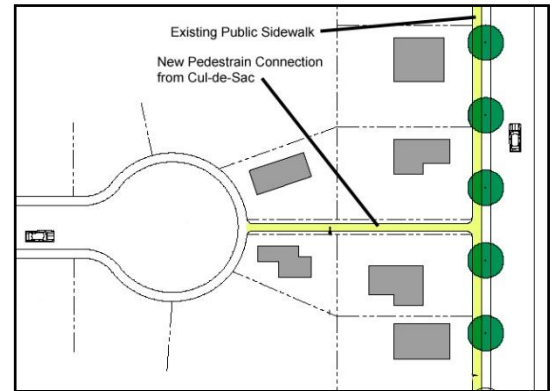


Figure 32.04.03-D: Pedestrian Accessways

**32.04.05. External Connectivity**

**1. Streets and Blocks**

In addition to the internal street connectivity requirements, circulation plans for all new development or redevelopment shall maintain external street connectivity in accordance with the following standards:

- a. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections. Traffic calming measures shall be integrated into the development to mitigate the impact of potential future “cut-through” traffic.
- b. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development in each direction (north, south, east, and west) in which development abuts vacant lands. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, highways with access control, railroads, floodplains, the river, wetlands, riparian buffers, slopes exceeding 20 percent, or other unique site conditions preventing a street connection in the opinion of the Development Services Manager. The minimum spacing for new external connections is as follows:
  - (i) Urban and Traditional design areas: at least every 600 feet.
  - (ii) Suburban design areas: at least every 800 feet.
- c. All development shall connect to any existing, abutting street stubs. Such connections shall be integrated into the proposed development and, where feasible, provide a means to connect to other adjacent development. The manner these connections shall be consistent with the proposed road classification and intended land use. Adjacent stub streets shall not be terminated in a cul-de-sac unless provided for as part of an adopted plan or constrained by topological features or existing development which makes further connections impossible.
- d. Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods. Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Zoning Administrator.

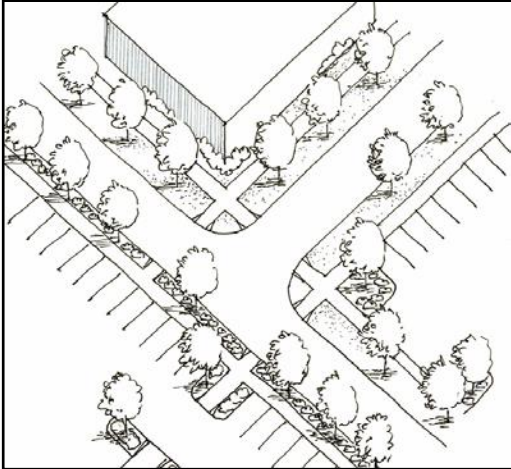


Figure 32.04.03-E: Sidewalk connections

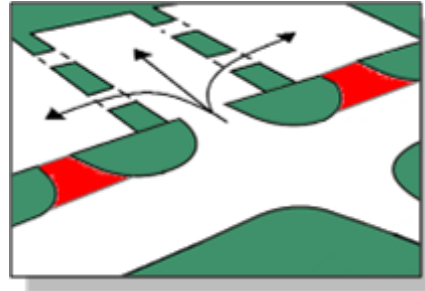


Fig. 32.04.03-F: Cross-access concept

## 2. Cross-Access between Adjacent Mixed-Use and Non-Residential Development

To encourage shared parking and shared access points on public streets, circulation plans prepared for all nonresidential and mixed-use development shall comply with the following standards:

- a. Internal vehicular circulation areas shall be designed to allow for cross-access with adjacent lots that have non-residential or mixed uses.
- b. A stub for future cross-access with a public access easement shall be provided from the vehicular use area to all adjacent vacant land designated for attached multi-unit residential, nonresidential, or mixed use.
- c. Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 24 feet or through two one-way aisles each with a minimum width of 12 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket. See Figure 32.04.03-G.



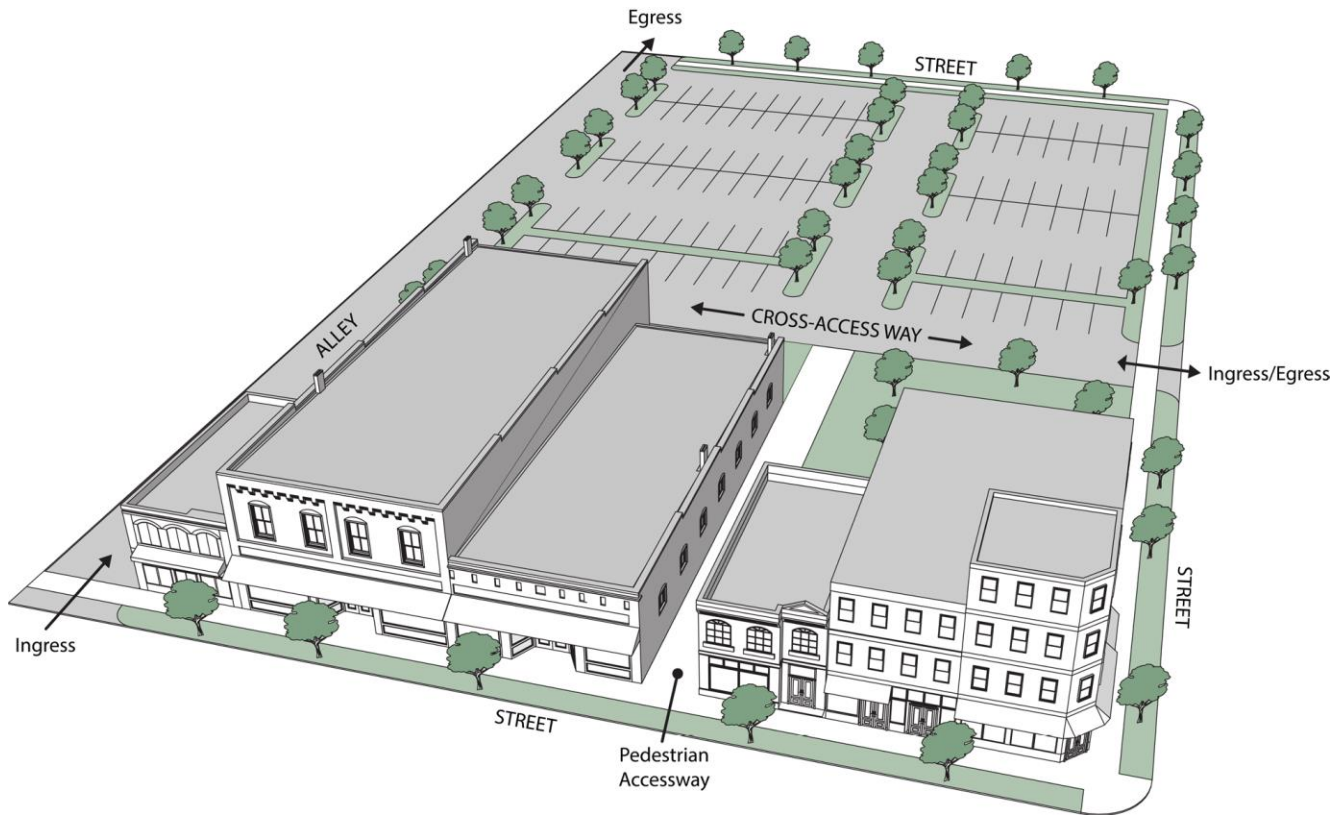


Fig. 32.04.03-G: Cross-access illustration

- d. When cross-access for vehicles is deemed impractical by the Development Services Manager on the basis of topography, the presence of natural features, vehicular safety factors, or other reasons, the requirement for cross-access may be waived if bicycle and pedestrian connections are provided between adjacent developments or land uses, either at the street frontage or internal within the site.
- e. Where cross-access is provided, a cross-access easement shall be recorded prior to issuance of a certificate of occupancy for any use on the site, unless otherwise approved by the Development Services Manager.

## Section 32.04 Development Standards

### 32.04.04 Alternative Energy Systems

- A. Alternative Energy Systems - General .....162
- B. Solar Array.....162
- C. Solar Collection Systems.....162
- D. Wind Energy Conversion System .....163
- E. Accessory Wind Energy Systems .....166
- F. Ground Source Heat Pump System.....166

#### A. Alternative Energy Systems - General

The purposes of these provisions relating to alternative energy systems are to:

1. Promote the use of wind, solar, ground source heat pumps and other alternative energy systems;
2. Provide opportunities for homeowners to save fuel costs;
3. Ensure that site elements do not excessively shade potential solar system locations;
4. Preserve access to wind for small wind energy systems;
5. Establish standards to encourage the use of ground source heat pumps; and
6. Ensure that alternative energy system are safe and compatible with surrounding developments.

#### B. Solar Array

All solar arrays shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning or subdivision ordinances, the provisions of this section shall take precedence.

1. A solar array shall not be located in the front yard or a street side yard between the principal structure and the public right-of-way except in public or industrial districts.
2. A solar array shall be located a minimum of six feet from all property lines and other structures.
3. An accessory solar array in any residential district shall not exceed one-half the footprint of the principal structure or 600 square feet, whichever is greater. The size of accessory arrays in mixed-use and non-residential districts shall not exceed one-half of the footprint of the principal structure.
4. There shall be no size limits on solar arrays as a primary use on a site in any industrial district. However, the maximum lot coverage of any solar array shall not exceed 80 percent.
5. A solar array shall not exceed 20 feet in height.

#### C. Solar Collection Systems

All small solar collection systems shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning or subdivision ordinances, the provisions of this section shall take precedence.

1. A solar collection system shall be located a minimum of five feet from all property lines and other structures, except the structure on which it is mounted.
2. A solar collection system shall not exceed by more than three feet the maximum height permitted in the zoning district in which it is located or shall not extend more than 12 inches above the roofline of the structure upon which it is mounted, whichever is less.
3. A solar collection system may be located on an accessory structure.
4. A development proposed to have a solar collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.

## **D. Wind Energy Conversion System**

### **1. Intent**

The purpose of this section is to provide regulations for the construction and operation of wind energy conversion systems over 20 feet tall subject to reasonable restrictions, which will preserve the public health and safety.

### **2. Location**

Wind energy conversion systems are allowable as a conditional use in all districts.

### **3. General Requirements**

#### **a. Setbacks and Height**

- (i) The setback of a wind energy conversion system shall be no less than 110% of the height to the nearest property line.
- (ii) The property line of an adjacent property may be exempt from the setback requirement if the owner is participating in the wind energy conversion system project.
- (iii) Guy wires shall not be closer than 15 feet from the property line.

#### **b. Aesthetics and External Impacts**

- (i) The exterior of the wind energy conversion system shall not be reflective.
- (ii) No signs shall be allowed on any part of the wind energy conversion system, other than the nacelle. The signage shall be limited to reasonable identification of the business or organization that operates the wind conversion system. No advertisement shall be allowed. Warning and safety images shall be allowed.
- (iii) No illumination of the turbine or tower shall be allowed unless required by the FAA.
- (iv) All wire between wind energy conversion systems and substations shall be underground.
- (v) Sound produced by the turbine under normal operating conditions, as measured at the property line, shall comply with the decibel limits set forth in Chapter 56 of the Municipal Code.
- (vi) Where regulations and requirements of this section conflict with those of the FAA or FCC, the federal requirements shall take precedence.
- (vii) The shadow flicker from a Large Wind Energy Conversion System may not exceed 30 hours per year on a residential property.
- (viii) The City makes no assurance of wind access other than the provisions of this chapter. The applicant may provide evidence of covenants, easements or similar documentation from abutting property owners providing access to wind for the operation of a wind energy conversion system.

#### 4. Registration of Wind Energy Conversion Systems

##### a. Fees

The City Council shall set, by resolution, whatever fees it deems appropriate to cover the cost of administering the registration of wind energy conversion systems as described in this chapter.

##### b. Small Wind Energy Conversion System

The following information shall be requested on the registration form and shall be supplied by the wind energy conversion system owner and/or operator:

- (i) Name and address of the wind energy conversion system owner
- (ii) Name and address of the wind energy conversion system operator
- (iii) Name, address, phone number, and title of primary contact person
- (iv) Address of the wind energy conversion system
- (v) Principal use of the wind energy conversion system
- (vi) Wind energy conversion system height
- (vii) Site plan
- (viii) A wind energy conversion system shall provide proof of an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the wind energy conversion system structure, rotor blades and turbine components.
- (ix) A person seeking a building permit to erect a wind energy conversion system shall provide evidence, in the form of a certificate of insurance satisfactory to the City showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.
- (x) No wind energy conversion system shall be installed until evidence has been given that the utility company has authorized interconnection of the wind energy conversion system to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Properties not connected to the public utility system shall be exempt from this requirement.

##### c. Large Wind Energy Conversion System

In addition to the registration information required for small wind energy conversion systems, the registration of large wind energy conversion systems requires the following information:

- (i) The latitude and longitude or GPS location of the wind energy conversion system;
- (ii) A USGS topographical map, or map with similar data, of the project site;
- (iii) Boundaries of the project area, surrounding property, and any other wind energy conversion system within  $\frac{1}{4}$  mile;
- (iv) Location of wetlands, scenic, and natural areas within one mile of the proposed wind energy conversion system;
- (v) FAA determination of no hazard to air navigation;
- (vi) Location of all known communications towers within two miles of the proposed project;

- (vii) Evidence that the wind energy conversion system will not interfere with emergency or other microwave transmission;
- (viii) A noise study, prepared by a qualified professional, that demonstrates that except for intermittent episodes, the wind energy conversion system shall not emit noise in excess of the limits established in Chapter 56 of the Municipal Code;
- (ix) A shadow flicker study, including the following:
  - (A) Map with a 1,000-foot radius of the proposed wind energy conversion system showing the topography, existing residential structures, and land zoned for residential use.
  - (B) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, and calculate the total number of hours per year of flicker at all locations.
  - (C) Identify areas where shadow flicker will interfere with existing or future residences and describe proposed mitigation measures, including, but not limited to, a change in citing of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

## 5. Installation

- a. Prior to the construction of a wind energy conversion system in the City, building permits shall be obtained from the Building Services Department by the owner, operator, or the contractor who is installing the wind energy conversion system. All wind energy conversion systems built after the passage of this chapter shall be registered at the time the building permit is obtained.
- b. Wind energy conversion system shall be subject to all applicable city codes.
- c. The wind energy conversion system shall meet local utility interconnect requirements, state and local codes, IEEE 1547 (national standard for distributed generation) and UL 1741 (anti-islanding inverters) where they apply.

## 6. Removal of Abandoned Wind Energy Conversion Systems

- a. At such time that an owner or operator plans to abandon or discontinue operation of a wind energy conversion system and/or associated facilities, such carrier will notify the Building Services Department by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give notice, the wind energy conversion system and associated facilities shall be considered abandoned upon discontinuation of operations.
- b. Upon abandonment or discontinuation of use, the carrier shall physically remove the wind energy conversion system and associated facilities within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not limited to:
  - (i) Removal of mount, equipment shelters, and security barriers from subject property in accordance with local permitting and regulations.
  - (ii) Proper disposal of waste materials from the site in accordance with local and state solid waste disposal regulations.
  - (iii) Restoring the location of the wind energy conversion system and associated facilities to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- c. The Board of Adjustment may grant a variance to allow the wind energy conversion system and associated facilities to remain in place based upon evidence submitted for review in each specific case.

- d. If a wind energy conversion system owner fails to remove a wind energy conversion system and associated facilities in accordance with this section, the City shall have the authority to enter the subject property and physically remove the facility. The City Council may levy an assessment on the subject property to cover costs for removal of the wind energy conversion system and associated facilities in the event the City must remove the facility.

## 7. Additional Review Criteria

In addition to the review criteria for conditional uses as set forth in Section 32.05.09, the City Planning Commission will also consider the following in taking action on an application for a wind energy conversion system.

- a. The wind energy conversion system shall not negatively affect or dominate the aesthetics of a registered historic district or property, or a designated State of Iowa scenic by-way.
- b. The color of the wind energy conversion system shall not be obtrusive to the neighborhood

## E. Accessory Wind Energy Systems

An Accessory Wind Energy Conversion System is an apparatus, permitted as an accessory structure, for converting the kinetic energy available in the wind to mechanical energy that can be used to power machinery (grain mills, water pumps, etc.) and/or to operate an electrical generator. Accessory Wind Energy Conversion systems have a height of 20 feet or less as measured from the bottom of the base to the highest point of the rotor swath. An Accessory Wind Energy Conversion System is permitted subject to the requirements for an accessory structure in the district it is located in.

## F. Ground Source Heat Pump System

### 1. Permitted Districts

Ground source heat pump systems in accordance with the standards in this section are allowed as an accessory use in all zoning districts.

### 2. Installation of Vertical Systems

- a. Vertical systems may only be installed by a geothermal installer or vertical closed loop (VCL) driller accredited by the International Ground Source Heat Pump Association (IGSHPA) or installer with an equivalent accreditation or certification from a nationally recognized organization, as determined by the Development Services Department.
- b. Detailed plans of a vertical system shall be reviewed and approved by the Development Services Department prior to installation.

### 3. Standards

#### a. System Requirements

- (i) Only closed loop ground source heat pump systems utilizing heat transfer fluids are permitted. Open loop ground source heat systems are prohibited.
- (ii) Ground source heat pumps and related boreholes shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organization and shall apply with adopted building code standards. The manufacturer specifications shall be submitted as part of the application.

#### b. Depth

All horizontal closed loop systems shall be installed to no more than 20 feet in depth.

**c. Setbacks**

- (i) All components of ground source heat pump systems including pumps, borings, and loops shall be setback at least five feet from all property lines.
- (ii) Aboveground equipment associated with ground source heat pumps shall not be installed in a front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way except in industrial districts.
- (iii) All parts of the heat pump system shall be located a minimum distance of 25 feet from any on-lot or adjacent lot wells.
- (iv) Ground source heat pumps systems shall not be located in or encroach upon any public drainage, utility roadway, or trail easement.

**d. Screening**

Ground source heat pump systems are considered mechanical equipment and are subject to mechanical screening requirements of the zoning district.

**4. Abandonment**

If the ground source heat pump system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The property owner shall shut down the system as follows:

- a. The heat pump and any external mechanical equipment shall be removed.
- b. Pipes or coils beneath the land surface shall be drained and filled with grout. The top of the pipe, coil, or boring shall be uncovered and grouted.

## Section 32.04 Development Standards

### 32.04.05 Site and Structure Standards

- A. Generally Applicable Standards.....168
- B. Urban Design Standards.....181
- C. Traditional Site and Structure Standards .....210
- D. Suburban Design Standards.....214
- E. Cluster Development.....218

#### A. Generally Applicable Standards

##### 1. Applicability

- a. The site and structure standards in this subsection apply to all districts.
- b. Section 32.04.01, Development Standards General Applicability, identifies how these provisions apply to redevelopment and infill development.

##### 2. Siting

###### a. Topography

To the extent possible, natural topography, waterways, and existing mature vegetation should be preserved and incorporated into the project design. This objective may require higher intensity of development on portions of a site as may be permitted through the cluster development process.

###### b. Connections

Sidewalks shall be provided as necessary for efficient pedestrian circulation within the project and to neighboring properties pursuant to Section 32.04.03, Mobility and Connectivity.

###### c. Safety and Security

Site design should include consideration of visibility within the site and relationships to enhance security and safety for residents.

##### 3. Measurement of Separation or Distance

Where a standard includes a separation or distance requirement, it shall be measured as follows:

###### a. Between Buildings

The horizontal distance between the two closest portions of each building’s exterior walls.

###### b. Between Uses

The horizontal distance shall be measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be established.



### c. Between a Use and a Zone District

The horizontal distance shall be measured from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a zone district boundary from which the separation is to be established.

## 4. Minimum Level of Service

A minimum level of service shall be required of all development in the City. The intent of this provision is to maintain a high quality of development, prevent leapfrog development prior to the availability of City services, protect the public's investment in infrastructure, and ensure safe access to emergency services. Development that does not meet the requirements below shall be considered non-conforming and subject to expansion of non-conforming use provisions of this chapter.

The Minimum Levels of Service for a site shall be met by either a. OR b. below.

- a. The site meets all of the following minimum levels of service requirements:
  - (i) Public and emergency service access to the site is provided via hard surfaced streets or roads,
  - (ii) The site is served by the City's public water system, and
  - (iii) The site is served by the City's sanitary sewer system.
- b. Alternatively, an Agreement for Development of Services shall be agreed upon by the developer of the property and approved by the City Council. The agreement shall establish an interim plan to provide alternative services to the site and a timeline for the provision of minimum levels of service in the future. The agreement shall also establish the responsibility of the developer or future property owners to install or financially contribute to the future extension of public services. This agreement shall be in place prior to the approval of any site plan or zoning permit associated with development on the site.

## 5. Minimum Standard Single-Unit Residential Structure Dimensions

### a. Applicability

The following regulations are intended to provide minimum standards for detached single-unit residential structures as provided for under Chapter 414.28 of the State Code of Iowa, including minimum dimensions of the structure and floor area, foundation and exterior elevation materials.

- (i) Development in Urban Districts is exempted from these standards but is subject to all other applicable design standards.
- (ii) Small lot development in Traditional districts may meet the standards of Section 32.04.05.C.4.b.
- (iii) Small house development, where expressly permitted, shall meet the standards of Section 32.04.05.C.4.c.

### b. Minimum Dimensions

The minimum gross floor area of the primary structure footprint shall be 500 square feet and the minimum body width shall be 22 feet.

### c. Foundation

- (i) All single-unit residential structures shall have a continuous and complete frost protected perimeter foundation for the main body.
- (ii) Porches shall only be required to have such a perimeter foundation if required by the adopted building code or other applicable life safety regulations.

## 6. Site Definitions, Measurements, and General Exceptions

**a. Applicability**

The following standards are applicable to all suburban, traditional, and urban form districts unless a more specific standard applies in a specific district or in Section 32.04.05.B, Urban Design Standards.

**b. Site**

Any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development.

**c. Site Area**

- (i) Gross Site Area

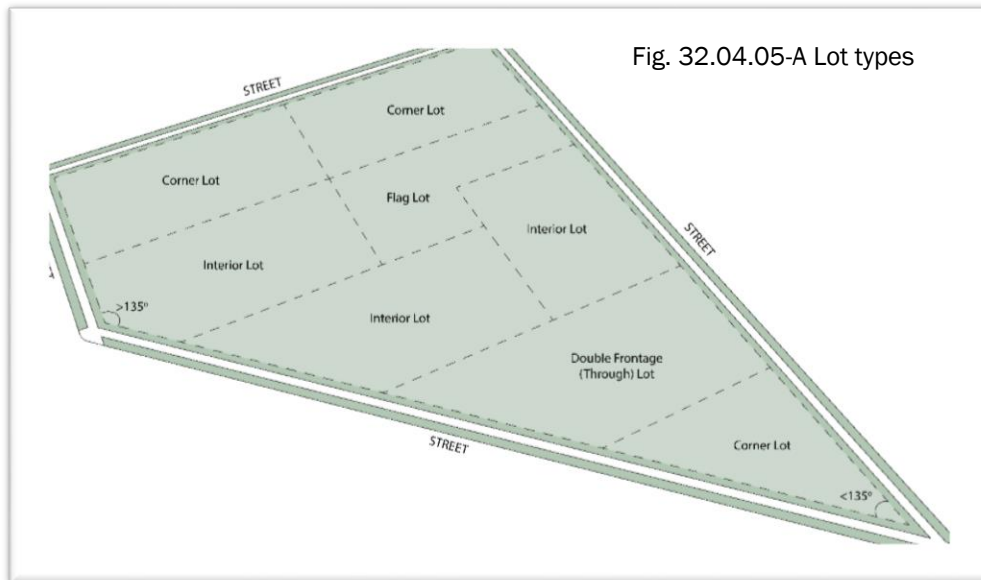
The total area of a site, including proposed and dedicated rights-of-way and private easements, such as detention basins.

- (ii) Net Site Area

The total area of a site, excluding proposed and dedicated rights-of-way and private easements, such as detention basins.

**d. Lot Types (Figure 32.04.05-A)**

- (i) Interior Lot: Any lot that is not a corner lot.
- (ii) Corner Lot: A lot at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines does not exceed 135 degrees.
- (iii) Reverse Corner Lot: A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (iv) Double Frontage (Through) Lot: A lot having a pair of opposite lot lines along two relatively parallel public rights-of-way, and that is not a corner lot.
- (v) Flag Lot: A lot not meeting the minimum lot width or public street frontage requirements, and where access to a public street is limited to a narrow strip of land or private access way.



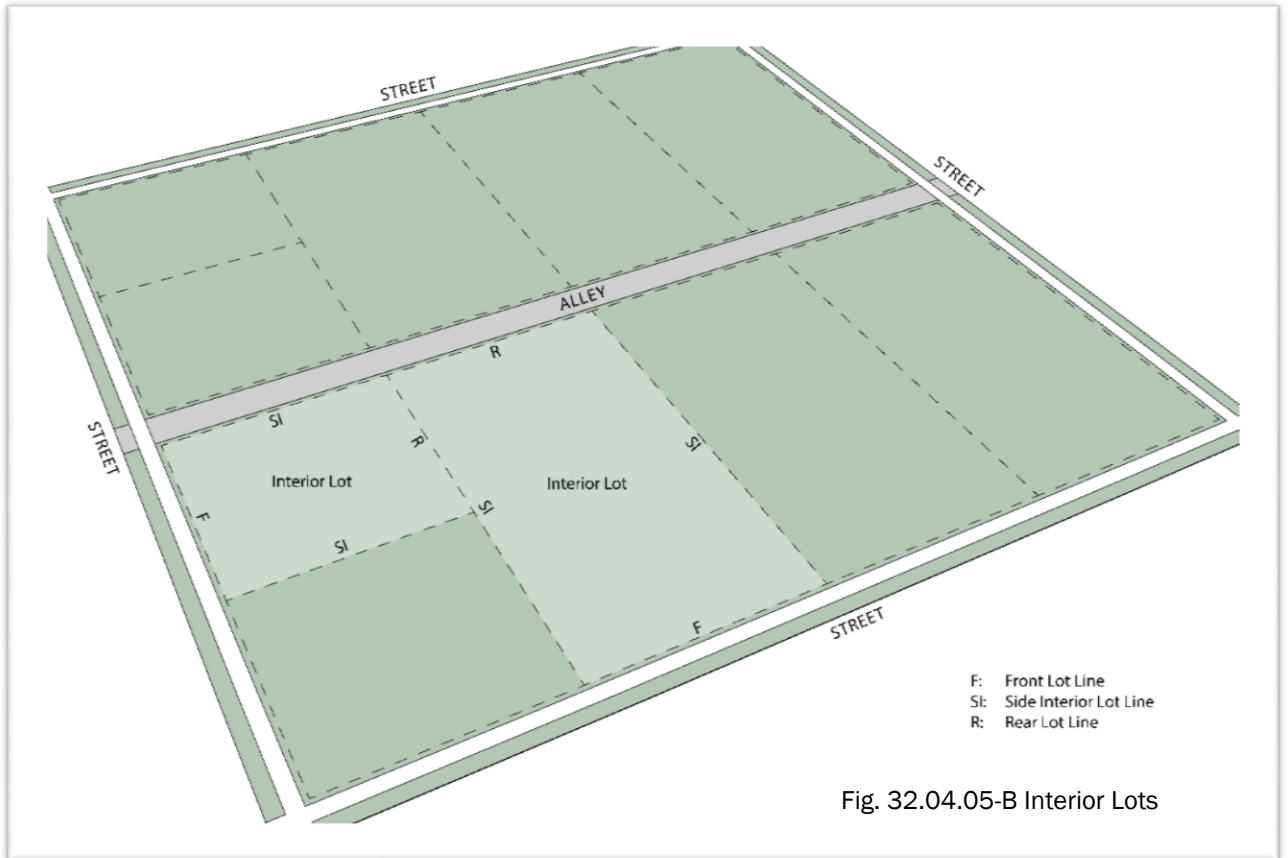
**e. Lot Line Designations**

(i) Interior Lots (Figure 32.04.05-B)

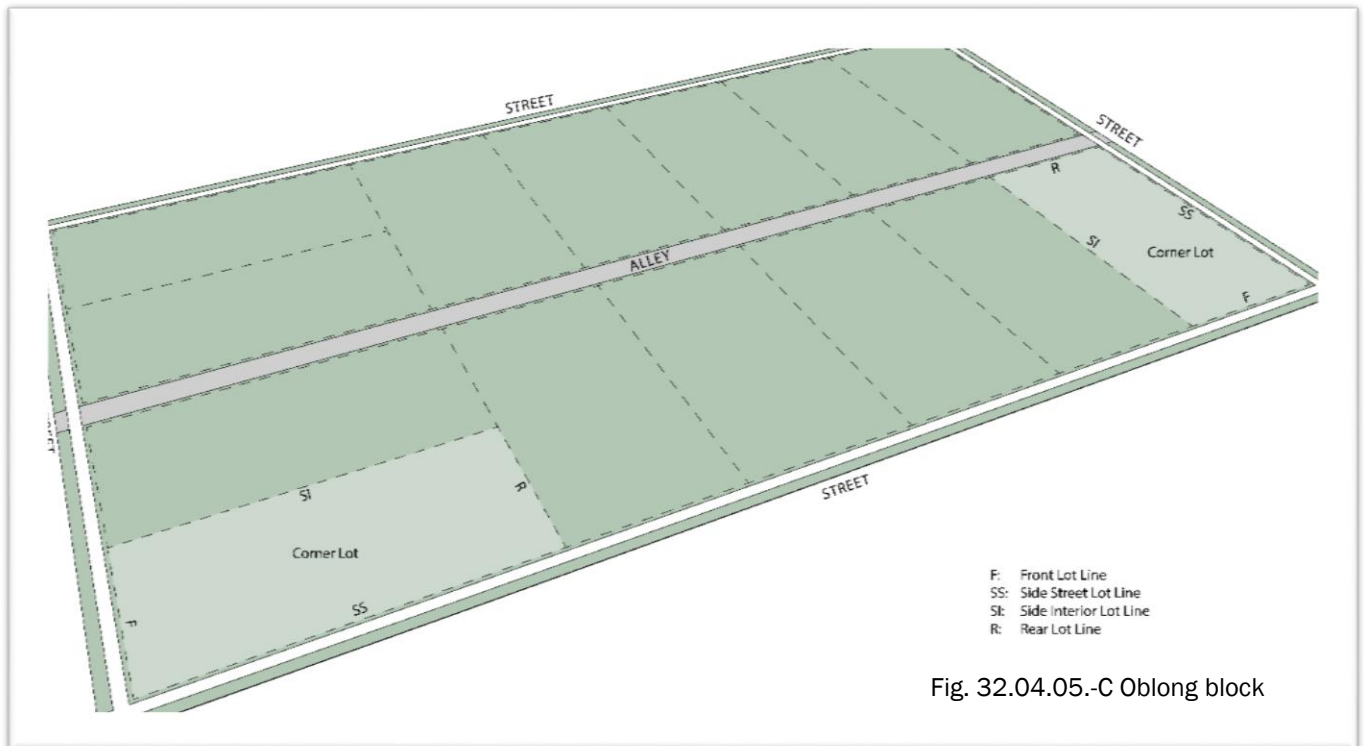
(A) The front lot line shall be the lot line abutting a named or numbered street.

(B) The rear lot line shall be the lot line opposite the front lot line.

(C) All other lot lines shall be side interior lot lines.

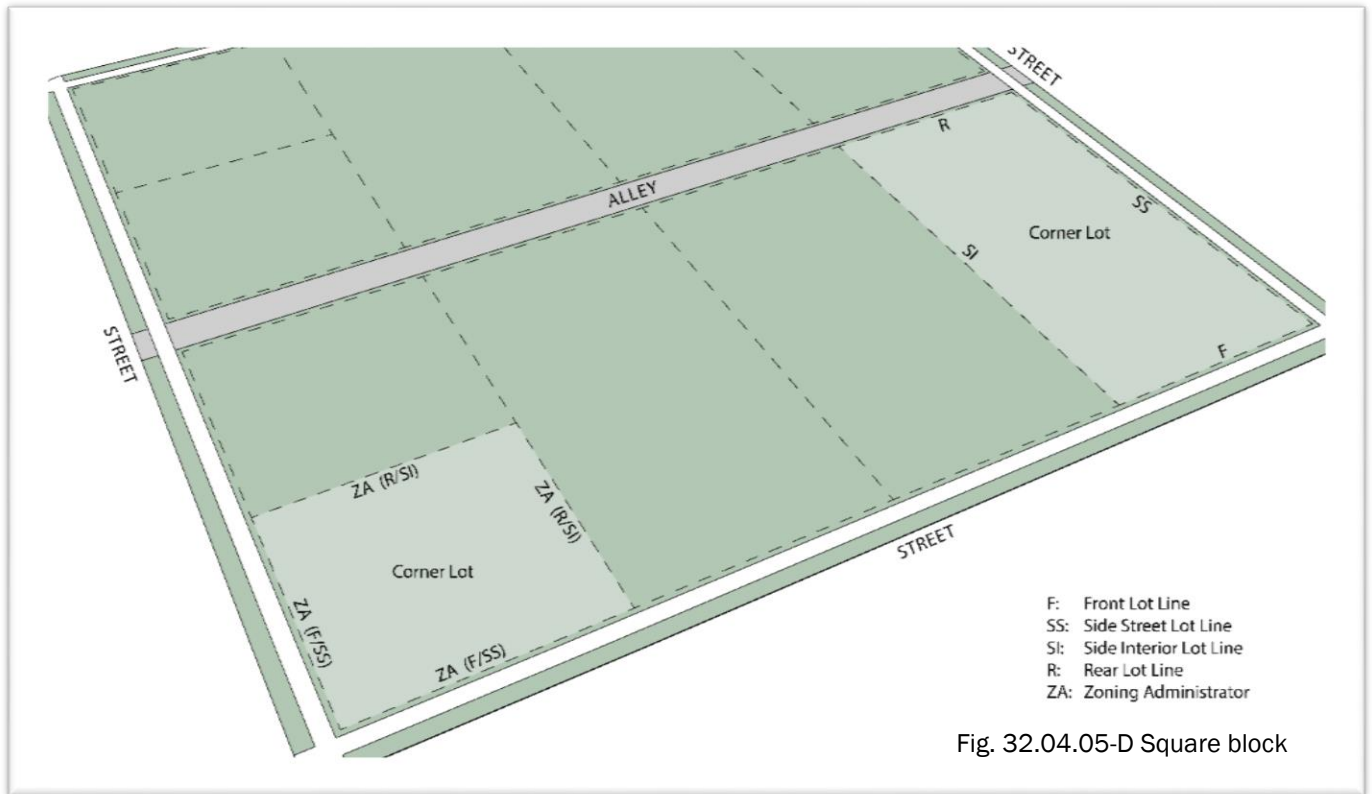


- (ii) Corner Lots of Oblong Blocks (Figure 32.04.05-C)
  - (A) The lot line abutting the long side of the oblong block shall be the front lot line.
  - (B) The lot line abutting the short side of the oblong block shall be the side street lot line.
  - (C) The rear lot line shall be the lot line opposite the front lot line.
  - (D) All other lot lines shall be side interior lot lines.
  - (E) Exception: the lot line abutting the short side of the oblong block shall be the front lot line if:
    - (1) there are three or more existing lots along the short side of the oblong block, and
    - (2) The lot line abutting the short side of the oblong block is 50% or less of the length of the block.



(iii) Corner Lots of Square Blocks (Figure 32.04.05-D)

- (A) The front lot line shall be the lot line abutting the street frontage in which the greater number of primary structures face. If each street frontage has an equal number of primary structures, then the zoning administrator shall designate the front lot line.
- (B) The rear lot line shall be the lot line opposite the front lot line.
- (C) All other lot lines shall be side interior lot lines.



(iv) Through Lots, Curvilinear Lots, and Frontage on Three or More Streets

The zoning administrator shall determine the lot lines.

**f. Lot Frontage Distance**

The distance between lot lines intersecting the front lot line, measured along the front lot line.

**g. Lot Area**

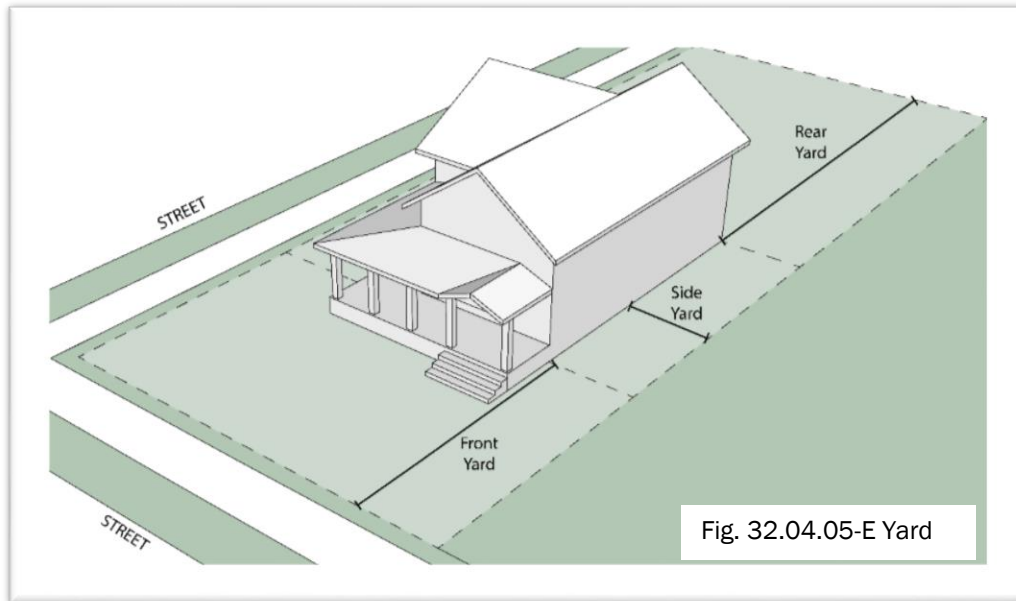
The land area contained within the property lines of a lot or parcel, excluding adjacent or abutting public or private streets or rights-of-way.

**h. Buildable Area**

The permitted lot area in which buildings may be located, except permitted encroachments, is the lot area behind the required building line, if applicable, and excluding any required setbacks, open space, and bulk plane requirements.

**i. Yard, Measurement (Figure 32.04.05-E)**

The horizontal distance measured perpendicular from the lot line to the face of the building's exterior wall.



**j. Setback (Figure 32.04.05-F)**

(i) Definition

The minimum horizontal distance that must remain unobstructed from the ground to the sky, measured perpendicular from the lot line.



(ii) Setback Encroachments

- (A) Setback encroachments are building and site elements that project into or are located on the “non-buildable” side of a setback line, typically in a required setback area.
- (B) Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line, not a required building line (RBL) or build-to line. Urban form districts setback lines are only applicable to side interior and rear lot lines, unless otherwise specified.

(iii) Measurement

- (A) Each setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.
- (B) No permitted setback encroachment shall be closer than two feet to any lot line with the exception of fences and walls and gardens and landscaping.

(iv) Permitted Encroachments

The following encroachments are permitted:

**Table 32.04.05-1: Permitted Setback Encroachments**

	Suburban and Traditional Districts		Suburban, Traditional and Urban Form Districts	
	Front	Side Street	Side Interior	Rear
<b>Building Elements</b>				
Approved accessibility ramps	Any distance	Any distance	Any distance	Any distance
Bay windows	4'	4'	4', Not permitted in Urban	4'
Belt courses, sills, lintels, pilasters, pediments	2 in.	2 in.	2 in.	2 in.
Breezeways, unenclosed	Not permitted	Not permitted	Not permitted	Any distance
Chimneys not greater than 6 ft. in width	2'	2'	2'	2'
Eaves, roof overhangs, cornices, gutters, and downspouts	3'	3'	3'	3'
Porches, stoops, decks, terraces, balconies, and associated stairs: <ul style="list-style-type: none"> <li>• May be covered</li> <li>• May be multiple stories</li> <li>• Shall be at least 75% open on all sides not abutting a building facade.</li> </ul>	8'	5'	NP	Any distance
Shading devices such as awnings and canopies	5'	5'	3'	5'
Stairs and fire escapes (unenclosed)	Not permitted	Not permitted	Not permitted	4'
Window wells	Any distance	3'	3'	Any distance
<b>Site Elements</b>	<b>Front</b>	<b>Side Street</b>	<b>Side Interior</b>	<b>Rear</b>
Accessory Structure	Not Permitted	Not Permitted	Within 3' of lot line plus 1' roof overhang	Within 3' of lot line plus 1' roof overhang
Clothes lines and poles	Not permitted	Not Permitted	Not permitted	Any distance
Fences and walls	Any distance	Any distance	Any distance	Any distance

**Table 32.04.05-1: Permitted Setback Encroachments**

	Suburban and Traditional Districts		Suburban, Traditional and Urban Form Districts	
	Front	Side Street	Side Interior	Rear
Flagpoles and signs	Any distance	Any distance	Any distance	Any distance
Flatwork	Any distance	Any distance	Any distance	Any distance
Gardens and landscaping	Any distance	Any distance	Any distance	Any distance
Ornamental lights	Any distance	Any distance	Any distance	Any distance
Play equipment	Not permitted	Not Permitted	Not permitted	Any distance
Swimming pools and hot tubs including mechanical equipment and deck	Not permitted	Not Permitted	Not permitted	10'
Trash containers	Not permitted	Not Permitted	Not permitted	Any Distance
Underground shelters	Not permitted	Not Permitted	Not permitted	Any Distance
<b>Mechanical, Electric, and Plumbing Elements</b>				
Evaporative coolers or air conditioners (window)	2'	2'	2'	2'
Evaporative coolers or air conditioners (ground)	Not permitted	Not Permitted	Not permitted	Any Distance
Gas and electric meters	2'	2'	2'	2'
Solar energy collectors and heat storage units of up to 200 sq. ft. of collector surface area	Not permitted	Not Permitted	4'	4'
Transformers	Not permitted	Not Permitted	Not permitted	Any Distance

**k. Fence or Wall**

These standards are not applicable in urban design areas.

(i) Height in Side and Rear Setback Areas

No fence, wall, or similar structure exceeding a height of seven feet above ground level shall be erected in a required side or rear setback area or along a side or rear lot line if the yard or lot line is within, or abuts, a residential district or a residential structure in any type of district. The maximum height is 10 feet when abutting non-residential districts or uses.

(ii) Height in Front Yard

No fence, wall, or combinations of such items exceeding a height of four feet above ground level shall be erected within the required front yard in any district unless a higher screening is required by Section 32.04.06, Landscaping, Buffering, and Screening. No dense shrub shall be more than three feet above ground level measured at the base of the shrub. No encroachments shall be permitted in corner visual clearance area identified below.

(iii) Double Frontage Lot

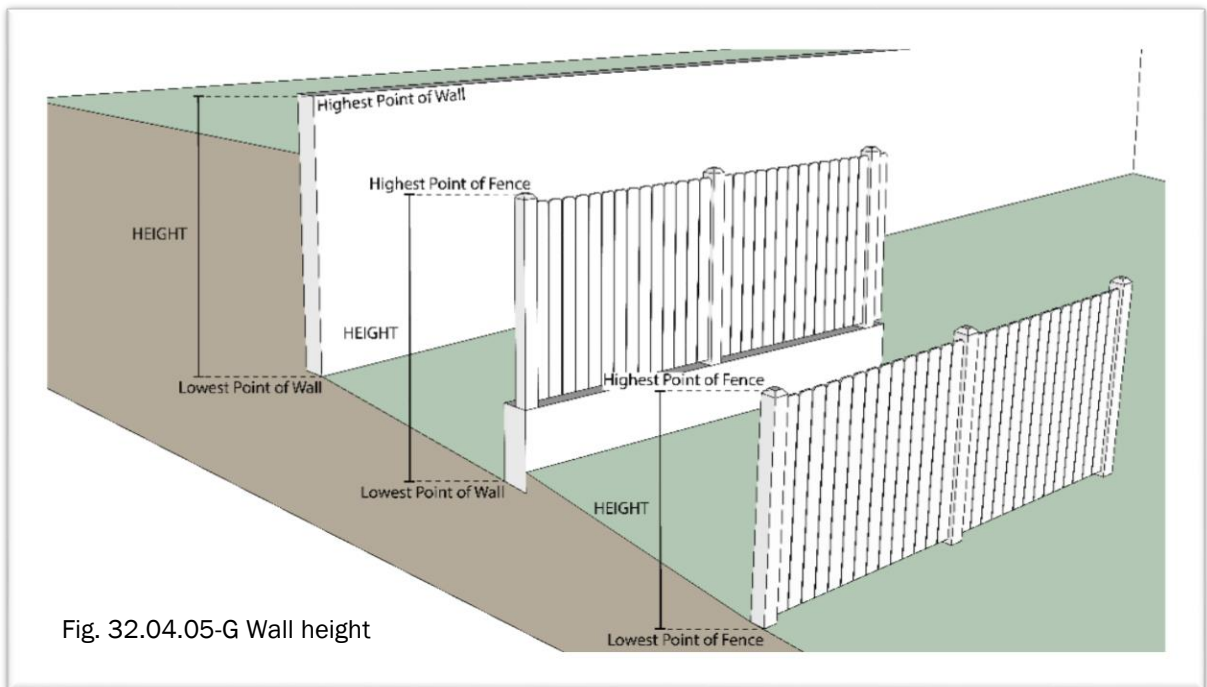
No fence, wall, dense shrubs, or combinations of such items shall be located within 12.5 feet of the rear lot line on a double frontage lot if the abutting right-of-way is less than 80 feet and is across from the front yard of another residential property; otherwise, the fence may be placed on the property line.



(iv) Corner Side Yard

In all districts, a visual barrier such as an opaque fence, wall, dense shrubs, or combination thereof shall not be located within any required corner side yard that is adjacent to the principal permitted structure on a corner lot in a residential district. If such visual barrier is located within the rear 25 feet of a lot that abuts the front yard of an adjacent lot, a corner visual clearance area, as described below, shall be provided. In this case, the intersection from which the clearance area is calculated shall be the intersection of the rear lot line of the reverse corner lot with the front line of the adjacent standard residential lot. The corner visual clearance area shall not be required if: (1) an existing driveway on the adjacent property is located at least 20 feet from the nearest edge of the proposed fence, wall, or dense shrubs, or (2) it is not possible to locate a future driveway on an adjacent property within 20 feet of the nearest edge of the proposed fence, wall, or dense shrubs.

(v) Height shall be measured from the side (inside or outside) of the fence, wall, or street wall with the lower finished grade to the topmost point of the fence, wall, or street wall. (Figure 32.04.05-G)



**I. Corner Visual Clearance Area**

Notwithstanding the provisions of Table 32.04.05-1, in all areas except traditional and urban districts, nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision between a height of two and one-half (2.5) feet and 10 feet above the center line street grades of the area described as follows: that triangular shaped area bounded by the street or road right-of-way lines of a corner lot or tract and a straight line joining points on said right-of-way lines that are 30 feet from the point of intersection of said right-of-way lines. No more than two pole or post supports of no more than 10 inches shall be permitted within such unobscured area unless approved by the Public Works Department.

**m. Building Footprint in All Districts**

The gross floor area of an individual structure on a lot measured to the furthest exterior wall face at the ground floor.

**n. Building Coverage**

Building coverage is measured as the percentage of the gross lot area covered by buildings. It is calculated by dividing the gross area of building footprints, measured to the furthest exterior face of the structure including above-grade enclosed projections, by the area of the lot. The following shall be counted as covered areas for purposes of determining building coverage:

- (i) Areas covered by swimming pools and hot tubs;
- (ii) Decks, stoops, patios, porches, and their associated stairs that are 30 inches or more above grade;
- (iii) Structures covered by a roof; and
- (iv) Structures that are more than six feet tall and enclosed on three or more sides with walls that are less than 25 percent open.

**o. Usable Open Space (Figure 32.04.05-H)**

Usable open space is measured as a percentage of the lot area, by dividing the total usable open space by the lot area. Usable open space shall not include areas used for driveways, parking areas, or minimum required setbacks.



Fig. 32.04.05-H: Useable Open Space

## 7. Structure Descriptions, Definitions, and Measurements

### a. Street-facing

A building element is street-facing if it faces a named or numbered street, which is determined if a perpendicular line at any point along the building element width intersects or touches the lot line adjacent or abutting the right-of-way of the named or numbered street.

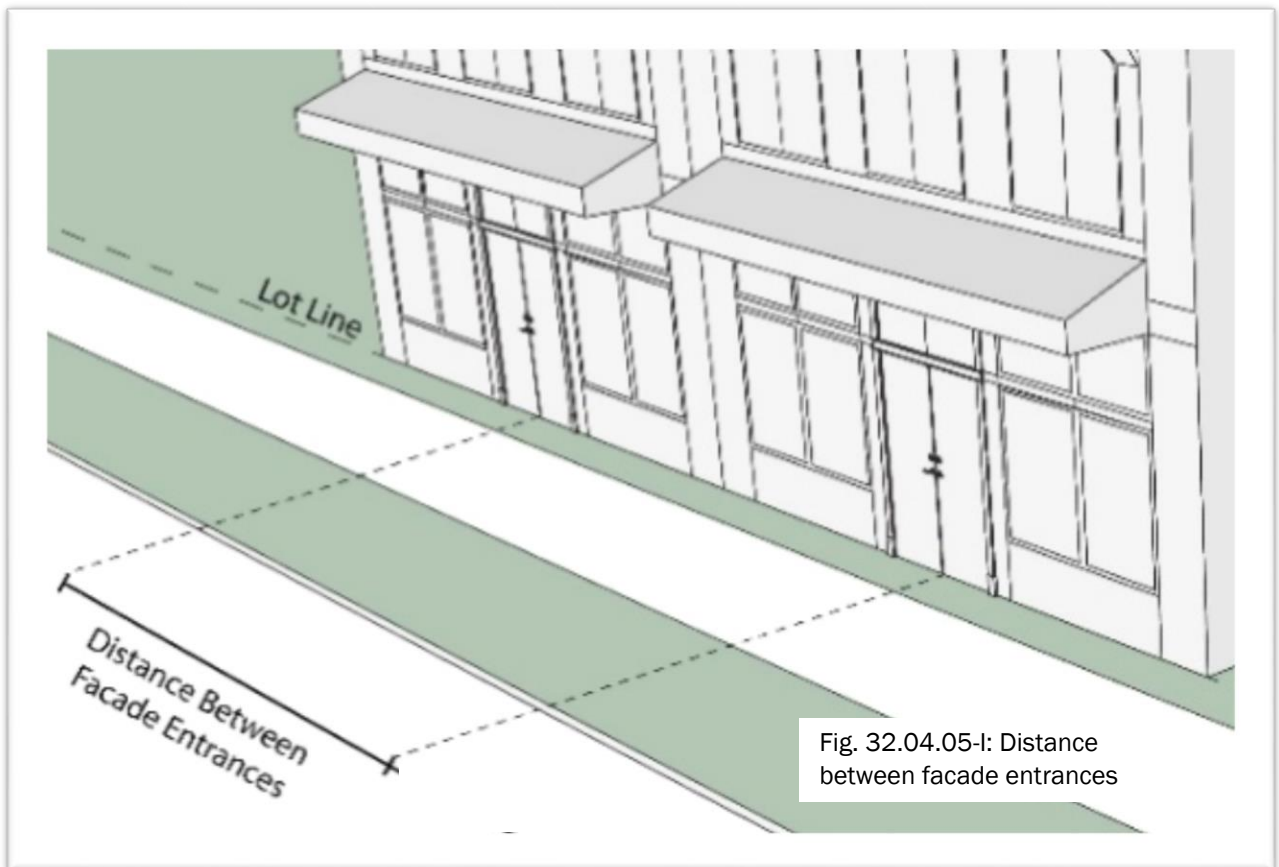
### a. Facade

A primary elevation, which provides the public “face” of a building. A facade elevation shall be subject to all building composition standards described in this section. A non-facade elevation shall only be subject to standards described as applicable to all elevations, and shall not be subject to standards that are only applicable to facades.

- (i) In Urban Districts, facade elevations shall be all elevations that face a Required Build-to Line (RBL). Elevations, which front a public park, trail, or the Cedar River shall also be considered facade elevations, but shall only be subject to building composition standards unless a RBL is identified on the zoning map.
- (ii) In Traditional and Urban Districts, facade elevations shall be all elevations that face a public right-of-way, adjacent Residential district, or a parking lot that has a primary building entrance.

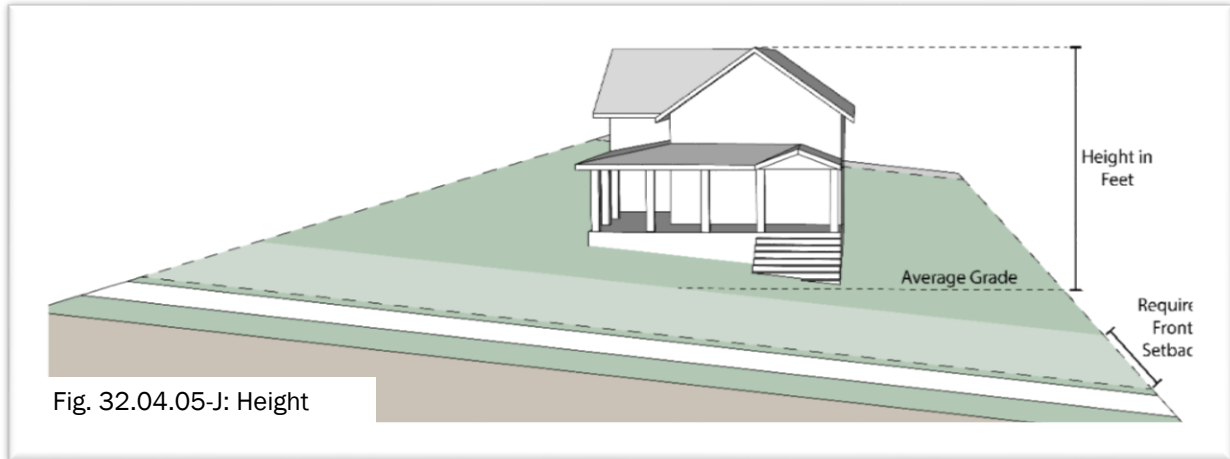
### b. Distance between Facade Entrances (Figure 32.04.05-I)

The maximum distance between functioning facade entrances within a single building or proposed project shall be measured from the centerline to centerline of each opening. Distance shall not be measured from existing entrances on adjacent sites.



**c. Height in All Districts Except Urban Form Districts**

- (i) Height in feet is measured as the vertical distance from the finished grade to the uppermost point of the structure. Figure 32.04.05-J. Finished grade is the final elevation of the average ground level adjoining a building at all exterior walls after development.
- (ii) The measurement of building height in Urban Form Districts is defined in 32.04.05.B.



**d. Building Height Encroachments**

- (i) Measurement
  - (A) Each height encroachment shall be measured from the maximum building height.
  - (B) Building height encroachments are not cumulative in that they are always measured from the same point.
- (ii) Permitted Building Height Encroachments

**Table 32.04.05-2: Permitted Building Height Encroachments**

Projection	Height Increase, max. (stories)	Height Increase, max. (feet)
Attic story in urban form districts (U-)	1	20'
Air conditioner and evaporative coolers	na	20'
Chimneys and smoke stacks	na	15'
Antennas and towers	na	30'
Flues and vents	na	15'
Emergency sirens and similar devices	na	Any distance
Mechanical, electrical, and plumbing equipment	na	25'
Parapet walls, safety railings, and screening walls	na	25'
Parking decks in urban form districts (U-)	2	Not permitted
Solar panels	na	3' above max. height or no more than 10' above roofline, whichever is less
Unoccupied belfries, flagpoles, spires, silos, water towers, and windmills	na	30'
Unoccupied elevator and stair penthouses, and associated mechanical equipment	1	25'

### 8. Location of Outdoor Activity Areas

- a. Loading docks, delivery areas, truck parking, outdoor storage, utility meters, waste containers, fuel containers, trash collection, trash compaction, recycling collection areas, and other similar service functions shall be located so that they are not visible from adjacent residential properties and public streets.
- b. Screening shall be provided pursuant to Section 32.04.06, Landscaping, Buffering, and Screening Standards.

## B. Urban Design Standards

### 1. Applicability

The design standards in this section apply to all new construction in the Urban design areas, including the following urban form districts: U-DC, U-DG, U-NG, U-VG, U-NR, U-VR, U-NT, U-VT, and U-MF.

### 2. Description of Standards Specific to Urban Form Districts

The urban form standards define the relationship between private development and the public realm, and establish a range of development intensity and character within each individual form district, at a range of scales.

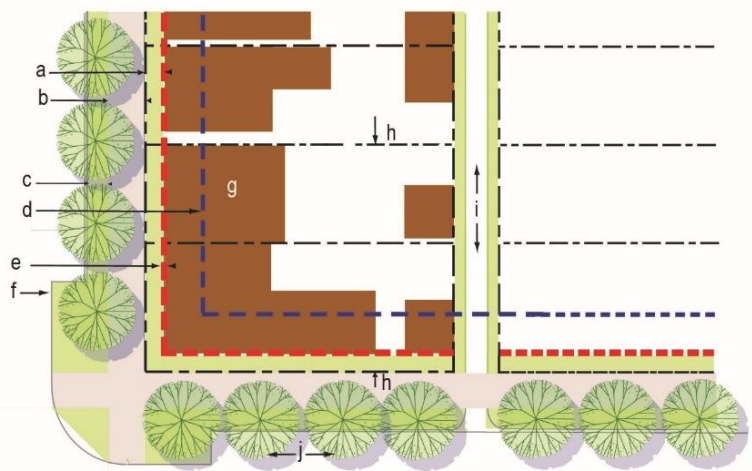
The urban form standards set the basic parameters governing building form, including the building envelope (in three dimensions) and certain required or permitted functional elements, such as fenestration (windows and doors), stoops, balconies, front porches, and street walls.

This section provides a general description of the aspects of urban design that are regulated in the urban form standards for each form district. Specific regulations can be found in the zone district standards and Section 32.04.05, Site and Structure Standards. Measurement instructions can also be found in Section 32.04.05, Site and Structure Standards.

### 3. Site Layout Elements

The following design elements each play a role in the site design. They are provided here for general explanation and regulated specifically in each group of form districts.

- a. Dooryard: The space between the back of the public sidewalk and required building line.
- b. Clear Walkway: The portion of the sidewalk within a street-space that shall remain clear of obstructions and allow public passage.
- c. Tree Lawn: A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the clear walkway area.
- d. Parking Setback Line: A line or vertical plane behind which parking shall be located if it is provided on the lot.

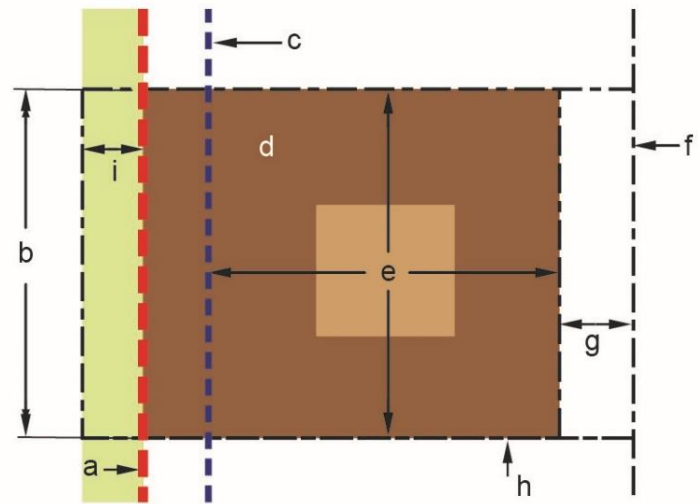


- e. Required Building Line (RBL): A line or plane indicated on the zoning map, that extends vertically and generally parallel to the street, at which the building facade shall be placed. The RBL is often not the same as the property line.
- f. Curb: The border or edge between the vehicular realm and the pedestrian realm.
- g. Potential building footprints are provided in brown for illustration purposes.
- h. Property Lines.
- i. Alley.
- j. On-Street Parking.

**4. Building Placement Elements**

The regulations in the dimensions table of each group of form districts identify the building envelope parameters for development through establishing standards for the following elements:

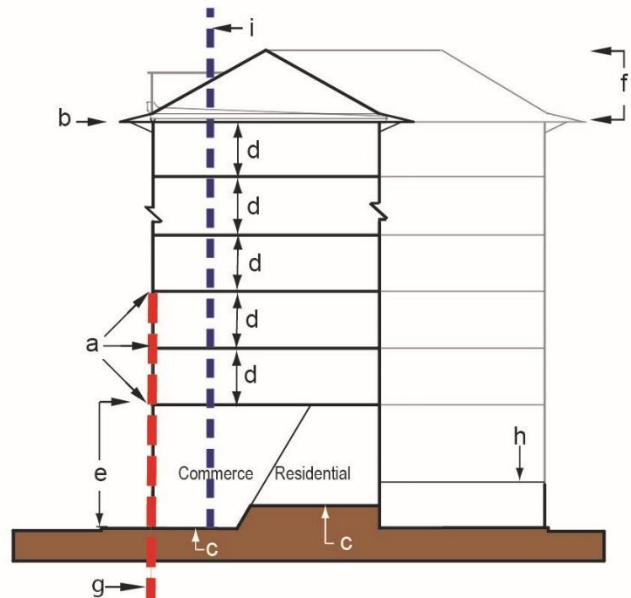
- a. Required Building Line (RBL)
- b. Minimum Build-To
- c. Parking Setback Line
- d. Buildable Area
- e. Private Open Area: An occupiable area within the buildable area and generally behind the parking setback line and (primarily) open to the sky, accessible only to occupants of the particular development.
- f. Alley or Rear Lot Line
- g. Rear Setback
- h. Side Setback
- i. Dooryard



### 5. Building Height Elements

The structure size table provides regulations for the following aspects of building height that are applicable to each group of form districts.

- a. Minimum Building Height
- b. Maximum Building Height
- c. Ground Floor Elevation
  - (i) Commercial: left
  - (ii) Residential: right
- d. Upper Story Clear Height
- e. Ground Story Height
- f. Attic Story Height
- g. Required Building Line (RBL)
- h. Street Wall: A wall that assists in defining the street-space in the absence of a building.
- i. Parking Setback Line



### 6. Siting

#### a. Build-to

- (i) Building facades shall be built to the required building line (RBL) to the percentage designated in the individual urban form district.
- (ii) The required building line incorporates a depth of three feet behind that line allowing for jogs, facade articulation, etc. Therefore, where the facade is placed within that three-foot zone, it is considered to be “built-to” the required building line.
- (iii) Required build-to is calculated by dividing the total length of the building facade located at the required building line by the total length of the development site along that frontage.
- (iv) On corner lots, the building facade shall be built to the required building line within the first 30 feet of the block corner. Figure 32.04.05-K.

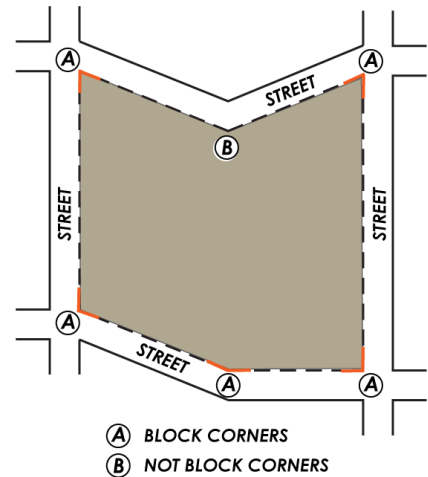


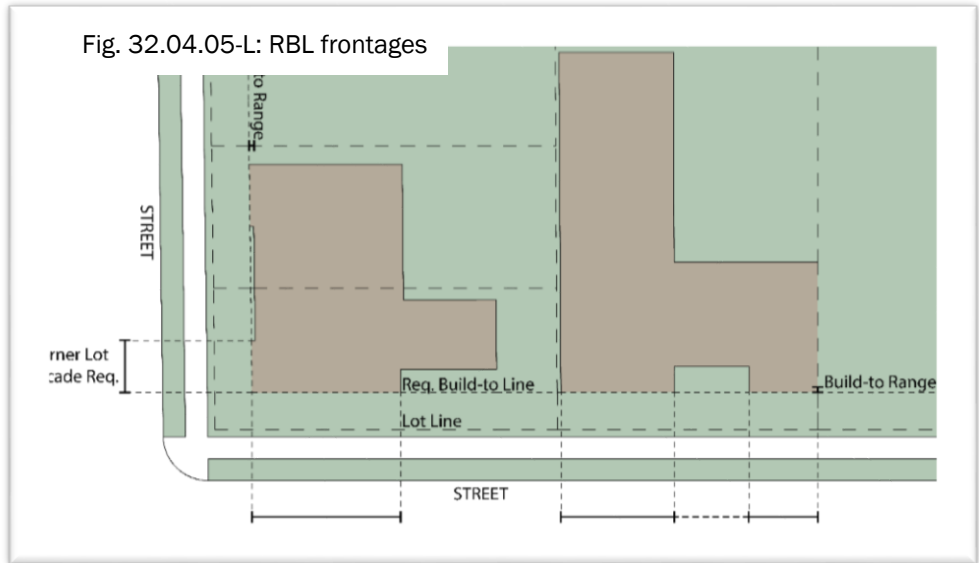
Fig. 32.04.05-K: Corner lots

(v) All lots, including corner lots and through lots, shall satisfy the build-to requirements for all their required building line frontages. Figure 32.04.05-L.

(vi) Where a street wall is required, it shall be located along the required building line.

(vii) Build-to Inclusions

Where specifically permitted in the individual urban form district, the following building elements may be permitted to achieve a portion of the required minimum build-to.



(A) Forecourt

A forecourt may be constructed along up to 30 percent or 30 feet of the required building line, whichever is smaller, subject to the following requirements.

- (i) The forecourt is not within 30 feet of a block corner.
- (ii) The forecourt is surrounded on three sides by the building;
- (iii) The surrounding elevations meet all facade requirements;
- (iv) The forecourt side elevations shall be limited to a maximum blank wall of 10 feet;
- (v) The forecourt is at least 10 feet and no more than 30 feet deep; and
- (vi) The forecourt shall not provide automobile access other than for emergency services.

(B) Ground Story Corner Chamfer

At the block corner, the ground story facade of a shopfront may be placed at an angle within 12 feet of the block corner.

**b. Build-to Encroachments**

(i) Measurement

- (A) Each build-to encroachment shall be measured from the required building line away from the subject property.
- (B) Build-to encroachments are not cumulative in that they are always measured from the required building line.

(ii) Permitted Encroachments

- (A) The following build-to encroachments are permitted as indicated in the urban form district standards.
- (B) Unless otherwise stated, encroachments are not permitted into the clear walkway.



- (iii) Requests for encroachments into the public right-of-way are subject to City review and approval, which approval is not guaranteed.

**Table 32.04.05-3: Encroachments**

Building Element	Max. Encroachment	Limitations
Awnings		May encroach to back-of-curb or where the tree lawn meets the sidewalk, whichever is less; Clear height: 10 ft.; Min. depth, measured from facade: 4 ft.
Approved accessibility ramps and steps		May encroach within the public right-of-way, subject to the issuance of applicable permits
Balconies		May encroach within the public right-of-way, subject to the issuance of applicable permits
Bay Windows	3.5'	May encroach above clear walkway.
Overhanging Eaves		May encroach above the clear walkway
Shopfronts	2'	
Stoop		Landing, excluding steps: Max. depth: 4 ft. Max. width: 6 ft.
Porch	2'	Depth: 8-10 ft. Min. Width: 65% or more of facade width

**c. Form District Designation**

When the urban form district shown on the zoning map changes along a property’s required building line, the applicant has the option, for that property’s street frontage only, of applying either urban form district’s standards for a maximum additional distance of 50 feet from the transition point shown on the zoning map, in either direction along that required building line. This shall be limited by and within the parcel lines as shown on the zoning map at the time of its adoption and shall not be affected through lot line adjustments, lot mergers, or subdivisions, except through a formal rezoning process.

**d. Building Footprint (Figure 32.04.05-M)**

The gross floor area of a single building on a lot measured to the furthest exterior wall face at the ground floor.

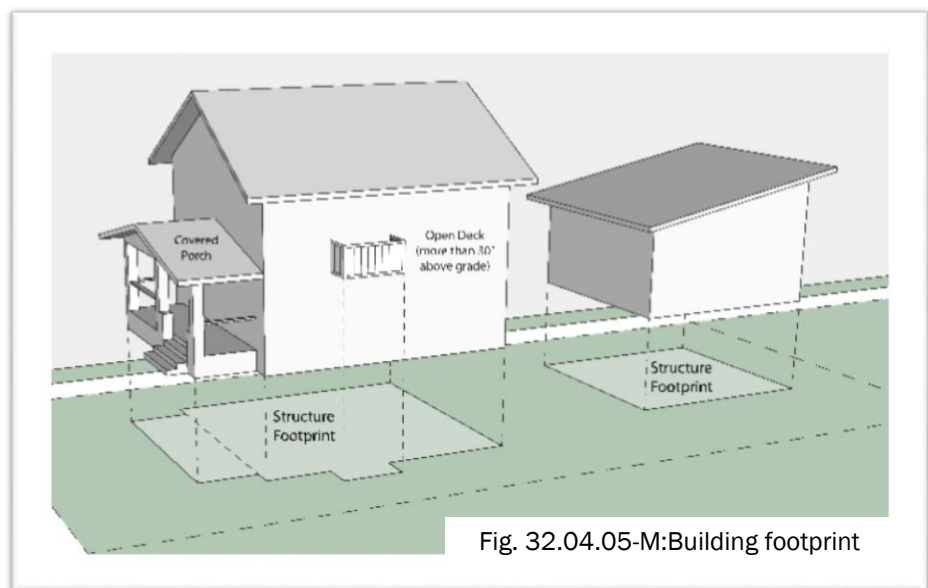


Fig. 32.04.05-M: Building footprint



**e. Dooryard (Figure 32.04.05-N)**

The space between the back of the public sidewalk and the required building line.

**f. Setback Plane**

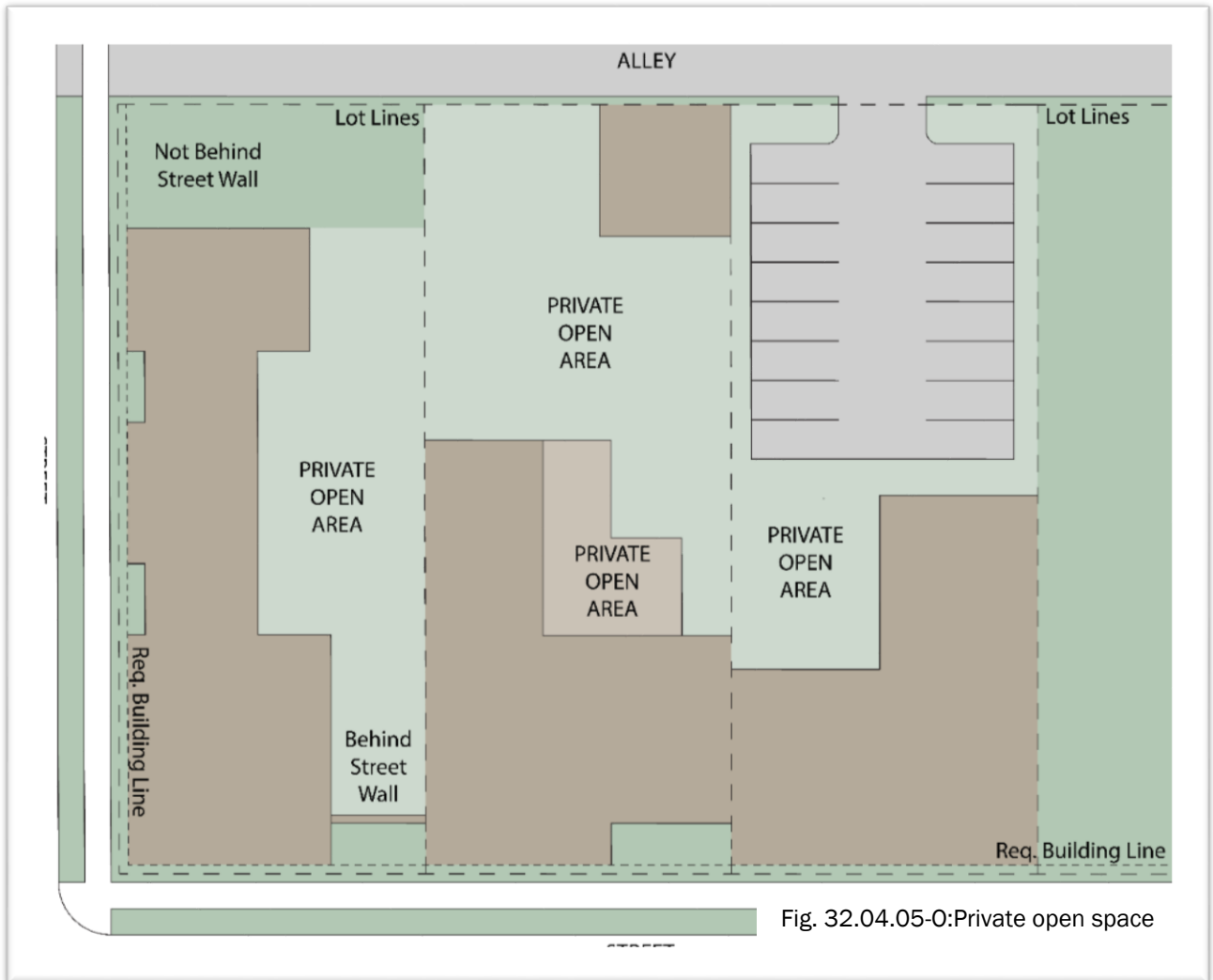
Where identified as a required measurement, a setback plane shall extend from a lot line at an angle of 60 degrees above the horizontal towards the subject lot. No building or structure shall extend above the setback plane.

**g. Private Open Area (Figure 32.04.05-O)**

When required, a minimum private or semi-private usable open area shall be provided at or above grade in a variety of configurations.

- (i) Any required private open area located at grade shall be behind the required building line and required street wall and have no more than 50 percent impervious surface.
- (ii) Any balcony used to fulfill private open area requirements shall be a minimum of eight feet wide and five feet deep; be enclosed by balustrades, railings, or other means; and not otherwise be enclosed above a height of 42 inches, except with insect screening and/or columns or posts supporting a roof or connecting with another balcony above.
- (iii) Private open area shall not be used to satisfy minimum storm water best management practice areas if thereby excluding active tenant use or parked or driven upon except for emergency access.
- (iv) Exception: any development on a lot that is exclusively reusing existing structures, without external expansion, is exempt from the private open area requirement.

- (v) Private open area is measured as a percentage of the buildable area, determined by dividing the total private open area by the buildable area.



### h. Parking (Figure 32.04.05-P)

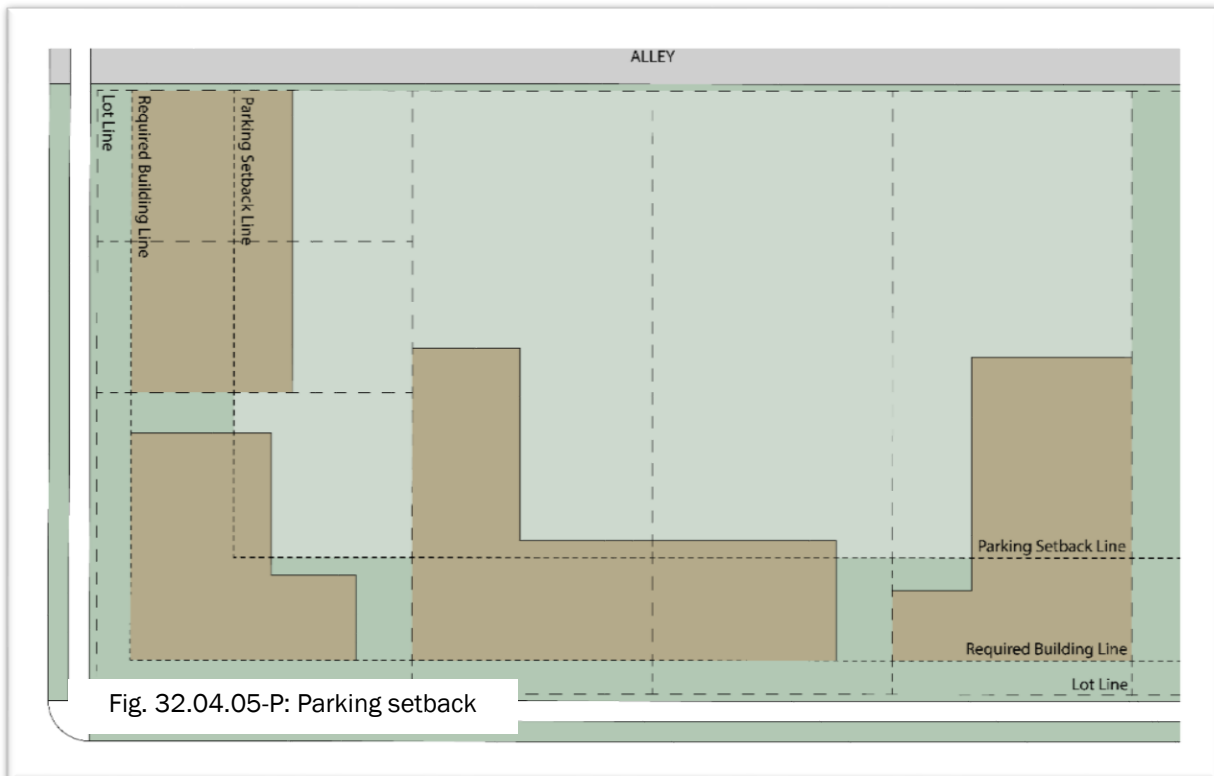


Fig. 32.04.05-P: Parking setback

#### (i) Location and Access

- (A) On-site parking shall be located behind the parking setback line, except where the parking floor level is within or below the structure and at least five feet below grade.
- (B) The parking setback line is generally 25 feet behind the required building line extending vertically from the first floor level as a plane unless otherwise specified in Sections 9.c and d, below.
- (C) Where an alley is present, parking and service access shall be from the alley side.
- (D) No project with alley access may create new curb cuts unless designated on the zoning map; or providing publicly available parking.
- (E) New curb cuts or driveways, except those along alleys, shall be located at least 75 feet away from any block corner or parking structure entry on the same block face.
- (F) No portion of a parking structure, except for elevator penthouses, shall exceed the individual form district maximum building height in feet; however: a garage may include additional levels of parking in excess of the form district story limit, and parking on the open, roof level is permitted.
- (G) A parking structure otherwise built according to the standards of an urban form district shall follow the Neighborhood Manners requirements, (see Section 32.04.05.B.5, below) where applicable.
- (H) Exceptions to the parking setback may be considered for structured parking through Section 32.05.13, Major Design Exception. The exception shall be the minimum necessary deviation

from the code and the design of all facades shall comply with the requirements for the zone district.

(ii) **Measurement in All Districts Except Shopfront Overlay**

The parking setback line is a vertical plane at the ground story measured as the minimum horizontal distance perpendicular from the:

- (A) Front or side street lot line in all districts except urban form districts, and
- (B) Required building line in urban form districts.

(iii) **Measurement in Shopfront Overlay**

- (A) The parking setback line is a vertical plane measured as the minimum horizontal distance perpendicular from the required building line.
- (B) A parking structure otherwise built according to the standards of an urban form district shall follow the Neighborhood Manners requirements, (see Section 32.04.05.B.5, below) where applicable

**i. Privacy Fences, Street Walls and Garden Walls**

- (i) Privacy fences may be constructed along common lot lines behind the required building line, and along alleys.
- (ii) Where not otherwise specified, privacy fences shall have a maximum height of seven feet.
- (iii) Where a street wall is required, as indicated in the individual urban form districts, it shall be located along the required building line.
- (iv) Any street or garden wall above four feet in height shall meet the fenestration requirements of the applicable urban form district.
- (v) The following may be permitted in any required street wall:
  - (A) One vehicular access point no wider than 24 feet to provide access to shared/publicly accessible parking where there is no alley access, and
  - (B) One pedestrian access point no wider than five feet.

**7. Structure Design**

**a. Functioning Entry**

At least one functioning entry door shall be provided along each ground story facade. The maximum distance between functioning street entrances is established in each urban form district.

**b. Porches and Stoops**

- (i) All required front porches shall be completely covered by a roof.
- (ii) Front porches may be screened when all architectural elements (columns, railings, etc.) occur on the outside of the screen on the side facing the street.

**c. Exterior Materials**

Traditional, sustainable, durable materials appropriate to the Iowa climate are encouraged. Energy-efficient materials detailed appropriate to a pedestrian-scaled urban environment are encouraged. The following materials are restricted or prohibited:

- (i) Any lap siding except natural wood or cementitious fiber board is prohibited, except vinyl siding which may be used for no more than 50% of upper story facades in urban form districts. In U-VR and U-NR, vinyl siding may be used for no more than 50% of lower and upper story facades.

- (ii) Composition roofing shingles used as a wall material is prohibited.
- (iii) Exposed fastener metal panels are prohibited.
- (iv) Artificial stucco or exterior insulation finishing systems (EIFS) is prohibited, except high impact quality rated materials, which may be used for no more than 50% of upper story facades in urban form districts. In U-VR and U-NR, high impact quality rated materials may be used for no more than 50% of lower and upper story facades.

**d. Facade Composition**

Facade composition is the arrangement and proportion of facade materials and elements (windows, doors, cornices, columns, pilasters, bays, etc.). Modulation of the facade breaks down the perceived scale of large buildings, distinguishes one part of the facade from another, and provides the appearance of distinct facades, to create or maintain a better pedestrian experience.

- (i) Applicability
  - (A) Facade composition standards apply to large projects in the Urban General Flex, and Medical Flex form districts and the shopfront overlay.
  - (B) Individual infill buildings on lots with street frontage of less than 100 feet on a block face are exempted from the overall facade composition requirement for that block face but shall still include a functioning street entry.

(ii) Module

Each facade shall present a distinct vertical module to maintain and/or create a pedestrian-scale for the public realm. The maximum average street frontage for facade compositions is provided in the applicable district specific standards. This requirement may be achieved for large footprint uses, such as grocery stores or parking structures, through the use of liner shops.

(iii) Composition

Each facade composition shall include:

- (A) A functioning street entry door;
- (B) A different ground story facade composition (framing materials and fenestration proportions); and
- (C) Two additional features from the list below:
  - (1) Minimum 20 percent change in fenestration proportions, or a change in fenestration rhythm or configuration. (Figure 32.04.05-Q.)
  - (2) Different bay rhythm or configurations (Figure 32.04.05-R.);
  - (3) Change in wall material (changes in color are insufficient);
  - (4) Minimum 12 percent change in total upper story fenestration; or
  - (5) For buildings less than four stories tall, changes in the cornice projection of at least 24 inches or cornice alignment of at least 36 inches.

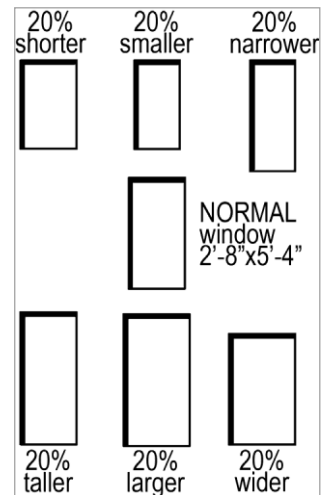


Fig. 32.04.05-Q: Fenestration proportions

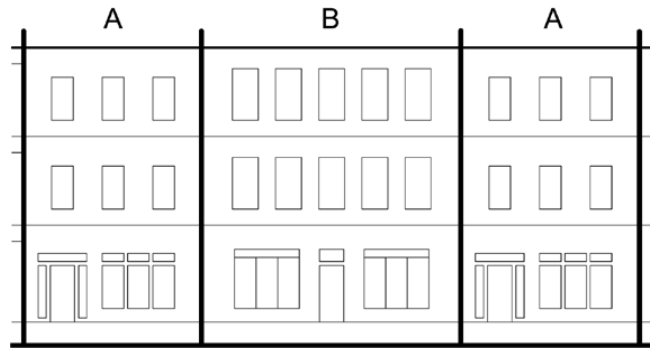


Fig. 32.04.05-R: Bay configurations

**e. Facade Elements (Figure 32.04.05-S)**

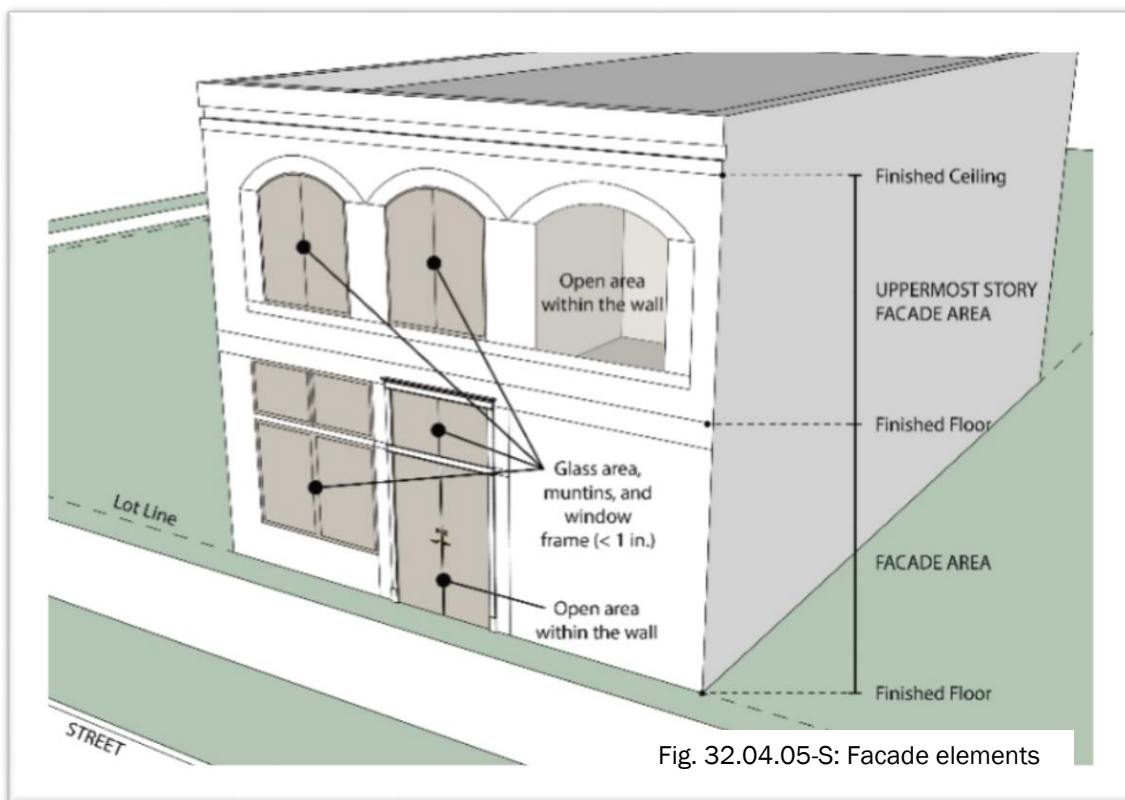


Fig. 32.04.05-S: Facade elements

- (i) Measurement
  - (A) Fenestration shall be measured as the percentage of glass and open area of the facade, and shall be calculated by dividing the total glass and open area by the total facade area between finished floors. Fenestration in the uppermost story shall be measured from finished floor to finished ceiling.
  - (B) The following elements shall be included as fenestration: glass area, including muntins and similar window frame elements with a dimension less than one inch; and open area within the wall, including functioning doors, windows and open-air entryways.
- (ii) Ground Story Fenestration in Shopfront Overlay



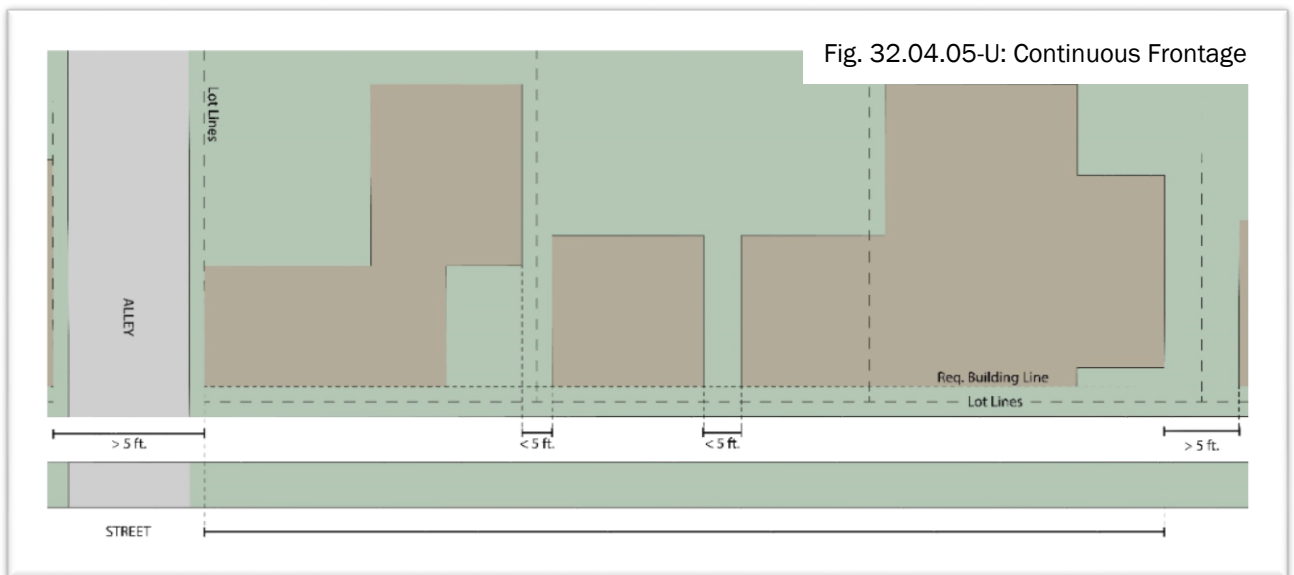
- (A) Ground story windows may not be made opaque by window treatments or tinting (except operable sunscreen devices within the conditioned space).
- (B) A minimum of 75 percent of the window surface shall allow a view into the building interior for a depth of at least 15 feet.
- (iii) Forecourt (Figure 32.04.05-T)

- (A) Width shall be measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard.
- (B) Depth shall be measured as the horizontal distance between the required building line and the closest facade of the exterior building, measured perpendicular to the required building line.



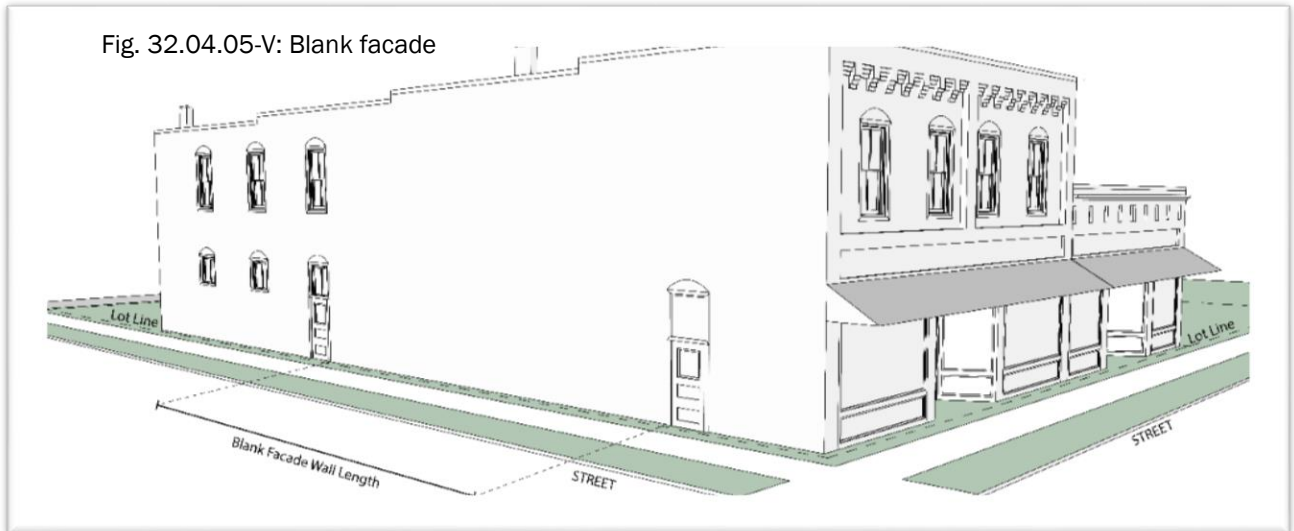
**f. Continuous Frontage Length (Figure 32.04.05-U)**

The horizontal distance of the facade of a building or buildings that do not have an interruption of more than 5 feet, unless noted otherwise in the urban form district standards.



**g. Blank Facade Wall Length (Figure 32.04.05-V)**

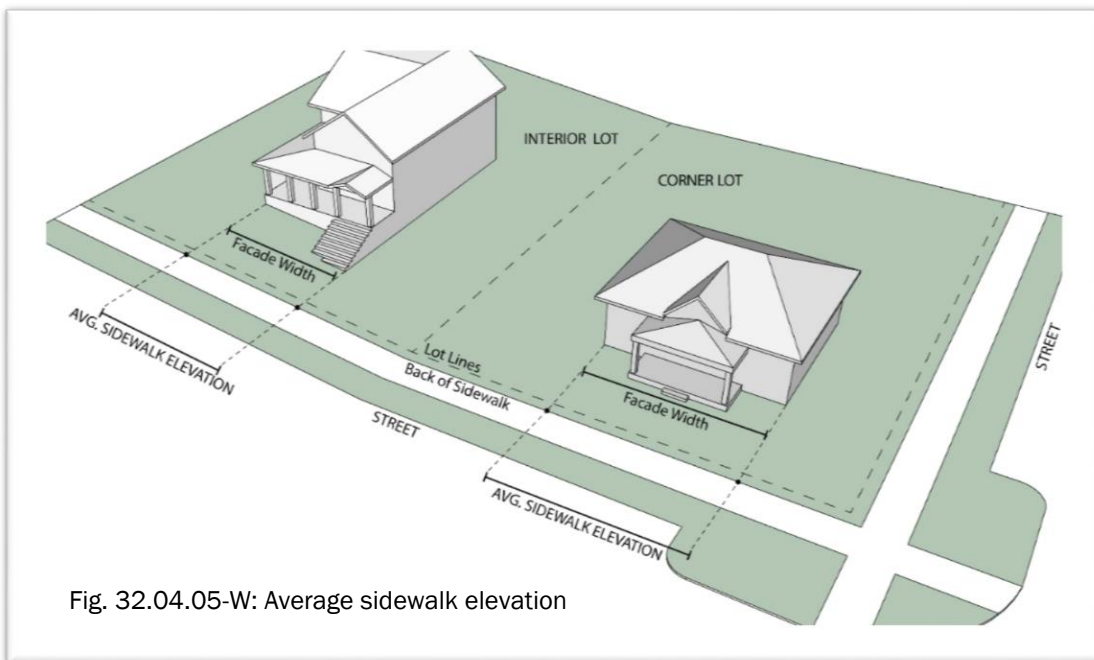
The horizontal distance of a facade of a building that does not contain fenestration, as measured from



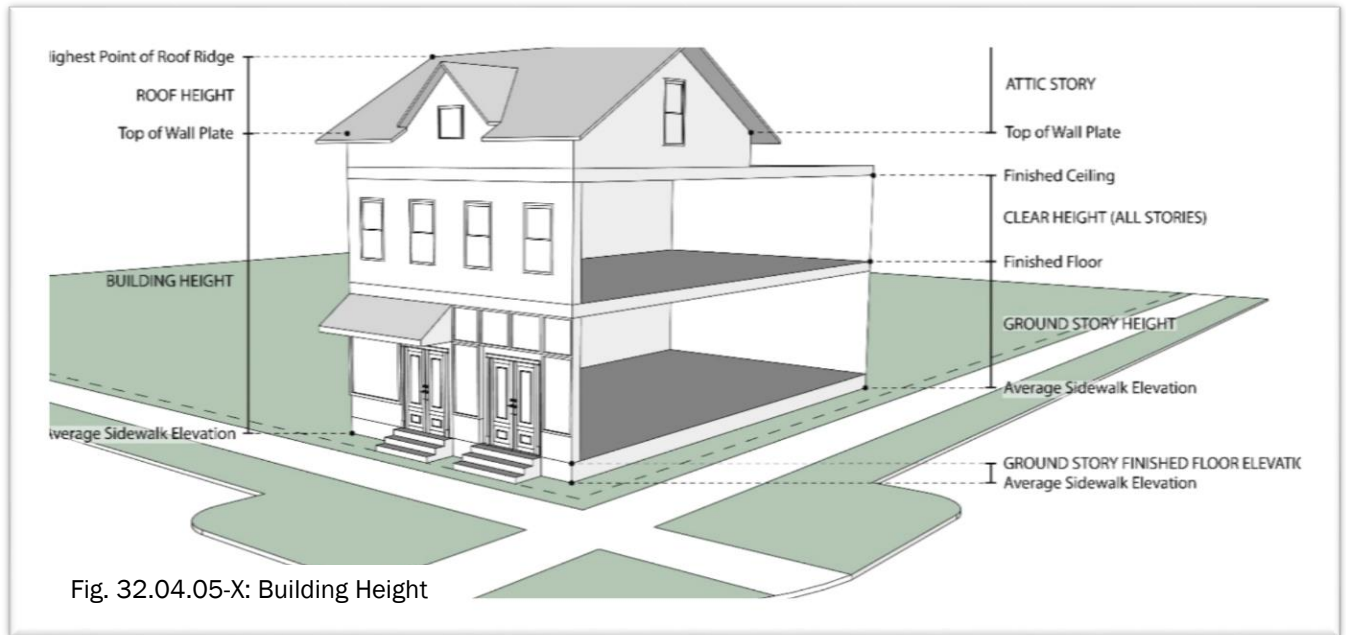
the edge of fenestration to the next edge of fenestration, measured per story.

**h. Average Sidewalk Elevation (Figure 32.04.05-W)**

The average sidewalk elevation shall be established by averaging the elevation of the back of sidewalk directly in front of the facade.



**8. Building Height (Figure 32.04.05-X)**



**a. Minimum and Maximum Heights**

- (i) The height of all buildings is measured in stories, with a maximum height limit measured in feet.
- (ii) Where designated in an individual form district, the minimum building height shall be satisfied at the required building line back to a minimum depth of 30 feet.

**b. Measuring Height in Stories**

- (i) The maximum height in stories shall not be exceeded. A story shall be included in the total number of stories when the story has its finished floor entirely above the average sidewalk elevation.
- (ii) Exceptions:
  - (A) A single attic story constructed according to the standards of the urban form districts (see below *c. Attic Story Requirements*) shall not be included in the building height measurement in stories or feet.
  - (B) Mezzanines that have a floor area less than one-third of the floor area of the story below shall not count as an individual story, but shall be included in the height limit in feet.

**c. Attic Story Requirements**

- (i) Where permitted, a story shall constitute an attic story if it meets the following requirements:
  - (A) On the required building line or facade side of the roof pitch (block interior elevations are not restricted) attic story windows shall only be located in dormers and/or gable-ends.
  - (B) Attic story dormers are permitted so long as they do not break the primary eave line, are individually less than 15 feet wide, and their collective width is not more than 60 percent of the length of the building elevation below.
  - (C) An attic story may not occupy an area greater than 65 percent of the gross floor area of the story immediately below.

- (ii) Attic story height shall be measured vertically from the top of the highest horizontal wall-framing member (wall plate, beam, girder) to the uppermost point of the roof.

#### **d. Measuring Height in Feet**

Measuring building height in feet is only applicable when a minimum building height is required or to enforce the maximum building height.

- (i) Sloped Roofs

Minimum and maximum building height shall be measured from the average sidewalk elevation to the top of the highest horizontal wall-framing member (wall plate, beam, girder) of the highest story. Any additional height under a sloped roof shall meet all attic story requirements.

- (ii) Flat Roofs

(A) Minimum building height shall be measured from the average sidewalk elevation to the top of the roof deck.

(B) Maximum building height shall be measured from the average sidewalk elevation to the top of the parapet wall.

#### **e. Ground Story Heights**

- (i) Shall be measured from the average sidewalk elevation and maintained within 30 feet of the required building line.

- (ii) Exceptions:

(A) Main entrances may be at grade with transitions to meet the minimum finished floor elevation with the building interior.

(B) If required to meet FEMA minimum elevation standards, measurement to be taken from such elevation.

#### **f. Clear Height**

- (i) Shall be measured from the finished floor to the finished ceiling.

- (ii) At least 80 percent of the gross floor area of each story shall meet the minimum clear height.

#### **g. Awning Clear Height**

Shall be measured from the adjacent sidewalk.

## 9. Neighborhood Manners

### a. Intent

The most intense urban form districts have additional standards in order to complement and transition to adjacent single unit neighborhoods in a compact area.

### b. Applicability

Neighborhood manners shall apply to Urban General Flex, Medical Flex, and Tech Shop districts that share a side interior or rear lot line with single-unit residential districts.

### c. Garden Wall

- (i) A garden wall, four to eight feet in height, shall be constructed within one foot of the common lot line.
- (ii) Trees from the City's approved tree list shall be planted at a maximum of 30 feet on center, between five and 10 feet from this wall.

### d. Setback (Figure 32.04.05-Y)



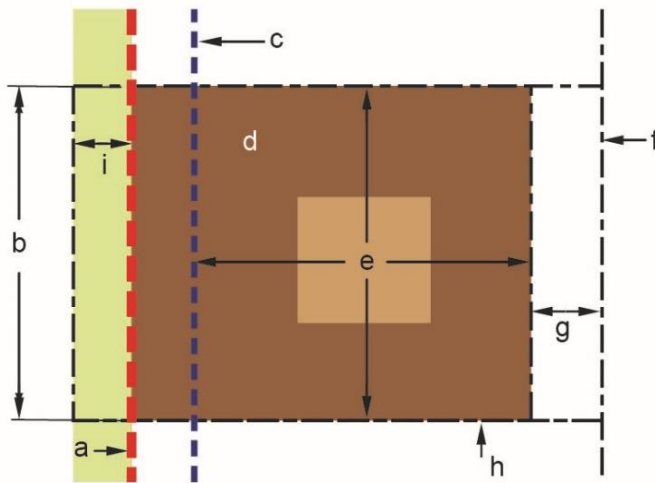
Fig. 32.04.05-Y: Setback

- (i) There shall be a 20-foot setback from the common lot line. Trees, a driveway, and surface parking are permitted within this setback, but there shall be no structures, other than the required garden wall, within this area.
- (ii) There shall be an additional setback plane, beginning at the common lot line and extending at an angle of 60 degrees above horizontal, beyond that no building or structure is permitted.

### 10. Urban General Flex (U-DC, U-DG, U-UG, U-TG) Development Standards

#### a. Site and Building Placement

The following site and building placement standards are applicable in the Urban General Flex form districts:



- a. Required building line
- b. Minimum build-to
- c. Parking setback line
- d. Buildable area (brown)
- e. Private open area (at grade parameters)
- f. Alley or rear lot line
- g. Rear setback
- h. Side Setback
- i. Dooryard

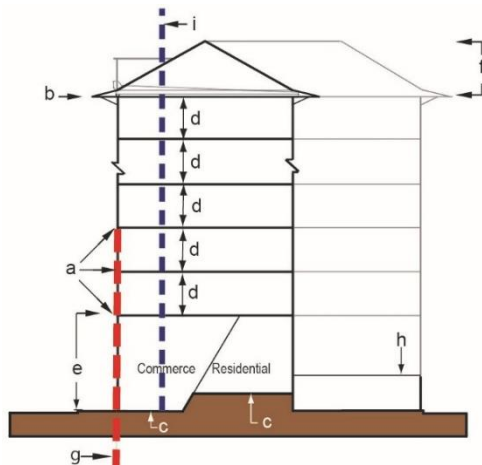
**Table 32.04.05-4: Urban General Flex (U-DC, U-DG, U-NG, U-VG) Dimensional Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
<b>Lot Requirements</b>					
		No minimum lot requirements			
<b>Building Placement</b>					
<b>Build-To</b>	32.04.05.B	RBL location identified on zoning map			
Front		RBL	RBL	RBL	RBL
Side, Street		RBL	RBL	RBL	RBL
Frontage Build-To (% min)		85	85	75	75
<b>Setbacks (ft, min)</b>					
Side, Internal	32.04.05.D	0	0	0	0
Rear, with Alley		5	5	5	5
Rear, without Alley	32.04.05.D	15	15	15	15
<b>Private Open Area (POA)</b>					
	32.04.05.B.6	At or above grade	At or above grade	At or above grade	At grade
Total (% min)		15	15	15	10
% in Single Area (min)		50	50	50	66
Contiguous Area (sf, min)		40	40	40	120
Balconies as POA	32.04.05.B.6	Permitted	Permitted	Permitted	Not Permitted
<b>Parking Placement</b>					
Setback Line, behind RBL (ft)	32.04.05.B.6	25	25	25	25
Alternative Distance (ft)[1]		n/a	n/a	15	15
<b>Notes</b>					

[1] When located on an interior (non-corner) lot, or at least 60 feet from a corner, the alternative distance may be used where a 4-foot street or garden wall is constructed with canopy trees planted on 25-foot centers, between the wall and the setback line.

**b. Building Height and Footprint**

The following building height and footprint standards are applicable in the Urban General flex form districts:



- a. Minimum building height
- b. Maximum building height
- c. Ground floor elevation
  - (i) Commercial: left
  - (ii) Residential: right
- d. Story clear height
- e. Ground story height
- f. Attic story height
- g. Required building line
- h. Street wall
- i. Parking setback line

**Table 32.04.05-3: Urban General Flex (U-DC, U-DG, U-NG, U-VG) Dimensional Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
<b>Structure Size</b>					
<b>Building Height</b>					
Stories Min/Max	32.04.05.B.8	3 / unlimited	2 / 10	1 / 6	1 / 3
Height (ft, max)	32.04.05.B.8	Unlimited	115	70	40
<b>Story Height (ft)</b>					
Ground Story					
Height Min/Max		18/25	18/25	15/20	15/20
Clear Height		n/a	n/a	n/a	n/a
Upper Story Clear Height (min)	32.04.05.B.8	9	9	9	9
Attic Story Parameters					
Max Roof Height (ft)	32.04.05.B.8	n/a	20	20	20
Roof Pitch, Min/Max		n/a	3:12   12:12	3:12   16:12	3:12   16:12
<b>Ground Floor Finished Floor Elevation (ft)</b>					
32.04.05.B.8					
Residential with RBL frontage, Min/Max		3 / 6	3 / 6	3 / 6	3 / 6
Non-Residential Min/Max		0 / 1.5	0 / 1.5	0 / 1.5	0 / 1.5
<b>Building Size</b>					
Footprint Gross Area, Primary Structure (sf, max)		42,000	30,000	25,000	15,000

**Table 32.04.05-3: Urban General Flex (U-DC, U-DG, U-NG, U-VG) Dimensional Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
Continuous Frontage (ft)	32.04.05.C.5 and 6	300	300	150	150

**c. Building Composition**

**Table 32.04.05-5: Urban General Flex (U-DC, U-DG, U-NG, U-VG) District Specific Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
<b>Facade Design</b>	<b>32.04.05.B.7</b>				
<b>Length (ft, max)</b>					
Blank Facade Wall [1]		20	20	20	20
<b>Fenestration (%)</b>					
Ground Story Min/Max		33/90	33/90	33/90	33/80
Upper Story Min/Max		20/70	20/70	20/70	20/70
<b>Facade Composition (ft) [2]</b>					
Average Module Length		75	75	75	75
Distance Between Facade Entrances (max)		75	75	75	75
<b>Uses</b>	<b>32.03</b>				
Ground Story			Residential/Commercial		
Upper Stories			Residential/Commercial		
<b>Walls and Fences</b>					
<b>Street Wall</b>	<b>32.04.05.A.6</b>				
Required/Permitted		Required	Required	Required	Permitted
Min/Max Height(ft)		6 / 12	6 / 12	3 / 12	n/a/ 10
<b>Notes</b>					

[1] A facade is the side(s) of the building fronting a public ROW.

[2] Required for structures with 100’ or more of continuous frontage.

**d. Shopfront Overlay Standards**

**Table 32.04.05-6: Urban General Flex (U-DC, U-DG, U-NG, U-VG) Shopfront Overlay Standards**

	Instructions and Exceptions	U-DC	U-DG	U-NG	U-VG
<b>Facade Design</b>	<b>32.04.05.B.7</b>				
Ground Story Fenestration Min/Max (%)			50/90		
Distance Between Facade Entrances (max, ft)			60		
<b>Building Height</b>					
Ground Story Clear Height (min, ft)			15		
<b>Setback Encroachments</b>					
Shopfront [1]	32.04.05.B		Up to 2’ into dooryard		

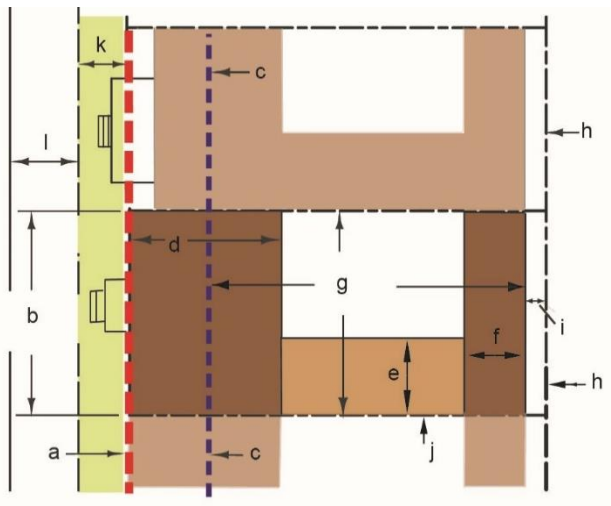


Additional Standards	32.04.05.B	
Ground Story Corner Entry Chamfer		Permitted within 12' of a block corner for a corner entry
Parking		See 32.04.05.B.3.d
Curb cuts		By Major Design Exception
Uses		
Uses		Retail sales and service; commercial and professional services only within the first 25 feet of required building line
Notes		
[1] Shopfronts may encroach beyond the facade or required building line into the dooryard, but not into the clear walkway.		

### 11. Urban Residential (U-NR, U-VR) Development Standards

#### a. Site and Building Placement

The following site and building placement standards are applicable in the Urban General Flex form districts:



- a. Required building line
- b. Minimum build-to
- c. Parking setback line
- d. Buildable area depth – front
- e. Buildable area depth – side
- f. Buildable area depth – rear
- g. Private open area (at grade parameters)
- h. Alley or rear lot line
- i. Rear setback
- j. Side Setback
- k. Dooryard
- l. Clear walkway

**Table 32.04.05-7: Urban Residential (U-NR, U-VR) Dimensional Standards**

	Instructions and Exceptions	U-NR	U-VR
Lot Requirements			
Lot Width (ft, min)		18	18
Building Placement			
Build-To	32.04.05.B	RBL location identified on zoning map	

**Table 32.04.05-7: Urban Residential (U-NR, U-VR) Dimensional Standards**

	Instructions and Exceptions	U-NR	U-VR
Front		RBL	RBL
Side, Street		RBL	RBL
Frontage Build-To (% min) [1]		65	65
<b>Setbacks (ft, min)</b>			
Side, Internal [2]	32.04.05.D	0	0
Rear, with Alley		2	2
Rear, without Alley	32.04.05.D	15	15
<b>Buildable Area Depth (ft, max)</b>			
Front		80	80
Side [3]		14	14
Rear		25	25
<b>Private Open Area (POA)</b>	32.04.05.B.6	At grade [4]	At grade [4]
Total (% min)		15	15
Percent in a Single Area (min)		50	50
Contiguous Area (sf, min)		100	100
Balconies as POA		Not Permitted	Not Permitted
<b>Parking Placement</b>	<b>32.05.05.B</b>		
Setback Line, Behind RBL (ft) [5]		15	15
<b>Notes</b>			

[1] A front porch constructed to the minimum standards prescribed below in Elements can be used to achieve the percentage build-to.

[2] Although there is no side setback, the maximum continuous frontage cannot be exceeded without a minimum 10’ gap between an attached group of townhouses or small multi-unit buildings. This required gap shall be shared equally between adjacent properties.

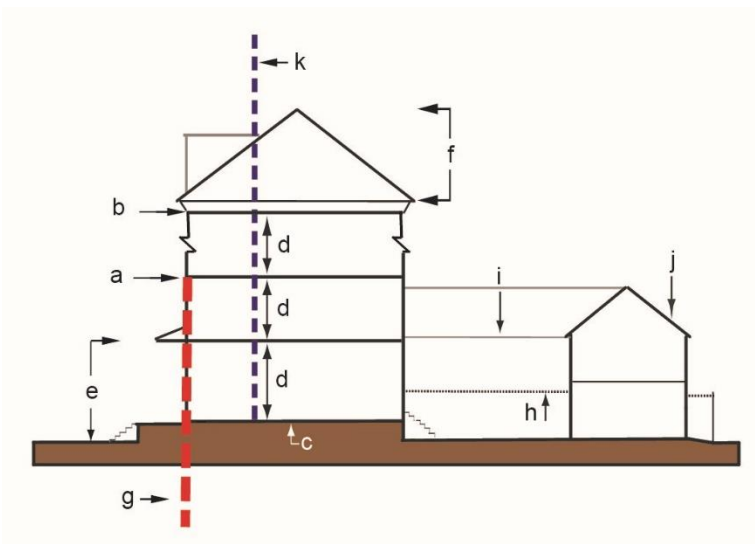
[3] The side buildable area applies to only one side.

[4] Required to be at grade, except for lots less than 90 feet deep measured from RBL to rear lot line, where it may be at or above grade.

[5] Applies to garage doors and entrances.

**b. Building Height and Footprint**

The following building height and footprint standards are applicable in the Urban General flex form districts:



- a. Minimum building height
- b. Maximum building height
- c. Ground floor elevation
- d. Story clear height
- e. Ground story height
- f. Attic story height
- g. Required building line
- h. Privacy fence
- i. Height in rear 50 feet of lot
- j. Accessory structure
- k. Parking setback line

**Table 32.04.05-7: Urban Residential (U-NR, U-VR) Dimensional Standards**

	Instructions and Exceptions	U-NR	U-VR
<b>Structure Size</b>			
<b>Building Height [1]</b>			
Stories Min/Max	32.04.05.B.8	1/4	1/4
Height (ft, max)	32.04.05.B.8	48	38
Height in rear 50 ft. of lot (ft, max)		18	18
<b>Story Height (ft)</b>			
Ground Story	32.04.05.B.8		
Height Min/Max		14/18	14/18
Clear Height		n/a	n/a
Upper Story (ft, min)	32.04.05.B.8	9	9
Attic Story Parameters	32.04.05.B.8		
Max Roof Height (ft)		20	20
Roof Pitch Min/Max		3:12   16:12	3:12   16:12
<b>Ground Floor Finished Floor Elevation (ft) [2]</b>			
Residential Units with RBL frontage, Min/Max [3]	32.04.05.B.8	3/6	3/6
Non-Residential, Min/Max [4] [5]		0/1.5	0/1.5
<b>Footprint Gross Area</b>			
Primary Structure (sf, max)		7,500	6,000
Accessory Structure (sf, max)		1,500	750
Continuous Frontage (ft, max)	32.04.05.C.5 and 6	120	100
<b>Notes</b>			

[1] Height in Urban Form districts is measured to the eave.

[2] Measured from the average fronting sidewalk elevation and within 20 feet of the required building line.

[3] Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.

**Table 32.04.05-7: Urban Residential (U-NR, U-VR) Dimensional Standards**

	Instructions and Exceptions	U-NR	U-VR
	[4] See uses for those activities that are permitted at grade.		
	[5] Live-work shall comply with U-VR except that the ground story may be configured at grade, as a shopfront.		

**a. Building Composition**

**Table 32.04.05-8: Urban Residential (U-NR, U-VR) District Specific Standards**

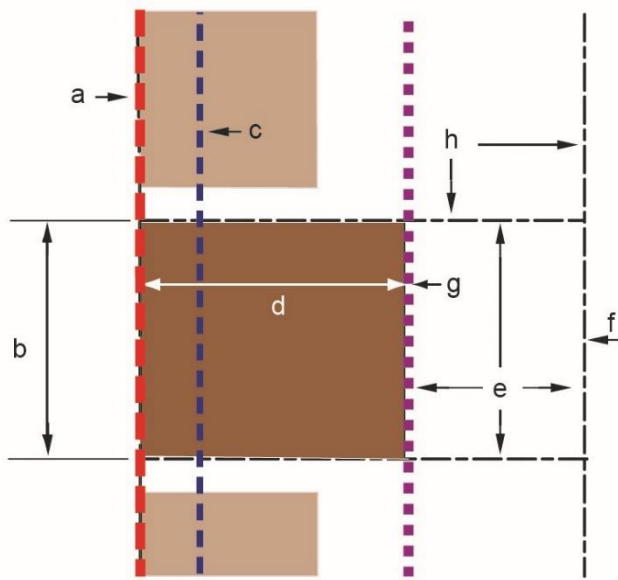
	Instructions and Exceptions	U-NR	U-VR
<b>Facade Design</b>	<b>32.04.05.B.7</b>		
<b>Length</b>			
Blank Facade Wall (ft, max)		15	15
<b>Fenestration (%)</b>			
Ground Story Min/Max		25/70	25/70
Upper Story Min/Max		25/70	25/70
<b>Frontage and Facade Elements</b>			
Location		On the Facade	
Facade Entrances		At least 1 per townhouse or multi-unit building	
Required Entrance Type		Porch or Stoop	
<b>Uses</b>			
Ground Story		Residential, Commercial [1]	
Upper Story		Residential	
Rear Lot Buildable Area		ADU [2], Accessory Structure, Parking	
<b>Walls and Fences</b>			
<b>Street Wall</b>	<b>32.04.05.A.6</b>		
Required/Permitted		Permitted	Permitted
Height Min/Max (ft)		0/6	0/6
<b>Fence</b>			
Required/Permitted		Req. on side and rear lot lines where no building.	
Height Min/Max (ft)		6/8	6/8
<b>Notes</b>			

[1] Live-work units may include commercial uses. Accessory support areas such as lobbies, party rooms, management offices, and exercise facilities are permitted.

[2] Townhouse lots only; only one accessory unit is permitted per townhouse. It may be configured as: a) an English basement; b) a stacked flat; or c) a unit located in the buildable area at the rear lot line, at grade or above a garage, with a maximum footprint of 750 square feet

**12. Urban Tech Shop (U-NT, U-VT) Development Standards**

**a. Site and Building Placement**



- a. Required building line
- b. Minimum build-to
- c. Parking setback line
- d. Buildable area depth
- e. Work court (at grade parameters)
- f. Alley or rear lot line
- g. Lot building limit
- h. Property lines

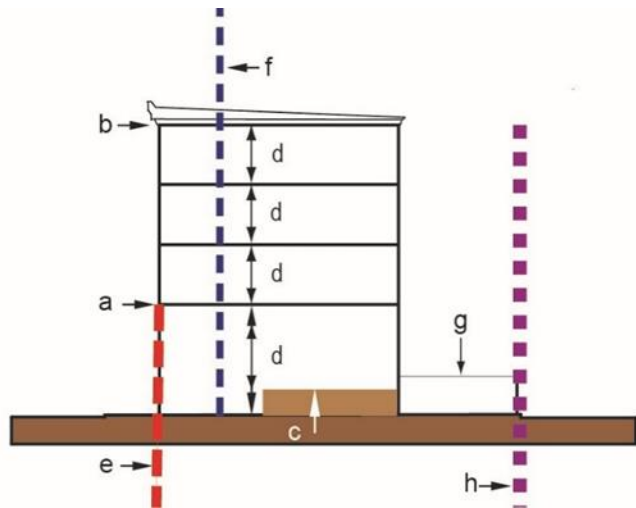
Table 32.04.05-9: Urban Tech Shop (U-NT, U-VT) Dimensional Standards

	Instructions and Exceptions	U-NT	U-VT
<b>Lot Requirements</b>			
		No min. lot requirements	
<b>Building Placement</b>			
<b>Build-To</b>	32.04.05.B	RBL location identified on zoning map	
Front		RBL	RBL
Side, Street		RBL	RBL
Frontage Build-To (% min)		60	60
<b>Setbacks (ft, min)</b>			
Side, Internal	32.04.05.D	0	0
Rear, with Alley		10	10
Rear, without Alley	32.04.05.D	15	15
<b>Work Court [1]</b>		At grade	At grade
Total (min)		10%	10%
Percent in a Single Area (min)		50%	50%
Contiguous Area (sf, min)		100	100
<b>Parking Placement</b>			
Setback Line, behind RBL (ft)		25	25
Alternative Distance (ft) [2]		15	15
<b>Notes</b>			

[1] Work court may be paved.

[2] When located on an interior (non-corner) lot, or at least 60 feet from a corner, the alternative distance may be used where a 4-foot street or garden wall is constructed with canopy trees planted on 25-foot centers, between the wall and the setback line.

**b. Building Height and Footprint**



- a. Minimum building height
- b. Maximum building height
- c. Ground floor elevation
- d. Story clear height
- e. Required building line
- f. Parking setback line
- g. Street wall
- h. Lot building limit

**Table 32.04.05-10: Urban Tech Shop (U-NT, U-VT) Dimensional Standards**

	Instructions and Exceptions	U-NT	U-VT
<b>Structure Size</b>			
<b>Building Height</b>			
Stories Min/Max	32.04.05.B.8	1/4	1/4
Height (ft, max)	32.04.05.B.8	60	45
<b>Story Height</b>			
Ground Story Min/Max (ft)		12/25	12/25
Upper Story (ft, min)		9	9
<b>Attic Story Parameters</b>			
Height (ft, max)		20	20
Roof Pitch Min/Max		3:12   12:12	3:12   12:12
<b>Ground Floor Finished Floor Elevation</b>			
Residential Units Min/Max (ft)		3/6	3/6
Non-Residential Min/Max (ft)		0/1.5	0/1.5
<b>Footprint Gross Area</b>			
Primary Structure (sf, max)		45,000	20,000
Continuous Frontage (ft, max)	32.04.05.C.5 and 6	300	200

**c. Building Composition**

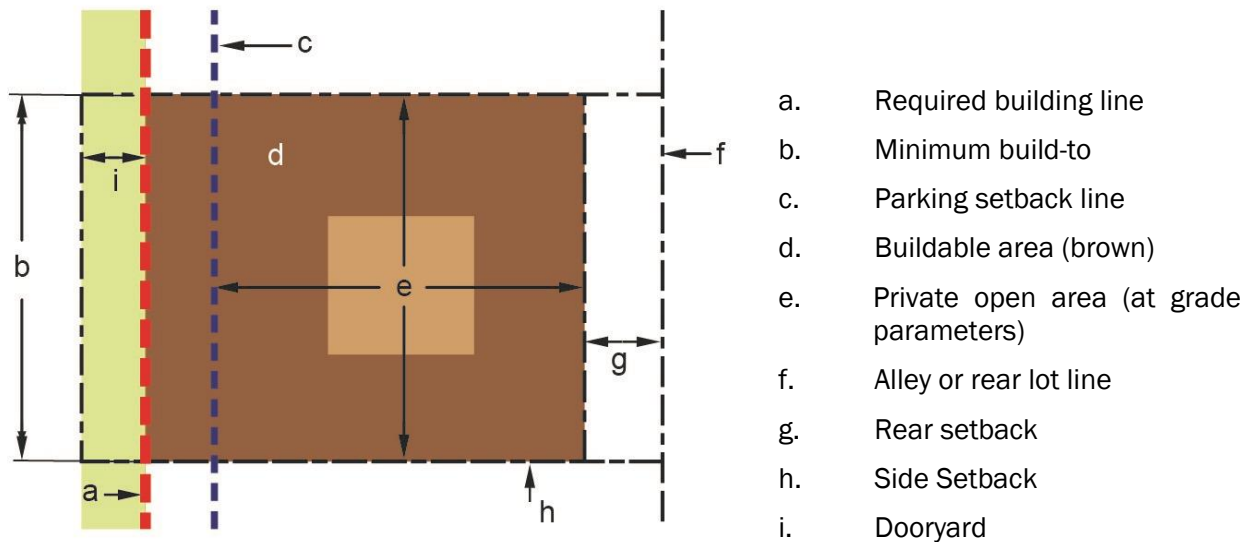
**Table 32.04.05-11: Urban Tech Shop (U-NT, U-VT) District Specific Standards**

	Instructions and Exceptions	U-NT	U-VT
<b>Facade Design</b>			
<b>Length</b>			
Blank Facade Wall (ft, max)		60	50
Distance between Facade Entrances (ft, max)		100	100

<b>Fenestration (%)</b>			
Ground Story Min/Max		33/70	33/70
Upper Story Min/Max		20/70	20/70
<b>Uses</b>			
	<b>32.03</b>		
Ground Story			
Upper Story		Permit limited residential (max. 800 SF)	Permit limited residential (max 800 SF)
Back of Lot		Loading, Delivery, Parking and other services from alley	
<b>Walls and Fences</b>			
<b>Street Wall</b>	32.04.05.A.6		
Required/Permitted		Required	Required
Height Min/Max (ft)		5/12	5/12
<b>Privacy Fence</b>			
Required/Permitted		Req on side and rear lot lines where no building.	
Height Min/Max (ft)		6/10	6/10

### 13. Urban Medical Flex (U-MF) Development Standards

#### a. Site and Building Placement



- a. Required building line
- b. Minimum build-to
- c. Parking setback line
- d. Buildable area (brown)
- e. Private open area (at grade parameters)
- f. Alley or rear lot line
- g. Rear setback
- h. Side Setback
- i. Dooryard

Table 32.04.05-13: Urban Medical Flex (U-MF) Dimensional Standards

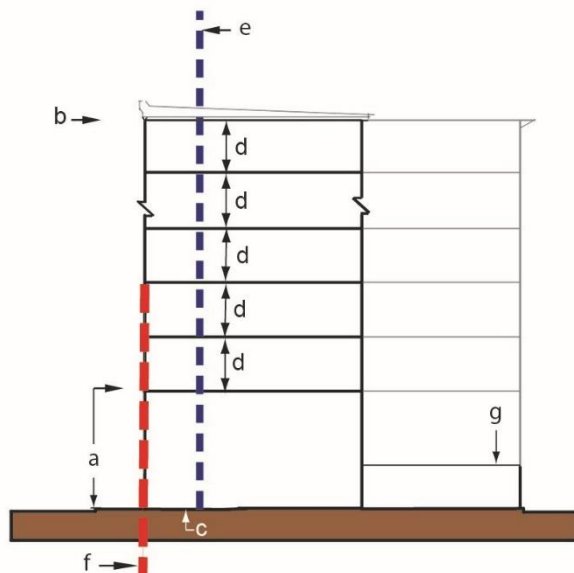
	Instructions and Exceptions	U-MF
<b>Lot Requirements</b>		No min. lot requirements
<b>Building Placement</b>		
<b>Build-To</b>	32.04.05.B	RBL location is identified on the zoning map

**Table 32.04.05-13: Urban Medical Flex (U-MF) Dimensional Standards**

	Instructions and Exceptions	U-MF
Front		RBL
Side, Street		RBL
Frontage Build-To (% , min)		60
<b>Setbacks (ft, min)</b>		
Side, Internal	32.04.05.D	0
Rear, with Alley		10
Rear, without Alley	32.04.05.D	25
<b>Private Open Area (POA)</b>		
Total (min)		10%
Percent in a Single Area (min)		
Contiguous Area (sf, min)		
Location		
<b>Parking</b>		
Setback Line, behind RBL (ft)	32.04.05.B.6	25
Alternative Distance (ft) [1]		15
<b>Notes</b>		

[1] When located on an interior (non-corner) lot, or at least 60 feet from a corner, the alternative distance may be used where a 4-foot street or garden wall is constructed with canopy trees planted on 25-foot centers, between the wall and the setback line.

**b. Building Height and Footprint**



- a. Minimum building height
- b. Maximum building height
- c. Ground floor elevation
- d. Upper story clear height
- e. Parking setback line
- f. Required building line
- g. Street wall



**Table 32.04.05-14: Urban Medical Flex (U-MF) Dimensional Standards**

	Instructions and Exceptions	U-MF
<b>Structure Size</b>		
<b>Building Height</b>		
Stories Min/Max	32.04.05.B.8	1/15
Height (ft, max)	32.04.05.B.8	Unlimited
<b>Story Height</b>		
Ground Story Min/Max (ft)		15/25
Upper Story (ft, min)		9
<b>Ground Floor Finished Floor Elevation (ft)</b>		
	32.04.05.B.8	
Non-Residential Min/Max (ft)		0/1.5
<b>Footprint Gross Area</b>		
Primary Structure (sf, max)		Limited by ROW/block perimeter
Continuous Frontage (ft, max)	32.04.05.B.7	300 (or existing block length)

**c. Building Composition**

**Table 32.04.05-15: Urban Medical Flex (U-MF) Specific Standards**

	Instructions and Exceptions	U-MF
<b>Facade Design</b>		
	32.04.05.B.7	
<b>Length</b>		
Blank Facade Wall (ft, max)		50
Entrance Frequency		At least 1 per block face
<b>Fenestration (%)</b>		
Ground Story Min/Max		25/70
Upper Story Min/Max		20/70
<b>Permitted Uses</b>		
	32.03	
Ground Story		Any permitted use
Upper Story		Any permitted use
Top Story or Roof Deck		Any permitted use
Back of Lot		Loading, Delivery, Parking and other services from alley or internal drive
<b>Walls and Fences</b>		
	32.04.05.A.6	
<b>Street Wall</b>		
Required/Permitted		Required around service areas
Height Min/Max (ft)		4/10
<b>Privacy Fence</b>		
Required/Permitted		Required on side and rear lot lines where adjacent to residential uses.
Height Min/Max (ft)		6/10

## C. Traditional Site and Structure Standards

### 1. Applicability

The design standards in this section apply to all new construction in T-xx districts.

### 2. Adjacent-to-Residential Compatibility Standards

#### a. Purpose

The purpose of this section is to protect existing residential districts, neighborhoods, and uses from the potentially adverse impacts arising from the development of more intense uses in close proximity to residences.

#### b. Applicability

- (i) The residential compatibility standards in this subsection apply when nonresidential or mixed-use development is proposed adjacent to lots in a residential district.
- (ii) Conformity with the design requirements in this section shall be the responsibility of the mixed-use or non-residential development applicant.

#### c. Upper Story Balconies and Patios

Balconies, patios, or other exterior public gathering spaces that are more than 24 feet above grade shall not be located within 30 feet of a residential district lot line.

#### d. Accessory Uses and Equipment

Outdoor vending machines, ice dispensers, vacuums, and air pumps shall not be permitted within 100 feet of any residential district and shall be screened to be completely out of view from adjacent residential uses.

#### e. Noise Generating Equipment

- (i) Noise-generating service areas, equipment, and functions (including but not limited to loading areas, truck parking, trash collection and compaction, and recycling collection areas) shall be located so that they are as far as reasonably possible from adjacent residential properties.
- (ii) Any external sound system shall be so designed, located, and operated to minimize impact on the said residential district or use, and all sounds generated on the premises shall not exceed the maximum permissible sound levels established in the City's Noise Ordinance, Chapter 56 of the Cedar Rapids Municipal Code.

### 3. Contextual Front Set-to Line

#### a. Consistency with Like Building Type

- (i) Lots with buildings of the same building type as proposed are to be used as the contextual basis for street set-to lines.
- (ii) Lots with buildings of a different building type are not to be used as the contextual basis for street set-to lines unless it can be demonstrated that the pattern of structure location for both building types is fundamentally the same within a radius of 500 feet.
- (iii) Civic buildings are not to be used as the contextual basis for street set-to lines of non-civic buildings. Likewise, non-civic buildings are not to be used as the contextual basis for civic buildings.
- (iv) The determination of the appropriate street set-to line may take into account the presence of recorded easements or utility obstructions that prevent meeting any of the criteria above.

**b. Contextual Criteria**

- (i) Street set-to lines shall be consistent with the predominant pattern of structure location either as established in an adopted plan or that existed when the block was originally designed that are located within a distance of three lot widths along both sides of the same or intersecting street frontages, as applicable.
- (ii) If the lot is a corner lot, street set-to lines shall be consistent with the street set-to line of any building that previously occupied the same corner lot when the site was originally designed or built. If that information is not available, street set-to lines shall be consistent with the structure location of any original building located on any of the other corner lots at the same intersection.
- (iii) If there are no original buildings located on adjacent or nearby lots, street set-to lines shall be consistent with the pattern of street set-to lines shown at that location on original plat maps.

**4. Residential Single and Two-Unit Standards**

**a. Minimum Standard Residential Structure Dimensions**

The following exceptions to Section 32.04.05.A shall apply in zone districts where traditional site and structure standards are applicable:

**b. Standard Residential Structures on Small Lots**

The minimum structure size and floor area requirements may be modified to allow for development of small lots with single-unit residential structures. The minimum width of the facade of the primary structure may be reduced to not less than 16 feet when placed on an existing lot of record with a width of 30 feet or less or an area of 4,000 square feet or less.

**c. Small House Residential Structures**

The minimum gross floor area for a home may be reduced by application for a major design exception. This provision is intended to allow for planned multi-unit developments such as cottage courts, or for the consideration of single-unit development that falls below the minimum structure size required by this Code. In addition to the criteria for approval for major design exceptions, the application shall meet the following:

- (i) The homes to be constructed shall have continuous frost-free foundation.
- (ii) The design of the proposed home meet all applicable codes, including building and fire codes.
- (iii) The proposed development does not require approval under Chapter 65, Manufactured/Mobile Home and Manufactured/Mobile Home Code, of the municipal code.

**d. Garage Design**

On blocks where the existing garage layout is predominately detached, side-facing, recessed, or alley-loaded, attached garages shall meet the design standards in Table 32.04.05-16.

**Table 32.04.05-16: Attached Garage Design Standards**

Attached Garages	
Front-Loaded Attached Garages	
Distance garage doors are recessed from the street-facing Facade enclosing the garage (ft, min)	1
Percent of ground floor facade enclosing the primary use located closer to the front lot line than the attached garage (min)	50%
Number of street-facing garage doors (max)	3
Garage door width for 2-car garage (ft, total max)	18
Garage door width for 3-car garage (ft, total max)	27
Side-Loaded Attached Garages	

Offset from facade enclosing the primary use (ft, min)	4
Number of windows in facade (min)	2

**e. Infill Development**

- (i) Infill residential structures, including garages, shall be designed with form, shapes, textures, and functions that are compatible in scale, siting, detailing and overall character with comparable residential structures in the immediate neighborhood.
- (ii) A height transition area of 25 feet in width is established along each side and rear property line abutting an existing residence. All new construction and additions within the height transition area is limited in height to no more than 25 percent higher than the existing structure. If a residence does not exist on one or more abutting lots, this regulation shall not apply to such situation.

**5. Multi-Unit, Mixed-Use, and Commercial Uses**

**a. Pedestrian Access**

- (i) At least one functioning entry door shall be provided along each facade.
- (ii) The principal building entrance shall be parallel to and facing the front lot line.
- (iii) One entry door at the street corner is allowed for buildings on corner lots.

**b. Materials**

- (i) All materials shall be durable and long lasting.
- (ii) Acceptable exterior wall materials are brick, stone, architectural concrete masonry units (CMU), stucco, wood, cementitious siding, EIFS, glass, metal (flat, perforated, composite, or ribbed less than 8 inches on center), architectural paneling, or other similar high-quality materials.
- (iii) Acceptable roof materials include metal, clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition, and asphalt. All composition shingle roofing should be constructed using high profile, textured shingles.
- (iv) Mix of Materials
  - (A) No single building material except masonry shall cover more than 80 percent of the facade. Windows and doors shall not be counted as additional building materials.
  - (B) Structures with a footprint of 20,000 square feet or less shall require a minimum of two distinct building materials on each facade to provide architectural detail and interest.
  - (C) Structures with a footprint over 20,000 square feet shall require a minimum of three distinct building materials on each facade to provide architectural detail and interest.

**c. Roof Configuration**

- (i) Detached garages and carports shall have pitched roofs with a minimum slope of 4:12.
- (ii) All sloped roofs shall have overhanging eaves of at least one foot.
- (iii) Roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

**d. Awnings and Canopies**

- (i) The material of awnings and canopies shall complement the building.
- (ii) Awnings shall not be internally illuminated.
- (iii) Canopies shall not exceed 40 linear feet without a break.

- (iv) Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
- (v) All large canopies that require structural columns for support shall have a minimum six-foot masonry (or other approved material) finish measured from the finished grade. Materials used on columns and canopies shall be complementary to the building.

**e. Structured Parking Design**

- (i) Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the zoning administrator.
- (ii) Ground floor facades of parking structures not occupied by active uses shall be articulated through the use of three or more of the following architectural features.
  - (A) Windows or window-shaped openings with decorative mesh or similar features as approved by the zoning administrator;
  - (B) Masonry columns;
  - (C) Decorative wall insets or projections;
  - (D) Awnings;
  - (E) Changes in color or texture of materials;
  - (F) Approved public art;
  - (G) Integrated landscape planters; or
  - (H) Other similar features approved by the Director.
- (iii) Wrapping of Parking Structure

Where feasible, the ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with active public or residential uses along at least 60 percent of the ground-floor street frontage.

## D. Suburban Design Standards

### 1. Applicability

The design standards in this subsection apply to new construction in Suburban districts.

### 2. Single and Two-Unit Structures

#### a. Mix of Facades

- (i) Developments containing 10 or more single unit houses (aggregated if the development is phased) shall offer a minimum of two distinctly different facades.
- (ii) Development containing 20 or more single unit houses (aggregate if the development is phased) shall offer a minimum of four different facades.
- (iii) The number of different facades required shall increase by two for each addition of ten single unit houses.
- (iv) Mirror images of the same facade are not considered distinctively different. Mirror images of the same facade are permitted on both sides of a duplex or similar attached dwelling.
- (v) Each facade used to satisfy this requirement shall distinctly differ from other facades in a minimum of four distinct ways, including but not limited to:
  - (A) Placement of windows and doors;
  - (B) Use of different materials;
  - (C) Substantial variation in the location and proportion of garages and garage doors;
  - (D) Variation in the use, location, or proportion of front porches;
  - (E) Substantial variations in rooflines, that may include roof pitch;
  - (F) Use of dormers;
  - (G) Variation in number of stories;
  - (H) Window shapes that are substantially different; or
  - (I) Other distinct and substantial facade design variations approved by the zoning administrator.

### 3. Multi-Unit, Mixed-Use, and Commercial Uses

#### a. Entrances

- (i) To the maximum extent feasible, the principal building entrance shall face:
  - (A) An adjacent public street;
  - (B) An adjacent publicly accessible plaza; or
  - (C) An adjacent primary public walkway.
- (ii) In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one functioning entry and one or more transparent windows.
- (iii) In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).
- (iv) Primary entrances shall not be oriented towards parking lots, garages, or carports.

- (v) Primary entries shall be clearly visible from the street and accentuated from the overall building facade by:
  - (A) Differentiated roof, awning, or portico;
  - (B) Covered walkways or arcades;
  - (C) Projecting or recessed entries from the surrounding building facade;
  - (D) Detailed doors and doorways with transoms, sidelights, trim details, and/or framing; and
  - (E) Windows within doorways equivalent in size to 50 percent of door surface area.
- (vi) Secondary entrances shall have minor architectural detailing that adds visual interest to that portion of the facade.

**b. Parking**

- (i) To the maximum extent feasible, parking, whether surface or structured:
  - (A) Shall be internalized within building groups so as not to be directly visible from the street frontage, and
  - (B) Shall not be located between the facade and the front lot line.
- (ii) Parking garages and carports should be compatible with the architectural form and material of the principal building(s) served, incorporating similar forms, proportions, materials, colors, and details.
- (iii) No more than six garage doors may appear on any principal building elevation containing entry doors. No more than four garage doors may be grouped together without an intervening wall surface of at least 20 linear feet (measured horizontally).

**c. Vertical Articulation**

Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components.

**d. Horizontal Articulation**

- (i) Buildings shall be designed to reduce apparent mass by dividing facades and rooflines into a series of smaller components. No individual component shall have a length of more than 60 feet.
- (ii) Facade components shall be distinguished from one another by:
  - (A) Pronounced recess or projection of at least three feet; or
  - (B) Addition of ground level arcades and second floor galleries/balconies.
- (iii) Roofs of each component shall be distinguished from one another by:
  - (A) A vertical change in parapet height of at least three feet;
  - (B) Dormers to break up the mass of a roof;
  - (C) Variation in roof form (i.e. hipped roof to a gable roof); or
  - (D) Adding a roof plane perpendicular to the main roofline.

**e. Materials**

- (i) All materials shall be durable and long lasting.

- (ii) Acceptable exterior wall materials are brick, stone, architectural concrete masonry units (CMU), stucco, wood, cementitious siding, EIFS, glass, metal (flat, perforated, composite, or ribbed less than 8 inches on center), architectural paneling, or other similar high-quality materials.
- (iii) Acceptable roof materials include metal, clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition, and asphalt. All composition shingle roofing should be constructed using high profile, textured shingles.
- (iv) Mix of Materials
  - (A) No single building material except masonry shall cover more than 80 percent of the facade. Windows and doors shall not be counted as additional building materials.
  - (B) Structures with a footprint of 20,000 square feet or less shall require a minimum of two distinct building materials on all elevations to provide architectural detail and interest.
  - (C) Structures with a footprint over 20,000 square feet shall require a minimum of three distinct building materials on all elevations to provide architectural detail and interest.

#### **f. Four-Sided Design**

- (i) All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.
- (ii) Exceptions from the above standard may be granted for those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development and public spaces.

#### **g. Roof Configuration**

- (i) All sloped roofs shall have overhanging eaves of at least one foot.
- (ii) Roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

#### **h. Awnings and Canopies**

- (i) The material of awnings and canopies shall complement the building.
- (ii) Awnings shall not be internally illuminated.
- (iii) Canopies shall not exceed 40 linear feet without a break.
- (iv) Canopies shall respect the placement of street trees and lighting and shall not interfere with them.
- (v) All large canopies that require structural columns for support shall have a minimum six-foot masonry (or other approved material) finish measured from the finished grade. Materials used on columns and canopies shall be complementary to the building.

#### **i. Structured Parking Design**

- (i) Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the Development Services Manager.
- (ii) Ground floor facades of parking structures not occupied by active uses shall be articulated through the use of three or more of the following architectural features.
  - (A) Windows or window-shaped openings with decorative screen, mesh, or similar materials as approved by the Development Services Manager;
  - (B) Masonry columns;
  - (C) Decorative wall insets or projections;



- (D) Awnings;
- (E) Changes in color or texture of materials;
- (F) Approved public art;
- (G) Integrated landscape planters; or
- (H) Other similar features approved by the Development Services Manager.

**j. Wrapping of Parking Structure**

The ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with active uses along at least 60 percent of the ground-floor street frontage.

**4. Design of Multiple Buildings**

**a. Building Layout, Multiple Buildings**

- (i) Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.
- (ii) Buildings shall be arranged and grouped to define one or more of the following:
  - (A) Framing the corner of an adjacent street intersection or entry point to the development;
  - (B) Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
  - (C) Framing and enclosing parking areas, public spaces, or other site amenities on at least three sides;
  - (D) Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
  - (E) Framing one or more areas of natural vegetation.

**b. Mix of Building Types**

- (i) Multi-unit residential developments with more than one multi-unit building shall incorporate a variety of distinct building designs according to the scale of the development, as follows:
  - (A) 3-6 buildings: two models minimum;
  - (B) 7-12 buildings: three models minimum; and
  - (C) 13 or more buildings: four models.
- (ii) Distinct building designs, as required above, shall be easily distinguished through a minimum of two of the following:
  - (A) A variation in length of 30 percent or more;
  - (B) A variation in the footprint of the building of 30 percent or more;
  - (C) A distinct variation in color and use of materials;
  - (D) A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass, i.e., apartments vs. townhomes or duplexes; or
  - (E) A distinct variation in building height and roof form.

## E. Cluster Development

A cluster subdivision is a residential subdivision in which the lots are allowed to be smaller or narrower than otherwise required in the zoning district ("cluster lots"), but in which the overall number of lots does not exceed the maximum number of lots allowed in a standard subdivision on the property by the zoning district in which it is located. Cluster subdivisions are intended to be used at or near the outer edges of the city to create a more compact residential development in order to preserve and maintain open areas and natural lands in excess of what would otherwise be required by the applicable zone district, and to offer an alternative to the creation of large lot "estates" that make contiguous urban development more difficult and more expensive.

### 1. Applicability

At the applicant's option, as an alternative to conventional or standard subdivision layout and design, cluster subdivisions shall be permitted by right in all districts except Urban Form Districts (U-xx).

### 2. Minimum Development Parcel Size

#### a. Reduction in Minimum Lot Area Allowed

The minimum lot area for cluster lots shall be the larger of 60 percent of the minimum lot area required in the applicable zoning district.

#### b. Reduction in Minimum Lot Frontage Allowed

The minimum lot frontage requirements, where applicable, may be reduced by no more than 10 feet.

#### c. Increase in Maximum Lot Coverage Allowed

The maximum lot coverage may be increased by no more than 10 percent.

#### d. Reduction in Setbacks

- (i) The minimum front setback for a principal residential dwelling may be reduced to 15 feet.
- (ii) The minimum side setback for a principal residential dwelling may be reduced to 7 ½ feet on a side adjacent to another principal residential dwelling on a cluster lot.

#### e. Preservation of Open Space

- (i) A minimum of 60 percent of the gross land area within a cluster subdivision shall be permanently deed restricted as open space.
- (ii) Such designated open space shall be located so as to include as many of the following types of land as possible:
  - (A) Wetlands,
  - (B) Heavily wooded areas,
  - (C) Riparian habitat areas,
  - (D) Steep slopes, and
  - (E) Geological hazard areas.
- (iii) Such designated open space shall be located so as to connect with similar features of land on adjacent parcels, if possible.
- (iv) No portion of the designated open space may be located within the boundaries of a platted lot, unless such land is permanently deed restricted as open space. Proof that such a deed restriction or easement has been recorded shall be submitted before any building permits for construction on a cluster lot is issued.

## Section 32.04 Development Standards

### 32.04.06 Landscaping, Buffering, and Screening

- A. Intent .....219
- B. Applicability .....220
- C. Plans, Permit, and Inspections .....220
- D. Landscape Area Types .....222
- E. Plant Calculations and Materials.....223
- F. Minimum Landscape Area .....225
- G. Street Frontage Landscaping.....226
- H. Bufferyards.....227
- I. Tree Preservation .....229
- J. Parking Lot Landscaping.....229
- K. Service Area Screening and Enclosures .....232

All development shall comply with the landscaping, buffering, and screening provisions in this section as applicable. Specific uses may also be subject to more extensive landscaping requirements, as set forth in Section 32.03, Use-Specific Standards.

#### A. Intent

Landscaping, buffering, and screening are identified in the Cedar Rapids Comprehensive Plan as essential design elements that must be included as part of new development and expanded development of existing properties. The purposes of landscaping and buffering include:

1. To provide visual appeal to buildings and paved areas through the use of trees, shrubs, plants and other landscaping materials;
2. To ensure the numerous economic, social, health, and communal benefits provided to the built environment and community through the establishment of landscaping and tree standards;
3. To encourage the conservation areas of established native forest, woodlands, glades, prairies, wetlands, and natural communities to be preserved within a project or development site, and to properly protect preserved areas during construction;
4. To encourage the replanting of trees and vegetation lost to land development activity;
5. To reduce stormwater runoff pollution, temperature, rate, and volume of flow;
6. To preserve healthy environmental conditions by providing shade, air purification and oxygen generation, groundwater recharge, stormwater runoff retardation, water quality treatment, and noise, glare, and heat abatement through preservation of areas of native forest and installation of landscaping;
7. To improve the quality of plant and tree selection through the implementation of landscape standards and specifications;

8. To promote tree species diversity and the planting of locally native vegetation;
9. To aid in energy conservation by providing shade from the sun and shelter from the wind;
10. To buffer uncomplimentary land uses; and
11. To require timely replacement of landscape components lost after installation.

**B. Applicability**

1. The provisions of this section are applicable in the following districts except as modified by Section 32.04.01, General Applicability.
2. Public road rights-of-way and utility easements are exempt from the provisions of this section.

**Table 32.04.06-1: Landscaping Applicability**

Landscape Type	Section	Single- and Two-Unit	Multi-Unit	Mixed-Use and Urban Form	Industrial
<b>Key:</b>	<b>G = Generally Applicable   U = Urban Design Areas   T = Traditional Design Areas   S = Suburban Design Areas</b>				
Minimum Landscape Area	32.04.06.F	U, T, S	U, T, S	U, T, S	G
Street Frontage Landscaping	32.04.06.G	U, T, S	U, T, S	U, T, S	G
Bufferyards	32.04.60.H	U, T, S	U, T, S	U, T, S	G
Parking Lot Landscaping	32.04.06.J	n/a	U, T, S	U, T, S	U, T, S
Tree Preservation	32.04.06.I	G	G	G	G
Service Area Screening	32.04.06.K	G	G	G	G

**C. Plans, Permit, and Inspections**

A landscape plan and/or tree mitigation plan shall be required as part of an application submittal as described in this section.

**1. Landscape Plan**

A landscape plan is required where new or replacement landscaping, buffering, or screening is required pursuant to this section.

- a. Landscape plans shall be provided for each phase of site development plan review and building permit processes, and each such plan shall provide landscaping, buffering, and screening meeting the requirements of this section.
- b. General landscaping, buffering, and screening requirements may be included with Preliminary Site Development Plans.
- c. Detailed landscape plans, species size and quantity, and planting details shall be provided for Administrative Site Development Plans, and building permit plan reviews.
- d. Landscaping plans may be combined with other elements of Site Development Plans.

## 2. Tree Mitigation Plan

Tree mitigation plans shall be provided for each phase of Site Development Plan review and building permit processes. Where a Site Development Plan is not required, applicants shall submit this information as landscape plan with a Zoning Clearance Permit per Section 32.05.15:

a. Intent

The intent of the tree mitigation plan process is to ensure that development sites are not cleared of trees prior to development.

b. A tree mitigation plan shall include the following information

i. An aerial map dated on or before July 1, 2012.

ii. Depending on the size and quality of trees on the site and as directed by the City Arborist:

(A) Those trees over five inches DBH that will be preserved and those that will be replaced with the proposed development; or

(B) Changes to overall canopy measured as follows:

(1) An outline of the canopy of the trees that will be preserved with the development

(2) An outline of the canopy of the trees required to be replaced due to development

(3) A calculation of one tree of at least two inches DBH per 2,000 square feet of tree canopy to be replaced

iii. A map locating where replacement trees of at least two inches DBH will be placed.

c. If the review of submitted tree mitigation plan causes the City Arborist to identify that the site has a majority of invasive, diseased, or poor-quality trees, the tree inventory shall be revised to include an evaluation of the DBH, condition, quality, and identity of all trees larger than five inches DBH. The site evaluation shall be certified and signed by an ISA Certified arborist.

d. Replacement trees that are required for mitigation shall be planted on the site and approved by the City Arborist. If the City Arborist determines that there is insufficient room on the site for additional trees, the applicant may pay the city to plant the trees elsewhere in the area. The total payment is calculated by taking the number of trees not planted on site and multiplying it by the average cost of a city-planted tree. These funds are to be deposited into the reforestation CIP account.

## 3. Review and Approval Criteria

Development Services may approve a landscape plan upon a finding that the application meets all of the following criteria, as applicable:

a. The landscape plan conforms to all requirements of this section, and is consistent with the adopted comprehensive plan.

b. The plant materials or landscape features are designed and situated in a manner that makes the project visually compatible with its surroundings to the greatest extent possible.

c. The landscape design includes the installation of a diversity of vegetative species and sizes with preference given to locally native vegetation.

d. If required, preservation of existing, locally native vegetation is incorporated into the landscape design.

- e. No plant materials or landscape features are situated in such a manner so as to inhibit vehicle sight distances or otherwise create a traffic hazard.
- f. No woody plant materials are situated within any utility easement unless shrubs or other limited height materials have been approved by the utility provider.
- g. The facilities for watering and drainage are adequate to ensure the landscape area is maintained and that no soil, bark, mulch, gravel, stone, or similar materials are allowed to wash off the landscape area into parking areas, driveways, public streets, sidewalks, gutters, or storm drainage facilities.
- h. The design, selection, and layout of such landscaping is such so as to minimize maintenance requirements.

**4. Installation**

All landscaping and screening material, living and nonliving, shall be healthy and in place prior to issuance of the final certificate of occupancy. If installed, irrigation systems shall be fully functional prior to the issuance of a certificate of occupancy. This requirement shall be verified by a final landscaping inspection that shall be requested by the applicant and completed by the City prior to the issuance of the certificate of occupancy.

**5. Maintenance Inspection**

All landscaping may be subject to periodic inspection for compliance to approved plans.

**D. Landscape Area Types**

Where specifically identified in this section, the following landscape area types may be applicable:

**Table 32.04.06-2: Landscape Area Types**

Requirement	L1 Edge Treatment	L2 Buffer	L3 Separation	L4 Screening [2]
Planting Area Width (min. avg., ft) [1]	5	10	20	30
Planting Area Width (min. avg. at any point) [1]	5	8	12	20
Total Landscape Units (LU) Required [3] (per linear foot of property line or street frontage)	0.30 LU per lin. ft.	0.40 LU per lin. ft.	1.1 LU per lin. ft.	2.2 LU per lin. ft.
Min. Landscape Units in Trees	none	0.25 LU per lin. ft.	0.60 LU per lin. ft.	1.5 LU per lin. ft.
Min. Landscape Units in Shrubs or Fence	0.20 LU per lin. ft., either hedge or fence	0.05 LU per lin. ft.	0.10 LU per lin. ft.	0.15 LU per lin. ft.

**Notes:**

[1] Minimum width of planting area shall be measured from the property line. Where there will be vehicle overhang along any curb edge, add two feet to the required minimum width.

[2] Existing, locally native vegetation in any required L4 Screening site perimeter landscaping area shall not be disturbed. If necessary, additional landscaping shall be provided if that vegetation does not meet the standards for L4 Screening. If existing vegetation is disturbed to achieve the screening standard through supplemental plantings, it shall be restored.

[3] Landscape unit conversions are provided in Table 32.04.06-3.

1. The amount of landscaping required in Table 32.04.06-2 is measured per linear foot of property line. Access driveways shall not be subtracted from the linear frontage in calculations of the amount of landscaping required.
2. If there are driveways along the frontage or property line, required landscaping shall be condensed into the remaining site perimeter landscaping area.
3. The landscape area width is measured from the property line inward.

**E. Plant Calculations and Materials**

**1. Landscape Units**

a. Calculation

Required landscaping is calculated in landscaping units (LU). The following table identifies the landscape units awarded for various planted or preserved landscape materials.

**Table 32.04.06-3: Landscaping Units**

Landscape Material	Landscape Units Awarded	
	Newly Installed (caliper)	Existing Retained (diameter)
<b>Deciduous Trees:</b>		
Greater than 8"	n/a	14
From 4" to 8"	n/a	11
From 2.5" to 4"	7	9
From 1.5" to 2.5"	4	4
Qualifying Trees	Per City maintained plant material listing	
<b>Evergreen Trees, Height:</b>		
Greater than 10'	n/a	11
From 8' to 10'	8	9
From 6' to 8'	6	7
Qualifying Trees	Per City maintained plant material listing	
<b>Shrubs</b>		
<b>Units per square feet (see General Standards for sizes)</b>		
Perennials/ground cover	1 per 500	
Annual flower bed	1 per 500	
Lawn grass	1 per 1000	
Earthen berm, minimum 18" high	0.05 per linear foot	
<b>Hardscape Materials</b>		
<b>Units Awarded</b>		
Split rail fence	0.20 per lineal foot	
Screening fence (solid)	0.40 per lineal foot	
Shredded bark	1 per 500 sq. ft.	
Ornamental pavers	1 per 250 sq. ft.	
Landscape boulders, 3 feet or greater in height	1 per boulder	
Seating	0.40 per linear foot	
Landscape lighting, sculpture, art, water feature, sheltering structure	1 at \$500	

b. Bonus Calculations

- i. Bonus LU points may be awarded for landscaping that meets the following standard:

**Table 32.04.06-4: Bonus Calculations**

Retained Existing Vegetation Mass	Bonus Landscaping Units Awarded (%)
Trees of exceptional quality due to size, large canopy cover, trunk diameter, rareness, age, or species	10
A minimum of 3 deciduous trees (4" caliper or greater), 3 evergreen trees (minimum six feet high) or any combination thereof	15
A minimum of 5 deciduous trees (4" caliper or greater), 5 evergreen trees (minimum six feet high) or any combination thereof	20
A minimum of 8 deciduous trees (4" caliper or greater), 8 evergreen trees (minimum six feet high) or any combination thereof	25
<b>Use of Local, Native Vegetation in New Planting</b>	
Greater than 15% but less than 25% of plant materials	5
Greater than 25% but less than 50% of plant materials	10
Greater than 50% but less than 75% of plant materials	15
Greater than 75% but less than 99% of plant materials	20
100% of plant materials	25

- ii. Bonus Credit Standards

- (A) Points awarded for retained vegetation in buffers may only be applied in the buffer area along the same lot line or street frontage where the vegetation is found.
- (B) Any tree for which credit is given shall be in a condition that encourages long-term survival and in a location that conforms to the intent and standards of this section.
- (C) Existing trees that are preserved and receive credit shall be marked on the landscape plan and the amount of credit shall be indicated. Any trees which receive credit and are later removed shall be replaced with the number of trees for which credit was received.
- (D) Natural forest shall be defined as a biological community dominated by native trees and other woody plants covering a land area of 10,000 square feet or greater as reviewed and approved by the City Arborist. A site plan must be submitted and approved identifying the areas to be protected, and measures to protect areas from damage during construction as outlined in this article, will be required to be approved by the zoning administrator.

**2. Plant Materials**

All plant materials included in required landscaping shall be suitable for the Iowa climate and the individual site characteristics as identified and approved by the City Arborist. All plant material shall be approved by the City Arborist. A listing of suggested plant materials shall be maintained by the City to assist in plant selection.

a. Material Requirement

- i. Landscape plans shall identify the minimum size and number for required trees, shrubs, and provision for living groundcover such as grass.
- ii. Rock mulch or other inorganic mulch shall not be used under tree and shrub canopies. Only water penetrable fabrics may be used under mulch.



- iii. Impervious materials, such as concrete or asphalt paving, shall not be used within required landscape areas with the exception of sidewalk areas or edging.
- b. Quality
 

All trees and shrubs used for landscaping shall have well-developed leaders, tops, and roots characteristic of the species, cultivar, or variety per American National Standards Institute (ANSI) Z60.1 and shall show evidence of proper nursery pruning per the same standard. All plant materials must be free of insects, diseases, mechanical injuries, and other objectionable features at the time of planting.
- c. Avoidance of Visual Clearance Areas
 

Location of trees and shrubs shall be designed to avoid all required Visual Clearance Areas, and to meet city requirements regarding distance from utility lines and underground utility easements.
- d. Installation, Maintenance and Replacement
 

All landscaping and buffering elements (both living and non-living) shall be installed in a manner consistent with sound landscaping practice and permanently maintained in good condition or replaced as necessary by the property owner. In the event said required plant materials die, or become unsightly due to overgrowth, lack of groundcover, or erosion, as determined by the City Arborist, such materials shall be replaced by the property owner upon notification by the city. Replacement materials shall be installed within a reasonable time based on the time of year, as approved by the City Arborist, and availability of suitable plant materials, but in no event later than six months after notification by the City.

## **F. Minimum Landscape Area**

### **1. Urban Design Areas**

- a. Urban form districts are exempt from minimum landscaping requirements but shall comply with district-specific private open area and street tree lawn requirements.
- b. Where permitted in an individual district, dooryards may be provided and either paved or planted.

### **2. Traditional and Suburban Design Areas**

- a. All new single and two-unit developments on lots or parcels less than 20,000 square feet in size shall be landscaped pursuant to this section prior to issuance of a certificate of occupancy.
- b. The front yard area between the required front setback line and the curb, not including driveways, walkways, or permitted encroachments, shall be landscaped.
  - i. The landscaping shall be located within the entirety of the front setback between the front plane of the building and the ROW.
  - ii. The landscaped area shall consist of at least 75 percent living, organic material.
  - iii. One tree shall be required per 40 feet of frontage on a public right-of-way. Trees shall have a minimum DBH of 2 inches. The City Arborist may reduce the required DBH where there is insufficient tree stock available in the regional market. Existing trees within the required front yard area are subject to the tree preservation requirements of this section.

- c. Multi-unit, mixed-use, and commercial development shall have a minimum landscaped area of 15 percent of the parcel in traditional design areas and 25 percent of the parcel in suburban design areas.
- d. Industrial development shall have a minimum landscaped area of 15 percent of the parcel in either traditional or suburban design areas.

### 3. Measurement of Minimum Area and Placement of Landscaping

- a. The minimum landscape area is measured as follows: Required percent landscaped area × (lot area – structure footprints). For the purposes of this section, structure footprint shall include any outdoor storage, display areas, and off-street parking areas.
- b. At least 50 percent of the required landscape area shall be placed so that it abuts the adjoining public street rights-of-way, excluding alleys. Required front yard, perimeter, and parking lot landscaping may be counted toward this total.

### 4. Work within Right-of-Way

Appropriate permits issued by the Public Works Department shall be required for all work and planting within public right-of-way.

## G. Street Frontage Landscaping

### 1. Requirement

All areas adjoining public or private street frontage shall be landscaped to include trees, shrubs, and living ground cover as required by this section.

- a. Urban Design Areas (U-xx): No street frontage landscaping shall be required. Existing streetscape improvements to the right of way shall be maintained or the adjacent streetscape right-of-way shall be improved in a manner consistent with any adopted City streetscape policy.
- b. Traditional Design Areas (T-xx): Street frontage landscaping shall be provided as follows based on Table 32.02.06-3:
  - i. Front yard: L2
  - ii. Side yard: L1 unless a zero setback is applicable.
  - iii. Lots with a depth of less than 150 feet and an area of less than 20,000 square feet: L1.
  - iv. The ability to average depths along various portions of the property is permissible to respond to varying site conditions, and to allow for design flexibility.
- c. Suburban Design Areas (S-xx): Street frontage landscaping shall be provided as follows based on Table 32.02.06-3:
  - i. Front yard: L3
  - ii. Side yard: L2 unless a zero setback is applicable.
- d. Planting Standards
  - i. Unless otherwise specified in a district, street trees shall be planted along public and private streets at a rate of one tree per 40 feet of frontage, not including driveway openings, with a minimum of one tree per lot regardless of minimum spacing. Public street trees shall include large shade trees with a minimum size of two-inch DBH planted at 40-foot spacing. Required private street front trees

shall be at least 75 percent two-inch diameter DBH shade trees, and may also include one-and-a-half- inch flowering trees and/or six-foot high evergreen trees.

- ii. The specific location and type of tree shall be approved by the City Arborist based on the character of the right-of-way including overhead and underground utilities, required clear zones, and necessary vehicle site distances. The location, size, and number of trees within the right-of-way may be modified if the City Arborist determines that the character and location of improvements within said right-of-way is not suitable for such tree locations. All such areas shall include living groundcover.
- iii. Small ornamental trees may be substituted for large shade trees due to the location of overhead utility lines where permitted by the City Arborist.
- iv. Living ground cover, such as grass, shall be provided within right-of-way areas of all districts. Non-living materials (such as walk-on bark, mulch, and ornamental rock) may be used for up to 25 percent of the right-of-way. The type of ground cover and planting schedule shall be approved by the City Arborist and City Engineer as part of the review of street trees.

**H. Bufferyards**

**1. Requirement**

- a. Bufferyards are required when two districts of different types are adjacent to each other, not separated by a public street, and the different character or scale of development in the two districts may create adverse impacts on the less intensive or more restricted district. In Urban design areas neighborhood manners requirements shall supercede a bufferyard requirement where neighborhood manners are applicable.
- b. Required bufferyards shall be provided on-site. Existing adjacent but off-site vegetation shall not be included in a bufferyard calculation.

**Table 32.04.06-5: Required Bufferyard**

District of Proposed Development	Adjacent District					
	Agriculture, Public	Residential, Suburban Design Area	Residential, Traditional and Urban Form Design Areas	Mixed-Use	Urban Form	I, Arterial Street
Agricultural, Public	--	--	--	--	--	--
Residential, Suburban Design Area	--	--	L1	L2	L2	L4
Residential, Traditional and Urban Form Design Areas	--	L1	--	--	--	L4
Mixed-Use	--	L1	--	--	L2	L4
Urban Form	--	L2	--	L2	--	L3
Industrial, Arterial Street	--	L4	L4	L4	L3	--
Non-residential structure in residential district	--	L1	L1	L2	L1	L4

## 2. Use of Topography and Existing Vegetation

- a. Existing on-site topography and vegetation shall be included in the design of the bufferyard to the maximum extent feasible, as approved by the City Arborist.
- b. Retention of existing mature trees with at least a five-inch DBH within the bufferyard shall be considered in meeting the requirements of this section, provided that they are not on the prohibited species list.

## 3. Rear Bufferyards

A rear lot line bufferyard shall meet the requirements of one or more of the following options. Elements from different options may be combined, provided that the degree of buffering equals that of one of the options listed.

- a. Live Screen Option

Applicants shall provide planting as required to meet the applicable requirement of Table 32.03.06-3.

- b. Fence Option

Applicants may use a solid six-foot high wall or fence with two evergreen trees, two flowering trees, and five large shrubs per 100 feet of linear distance. The use of chain-link fence with slats is not permitted.

- c. Berm Option

Where an L3 or L4 landscape type is applicable, berming not to exceed 3:1 slope, three evergreen trees (minimum height at planting of six feet), two flowering trees per 100 feet of linear distance, and sufficient evergreen shrubs with a combined height (berm and mature shrub) of five feet to form a continuous screen within three years of planting and/or sufficient deciduous shrubs with a combined height of five feet to form a continuous screening within three years of planting.

## 4. Side Bufferyards

A side lot line bufferyard shall meet the requirements of one or more of the following options. Elements from different options may be combined, provided that the degree of buffering equals that of one of the options listed.

- a. Live Screen Option

Applicants shall provide planting as required to meet the applicable requirement of Table 32.03.06-3.

- b. Evergreen Screen Option

Applicants may use four evergreen, two flowering trees, and 10 evergreen shrubs per 100 feet of linear distance.

- c. Deciduous Screen Option

Applicants may use four shade trees, two flowering trees, and 15 large shrubs per 100 feet of linear distance.

- d. Fence Option

Applicants may use a solid six-foot high wall or fence with two evergreen trees, two flowering trees, and five large shrubs per 100 feet of linear distance.

**I. Tree Preservation**

**1. Tree Preservation**

- a. When a demolition, land disturbance, or building permit is requested for a property, the applicant shall use the landscape plan process to identify how areas of natural vegetation, specified trees, and natural forest areas will be protected during the development and construction of the project.
- b. An inventory of all trees five inches and greater in diameter must be shown on the landscape plan. All existing, healthy trees of desirable species of five inches and greater in diameter must be preserved or transplanted on the site unless their removal is approved by the City Arborist.

**2. Preservation of Significant Trees**

- a. No healthy tree five inches and greater in diameter as measured four and a half feet above grade (DBH) (“significant tree”) shall be removed from private property prior to issuance of a building permit. It shall be considered an unauthorized removal if a tree is removed without first obtaining a permit or is intentionally killed by means of grading, grubbing, placement of fill, or other unacceptable construction methods.
- b. Existing trees five inches and greater DBH that are removed from the site must be replaced as identified in Table 32.04.06-6:

**Table 32.04.06-6: Tree Replacement Ratios**

DBH of removed tree in inches	Ratio of replacement trees to removed tree
At least 5 and less than 15	1:1
At least 15 and less than 25	2:1
At least 25 and less than 35	3:1

For each increment of 6 inches above 35 inches, one additional replacement tree shall be provided

**3. Replacement of Significant Trees**

- a. Tree replacement shall be made within 180 days of the removal. Any tree or tree areas identified to be retained on the landscape plan that do not remain alive for a period of at least 60 months after the development of the site, or stage ceases, shall be considered damaged in violation of this Code and shall be replaced.
- b. Subject to approval by the City Arborist, trees that are standing dead or severely damaged by termites, lightning, or other acts of God, shall be removed as a safety precaution, and shall be exempt from the replacement and removal requirements of this section unless the site is subject to an approved landscape plan.

**J. Parking Lot Landscaping**

**1. Purpose**

It is the objective of this section to provide safe passage for pedestrians and shade within parking areas, as well as break up large expanses of parking lot paving.

**2. Applicability**

- a. Pursuant to Section 32.04.01, General Applicability, all new and expanded parking lots shall include landscaping and trees located within the parking area as required by this section.

- b. Trees required to be installed in the interior of parking areas shall be in addition to trees and landscaping required under other sections of this Section.

### 3. Screening of Parking Areas in Urban (U-xx) and Traditional (T-xx) Design Areas

- a. Any boundary of a surface parking lot that abuts a public street, public alley, or lot used for detached residential dwellings shall be landscaped according to this subsection.
  - i. Corner-lot buildings with side-yard parking, if the parking lot boundary is adjacent to the street-facing side property line, it shall be landscaped or screened adjacent to the right-of-way according to one of the following options:
    - (A) A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs with up to 50% deciduous shrubs if planted in an interlocking arrangement, planted a minimum of three feet on-center in a triangular pattern; or
    - (B) A minimum two-foot-wide planting strip containing an ornamental metal fence or masonry wall, with a minimum height of three and one-half feet and a maximum height of four feet, combined with a single row of evergreen shrubs planted a minimum of three feet on-center.
  - ii. For all other parking lot boundaries, the boundary shall be landscaped or screened according to one of the following options:
    - (A) A minimum two-foot-wide planting strip containing a single row of shrubs planted a minimum of three feet on-center combined with a minimum three-foot high ornamental metal fence or masonry wall of materials compatible with the primary structure. In the place of shrubs, deciduous, narrow-form ornamental trees may be planted a minimum of 10 feet on-center along the common boundary line; or
    - (B) A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern.
- b. As applicable, landscaping materials shall be planted on the side of the fence/wall closest to the street, alley, or residential property.
- c. The interior landscaping requirements of Section 32.04.06.J.5 shall apply to all parking areas that meet the applicability standards of that section.

### 4. Screening of Parking in Suburban Design Areas

- a. Adjoining Residential and Civic Uses

All open vehicular parking areas containing four or more parking spaces shall be effectively screened on each side adjoining property in a residential use or a civic or institutional use, by a wall, a solid opaque fence, or a continuous wall of shrubs. Such screen shall be not less than 5 ½ feet. When a bufferyard between the parking area and the adjacent property is being provided pursuant to any other portion of this Section 32.04.06, no additional screening shall be required to meet the requirement of this subsection.

- b. Adjoining Public or Private Street, Sidewalk, or Multi-Use Path or Trail
  - i. All open vehicular parking areas containing four or more parking spaces shall be effectively screened on each side adjoining a public or private street, by a wall or by the use of continuous plantings that effectively screen headlights of parking cars.
  - ii. Where required street frontage landscape areas extend between the public or private street and a parking area, and such landscape areas have a depth of 10 feet or more, Berming may be used to enhance screening of vehicles from the street, provided the berming does not exceed one foot in rise for every three feet of run.
  - iii. If plant materials are utilized for the screen they shall be a minimum of three feet in height after planting and pruning; shall be composed of plants approved for such use by the City Arborist; and shall be installed in such a manner that will assure an effective year-round visual screen. Berming may be used in conjunction with fencing or plantings to provide the required screen. If utilized, the berming must be completely upon the lot with the parking area, and shall not exceed one foot in rise for each three feet of run, unless other means approved by Development Services are used to hold the slope.
  - iv. Where a parking area does not adjoin a public street, shrubs shall be provided at the rate of six per 1,000 square feet of planting area with a minimum width of 5ft.
- c. Trails and Multi-Use Paths

All open vehicular parking areas containing four or more parking spaces shall be effectively screened on each side adjoining a public or private trail or multi-use path, by a wall or by the use of continuous plantings that effectively screen headlights of parking cars.

## 5. Internal Landscaping in All Design Areas

- a. Landscape islands shall be installed for every double-loaded row exceeding 10 parking spaces, either within the parking row or at the end of the parking row and shall be designed as follows:
  - i. Be a minimum of eight feet in width.
  - ii. Be at least 200 square feet.
  - iii. Have a minimum of four, five-gallon deciduous shrubs and one deciduous tree that is a minimum of two-inch DBH per 200 square feet.
  - iv. Incorporate perennials and grasses for seasonal color.
  - v. Contain a minimum of 60 percent living landscaping material, with a maximum of 40 percent nonliving landscaping material. Approved sidewalks are not counted toward the non-living landscape material percentage.
- b. Internal landscape strips shall be installed between the parking rows of every other double row of parking when parking rows exceed 40 parking spaces and shall meet the following standards:
  - i. Be a minimum of 10 feet in width and shall extend the length of the parking row.
  - ii. Include a six-foot wide planting strip.
  - iii. Meet planting requirements for interior landscape islands, as outlined above.
- c. For parking lots with more than 40 spaces, a minimum number of shall be provided within the lot interior as follows:
  - i. In Urban and Traditional Design Areas, one shade or ornamental tree for every ten parking spaces.

- ii. In Suburban Design Areas, one shade tree for every five parking spaces.

## **K. Service Area Screening and Enclosures**

### **1. Single Unit Residential**

To the maximum extent practicable, utility equipment on residential lots should be located behind the front building line of the house and screened from public view by an opaque wall, fence, or landscaping screen.

### **2. Multi-Unit and Non-Residential**

#### **a. Screening Generally**

All multi-unit residential projects, manufactured and mobile home parks, and all mixed-use and non-residential projects shall include on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins, recycle bins, storage yards, service areas, loading docks, and equipment areas on the property.

#### **b. Mechanical Equipment**

##### **i. Applicability**

The standards of this section shall apply to all of the following:

- (A) Electrical and gas-powered mechanical equipment;
- (B) Ductwork and major plumbing lines used to heat, cool, or ventilate; and
- (C) Power systems for the building or site upon which the equipment is located.

Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards. The standards of this section are not intended to apply to solar arrays, solar energy collection systems, or small wind energy systems, if such systems are otherwise in compliance with applicable building codes and development standards requirements.

##### **ii. Screening Standards**

- (A) **Roof-Mounted Mechanical Equipment:** Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to, or greater than the height of the mechanical equipment being screened. Roof-mounted mechanical equipment, except solar energy collection systems, is prohibited on single-unit residential dwellings.
- (B) **Wall-Mounted Mechanical Equipment:** Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), shall be screened from view by structural features that are compatible with the architecture of the subject building.
- (C) **Ground-Mounted Mechanical Equipment:** Ground-mounted mechanical equipment shall be screened from view by landscaping, a fence, or a decorative wall that is integrated into the architecture of the structure. The fence or wall shall be of a height equal to, or greater than the height of the mechanical equipment being screened.
- (D) **Alternate Screening:** Alternate screening methods that meet the intent of this section may be approved by the planning and development director. Alternative screening might include, but shall not be limited to, increased landscaping, grouping the equipment on specific portions of a site, architectural elements, and painting or otherwise causing the equipment to blend with the site or structure.



c. Service, Loading, and Storage Areas

i. Applicability

These screening requirements are applicable to all service, loading, and storage areas. Applicants are encouraged to locate the types of features listed in this subsection where they are not visible from off-site, or from public areas of a site, so that screening is unnecessary.

ii. Placement

- (A) All service areas shall be placed at the rear, on the side of, or inside buildings.
- (B) No service area shall be visible from a public right-of-way, not including an alley, or from adjacent residential areas.
- (C) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

iii. Outside Storage Areas and Loading Docks

- (A) All storage areas, service areas, and loading docks visible from any public street right-of-way shall be screened according to one or more of the screening options provided in these standards. Property zoned industrial must also screen from view, all outside storage areas that are adjacent to, or can be seen from non-industrial zoned property, unless the adjacent non-industrial-zoned property is located in the Industrial LUTA by the City's Future Land Use Map.
- (B) Screening shall be a minimum height of eight feet to screen truck berths, loading docks, areas designated for permanent parking, or storage of heavy vehicles, equipment, or materials.
- (C) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.

d. Shopping Cart Storage

All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting.

e. Dumpster, Garbage, or Trash Enclosure

- i. Each required garbage enclosure shall be accessible for truck pick-up. Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure for service trucks area shall be maintained by the property owner or tenant.
- ii. The container shall not be visible from any adjacent property or from any public right-of-way. Each required enclosure shall be screened through the use of a solid wall on at least three sides to a height of at least six inches above the height of the top of the container. The use of materials that are not solid, such as slates in chain-link fencing, shall not be used to meet this requirement.
- iii. Enclosure openings directly visible from a public right-of-way and/or adjoining properties shall have a gate constructed of solid material.
- iv. Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may include use of barrier curbing reinforced masonry walls, or other similar means.
- v. Trash enclosures shall not be located within a required street front or street side setbacks or buffer yard or occupy area used for required parking spaces.

### **3. Existing Screening**

No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property which directly abuts a residentially zoned property without first submitting and obtaining approval for a landscaping plan which provides for replacement screening conforming to all provisions of this section.

## Section 32.04 Development Standards

### 32.04.07 Exterior Lighting

- A. Intent .....235
- B. Applicability .....235
- C. Exemptions .....236
- D. Submittal Requirements .....236
- E. General Standards .....237
- F. Light Trespass .....237
- G. Fixture Design .....240
- H. Use-Type Specific Lighting .....241

#### A. Intent

The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment in an efficient manner. Additional specific purposes are to:

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
2. Permit reasonable use of outdoor lighting for nighttime safety, enjoyment, and commerce;
3. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and reduce trespass light onto neighboring properties to protect inhabitants from the consequences of obtrusive light;
4. Conserve energy by reducing the use of electricity and gas and cut down on greenhouse gas emissions;
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky

#### B. Applicability

1. Exterior lighting meeting the standards of this section shall be provided for:
  - a. New development; and
  - b. Redevelopment or expansion of any use, other than an agricultural, single-unit, or two-unit use, in an A-xx, U-xx, T-xx, S-xx, or PUD district.
  - c. The following matrix indicates areas that are subject to the standards of this section.

**Table 32.04.07-1: Exterior Lighting Matrix**

District	Adjoining District/Use of ROW			
	Residential	Urban and Traditional Districts (U-xx or T-xx)	Suburban and Industrial Districts (S-xx or I-xx)	Right-of-Way
Single Unit & Two-Unit Residential [1]	Required	Required		Required
Multiple Unit Residential	Required	Required	Required	Required
Urban and Traditional Districts (U-xx or T-xx)	Required	Required	Required	Required
Suburban and Industrial Districts (S-xx or I-xx)	Required	Required		Required

Notes:

[1] Standards apply only to non-residential uses.

### C. Exemptions

The following types of lighting are exempt from the requirements of this section

1. Soffit or wall-mounted luminaires that are permanently attached to single- and two-unit residential dwellings, not to exceed the height of the eave, except as provided in Section 32.04.07.E, Generally Applicable Outdoor Lighting Standards.
2. Lighting for transportation corridors, public streets and rights-of-way, and abutting pedestrian sidewalks, trails, paths, and walkways. No exemption shall apply to any street or other public right-of-way lighting when the purpose is to illuminate areas outside the public right-of-way.
3. Lighting for public monuments, statuary, and landmark sites.
4. Lighting for signage as regulated under Section 32.04.08.E.1.
5. Temporary decorative seasonal lighting.
6. Temporary lighting for emergency conditions, nighttime work and construction, theatrical, television, and performance areas, or for special public events or private events approved by the City.
7. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, and as approved by the Development Services Director is determined to require special lighting aesthetics as part of its physical character.
8. Lighting required and regulated by the Federal Aviation Administration or other federal or state agency.
9. Lighting for tunnels, covered parking garages (not including uncovered floors), garage entrances, and similar conditions, provided that lighting at entrances to such facilities employ full cut-off shielding to prevent light from causing glare on adjacent properties or exceeding 0.10 foot-candles at the property line within or adjacent to any residential district or 0.2 foot-candles in nonresidential districts.

### D. Submittal Requirements

#### 1. Exterior Lighting Plans

A site plan, or if no site plan is required then a scale drawing, containing the following information shall be submitted and approved prior to issuance of structural Building Permits, but preliminary building permits for site preparation, installation of utilities, and foundations may be issued prior to review of lighting information. The plan shall include at least the following:

- a. One scaled exterior lighting plan for lighting during operating hours, and
- b. One scaled exterior lighting plan for after-hours lighting.

## 2. Exterior Lighting Plan Requirements

Exterior lighting plans shall include:

- a. The proposed location, type of lighting device, mounting height, and aiming point of all exterior lighting fixtures.
- b. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description shall include manufacturer's catalog cuts and drawings, including sections when requested;
- c. A point-by-point foot candle array, photometric data, such as that furnished by manufacturers, showing the angle of the designed full cutoff, aiming angle and light emissions;
- d. Average illuminance over the site and foot-candles as the property line;
- e. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations and the aiming point of any remote light fixture.

## E. General Standards

The following standards shall apply to all outdoor lighting associated with both residential and non-residential uses.

1. Lighting fixture design and specifications should be in accordance with definitions established by the Illuminating Engineering Society of North America (IESNA) as partially illustrated in Figure 32.04.07-A , below:
2. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
3. Maximum lighting level uniformity (maximum to minimum) for residential parking lots that have outdoor lighting shall be 15:1 and for nonresidential 10:1.
4. The following light fixtures and sources are permitted for use: Incandescent for single unit and two unit residential uses, fluorescent, metal halide, color-corrected high-pressure sodium, LED, magnetic induction lamps, and other light sources as permitted by the Development Services Manager or his designee.
5. The following light fixtures and sources shall not be used: low-pressure sodium and mercury vapor light sources; cobra-head type fixtures that contain dished or drop lenses or refractors; lighting on towers except as required by regulation of the Federal Aviation Administration; laser source light or any similarly high intensity light; and, searchlights and other high-intensity narrow-beam fixtures.

## F. Light Trespass

### 1. Measuring Light Trespass

Lighting installations shall not have an adverse impact on traffic safety and shall comply with the following maximum illumination standards:

- a. Residential and Public Right-of-Way: Illumination measured at the property line adjoining residential uses, including residential uses in mixed-use development, and public rights-of-way shall not exceed 0.5 horizontal foot-candles.
- b. Mixed Use, Industrial, and Agricultural: Illumination measured at the property line adjoining commercial, industrial, and agricultural parcels shall not exceed 1.0 horizontal foot-candles.
- c. Full Cut-Off Fixture: Any luminaire rated at more than 1800 lumens shall be designed with a full cut-off fixture except those used for lighting recreational facilities, which shall comply with Section 32.04.07.H.3.

## **2. Methods of Compliance**

- a. Methods of complying with the requirements of this section, where not specifically indicated, include: fixture shielding as partially illustrated in Figure 32.04.07-A, directional control designed into the fixture, fixture location, fixture height, and fixture aim.
- b. Any luminaire rated at more than 1800 lumens shall be designed with a full cut-off fixture except those used for lighting recreational facilities, which shall comply with Section 32.04.07.H.3.

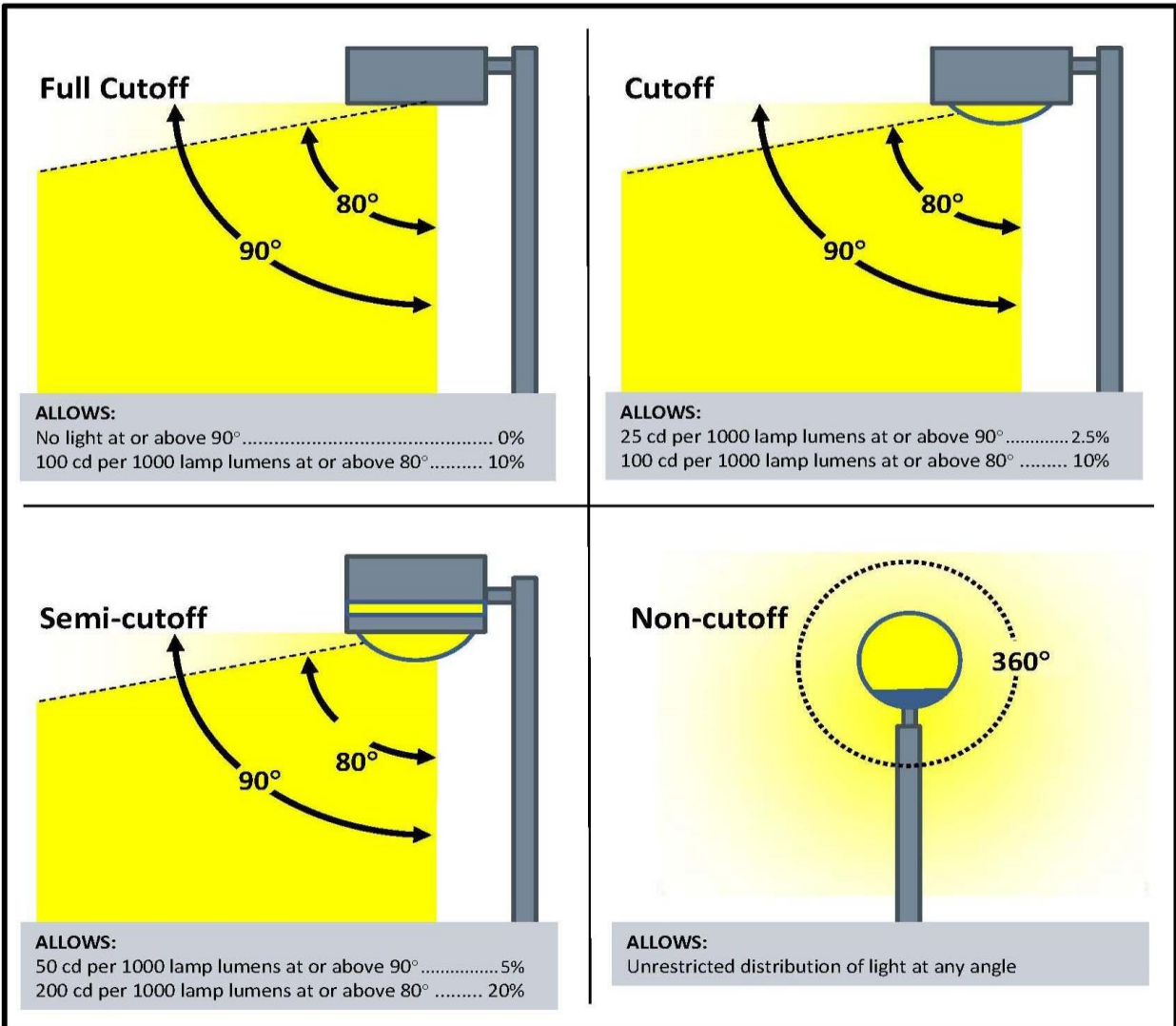


Fig. 32.04.07-A: IESNA lighting cutoff shielding standards

## G. Fixture Design

### 1. Fixture Height

- a. Lighting fixtures located within 50 feet of property lines for existing or future residential, mixed-use, or agricultural districts, shall not exceed 25 feet in height.
- b. The maximum height for directional lighting fixtures (designed so that no light is emitted above a horizontal line parallel to the ground) located in areas beyond 50 feet of residential uses shall be 35 feet.
- c. The maximum height for non-directional lighting fixtures shall be 15 feet and shall be translucent or have baffles to prevent direct view of the light source. Non-directional lighting is not recommended for lighting sidewalks, streets, or parking areas.

### 2. Canopy Lighting

- a. In order to minimize direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is flush with the bottom surface of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from horizontal.
- b. As an alternative (or supplement) to recessed lighting, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy and is not visible from any single-unit or two-unit use adjacent to or across a street or alley from the subject property, or from any public right-of-way.
- c. Lights shall not be mounted on the top or sides (fascia) of the canopy.

### 3. Upward-Directed Lighting

The following standards shall apply to upward-directed architectural, landscape, and decorative lighting, direct light emissions:

- a. Illumination shall not be visible above the building roof line or beyond the property line,
- b. The lighting source shall be located within five feet of the vertical structure that is being illuminated,
- c. The illumination shall not exceed an average maintained vertical foot-candle measurement of 10, and
- d. The illumination shall not have a vertical foot-candle measurement that exceeds 30.

### 4. Wall Pack Lights

- a. Except in industrial districts, wall pack outdoor light fixtures located on a front or side elevations of a building or structure shall be full cutoff.
- b. In all urban form, mixed-use, or industrial districts, wall pack outdoor light fixtures oriented toward a residential district or use shall be full cutoff.
- c. Low intensity (i.e., 100 watts or less), architectural style wall pack outdoor light fixtures (which may be cutoff, semi cutoff or non cutoff) may be used to accent architectural elements of the building or structure or to illuminate entrance areas.





Fig. 32.04.07-B: Wall pack lighting with cut-off (left) and without (right)

## H. Use-Type Specific Lighting

### 1. Residential Districts and Uses

- a. Except for motion-activated security lighting and floodlighting permitted by this section, all lamps and bulbs more than 600 lumens that are located in residential districts shall be within a fully shielded fixture or must be within a light fixture where the bulb or lamp is obscured from view by a material that diffuses the light (e.g., frosted glass).
- b. Shielded directional floodlighting must be aimed away from adjacent properties and not exceed 1800 lumens.
- c. Lighting installed with a vacancy or motion sensor must be set to extinguish the light no more than 15 minutes after the area is vacated or motion ceases. Motion sensors shall not activate lighting when motion is generated from a source outside the property boundary.
- d. Lighting systems that provide lighting for recreational purposes such as sports courts and similar facilities shall direct lighting downward and inward from the perimeter lot boundary, shall not exceed 16 feet in height, and shall be turned off between the hours of 10:00 p.m. and 7:00 a.m.
- e. All lighting associated with landscaping shall comply with the requirements set forth above and shall not be aimed onto adjacent properties.

### 2. Non-Residential Districts and Uses

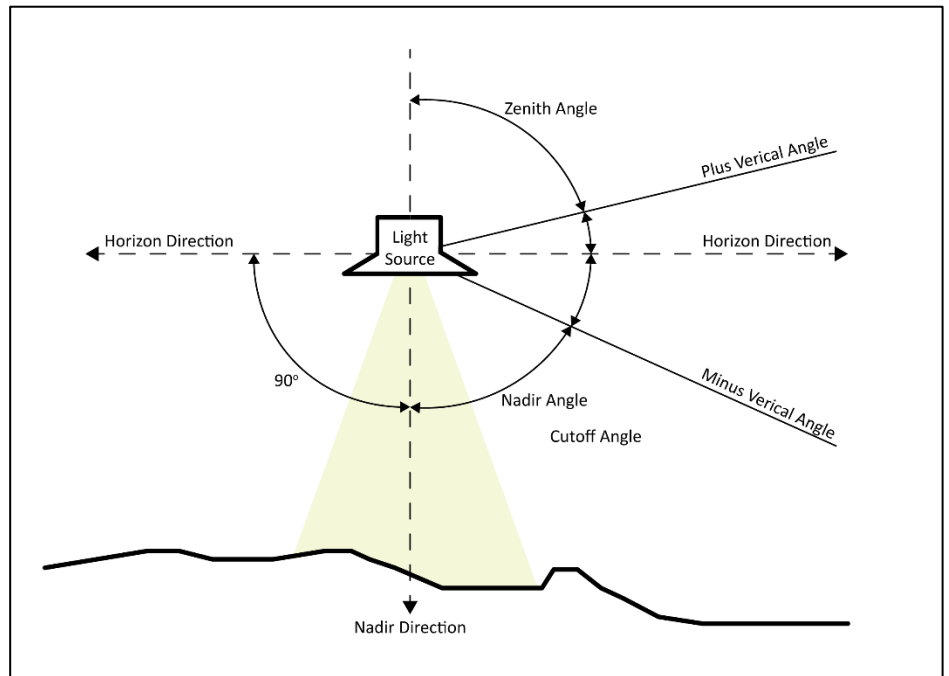
- a. Controls shall be provided on all nonresidential lighting that automatically extinguish all outdoor lighting when sufficient daylight is available. Control devices or systems may be photoelectric switches, astronomic switches or equivalent functions from a programmable lighting controller, building automation system, lighting energy management system, or an equivalent system approved by the Director. Automatic controls shall not be required for tunnels, parking garages, garage entrances, and similar conditions.
- b. All nonresidential uses shall extinguish all outdoor lighting or reduce it by a minimum of 50 percent in terms of lumens two hours after the close of business or activity on the site. Lighting reductions are not required for any of the following:
  - i. When there is only one conforming luminaire on the property;

- ii. Building code required lighting for steps, stairways, walkways, trails, and building entrances;
- iii. Motion-activated lighting;
- iv. Security lighting;
- v. Lighting governed by a conditional use or other city approval in which times of operation are specifically identified;
- vi. Uses that operate on a twenty-four hour basis; or
- vii. Uses that the Director of Development Services determines for purposes of safety and other public welfare considerations lighting levels must be maintained.

**3. Recreation Facilities**

Lighted recreational facilities shall satisfy the requirements set forth in the most current editions of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook. Appropriate lighting criteria shall be selected based on the Class of Play of the facility and participants, as defined by the IESNA.

- a. No outdoor recreational facility, public or private, shall be illuminated after 10:00 p.m. except to conclude a specific activity that is in progress under such illumination prior to 10:00 p.m.
- b. Luminaires shall be installed to meet the criteria of a cutoff fixture.
- c. Luminaires shall be aimed no greater than a distance two mounting heights or less from the base of the pole (a maximum angle of 63 degrees up from nadir or a minimum of 27 degrees down from horizontal), displayed as follows:
- d. Light trespass attributable to the recreational facility lighting system shall not exceed one-half (0.5) initial horizontal foot-candles and two initial vertical foot-candles on adjacent properties within a residential district, except publicways.
- e. Initial illumination levels shall not exceed the target levels specified by the IESNA by more than 30% to account for light loss factors such as lamp lumen depreciation and luminaire dirt depreciation.



#### 4. Uses with High-Intensity or Special-Purpose Lighting Subject to Conditional Use Review

The following uses with high-intensity or special-purpose lighting shall be subject to the issues of a conditional use permit that imposes appropriate conditions on the proposed use to mitigate any potential adverse impacts of outdoor lighting associated with the use.

a. Very Intense Lighting

Any use that proposes light that exceeds:

- i. 200,000 lumens or an intensity in any direction of more than two million candelas such as aerial lasers, searchlights, or other directional luminaire.
- ii. Temporary lighting in which any single luminaire exceeds 20,000 lumens or the total lighting load exceeds 160,000 lumens.

b. Complex, Special Purpose Lighting

Any lighting not complying with the technical requirements of this Code that is used for special purposes such as construction site lighting, lighting for industrial sites with special requirements such as petrochemical manufacturing or storage, theme and amusement parks, decorative and architectural lighting of bridges and overpasses, and similar uses as determined by the Development Services Manager.

## Section 32.04 Development Standards

### 32.04.08 Signs

- A. Measurements.....244
- B. General Regulations.....246
- C. Applicability.....247
- D. Sign Regulations by Sign Type.....251
- E. General Regulations for Permanent Signs.....256
- F. Regulations for On-Premise Signs.....257
- G. Temporary Signs.....263
- H. Billboard Signs.....268
- I. Sign Construction and Maintenance.....270
- J. Sign Removal Required.....271
- K. Sign Alteration for Nonconforming Off-Premise or On-Premise Signs.....272

#### A. Measurements

##### 1. Lot Frontage in Calculating Sign Size

If a lot fronts on two streets, the sign area for each street shall be computed separately. Unless otherwise provided by this Code, the area of signage allowed for each lot frontage shall not be combined and placed on a single frontage to determine the permitted size of signs. For example, a corner lot with 200 ft. of frontage on Street A and 100 ft. of frontage on Street B is not deemed to have 300 ft. of lot frontage on either one street

##### 2. Sign Area

- a. For those signs with a defined background (such as sign frame, trim, molding, or color panel) the calculated sign area shall be measured by determining a minimum imaginary rectangle parallel to the plane of view that completely encloses any lettering, copy, or illustrations and any background created so as to distinguish the sign or the message contained therein from the building, structure, marquee, awning, or canopy upon which the sign is located, provided that, the sign area of a free-standing sign shall include all elements of the sign structure, except any supporting columns, uprights, or braces. Each face of a sign shall be counted toward the maximum permitted sign area.
- b. For signs without a defined background or signs that consist of individually applied letters, symbols, or graphics, the sign area shall be measured by determining the surface area of the face of a minimum imaginary rectangle parallel to the plane of view that completely encloses all of the extremities of the largest side of the sign, excluding its supports. The rectangle shall enclose the extreme limits of each word and written representation, including any series of letters, emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support. If elements of a sign are movable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view.

- c. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point, provided, however, that for double-sided signs whose two faces are either parallel or diverge by no more than 15 degrees, only the area of one sign face shall be counted towards sign area.
- d. The area of an embellishment is computed as the area of the minimum imaginary rectangle parallel to the plane of view that completely encloses the embellishment.

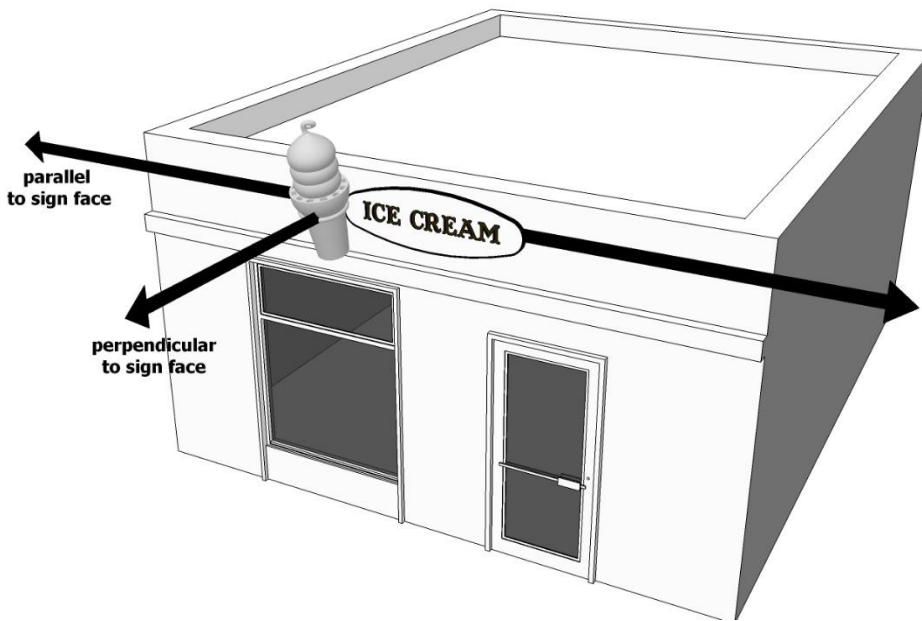


Fig. 32.04.08-A: Parallel and Perpendicular Planes of View

**3. Sign Area, Maximum**

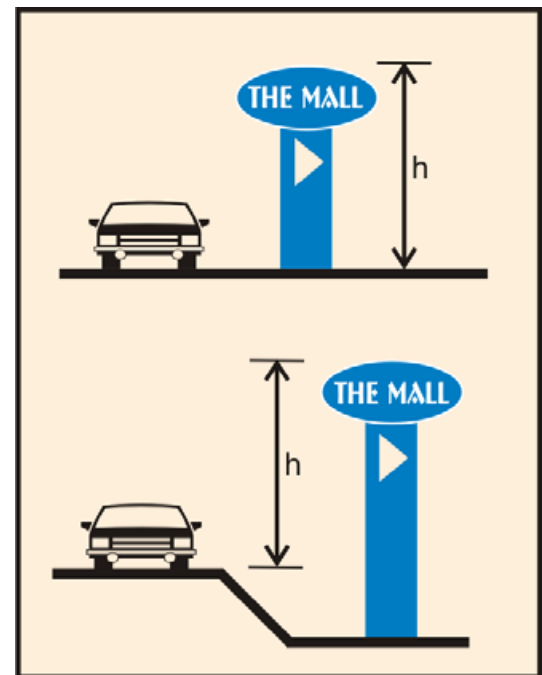
The total amount of sign area permitted on a lot.

**4. Sign Height**

- a. The vertical distance from the average ground level at the base of the sign to the top of the sign.
- b. Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

**5. Spacing**

The spacing between sign structures shall be measured as a straight-line distance between the edges of each sign face closest to each other.



## **B. General Regulations**

### **1. Purpose**

This section establishes the standards for the design, location, installation and maintenance of signs on private property. Signs are an important means of visual communication for organizations and businesses for location identification and way-finding. The intent of this section is to provide standards that result in a reasonable balance between the right of an individual to identify a business or activity location and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. Regulations contained in this section are a result of consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area and the entire community.

The purpose of these sign standards is to:

- a. Promote the effectiveness of signs by preventing their improper placement, deterioration, excessive size, and number.
- b. Protect the public from hazardous conditions which result from structurally unsafe signage;
- c. Ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard;
- d. Ensure that public benefits derived by expenditures of public funds for the improvement and beautification of streets and other public structures and open spaces shall be protected by exercising reasonable control over the size and placement of signs and sign structures;
- e. Control and reduce visual clutter and visual blight;
- f. Protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses;
- g. Provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas, and
- h. Provide a process for large commercial developments to propose signage that complements and is compatible with the site design and architecture;
- i. Generally, ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive City environment, thereby reinforcing community values; and
- j. Provide no more restrictions on speech than necessary to implement the purpose and intent of this section.

### **2. Savings and Severability**

- a. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. Any sign that can be displayed under the provisions of this Section 32.04.08 may contain a noncommercial message.
- b. If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the City that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.

### 3. On-site/Off-site Distinction

Distinctions between on-site and off-site sign regulations in this section apply only to commercial messages, not non-commercial messages.

## C. Applicability

### 1. Applicability

- a. The regulations contained in this Sec. 32.06.020, as well as the requirements of Chapter 33E of the Cedar Rapids Municipal Code, shall apply to and regulate signs and support structures in all districts.
- b. No sign shall be located, erected, or maintained except in compliance with the regulations contained in this Chapter and those of Chapter 33E of the Cedar Rapids Municipal Code.
- c. No permit shall be issued unless the applicant demonstrates that the proposed sign complies with these regulations.
- d. When a sign permit is requested for a parcel where illegal, or prohibited signs exist, the permit shall not be issued until all such signs are removed or brought into conformance with this code.

### 2. Sign Permit Required

- a. A sign permit shall be required to erect, place, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-digital to digital unless otherwise provided in this section.
- b. Where a sign is both legal and in conformance with these regulations, the following activities do not require a permit:
  - i. Routine change of copy for either manual changeable copy signs or digital displays.
  - ii. The customary maintenance of any sign.
- c. Works of art that do not identify, whether by text, graphics, symbols, or colors, a commercial business, establishment, product, service, or political candidate or party, and that are not thematically linked to a commercial business, establishment, product, service, or political candidate or party will not be considered a sign regulated by this section.

### 3. Signs Exempt from Permit Requirement

The following non-illuminated signs may be erected in compliance with this section without obtaining a sign permit. Exempt signs may be allowed in addition to all other signs permitted and shall conform to setback, height, and other applicable requirements of this section.

- a. Public Signs
  - i. Signs and other visual displays approved by the controlling public agency for placement on or over the public right-of-way, signs for traffic, schools, safety, wayfinding, railroad crossing, bike share facilities, bus shelters, civic and special events, public notices, and other official and legal notices. If the controlling public agency is the City, such approval shall be based on standards or criteria approved by the City Council pursuant to applicable law.
  - ii. Signs conforming to or required by the Manual of Uniform Traffic Control Devices as published by the Federal Highway Administration.

- iii. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
- iv. Any sign not intended to be visible from a public right-of-way or abutting property.
- b. Flags and Insignia
- c. Any flag or insignia displayed by any government or any military branch of the federal government at an office, structure, or location where the displaying entity has a place of business or other significant use of a site.
- d. One flag, not including blade signs or feather flags, per premises and affixed to a permanent flagpole or building. In residential districts the size of the flag shall not exceed 32 square feet. In mixed-use and non-residential districts the flag and flag structure may extend up to five feet over the maximum structure height of the district.
- e. Incidental and Integral Signs
  - i. Grave markers, statues, or remembrances of persons or events.
  - ii. Signs or tablets no larger than two square feet that are cut into any masonry surface or, when constructed of bronze or other incombustible materials, attached to the surface of a building.
  - iii. Building plaque signs, not exceeding two square feet in surface area, limited to no more than one sign for every 40 feet of lot street frontage.
  - iv. Religious symbology and stained glass, religious in nature or not.
- f. Seasonal Displays

Temporary decorations or displays celebrating the occasion of a holiday, such as, but not limited to, the Fourth of July, Halloween, Mother's Day, Christmas Day, or Hanukkah.
- g. Approved Vehicle Signs
  - i. Signs applied directly or attached to the body of a car, bus, trailer, bike, or other vehicle are exempt from the regulations of this chapter if such vehicle has a valid registration, is utilized in the normal course of business or in the operator's usual routine activities and is not used primarily for the display of such sign or signs.
  - ii. If a sign bearing vehicle does not meet all these exemption criteria it shall be considered a freestanding sign and be governed as such by the regulations of this chapter.
  - iii. However, any such vehicular signs that are no larger than one square foot in area shall be exempt from the regulations contained within this Chapter even though the vehicle which bears them does not meet the exemption criteria listed previously in this paragraph.
- h. Access Point and Internal Signs
  - i. Accessory signs not exceeding six square feet in surface area or the maximum surface area for accessory signs set forth in Table 32.06-1, whichever is larger, displayed strictly for the direction, safety or convenience of the public, including signs that identify restrooms, telephones, danger areas, parking area entrances or exits, freight entrances, navigation, or the like. When viewable from a public right-of-way, these signs shall meet all of the following criteria:
    - (A) No more than four feet in total height (mounted on wall or in ground);
    - (B) No more than two such signs per approved entry/exit point;
    - (C) Permanently anchored or fastened.



- ii. Signage intended solely for internal use on site or campus setting, not intended for view or readily legible from the public right-of-way.
  - iii. The placement of any video or digital display with a screen area of less than one sq. ft. on a permitted primary structure, accessory structure, or piece of equipment and designed to be viewed only by an individual obtaining services or goods at that location. This includes digital or video screens on fuel pumps, car washes, and air filling stations.
- i. Window Signs
    - i. Window signs that are less than six square feet in area, provided that the total area covered by window signs:
      - (A) Does not exceed 25 percent of the area of the architecturally distinct window in which they are located;
      - (B) Does not exceed 25 percent of the sign allowance permitted for the use or structure; and
      - (C) The window signs are not illuminated.
    - ii. Signs located within a building are exempt from sign permit requirements provided that any interior sign located within six feet from a window shall not have any flashing or moving lights, including digital displays.

#### 4. Prohibited Locations

- a. Sign or sign structure placed on or over any street or highway right-of-way unless approved for placement by the controlling public agency. If the controlling public agency is the City, such approval shall be based on codes and regulations adopted by the City Council pursuant to applicable law.
- b. Sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent of the owner of such property.
- c. Sign or sign structure shall be erected at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
- d. Sign or sign structured erected so as to prevent free ingress to, or egress from, any door, window or any other exit way required by the Building Code or Fire Code of the City of Cedar Rapids, or by any other Ordinance.
- e. Sign or sign structure attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape unless the safety of such sign and such mounting are has been verified in writing by a structural engineered licensed to practice in the state of Iowa.
- f. Sign located in or overhanging a utility easement.

#### 5. Prohibited Signs

This section identifies signage and devices that are determined to be a nuisance by the City and are prohibited in all districts. The City shall require removal of any sign that is determined to be prohibited.

- a. Portable signs unless otherwise allowed by Sec.32.04.08.D.5.
- b. Mechanical motion signs.
- c. Private signs that resemble public authority signs.

- d. Posters, handbills, and painted signs unless placed on approved message boards.
- e. Pennants, streamers, lighter-than-air objects, and wind signs.
- f. Signs that incorporate projected images, emit any sound that is intended to attract attention, or that emit odor or visible matter such as smoke or steam.
- g. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way.
- h. Handheld commercial signs.
- i. Signs displaying copy that is harmful to minors as defined in Signs, Protection of Minors.
- j. Abandoned or inoperable signs.

## 6. Content and Message Substitution

- a. No sign shall be approved or disapproved based on the content or message it displays except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:
  - i. Text or graphics that is harmful to minors as defined by state or federal law;
  - ii. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
  - iii. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or
  - iv. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist.
- b. A constitutionally protected noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal. The purpose of this provision is to prevent any favoring of commercial speech over noncommercial speech or favoring of any particular protected noncommercial message over any other protected noncommercial message.
  - i. Any substitution shall require the property owner's written consent.
  - ii. The message substitution policy does not:
    - (A) Create a right to increase the total amount of sign display area on a site or parcel;
    - (B) Create a right to substitute an offsite commercial message in place of an onsite commercial message or in place of a noncommercial message;
    - (C) Affect the requirement that a sign structure or mounting device must be properly permitted;
    - (D) Authorize changing the physical method of image presentation (such as digital or neon) display without a permit; or
    - (E) Authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally applicable rules for sign size, height, orientation, setback, separation or illumination.

## D. Sign Regulations by Sign Type

Wherever the following types of signs are permitted they shall be subject to the following conditions:

### 1. Banner Signs

- a. General Standards
  - i. Banner signs, when located on or over public property, shall be safely installed and secured and shall also conform to the adopted regulations of the City of Cedar Rapids, the controlling public agency, or the State of Iowa Department of Transportation, as applicable.
  - ii. Areas of banner signs shall be included in, and not in addition to, the maximum sign areas permitted for permanent signs in each district as shown in Table 32.05.08-1, -2, and -3.
  - iii. Where banner signs are erected, the maximum permitted sign area of other permitted permanent signs shall be reduced by an amount equal to the area of the banner sign.
- b. Dimensions and Limitations
  - i. When banner signs are located on or over private property such signs shall be safely installed and secured, shall not exceed 32 square feet in area, and shall not exceed the height of the principal structure on the same lot.
  - ii. A maximum of one sign shall be permitted to remain in place for up to one continuous year.
  - iii. Additional banner signs shall be limited to a total of 75 days during each calendar year.

### 2. Canopy and Awning Signs

Signs painted or sewn on retractable or removable canopies or awnings shall be exempt from the limitations imposed by this Ordinance on the projection of signs from the face of the wall of any building or structure, provided that:

- a. Location of Sign
 

Any sign located on the canopy or awning shall be affixed flat to the surface of the canopy or awning, and shall not extend beyond the edges of the canopy or awning.
- b. Vertical Clearance
 

Canopy or awning sign shall maintain a vertical clearance of not less than eight (8) feet above grade or the clearance established for the canopy or awning by the provisions of the Cedar Rapids Building Code, whichever requires the lesser height.
- c. Horizontal Encroachment
  - i. Canopy or awning signs not shall project closer than two feet to a curb line.
  - ii. Canopy or awning signs that extend over the public right-of-way or other public property shall have their extension restricted unless (a) the applicant has first obtained an encroachment permit from the City Council, or (b) the structure is retractable and is generally retracted to a position relatively flush with the building wall at the end of each business day.
- d. Design Criteria
 

Canopy or awning sign may be used to meet design guideline criteria related to the creation of entry treatments or facade interest.

e. Materials

Canopy or awning sign materials must meet all requirements of the Building and Fire Code.

### 3. Marquee Signs

Where limitations are imposed on the projection of a sign from the face of the wall of any building or structure, such limitations shall not apply to signs affixed to an approved marquee, provided that all of the following conditions are met:

a. Location of Sign

Any sign located on a marquee is affixed flat to the vertical face of the marquee, and shall not extend beyond the edges of the marquee structure.

b. Vertical Clearance

Marquee signs shall maintain a vertical clearance of not less than eight (8) feet above ground surface grade, or the clearance established for the marquee by the provisions of the Cedar Rapids Building Code, whichever requires the lesser height.

c. Horizontal Encroachment

- i. Marquee signs shall not project closer than two feet to a curb line.
- ii. Marquee signs that extend over the public right-of-way or other public property shall have their extension restricted unless the applicant has first obtained an encroachment permit from the City Council.

d. Design Criteria

Marquee sign may be used to meet design guideline criteria related to the creation of entry treatments or facade interest.

### 4. Roof Signs

a. Roof signs shall:

- i. Not be permitted in the Residential districts or the O/S, C-MU, or C-1 districts;
- ii. Only be permitted as conditional uses in the C-2 district or the Special Purpose districts after approval pursuant to the procedures in Sec.32.05.09; and
- iii. Be permitted in the other Commercial and Industrial districts.

b. Roof signs shall not project or extend beyond, nor overhang any exterior wall or parapet line of any roof.

c. No roof sign shall result in a combined height of the principal structure and the roof sign that exceeds the height limit established for principal structures in that district.

### 5. Portable Signs

Portable signs may be permitted as temporary signs as set forth by City Council resolution based on considerations of traffic safety, consistency with the adopted Comprehensive Plan, and compliance with all applicable state and federal laws, and shall be limited to those limitations on size, location, and other matters contained in the City Council resolution approving such sign.

## 6. Sandwich Board Signs

### a. Intent

Businesses may have portable signs placed near the entrance of the business for the purposes of advertising to pedestrians. The intent of this section is not to permit signage directed towards vehicular traffic.

### b. Materials and Design

- i. The sign's durable materials shall not be impacted by rain or other elements.
- ii. The sign shall be self-standing and without attachment to any existing planting material, pole, sidewalk or other device located within the public right of way.
- iii. The sign shall be of sufficient weight and design that it will withstand the elements of weather and remain in position at the designated location without sandbags or other temporary weighting devices.
- iv. All parts of the sign shall be made in such a manner that it does not present a hazard to pedestrians and does not present an attractive nuisance to children or other individuals who may be walking or standing adjacent to the sign.
- v. It shall be the sole responsibility of the applicant to remove the sign when these standards cannot be met.
- vi. Sandwich board signs that are not of A-Frame construction may be permitted, but shall meet the size, durability, construction and placement standards set forth in this section.

### c. Permitted locations

#### i. Placement in Public Right of Way

- (A) Sandwich Board signs may be placed in the public right-of-way adjacent to and in front of any business provided that such placement meets the criteria set forth in this section. The City does not guarantee that the public right of way may be used in front of any single parcel.
- (B) A permit for placement is not required on city-owned streets, although businesses are encouraged to contact the City's Building Services Department to review proposed locations prior to placement of a sign. A permit is required on public right-of-way under the control of the Iowa Department of Transportation (DOT)

#### ii. Placement on Private Property

Sandwich board signs may be placed on private property provided that they meet the requirements of this section. Any other portable sign placed on private property shall meet the requirements of other applicable sections of this Code.

### d. On-Premise Advertising

Sandwich board signs shall only advertise for the business it is located adjacent to. Other uses, such as but not limited to off-premise advertising and political campaigning are not permitted under this section.

### e. Number Permitted

The number of signs placed on public or private property permitted shall be limited to one per storefront.

- f. Sign Type and Size
  - i. Signs shall not exceed 36 inches in width on any side
  - ii. Signs shall not exceed 36 inches in height

- g. Appearance of the Sign

All signs shall be neat in appearance and unobtrusive. At any time that the appearance of the sign does not meet this standard due to physical deterioration, vandalism, or failure to meet any standard set forth in this section, the sign shall be immediately removed by the applicant upon notification by the City.

- h. Placement criteria

All sandwich board signs placed on public right-of-way or private property shall meet the following criteria.

- i. Signs shall not be placed further than 10 feet from a public entrance to the business which it advertises.
- ii. A minimum six-foot wide pedestrian clear walking path shall be maintained between the sign and any other obstruction.
- iii. To the extent possible, signs should not be placed in a manner to cause pedestrians on a public sidewalk to deviate from a straight line path. Placement should avoid requiring pedestrian to deviate from the main portion of the sidewalk into any decoratively paved portion of the sidewalk.
- iv. Signs shall not obstruct the access to or use of parking spaces, parking meters, benches or any other public facility or amenity located within the public right of way.
- v. Signs shall not be placed in any landscaped area of the public right of way, such as flower beds, grass, or mulched planters.
- vi. The location of any sign in the public right-of-way may be limited by other criteria as determined by the City. This includes but is not limited to: corner visual clearance areas, fire and building codes, street and sidewalk maintenance activities, special events, placement of public amenities in the sidewalk and any other policy or event which would affect the placement of a sign.
- vii. The City shall have the authority to alter the placement or require the removal of any sign located in the public right-of-way.

- i. Sign Installation Time Period

Display of any sandwich board sign shall be limited to only those hours when the adjacent business is open, and the sign shall be in place for a period not to exceed the operating hours of the business. The business owner shall be solely responsible for placement and removal of the sign within those times.

- j. Sign Removal and Appeals

- i. Relocation or replacement of signs

The City shall have the authority to require the immediate relocation or replacement of any sign which does not meet the requirements of this ordinance.

ii. Permanent removal of signs

- (A) The City may require that a sign be permanently removed if it is determined that an appropriate location for the sign does not exist, if the sign is deemed to be dangerous, or if there are repeated violations of this ordinance.
- (B) Any sign which has been permanently removed may not be replaced unless a determination is made in writing by the Zoning Administrator that the proposed placement of the sign is in compliance with this ordinance.

iii. Appeals

Any appeal to a determination made by staff shall be made in writing to the Zoning Administrator, who shall make a determination of whether the sign in question complies with the intent of this ordinance. Any appeal of the decision of the Zoning Administrator shall be made according to the provisions of Section 32.07.04.

## 7. Wall Signs

- i. A wall sign, when permitted as set forth in Table 32.06-1, shall be restricted to remain within the outline of the wall to which it is attached, which may include a mansard roof wall or parapet wall.

ii. Wall Sign, Mural

A mural wall sign is a type of wall sign which is painted or installed on the surface of a non-facade elevation, which is any elevation that is not subject to building design standards as defined in Section 32.04.05. The intention of this provision is to permit additional space for wall signs which include decorative or artist elements. A mural wall sign may or may not include commercial speech as defined in this Section 32.04.08.

(A) Permitted Locations

A mural wall sign may be painted, applied, or installed over any non-facade elevation on a structure located in any Mixed Use, Urban General, or Urban Tech Shop district.

(B) Calculation of Sign Area

Where a mural wall sign is permitted, the calculated sign area shall be based only on the portion of the sign which displays any sign copy of an entity which is located, conducts business or otherwise operates within the City of Cedar Rapids. This area shall be subject to and included in the calculation for allowable wall sign area for the structure. Other elements of a mural wall sign may cover all portions of a non-facade elevation provided that it does not obscure or remove any required building design features, block any required building access, or otherwise violate any other applicable codes or regulations.

(C) Timeframe

Except for removal of the sign, a mural wall sign shall not be refaced more than once every 6 months.

## 8. Information Signs

- i. Information signs larger than three square feet in surface area shall be included in the calculation of total sign surface area on the site.
- ii. Information signs are exempt from the separation requirements applicable to free-standing signs.

## E. General Regulations for Permanent Signs

### 1. Static Illumination, Internal and External

- a. Non-digital signs may be illuminated where permitted in this section, provided that the illumination is focused upon the sign itself, so as to prevent glare upon the surrounding areas.
- b. Externally illuminated signs may be illuminated by either ground-mounted lights or wall-mounted light bars. Except for overhanging arms, the mechanical parts of the light source shall not be permitted for supporting lighting fixtures and shall be shielded from view.
- c. Internal illuminated signs when permitted, shall be lighted so that at a distance of 10 feet the light intensity does not exceed 11,000 lumens.
- d. Flashing or intermittent forms of illumination are prohibited.
- e. No sign illumination shall shine in any manner that interferes with the vision of motor vehicle operators.

### 2. Digital Signs

#### a. Scope of Regulations

The requirements contained in this section shall apply to digital signs unless modified by specific sign type or district regulations.

#### b. Exceptions

The requirements contained in this section shall not apply to the following types of digital displays:

- i. Digital displays not intended to be viewed from the public right of way, which includes but is not limited to menu-board signs and scoreboards.
- ii. Digital displays used as part of an approved special event permit.

#### c. Regulations for Digital Signs

- i. Digital signs that meet all requirements of the definition of a digital sign are permitted in all zoning districts unless expressly prohibited.
- ii. The following display attribute requirements shall apply to all digital signs. Digital signs existing on the effective date of this ordinance shall comply with the following criteria by January 1, 2014.

##### (A) Full-motion video

- (1) Full-motion video shall be permitted as a conditional use in the Suburban design area as a conditional use.
- (2) Full-motion video shall not be permitted in any other district unless allowed as part of an approved PUD.

- (B) Digital signs shall not be operated in a way that flashes, blinks, flutters, mimics traffic control devices or emergency vehicles, or distracts the public without providing content to the message. Any image or message or part of a message displayed on the sign shall have a minimum duration of eight seconds and shall be static display. Transition time between images or messages or part of a message must be no longer than two seconds.

- iii. The maximum brightness of a digital sign shall not exceed 5,000 nits (equivalent to 464 candelas per sq. ft.) during daylight hours, or 500 nits (equivalent to 46 candelas per sq. ft.) between dusk



to dawn. Digital signs must be equipped with automatic dimming technology that automatically adjusts the display's brightness based upon ambient light conditions. An applicant for a building permit must supply the Building Official with sign brightness settings prior to the issuance of the permit.

- iv. Digital signs shall contain a default design that will freeze the design in one position if a malfunction occurs.
- v. Miscellaneous Regulations

Notwithstanding any other provision of this section, if the Cedar Rapids Traffic Engineer determines that the operation of a digital sign constitutes a public safety or traffic threat the sign owner, after notice and an opportunity to be heard, may be ordered to either modify the operation of or remove a digital sign to eliminate such threat.

## **F. Regulations for On-Premise Signs**

### **1. Scope of Regulations**

The requirements contained in this section shall apply to on premise signs.

### **2. Signs in all Residential Districts**

The following standards shall apply to all Residential and Agricultural Districts as defined in Table 32.02-2.

- a. A sign shall not be illuminated unless specifically permitted in Table 32.04.08-1.
- b. A sign may be located in a required yard unless specifically restricted by the provisions of this Code. Signs shall not be located within 30 ft. of corner lot lines at a street intersection unless sign is less than 2.5 ft. in height.
- c. No projecting sign shall be permitted.

Table 32.04.08-1 Permanent Signs in Residential Districts					
Sign Type	Surface Area, Max	Location & Setbacks	Height, Max (ft.)	Number Permitted, Max.	Illumination
Single-Unit Residential Use, Bed and Breakfast, or Home Occupation	4 sq. ft.	In required yard or flat against building	5	1 per each dwelling unit street frontage	Not Permitted
All Other Non-Residential Use					
Wall, Flat Against Building	24 sq. ft.	Flat against the building		1 per lot frontage establishment	Not Permitted
Free-standing	48 sq. ft.	In required yard; 5 ft. minimum from any lot line; if yard is less than 5 ft. in width or depth, sign shall be set back against building	8; above grade	1 per lot frontage	Permitted
Multiple Unit Dwelling Buildings	2 sq. ft. for each dwelling unit contained in the building; (32 sq. ft. maximum SA) (Note 2)	In required yard	15; above grade	1 sign for each building's street frontage	Not Permitted
	32 sq. ft.	Wall sign/Projecting Sign	Cannot extend above the wall to which it is attached by more than 5 ft.; subject to minimum clearance.	1 sign for each building's street frontage	Not Permitted
Parking Areas (entrances or exits)	2 sq. ft.	In required yard	12; above grade	1 sign per exit or entrance; one sign per parking area	Not Permitted
Roadside Stand	12 sq. ft.	Located on the same lot as the roadside stand; Not less than 15 ft. from any lot line	12	1 for each lot frontage	Not Permitted
Entryway for Subdivision, Mobile Home Park, or Estate Uses	64 sq. ft.	In required yard or outparcel	15	2 signs located at each entrance to the subdivision, park, or estate	Permitted

### 3. Signs in Urban Form and Traditional Districts

The following standards shall apply to all non-residential Traditional or Urban Districts as defined in Table 32.02-2.

- a. Signs permitted may be located in a required yard unless specifically restricted by the provisions of this Code.
- b. No sign or sign structure shall be located within 25 feet of an adjoining residential district on the same frontage except signs as permitted in the residential district.
- c. Signage in multitenant structures shall be allocated on a pro-rata basis to each tenant unit based on the overall signage allotted to the structure. For example, in a multitenant structure with 100 square feet of total signage and 4 tenant units, each unit shall be allocated 25 square feet of signage. At the applicant’s discretion, signage may be considered for the structure as a whole. When this option is taken the applicant shall provide an inventory all existing signage on the property.
- d. A 20 percent sign area bonus will be granted for the replacement of existing, legal – including legal nonconforming - pole signs in mixed-use, commercial, and industrial districts with other approved permanent signage, such as monument or wall signs.

Table 32.04.08-2 Permanent Signs in Urban Form and Traditional Districts						
Sign Type	Surface Area, Max	Location and Setbacks	Height, Max.	Number of Signs, Max.	Illumination	Other Conditions
Wall Sign	Primary occupancy frontage = up to 2 sf per foot of occupancy frontage; Secondary occupancy frontage(s) = 2 sf per foot of occupancy up to 50% of the area allowed for the primary occupancy frontage. Total maximum allowable area for these types of signs is 1/3 of the wall size.	To be located within the outline of the wall to which it is attached and flush mounted on the wall, projecting no more than 24 inches	Cannot extend above the wall to which it is attached by more than 5 ft.	No maximum; subject to the total maximum area allowed per occupancy frontage	Permitted	
Projecting Sign		Projecting from wall of primary occupancy frontage.	Cannot extend above the wall to which it is attached by more than 5 ft.; subject to min. clearance.	1 per primary or secondary occupancy frontage	Permitted	Cannot project more than 10 ft.
Canopy or Awning Sign		Wall surface of the primary or secondary occupancy frontage.	Bottom of the second story window; subject to min. clearance	No maximum; subject to location and height standards.	Permitted	

Table 32.04.08-2 Permanent Signs in Urban Form and Traditional Districts						
Sign Type	Surface Area, Max	Location and Setbacks	Height, Max.	Number of Signs, Max.	Illumination	Other Conditions
Freestanding Signs	Primary lot frontage = 2 sf per foot of lineal foot of lot frontage to a maximum of 400 sf; Secondary lot frontage(s) = 1 sf per foot frontage not exceeding 50% of the area allowed for the primary lot frontage. The total size for these types of signs cannot exceed the maximum allowed.	Any location within the property boundaries; subject to required sight lines per Traffic Engineering Dept.	Up to 15 feet to top of sign structure	No maximum	Permitted	Pole Signs not permitted
Roof Sign		Above building roof line	Not higher than the maximum structure height allowed in the district.	1 per building face	Permitted	Subject to approval of a Conditional Use Permit review pursuant to adopted standards approved by City Council
Marquee Sign	Total sign area to be determined as part of a Conditional Use Permit	To be located within the outline of the wall to which it is attached	Top edge of the wall to which it is attached; subject to min. clearance	1 per primary and/or secondary occupancy frontage	Permitted	

#### 4. Signs in Suburban Mixed Use and Industrial Districts

The following standards shall apply to all non-residential Suburban districts and I-xx districts as defined in Table 32.02-2.

- a. Signs permitted may be located in a required yard unless specifically restricted by the provisions of this Code.
- b. No sign or sign structure shall be located within 25 feet of an adjoining residential district on the same frontage except signs as permitted in the residential district.
- c. Signage in multitenant structures shall be allocated on a pro-rata basis to each tenant unit based on the overall signage allotted to the structure. For example, in a multitenant structure with 100 square feet of total signage and 4 tenant units, each unit shall be allocated 25 square feet of signage. At the applicant’s discretion, signage may be considered for the structure as a whole. When this option is taken the applicant shall provide an inventory all existing signage on the property.
- d. A 20 percent sign area bonus will be granted for the replacement of existing, legal – including legal nonconforming - pole signs in mixed-use, commercial, and industrial districts with other approved permanent signage, such as monument or wall signs.

**Table 32.04.08-3 Permanent Signs in Suburban Mixed Use and Industrial Districts**

Sign Type	Surface Area, Max	Location and Setbacks	Height, Max.	Number of Signs, Max.	Illumination
Wall Sign	Primary building occupancy frontage = .5 sf per foot of frontage to 32 sf; Secondary occupancy frontage(s) = .5 sf per foot of occupancy not exceeding 75% of the area allowed for the primary occupancy frontage.	Within the exterior outline of the wall or window to which it is attached and flush mounted on the wall, 24 inches	Top edge of the wall to which the sign is attached.	No maximum; subject to the total maximum area allowed per primary or secondary occupancy frontage	Permitted
Monument or Bracket Sign	Primary lot frontage = 1 sf per foot of lineal foot of lot frontage to a max. of 48 sf; Secondary lot frontage(s) = 1 sf per foot frontage not exceeding 75% of the area allowed for the primary lot frontage. Allowable sign area for the different frontages cannot be combined to create a larger sign.	Any location within the property boundaries; subject to required sight lines per Corner Visual Clearance requirements	Up to 8 feet to top of sign structure	1 per lot frontage.	Permitted
Projecting Sign	10 sf		Top edge of the wall to which it is	1 per frontage	Permitted

			attached; subject to min. clearance.		
Freestanding Sign	Primary lot frontage = 2 sf per foot of lineal foot of lot frontage to a maximum of 400 sf; Secondary lot frontage(s) = 1 sf per foot frontage not exceeding 50% of the area allowed for the primary lot frontage. The total size for these types of signs cannot exceed the maximum allowed.	Any location within the property boundaries; subject to required sight lines per Traffic Engineering Dept.	Up to 45 feet to top of sign structure	No maximum	
Canopy or Awning Sign	Letters or graphics not exceeding 50% of the area of the canopy or awning surface to which it is attached.	Wall surface of the primary or secondary occupancy frontage.	Bottom of the second story window; subject to min. clearance	No maximum; subject to location and height standards.	Permitted
Marquee Sign	To be determined as part of the overall Neighborhood Center design and sign program.	To be located within the outline of the wall to which it is attached	Top edge of the wall to which it is attached; subject to min. clearance	1 per entrance	Permitted

## G. Temporary Signs

### 1. Purposes

The purposes of these temporary sign regulations are as follows:

- a. Enhance opportunities for visual communication, including promoting the legibility of such communications;
- b. Create a more attractive economic and business climate within the city;
- c. Enhance and protect the physical appearance of all areas of the city; and
- d. Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, excessive size or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs

### 2. Permits

- a. Required. A temporary sign permit is required unless otherwise specified.
- b. Display duration
  - i. Unless otherwise defined within this article, the display of temporary signs shall be limited to a maximum of 30 days per address, cumulative total per calendar year.
  - ii. The 30-day per address cumulative total per calendar year requirement shall be restarted when a business at a specific address changes ownership within any given year.
- c. Number of signs. Unless otherwise specified in this section, a maximum of one temporary sign shall be allowed per premises at any time.
- d. Printing and placement. Signs may be printed on both sides or two-single sided banners may be placed back-to-back. V-type configurations are not allowed.
- e. Permit sticker. A permit sticker will be provided and shall be placed on the sign where visible.

### 3. General Standards

The following standards shall apply to all temporary signs:

- a. Yard, banner, and sandwich board signs are permitted as temporary signs subject to the requirements of this section.
- b. Location
  - i. No temporary signs shall be placed on public property except that sandwich board signs in urban and traditional design areas may be placed on the public sidewalk directly in front of the business, but shall be placed so they do not interfere with or impede the flow of pedestrian movement
  - ii. Temporary signs may be posted on a person's own property or on someone else's property with that owner's express permission.
  - iii. Temporary signs may be located within a required yard in any district, except that none shall be located within the Corner Visual Clearance Area, as specified in Sec. 32.04.05.A.6.L. Signs may be located within a required yard in any district but shall not be located within 30 feet of corner lot lines at a street intersection unless the sign is less than 2.5 feet in height.

- iv. Sandwich board signs shall be located within ten feet of a pedestrian entrance, and shall be removed when the business is closed and during severe weather events
- c. Temporary signs shall not be used as a method to circumvent the regulations that apply to permanent signs or to add a permanent sign to a parcel in addition to the permanent signage permitted on that parcel.
- d. Temporary signs may not be illuminated.
- e. Temporary signs may not contain any digital components or a changeable message component or mechanism.
- f. Temporary signs shall not interfere with the provision of a safe route for automobile traffic, pedestrians, or bicyclists.
- g. Temporary signs may not become a public danger or nuisance during high winds or inclement weather.
- h. Display of temporary signs is calculated on a calendar year from January to December. Temporary sign permits must be renewed annually.

**4. Removal**

Temporary signs shall be removed as follows:

- i. Subdivision development shall be removed by applicant or property owner no later than one year following issuance of sign permit, unless a renewal permit is requested and granted.
- ii. Model home signs shall be removed when the display or model home is no longer used, or when the home is used as a residence.
- iii. Open house signs shall be displayed only one day before the open house and on the day of the open house.
- iv. Signs for active real estate listings shall be removed no later than 10 days after the closing date of a sale or rental or lease agreement has been signed or the date the property is taken off the market.
- v. Construction activity signs shall be removed no later than 10 days after completion of the construction activities

**5. Temporary Signage Regulation by District**

The following tables provide temporary sign regulations by district:

Table 32.04.08-4: Temporary Signs in Residential Districts			
Sign Type	Surface Area, Max (SA)	Height, Max (ft.)	Other Conditions
Subdivision Development	12 sq. ft. for each lot for sale or rent; 200 sq. ft. maximum SA	15	1 sign for each entrance to subdivision, must be located least 10 feet from any property line
Model Homes	24 sq. ft.	6	1 sign per lot of each dwelling used for a model or display home



Sign Type	Surface Area, Max (SA)	Height, Max (ft.)	Other Conditions
Open House	16 sq. ft.	6	1 sign for each street frontage of the lot
Active Real Estate Listing	16 sq. ft.	6	1 sign for each street frontage of the lot
Construction Activity	32 sq. ft. in surface area per fifty ft. of lot frontage, cumulative	6	No maximum

Sign Type	Surface Area, Max	Height, Max. (ft.)	Number Permitted, Max.
Active Real Estate Listing	32 sq. ft. in overall exterior dimension	12	1 sign for each street frontage of the lot
Construction Activity	32 sq. ft. in surface area per fifty ft. of lot frontage, cumulative	18	No maximum
Open House	16 sq. ft.	6 sq. ft.	1 on owner's property and up to 2 others, on nearby properties, with permission of the owner of such properties

**6. Temporary Signage by Event**

- a. Temporary signs may be allowed as part of a special event or temporary use permit pursuant to this section.
  - i. Maximum sign calculation. Temporary signs permitted through a special event or temporary use permit may be off-premises with the permission of the property owner and may be allowed on a parcel in addition to the maximum amount of temporary signage permitted on that parcel.
  - ii. Temporary sign types. Temporary signs permitted as part of a special event or temporary use permit are restricted to the types, sizes and heights identified in Table 32.04.08-3 and -4 unless otherwise specified in this section.
- b. The following maximum signage is permitted for each type of temporary event:

Event	Number and Type of Signs Permitted		Duration
Election	See Election Event Signs, below.		
Garage/Yard Sale	2	Yard	Placed and removed within 72 hours.
Open House	4	Yard	Placed and removed same day as event

Table 32.04.08-6 Temporary Signage by Event			
Event	Number and Type of Signs Permitted		Duration
Public Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	
Special Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	

- c. Election event signs are permitted as follows: For a period of 60 days prior to a state, local or national election, the total number of temporary signs permitted per premises may be increased over the maximum amount of temporary signage permitted by this Code. The number of increased signs is calculated by the number of federal, state and local issues and elected positions on the ballot within the voting district where the property is located. That number shall be used to determine the number of signs allowed as additional temporary signage during the 60-day period. The content of this additional signage is not subject to regulation by the city, but the number shall not exceed the number of ballot issues and offices on the ballot. The dimensional standards of Tables 32.04.08.-4 and -5 shall apply by district. No permit shall be required for the additional signage during an election event, and the additional signage shall be removed immediately following the election.
- d. Auction, Yard, Porch, Garage, and Other Similar Sales
  - i. No more than two signs shall be posted on an individual lot.
  - ii. No sign shall remain posted longer than 72 hours.
  - iii. Signs shall be no larger than two square feet.
- e. Open house signs may be provided as permitted by district.
- f. Public Event
  - i. A maximum of five banner signs and ten yard signs may be issued in conjunction with a temporary use permit.
  - ii. The temporary use permit shall specify the installation and removal dates of the temporary signs allowed in conjunction with the permit.
  - iii. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs shall not exceed six square feet in area, per side. A-frame signs are not permitted.
- g. Special Event
  - i. A maximum of five banner signs and ten yard signs may be issued in conjunction with a special event permit.
  - ii. The special event permit shall specify the installation and removal dates of the temporary signs allowed in conjunction with the permit.
  - iii. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs shall not exceed six square feet in area per side. A-frame signs are not permitted.

## **7. Substitute for Permanent Signage**

In the event that a permanent sign is substantially damaged through fire, natural disaster or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to a maximum of 32 square feet per address, unless the temporary signage is affixed to any wall face of the main structure. When temporary signage is affixed to any wall face of the main structure, the maximum size of temporary signage may be increased to allow for a maximum coverage of 20 percent of the area of the wall face to which it is affixed. In no case shall any temporary signage exceed a maximum size of 250 square feet.

## H. Billboard Signs

### 1. Where Permitted

Billboard signs shall be permitted uses in the S-MC, S-MR, I-LI, and I-GI districts. Billboard signs shall be permitted as a conditional use in the Agriculture districts. Billboard signs shall not be permitted in any other district unless allowed as part of a PUD.

### 2. Number Permitted

The total number of billboard signs shall not exceed the total number of billboards legally existing in the City on June 4, 2013, minus any billboards which are removed and not replaced according to section 32.06.06 of this code. Billboards are permitted to be replaced on a billboard-by-billboard basis. A variance of dimensional standards or a conditional use granted for the placement of a new billboard sign shall not waive the requirement for removal of an existing sign to place a new one.

### 3. Replacement of Existing Billboards

- a. A permit for a new billboard sign shall require the removal of an existing billboard of equal or greater size.
- b. Two or more smaller billboards may be removed to satisfy the removal requirement, provided that the proposed sign conforms to the dimensional requirements for a new billboard sign and the combined size of the two or more signs removed is equal to or greater than the size of the proposed sign. Multiple billboard signs removed shall not be combined to allow for more than one new billboard sign. The additional signs removed to satisfy the replacement criteria shall reduce the overall number of billboard signs permitted by Section 32.04.08.H.2 of this code.
- c. If the owner of a proposed new billboard sign owns a billboard sign that is nonconforming to Section 32.04.08.H of this code, then the sign removed to satisfy the requirements to construct a new sign must be a nonconforming sign.
- d. Any proposed billboard sign shall meet all of the dimensional standards set forth in this section, including separation distance from other billboard signs and from certain districts and uses.
- e. Upon removal of an existing sign, the City shall record the size of the sign and other relevant information about the sign and keep a record of the sign for five years from the date of removal. A removed billboard that is part of the City's removed billboard record can be used to satisfy the removal requirement. If the sign is not claimed within five years, the sign shall be considered removed and the total number of billboard signs permitted in the community shall be reduced by one.
- f. An application for a new billboard sign may be made in anticipation of removal of an existing billboard sign. Such an application may be approved on the condition that no permit for the construction of the new sign shall be issued until the existing sign is removed and documentation of the removal is submitted to the City.
- g. The owner of a legal billboard sign within the community may transfer the right to build a new billboard sign to another party. The transfer shall be stated in a letter signed by both parties which is submitted with an application for a new billboard sign.
- h. Digital Display Billboard Signs are permitted under the following criteria:
  - i. The following location standards shall apply to digital display billboard signs erected after the effective date of this ordinance, including existing non-digital billboard signs that are converted to digital display signs after said effective date, also referred to as "new".

- (A) A digital display billboard sign shall be located to have the visible face a minimum of 500 feet from any residential district, historic district, park, school, religious facility or cemetery.
  - (B) The 500-foot separation requirement shall be measured as a semicircle radiating outward from the center of the sign. This standard shall apply to all newly constructed digital display billboard signs regardless of sign visibility due to topography, tree cover, the designed viewable angle of the digital display or other considerations.
- ii. Erection of a new digital display billboard sign shall require the removal of:
    - (A) An existing digital display billboard sign with an equal or greater sign area
    - (B) Two or more existing non-digital display billboard signs, with combined sign area equal to or greater than twice the sign area of the proposed digital display billboard sign.
    - (C) Multiple billboard signs removed shall not be combined to allow for more than one new digital display billboard sign.
  - iii. Conversion of an existing non-digital Billboard Sign to a Digital Display Billboard Sign shall meet the following requirements:
    - (A) The location and size of the proposed digital display billboard sign shall conform to all of the dimensional standards for billboard signs set forth in this Section 32.04.08.H of the City Code. Signs which do not conform to the Cedar Rapids Zoning Ordinance shall not be converted to digital displays.
    - (B) Conversion of an existing billboard sign to a digital display billboard sign shall require the removal of one existing billboard sign other than the one to be converted.
4. Height
- Maximum height measured from the ground to top of the sign structure shall be:
- a. 60 feet where the sign is placed alongside the right-of-way of highway where the posted speed limit exceeds 55 miles per hour.
    - i. 45 feet where the sign is placed alongside a major arterial road.
    - j. 35 feet where the sign is placed alongside any other road in the community.
5. Yard Requirements
- Billboard signs shall be subject to the yard requirements established for principal uses for the district in which they are located.
6. Maximum Sign Surface Area and Number
- A billboard sign structure shall contain no more than two signs per face and for each side facing one direction of traffic, the maximum surface area of all such signs shall be:
- a. 672 square feet where placed alongside a highway where the posted speed limit exceeds 55 miles per hour, with extensions not to exceed 100 square feet and not to extend more than five feet from the sign structure. Extensions are embellishments added to the sign to enhance the advertising message.
  - k. 300 square feet in all other locations.
7. Separation Distance

The minimum distance between each billboard sign shall be 1,000 feet, with the distance to be measured from the nearest part of each sign. This dimensional standard shall apply to all newly constructed billboard signs regardless of sign visibility due to topography, tree cover, or other considerations.

#### 8. Illumination

Illumination of billboard signs shall be permitted if the lighting is non-flashing, and is so shielded to prevent beams or rays of light from being directed at any adjacent premises or at any portion of the main traveled way of any street or highway.

#### 9. Distance from Residential Districts

No billboard sign shall be permitted within 200 feet of any residential district, as measured from the nearest part of each sign to the nearest property line in a residential district. In addition, no billboard sign shall be located within 200 feet of a public park, public or private school, church, cemetery or any local historic district or a National Register Historic District. In each case, the required distance shall be measured from the edge of the sign nearest linearly to the closest point on the parcel of land containing the residential use, park, school, church, cemetery, or historic district, as applicable. These dimensional standards shall apply to all newly constructed billboard signs regardless of sign visibility due to topography, tree cover, or other considerations.

#### 10. Painting or Affixing Sign Copy Directly To Wall or Fence Prohibited

Billboard sign message or copy shall not be painted or affixed directly on a building wall, nor on a masonry fence, nor on any other type of fence.

#### 11. Digital Display Billboard Sign Display Criteria

The following criteria shall apply to all digital display billboard signs. Digital display billboard signs existing at the date of the adoption of this ordinance. Such existing signs shall comply with all of the provisions of this section by January 1, 2014.

- a. No animation, flashing, video or scrolling text shall be permitted on a digital display billboard sign during or in transition between messages.
- b. In the event of a public emergency, such as an Amber Alert, natural disaster, or other state of emergency, the owner of a digital display billboard sign shall grant access to the sign to public authorities and allow them to display relevant messages to the public.
- l. Off-Premises Digital Billboard Sign Illumination Off-premises digital display billboard sign must be equipped with automatic dimming technology that automatically adjusts the display's brightness based upon ambient light conditions.

## **I. Sign Construction and Maintenance**

The construction, installation, erection, anchorage and maintenance of all signs shall be subject to the applicable provisions of the Chapter 33E of the Cedar Rapids Municipal Code and the Building Code of the City of Cedar Rapids.

### **1. Sign Construction**

All signs shall be mounted in one of the following manners:

- a. Flat against a building or wall.
- b. Back to back in pairs, so that the backs of such signs will be screened from public view.
- c. In clusters in an arrangement that will screen the backs of the signs from public view.

- d. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

## 2. Sign Height

Unless a greater or lesser minimum height is specifically listed for a particular sign, any part of a sign that projects into or over any public way or other access way shall have a minimum height of not less than 14 feet above any vehicular way and not less than eight feet above any pedestrian way.

## 3. Sign Maintenance Required

All signs and sign structures shall be erected and maintained in a safe condition. It shall be the responsibility of the sign owner, property owner, or proprietor of the premises to keep all signs on the premises properly maintained. The area around the base of any sign shall be kept free and clear of any weeds, sign material, debris, trash, and other refuse.

## J. Sign Removal Required

### 1. Signs to be Removed by Owner

The following types of signs shall be removed by the sign owner or property owner, pursuant to the procedure described in the following subsection (2):

- a. Any sign that is abandoned, in a state of serious disrepair, or is no longer functional.
- b. Any abandoned sign, including but not limited to the following:
  - i. A sign left blank, or having significant portions of letters, words, or other copy missing.
  - ii. Any sign that advertises goods or services no longer available.
  - iii. Any sign that advertises an event or purpose that has passed or no longer applies.
- c. Any sign that becomes insecure, is in danger of falling, or is otherwise unsafe.
- d. Any sign that has been erected, placed or otherwise established or maintained in violation of the then existing sign regulations or has in any way been unlawfully installed, erected or maintained.
- e. Any sign that is in violation of the provisions of Sec. 32.04.08.

### 2. Procedure for Removal of Signs

Following written notice from the Zoning Administrator, the owner, agent or person who benefits from the use of the land, building, or sign structure shall have a minimum of thirty (30) days to remove the subject sign and/or sign structure that is identified in said notice. The written notice shall identify the sign or sign structure and state the specific reasons why removal is required. Said notice shall also provide a minimum of 15 days from receipt of the notice for an appeal to be filed with the Board of Adjustment. However, if notice involves any sign that is creating an unsafe or hazardous condition or involves a temporary sign as defined in this chapter, then the notice shall provide for removal within a maximum of seven days and four days for filing an appeal. If said notice is not complied with and there is no appeal as provided, or if an appeal is denied, the Zoning Administrator is authorized to cause removal of such sign and structure and any related expenses incurred shall be paid by the owner of the sign or land, building or structure where said sign is located. If costs of removal of the sign and/or sign structure pursuant to this section are not paid within sixty (60) days of the City's issuance of an invoice for said costs, the City shall be authorized to assess the costs against the property.

**K. Sign Alteration for Nonconforming Off-Premise or On-Premise Signs**

Any sign that has been made nonconforming, either through the adoption of this Code or alterations made to the sign by the owner, shall follow the requirements in Sec. 32.06.06.



## Section 32.05 Review and Approval Procedures

32.05.01	General Procedures.....	274
32.05.02	Overview of Specific Procedures .....	292
32.05.03	Future Land Use Map and Comprehensive Plan Amendments.....	293
32.05.04	Rezoning.....	297
32.05.05	Zoning Code Text Amendment.....	300
32.05.06	Planned Unit Development .....	302
32.05.07	Site Development Plans .....	304
32.05.08	Temporary Use Permit.....	306
32.05.09	Conditional Uses .....	307
32.05.10	Conditional Expansions of Legal Nonconformities .....	310
32.05.11	Minor Design Adjustment.....	313
32.05.12	Major Design Exception.....	315
32.05.13	Variance .....	320
32.05.14	Zoning Clearance Permit.....	322
32.05.15	Special Use Permit .....	323
32.05.16	Certificate of Occupancy .....	324

**32.05.01 General Procedures**

Section. 32.05 is divided into two categories. Section 32.05.01, General Procedures, describes the general application procedures that may be applicable to any type of specific application. Sections 32.05.02 through 32.05.18 provide the application-specific requirements for review and submission of each type of application or permit available.

**A. Applicability**

The following requirements are common to many of the procedures contained in this Code and apply to applications submitted pursuant to this Sec. 32.05. Applications are typically processed in accordance with the steps shown in Figure 32.05-A. Additional details may be included in each specific procedure.

1. Neighborhood meetings (Sec. 32.05.01.C)
2. Pre-application meetings (32.05.01.C)
3. Application submittal and fee payment (32.05.01.D and E)
4. Completeness review (32.05.01.F)
5. Staff review (32.05.01.G)
6. Public notice (32.05.01.H)
7. Action by review and decision-making bodies (32.05.01.J)
8. Timeframes for action (32.05.01.K)
9. Inactive applications (32.05.01.L)
10. Withdrawal of applications (32.05.01.M)
11. Successive applications (32.05.01.N)
12. Modification of approvals (32.05.01.O)
13. Lapsing and extension of approvals (32.05.01.P)
14. Appeals (32.05.01.R)

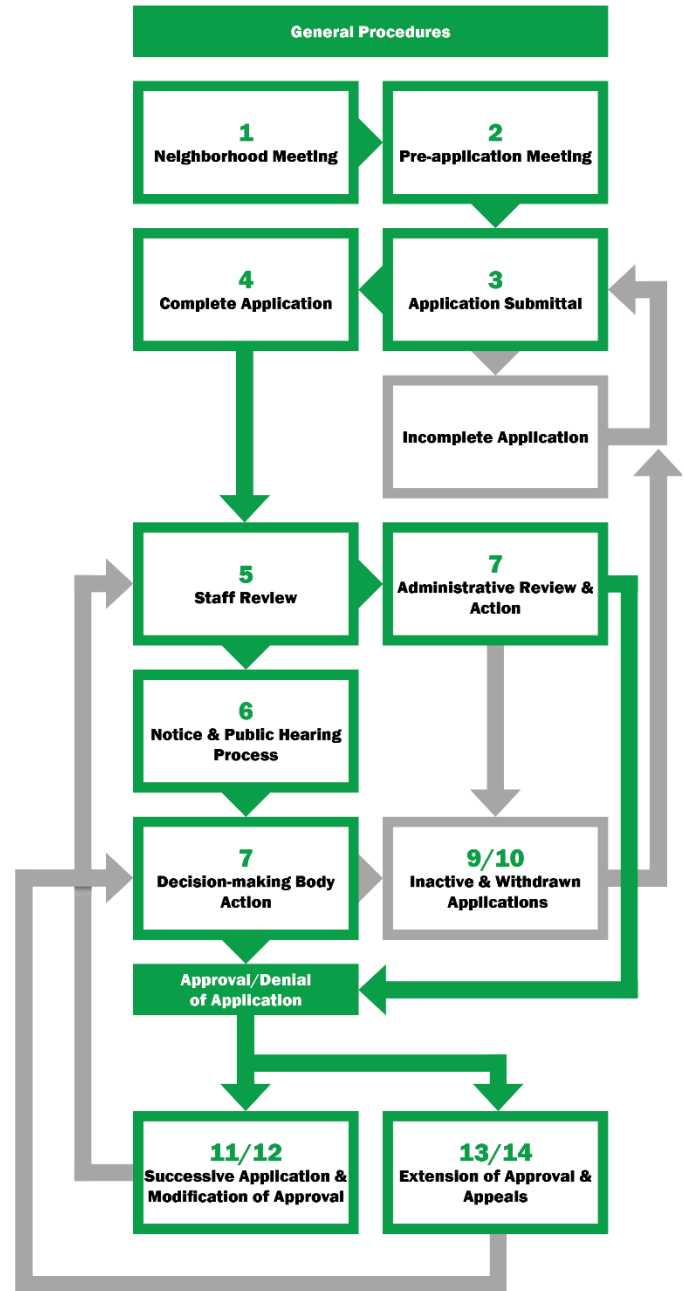


Figure 32.05-A

**B. Summary Table of Specific Application Procedural Steps**

Table 32.05-1 summarizes the application procedures in this Code and identifies whether pre-application and neighborhood meetings are required. Exceptions to these general rules apply and may be specified in the regulations for the individual procedure.

**Table 32.05-1: Specific Application Procedural Steps**

Application Types		Pre-Meetings			Application and Review			
Procedure	Section	Pre-app Mtg. Sec. 32.05.01(D)	Neigh. Mtg. Sec. 32.05.01(C)	Written App. Sec. 32.05.01(E)	Fee Payment Sec. 32.05.01(F)	Det. Complete. Sec. 32.05.01(G)	Staff Review Sec. 32.05.01(G)	Notice/Hearing Sec. 32.05.01(H)
<b>R = Required; (R) = Required if Requested by Staff or Applicant</b>								
Comprehensive Plan or Future Land Use Plan Amendment	32.05.03	R	(R)	X	X	X	X	X
Rezoning Amendment	32.05.04	R	R	X	X	X	X	X
Zoning Code Text Amendment	32.05.05			X	X	X	X	X
PUD Preliminary or Master Plan	32.05.06	R	(R)	X	X	X	X	X
Site Development Plans	32.05.07	(R)						
Concurrent application		<i>Follows requirements of primary application</i>						
Administrative				X	X	X	X	
Temporary Uses	32.05.08			X	X	X	X	
Conditional Uses	32.05.09	R	(R)	X	X	X	X	X
Conditional Expansion of Legal Nonconforming Use	32.05.10	R	(R)	X	X	X	X	X
Voluntary Annexation	32.05.11	R	(R)	X	X	X	X	X
Minor Design Adjustment	32.05.12			X	X	X	X	X
Major Design Exception	32.05.13	R	(R)	X	X	X	X	
Variances	32.05.14	(R)		X	X	X	X	X
Zoning Clearance Permit	32.05.15			X	X	X	X	
Home Occupations	32.05.16			X	X	X	X	
Certificates of Occupancy	32.05.17			X	X	X	X	
Sign Permit	32.05.18			X	X	X	X	

**C. Pre-Application and Neighborhood Meetings**

As identified in Table 32.05-2, applicants may be required to attend pre-application meetings or host neighborhood meetings prior to submitting an application. The requirements for each are described in this section.

**1. Neighborhood Meetings**

**a. Purpose**

The purposes of a neighborhood meeting are to inform neighboring property owners of the details of a proposed development, to identify how the developer intends to meet the standards contained in this Code, and to receive public comment on the proposal.

**b. Applicability**

Where an applicant has filed or intends to file an application, and Table 32.05-1 indicates that a neighborhood meeting may be requested, Development Services may request that the applicant conduct a neighborhood meeting before further processing of the application. Reasons to request a neighborhood meeting may include but are not limited to situations where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development may materially affect the surrounding area.

- (i) If the applicant is requested to conduct a neighborhood meeting and does not do so, that fact may be noted in the staff report on the application and may be just cause for the denial of the application.
- (ii) If the applicant makes a substantive change(s) to the application following the neighborhood meeting which change(s) was not discussed at the meeting, that fact may be noted in the staff report on the application and may be just cause for the denial of the application.
- (iii) An applicant may voluntarily conduct a neighborhood meeting prior to submission of any application.

**c. Notice**

Where Development Services has requested that the applicant conduct a public meeting, Development Services may also require that the applicant post the property with a sign meeting the requirements of Sec. 32.05.01.H and/or that the applicant mail notices meeting the requirements of Sec. 32.05.01.H.4 to the adjacent property owners.

**d. Written Summary**

The applicant shall provide Development Services with a written summary or transcript of the neighborhood meeting within five days of its conclusion or with the completed application, whichever is sooner. The written summary shall include a list of those in attendance, a summary of the issues discussed, comments by those in attendance, and any other comments the applicant deems

**Table 32.05-2: Pre-Application Meeting Requirements**

Application Types	Pre-Meetings	
Procedure	Pre-app Mtg, Sec. 32.05.01(D)	Neigh. Mtg, Sec. 32.05.01(C)
<i>R = Required;</i> <i>(R) = Required if Requested by Staff or Applicant</i>		
Comprehensive Plan or Future Land Use Plan Amendment	R	(R)
Rezoning Amendment	R	(R)
PUD Preliminary or Master Plan	R	(R)
Site Development Plans		
Concurrent application	<i>Follows primary</i>	
Administrative	(R)	
Conditional Uses	R	(R)
Conditional Expansion of Legal Nonconforming Use	R	(R)
Variances	(R)	(R)
Minor Design Adjustment	(R)	

appropriate. The written summary of the meeting shall be made available to the meeting attendees and the public for inspection.

## 2. Pre-Application Meetings

### a. Purpose

The purposes of a pre-application meeting are to familiarize the applicant with the provisions of this Code that will be applicable to the proposed development and to inform the applicant about the preparation of the application and the application process.

### b. When Required

- (i) All applicants are encouraged to attend a pre-application meeting with the Development Services Department.
- (ii) Applicants with the following application types are required to prepare a concept plan and attend a pre-application meeting with Development Services:
  - (A) Rezoning,
  - (B) Zoning Code Text Amendment, or
  - (C) Planned Unit Development.

### c. Submittal Waivers

At or following a pre-application meeting, the Development Services Manager may waive specific submittal requirements, except for fees, in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application. The Manager may waive such requirements where the Manager finds that the project size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such waiver. This discretion may only be exercised if a pre-application meeting is held.

## D. Application Submittal Requirements

All applications for all permits and approvals, or modifications of permits or approvals, pursuant to this Sec. 32.05, shall be submitted in accordance with the application submittal schedule, required forms, and required numbers of copies of each document, established from time to time by the Development Services Department.

## E. Fees

A non-refundable fee shall be paid by the applicant at the time any application is filed. Application fees for each type of application shall be established by resolution from time to time by the City Council to defray estimated staff costs and expenses of processing applications pursuant to this Code. Such schedule of fees may include additional fees if an applicant submits more than two incomplete or revised applications for the same proposed development.

## F. Determination of Completeness

### 1. Complete Application Required

All applications must be complete prior to any processing by the City. A complete application includes all of the submittal information identified on the application form and any items or exhibits requested by the Director of Development Services that are consistent with the standards and requirements of this Code. A complete application is also accompanied by the applicable fee.

## 2. Completeness Review

Development Services shall review all applications and permit requests to determine if the application includes all material required by the applicable application submittal schedule (including required supporting material) in sufficient detail to evaluate the application and determine whether it complies with the requirements of this Code. A completeness determination will be made within five business days of receipt of an application.

## 3. Application Complete

When an application is determined to be complete, the applicant shall be notified and the application shall be reviewed pursuant to the procedures and standards of this Code. A determination of completeness only indicates that the information provided with the application is sufficient for processing the application. It does not indicate that the application is technically compliant with this Code nor that the application will be approved.

## 4. Application Incomplete

If an application is determined to be incomplete, the applicant shall be notified of the general nature of the deficiencies, in writing, within five business days from the date of receipt of the application. The notice shall indicate that the application has been determined to be incomplete and that no further action shall be taken by the City until a complete application has been received.

- 1 The applicant may correct the deficiencies and resubmit the application for a new completeness review. The applicant may also request a meeting Development Services to clarify what additional materials, or what level of detail, will be required to obtain a determination of completeness.
- 2 If the applicant submits additional information but the application is still incomplete, Development Services will notify the applicant of the incomplete application within five business days from receipt of the additional information.
- 3 An application will be considered withdrawn if an applicant fails to respond to a notice of identified deficiencies within 30 calendar days after the notification is mailed or delivered,

## 5. Notice to Applicants

Notice of a determination that an application is complete or incomplete be provided via email or through the City's electronic application tracking system. Notice occurs upon dispatch or publication, not upon receipt.

## G. Staff Review

### 1. Review by Other Departments and Divisions

- 1 In addition to internal review, City staff may distribute the complete application to other City departments and divisions and to any other appropriate governmental or quasi-governmental agencies and bodies to solicit comments and ensure that the proposal complies with all applicable standards, requirements, and review criteria. The applicant shall be responsible for submitting any additional information or revised plans required by staff or the referral agencies in a timely manner. As applicable, the review and decision-making bodies shall consider the services and facilities provided by the referral agencies as a factor in approval of the complete application. The criteria for evaluating sufficiency of the services that must be satisfied for the approval of the application shall be provided to the review and decision-making bodies as a part of any referral response.
- 2 Referral agencies shall comment in writing after receiving a complete application. The failure of any agency to respond shall be considered "no comment" on the application by that agency. As applicable, referring agencies will provide the review and decision-making bodies with a summary of any capacity

evaluation study that assesses the availability of city-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.

## **2. Subsequent Requests for Information**

Staff and referral agencies shall use best efforts to identify all major issues and to request additional information, data, or reports from the applicant, during the review period described above. This provision shall not be interpreted to preclude staff or referral agencies from requesting revisions or corrections to previously submitted materials if such materials are subsequently found to be inaccurate, incomplete, or if subsequent plan revisions do not comply with this section.

## **3. Preparation of Application Staff Report and Recommendation**

Staff shall prepare a written report summarizing the review process. The report shall include discussion of the relevant issues pertaining to the compliance of the application with the standards of this Code. The Application Staff Report shall:

- 1 Identify where revisions are required for any elements of the application that are not in conformance with this Code or any other applicable standards or codes.
- 2 Incorporate the relevant responses and comments from reviewing departments and agencies;
- 3 Report the results of any neighborhood meeting;
- 4 Provide preliminary recommendation for application approval, approval with conditions, or denial;
- 5 Recommend conditions for approval that eliminate any areas of noncompliance or mitigate any adverse impacts from the development proposal; and
- 6 Provide any other information deemed appropriate.

## **4. Additional Revisions and Review**

Where the Application Staff Report identifies revisions that are required for an application, no further action shall be taken on the application, including scheduling of hearings before a decision-making authority, until one of the following has been met:

- 1 The applicant submits a revised application correcting any deficiencies or errors found in the Application Staff Report. An additional fee, as determined by the City's fee schedule, may be imposed for repetitive applications. This fee may be waived by the Development Services Manager for minor revisions.
- 2 The required revisions are no longer necessary due to other approvals being granted, such as a variance, design exception, or rezoning that render revision of the application unnecessary.
- 3 The applicant may elect, in writing, to have an application proceed to action by a decision-making authority without revision. In such case the application shall proceed with either a recommendation for denial or a recommendation for approval with conditions, if the Development Services Director determines reasonable conditions for approval can be placed on the application to address any outstanding revisions.
- 4 Applications requiring revisions shall be deemed inactive and may be subject to termination if no further action is taken by the applicant per the requirements of Section 32.05.01.L

## **5. Distribution of Application Staff Report**

- 1 Staff shall make available the Application Staff Report to the applicant and/or their assignee, and other City Departments. The staff report shall also be made available, upon request, to adjacent property owners or any member of the public. Staff shall make available the same documents prior to

any necessary City Council or Board of Adjustment hearing, except that the City Council or Board of Adjustment shall also be sent copies of the CPC recommendation or other authority as appropriate.

- Staff may prepare an updated Application Staff Report to reflect changes in information received by the City, updated application status, or other information relevant to the decision-making process.

## H. Public Notice Requirements

Applications for development approval shall comply with the Iowa Code and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 32.05-3.

**Table 32.05-3: Public Hearing Notice**

Application Types	Required Public Hearing Notice		
	Posted, Min. Days Prior to Hearing/ Meeting	Mailed to Neighbors	Published, Prior to Hearing/Meeting
Comprehensive Plan/Future Land Use Plan Amend.	13	X	Not more than 20 days and not less than 7 days
Rezoning Amendment	13	X	Not more than 20 days and not less than 7 days
Zoning Code Text Amendment			Not more than 20 days and not less than 7 days
PUD Preliminary or Master Plan	13	X	Not more than 20 days and not less than 7 days
Site Development Plans			
Concurrent application			<i>Follows primary application</i>
Administrative			
Temporary Use			
Conditional Uses	13	X	Not more than 20 days and not less than 4 days
Conditional Expansion of Legal Nonconforming Use	13	X	Not more than 20 days and not less than 4 days
Voluntary Annexation			
Minor Design Adjustment			
Major Design Exception			
Variance or Appeal	7		Not more than 20 days and not less than 4 days
Zoning Clearance Permit			
Home Occupations			
Certificates of Occupancy			
Sign Permit			

### 1. Incomplete or Inactive Applications

No public notice under this section shall be made for incomplete applications per Section 32.05.02.F, or for applications requiring additional revisions and review per Section 32.05.02.G. Applications that remain incomplete or requiring revision after the posting deadline in Table 32.05-3 shall be removed from the applicable meeting agenda and placed on the next available meeting agenda. An exception may be granted for the posting of signs where both of the following are met:



- 1 The Development Services Director determines that any outstanding revisions are minor in nature and do not substantially alter the request being made.
- 2 The applicant agrees that revisions shall be submitted in a timely manner so that they can be evaluated and incorporated into the Public Hearing Staff report made available to the public and the approval authority prior to the meeting. Failure to do so shall result in the cancellation or postponement of the hearing to a future meeting date.

## 2. Content

All notices required by this section shall comply with the requirements of Iowa Code Secs. 362.3 and 414, as applicable, and shall:

- 1 Indicate the name and address of the applicant or the applicant's agent where additional information about the proposed development may be obtained;
- 2 Sufficiently describe the property involved; for example, by legal description, general vicinity, street address, size, and/or nearest cross street, and the zoning district in which the property is located;
- 3 Describe the nature, scope, and purpose of the application or proposal being advertised and the type of approval or decision being sought;
- 4 Indicate the date, time and place of any required neighborhood meeting or any meeting or public hearing of any recommending or decision-making body regarding the application;
- 5 Indicate that interested parties may appear at the meeting or public hearing and speak on the matter or may file written comments with Development Services; and
- 6 Provide contact information for Development Services.
- 7 Contain any additional information required by the applicable decision-making body for the type of application being proposed.

## 3. Public Notice by Posted Sign

Where Table 32.05-3 requires posted notice, the notice shall contain the content listed in Subsection H.2, D. and F. above, and shall meet the following requirements.

### a. Provision and Posting of Signs

Development Services shall provide each applicant requesting an amendment to the zoning map, or any related preliminary plan or major amendment to an approved preliminary plan with at least two notification signs. The Zoning Administrator shall also provide each applicant for a conditional use, conditional expansion, or variance with at least two notification signs.

### b. Number and Location of Signs

The signs shall be clearly posted by the applicant on the property for which a request has been made. On large parcels, interior parcels, or parcels that are difficult to see from the exterior boundary lines, additional posted signs, as may be necessary to reasonably ensure that notice is provided around the property, may be required by the Development Services Manager. At least one sign must be placed so that it may be seen from an abutting street, and if the property has two streets frontages, a sign shall be posted on both frontages.

### c. Time of Posting

- (i) Notification signs shall be posted as required by the timeframes established in Table 32.05-3.
- (ii) It shall be the applicant's responsibility to see that the signs remain posted during the entire period.

- (iii) If the signs are not posted in accordance with the preceding requirements, the decision-making body shall delay action on the petition unless the applicant satisfies the decision-making body that the signs were initially posted in the applicable timeframe prior to the meeting and the applicant made diligent efforts to keep the signs posted during the entire period but circumstances beyond applicant's control prevented a continuous posting, in which case the decision-making body may act on the petition.

#### **d. Reposting**

If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the applicant may be required to obtain and post new signs with the new dates.

#### **e. Sign Removal**

Notice signs shall be removed by the applicant within five days after the neighborhood meeting or the meeting or public hearing before the decision-making body. No person other than the applicant or applicant's agent shall erect, remove, or alter such signs. No one shall deface nor in any way affect the visibility or interference with such signs.

### **4. Public Notice by Mail**

Where Table 32.05-3 requires mailed notice, the notice shall contain the content listed in Subsection H.2 above. The applicant shall provide mailing labels and the City shall complete the mailing of notice based on information provided by the applicant. Mailing labels are determined by the following:

- 1 Where Table 32.05-3 requires mailed notice, the applicant shall provide mailing labels for properties within 300 feet.
- 2 When applying for conditional use approval for a large wind energy conversion system, the applicant must provide a shadow flicker map and mailing labels for all residential property that may be affected by shadow flicker.

### **5. Public Notice by Publication in Newspaper**

Where Table 32.05-3 requires published notice, the notice shall be provided in a newspaper of general circulation within the City, shall contain the content listed in Subsection 2 above, and shall meet the timing requirements of Table 32.05-3.

### **6. Electronic Notice**

The City may, as a courtesy, send electronic notice to any persons or organization in the City, or to any governmental, public, or quasi-public organization regarding any matter related to this Code that may affect the interests of that person or organization, or on any matter on which any such person or organization has requested notice. The failure of the City to send such notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any City action with respect to an application or permit.

### **7. Constructive Notice**

- 1 Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.
- 2 Failure of a party to receive written notice shall not invalidate subsequent action.

- 3 When City records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

## **I. Review and Decision-Making Bodies**

### **1. City Council**

#### **a. Powers and Duties**

The City Council shall have the following powers and duties:

- (i) To approve amendments to this Code or the future land use map, including any related PUD master plan or PUD preliminary plan.
- (ii) To approve major amendments to approved PUD preliminary plans.
- (iii) By a majority vote, the City Council may elect to review and provide comment on any site development plan.

#### **b. Membership and Procedures**

The membership and procedures for the City Council are established in Chapter 4 of the Cedar Rapids Municipal Code.

### **2. City Planning Commission (“CPC”)**

#### **a. Powers and Duties**

The City Planning Commission shall have the following powers and duties:

- (i) To review and make a recommendation to the City Council on applications for amendments to this Code or the future land use map, including any related PUD master plan or PUD preliminary plan.
- (ii) To review and make a recommendation to the City Council on applications for PUD master plans or PUD preliminary plans.
- (iii) To review and make a recommendation to the Board of Adjustment on applications for conditional uses, and major amendments to approved conditional uses.
- (iv) To review and make a recommendation to the Board of Adjustment on applications for conditional expansions and major amendments to approved conditional expansions of legal non-conforming uses.
- (v) To complete additional studies and/or to review or make recommendations on other matters related to the planning or development of the city or as requested by City Council.
- (vi) To review and make recommendations on the comprehensive plan, any amendments to that plan or other plans and development policies in Cedar Rapids.

#### **b. Membership and Procedures**

The membership and procedures for the Planning Commission are established in Sec. 6.03 of the Cedar Rapids Municipal Code.

### **3. Board of Adjustment**

#### **a. Creation and Membership**

There is hereby created a Board of Adjustment (“Board” or “BOA”) consisting of five members.

#### **b. Appointment and Terms**

- (i) Members of the Board shall be appointed by the Mayor and confirmed by the City Council to serve staggered five-year terms.
- (ii) Vacancies shall be filled by the Mayor, subject to confirmation by City Council, for any unexpired term. Members may be removed by the Mayor, with consent of City Council, for cause after written charges have been filed and after a public hearing has been held.

**c. Chairperson**

One of the members of the Board shall be designated by the Mayor, with the consent of the City Council, as chairperson of the Board and shall hold office as chairperson until a successor chairperson is appointed.

**d. Powers and Duties**

The Board of Adjustment shall have the following powers and duties:

- (i) To approve conditional uses and major amendments to approved conditional uses.
- (ii) To approve conditional expansions and major amendments to approved conditional expansions of legal non-conforming uses.
- (iii) To approve variances from the regulations of this Code.
- (iv) To hear and decide appeals of any final administrative decision made by authorized personnel in Development Services, including the Manager or Zoning Administrator.

**e. Meetings**

Meetings of the Board of Adjustment shall be held at the call of the chairperson, and at such other times as the Board may determine. Meetings shall be held if so requested by any three members of the Board. All meetings and hearings conducted by the Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The chairperson or, in the chairperson's absence, the acting chairperson may administer oaths and compel attendance of witnesses. In addition, the Board shall comply with the following requirements.

**f. Rules and Procedures**

The Board shall adopt its own rules and procedures not in conflict with this Code or with the Code of Iowa.

**g. Records**

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings, examinations, and other official actions. Every decision of the Board shall be by written record that shall include findings and set forth the specific relief or use granted or relief denied, and shall expressly set forth any limitations or conditions imposed on any relief granted, or work or use authorized. A copy of every rule or regulation, order, requirement; decision, or determination of the Board shall be filed immediately in the office of the Zoning Administrator and shall be a public record.

**h. Finality of Decisions and Necessary Vote**

All decisions and findings of the Board on any appeal or upon any application for a variance, conditional use, or conditional expansion, shall be the final administrative decision and shall be subject to judicial review as may be provided by law. The concurring vote of three members of the Board shall be necessary to:

- (i) Reverse an administrative order, requirement, decision, or determination,
- (ii) Decide in favor of the applicant on any matter before it under this Code, or

(iii) Effect any variance of the standards and requirements of this Code.

#### 4. Development Services Department

The Development Services Department, through action by the Development Services Manager or the Manager's designee(s), shall have the following powers and duties:

- 1 To review and make recommendations on any application for:
  - (i) An amendment to this Code or the future land use map,
  - (ii) A conditional use or major amendment to an approved conditional use,
  - (iii) A conditional expansion or a major amendment to an approved conditional expansion of a legal non-conforming use, or
  - (iv) A variance.
- 2 To review and decide on applications for a site development plan or Minor Design Adjustments.
- 3 The Zoning Administrator shall have the principal responsibility in enforcing this Code. In furtherance of such authority, the Zoning Administrator or the Administrator's designee(s) shall do, or cause to be done, the following:
  - (i) Issue all building permits and certificates of occupancy and make and maintain records thereof.
  - (ii) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
  - (iii) Maintain permanent and current records of this ordinance, including but not limited to all conditional uses, variances, appeals, and applications therefore.
  - (iv) Provide and maintain a public information service relative to all matters arising under his jurisdiction.
  - (v) Forward to the planning commission copies of all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the zoning administrator.
  - (vi) Forward to the Board of Adjustment applications for appeals, variances, conditional uses, and other matters on which the board is required to pass under this ordinance; and keep all records of the board.
  - (vii) Such other reasonable and appropriate actions necessary to effectively administer and enforce this ordinance when not prohibited nor assigned to other agents by the terms of the ordinance.
  - (viii) Charge and receive such reasonable fees, as set by the city council from time to time, to help defray administrative costs related to applications for building permits and certificates of occupancy.

#### 5. Community Development Department

The Community Development Department, through action by the Community Development Director or the Director's designee(s), shall have the following powers and duties:

- 1 To review the following types of applications:
  - (i) Amendments to the future land use map,
  - (ii) Comprehensive plan amendments; and
  - (iii) Applications for annexation.

- 2 To review applications for site development plans and/or Minor Design Adjustments jointly with the Development Services Department if requested by the Development Services Department.

## **J. Action by Review and Decision-Making Bodies**

### **1. Actions of Review Body and Decision-Making body**

- 1 A review body shall evaluate the application, referral comments, staff report, and public testimony, if any, and make a recommendation to the decision-making authority to approve, approve with conditions, continue for additional information or for further study, or deny the application. The review body's actions shall be based on the evidence presented and compliance the specific review criteria for each application.
- 2 A decision-making body may take action on an application or appeal by approving, approving with conditions, continuing, or remanding for additional information or for further study, or denying the application or appeal. In taking action, the decision-making body shall evaluate the application, referral comments, staff report, public testimony, if any, and the review authority's recommendation. All final decision actions shall be based on the application or appeal's compliance with the specific review criteria for each application.

### **2. Approval with Conditions**

- 1 A review or decision-making body shall be authorized to recommend or impose such conditions, restrictions, or safeguards upon any application or upon the property benefited by an approval, as may be necessary to:
  - (i) Carry out the general purpose and intent of this Code or the comprehensive plan; and/or
  - (ii) Bring the application into compliance with the requirements of this Code or any previously approved preliminary plan, PUD master plan, PUD preliminary plan or site development plan, applicable to the property; and/or
  - (iii) Prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services.
- 2 Such conditions shall be expressly set forth in the approval document, and violation of such conditions shall be a violation of this Code.
- 3 All conditions or approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon duly adopted standards.
- 4 Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

### **3. Continuation of Public Hearings**

The review or decision-making body may continue the public hearing for its consideration of the application for a definite time not to exceed 60 days, unless a longer period is agreed to by the applicant in writing or at a public hearing. The continuance may be granted by the review or decision-making body on its own initiative or at the request of the applicant or affected property owners. A review or decision-making body may also deny a request for continuation.

## **K. Timeframes for Action**

### **1. Regularly Scheduled Meetings**

If this Code requires a hearing by the City Council or Board of Adjustment, then the hearing shall not occur earlier than the next regularly scheduled meeting of the City Council or Board of Adjustment, as applicable, following the publication of required notice.

**2. Approval Timeframe**

Where a public hearing and decision are required by a decision-making body, the decision shall be made within the timeframes shown in Table 32.05-4, unless such dates are extended by mutual consent of the applicant and the decision-making body. Such timeframes shall not begin to run until a determination of completeness has been made. The timetables in Table 32.05-4 shall be extended by the number of days during which a request has been made to the applicant for corrected or additional materials and a response has not been received by the decision-making body.

**Table 32.05-4: Timeframe for Decision by Type of Application**

Type of Application	Timeframe for Decision
Rezoning	60 days after public hearing; where applicant has requested further delay: 180 days after public hearing
Conditional Use, Conditional Expansion, Variance or Appeal	45 days after public hearing
Site Development Plan	45 days after determination of completeness
Minor Design Adjustment	30 days after determination of completeness

**L. Inactive Applications**

**1. Failure to Provide Requested Information**

An inactive application is any application for which the City has requested additional information or revisions and the applicant has not provided this information within 60 calendar days. Inactive applications shall not receive further review and shall be considered withdrawn by the application and shall be terminated by the City without further notice. Time of delay shall commence on the date on which the City requests additional information.

**2. Applicant Request for Delay**

The applicant may request that an application be postponed from further action for specified length of time not to exceed 180 days. If the applicant does not restart the application process by the 180<sup>th</sup> day, the application shall be considered withdrawn and review shall be terminated by the City without further notice. The application shall be considered only upon the filing of a new application. Time of delay shall commence upon the date the applicant requests a delay in the review procedure.

**3. Inaction by City Council**

If the City Council is the decision-making body and has not acted on an application within 180 days after the Council receives the City Planning Commission recommendations, and such time is not extended by mutual consent of Council and the applicant, the application shall be deemed to have been denied.

**M. Withdrawal of Applications**

An applicant may withdraw an application by providing written notice to Development Services of the applicant’s intent to withdraw the application. After such withdrawal, no further City action on the application shall take place. To re-initiate review, the applicant shall re-submit the application with a new fee payment, and the application shall in all respects be treated as a new application for purposes of review and scheduling.

## **N. Successive Applications**

### **1. Limitation on Successive Applications**

Whenever any application requesting an approval under this section has been: (a) denied by the decision-making body, or (b) withdrawn by the applicant after the issuance of a recommendation for denial by any reviewing body and prior to a decision by the decision-making body, an application requesting the same or essentially the same approval shall not be accepted during the succeeding 12 months unless the decision-making body determines that sufficient new information has been provided to justify acceptance of another such request. New information sufficient to justify acceptance of a successive application within the 12-month period shall include one or both of the following:

- 1 A substantial change in the proposed use and/or development of the subject property; or
- 2 A substantial change in any conditions important to the previous denial or recommendation.

### **2. Procedure for Consideration**

#### **a. Application**

The owner shall submit an "Application for a Successive Application" to Development Services along with any fee established by the City.

#### **b. Content**

The application shall identify the subject property, the substance of the previous denial or recommendation, include a listing and description of the new information relied on to justify submission of another application. Other documents, exhibits, material, and information in support of the application may be included in the submission.

#### **c. Review and Recommendation**

If the Application for Successive Application is for a type of approval or decision that requires review by the City Planning Commission, then the recipient of the application shall forward it to the Commission for review and recommendation. The City Planning Commission shall review the application within 60 days of receipt and report its findings and recommendation to the decision-making body within 30 days after the review date. The decision-making body shall not act on the application until it has received the City Planning Commission's recommendation, unless the recommendation is not received within 90 days of the submission of the application to the City.

#### **d. Action by Decision-Making Body**

The decision-making body shall determine whether the information submitted in the Application for Successive Application justifies acceptance of a successive application. If the decision-making body determines that a successive application is justified, the applicant may then submit a substantive application pursuant to the procedures set forth for that type of application.

## **O. Modification of Approvals**

### **1. Application**

If, at any time, the owner of land with an existing development approval desires to modify the terms of that approval or the conditions attached to that approval, the owner shall submit a written application requesting such revision.

### **2. Review and Determination of Major/Minor Modification Status**

Applications for modification shall be reviewed by Development Services to determine whether the proposed modifications constitute a major or minor revision to the existing approval.



- 1 Minor modifications are those that qualify as Minor Design Adjustments pursuant to Sec. 32.05.12.
- 2 Major modifications are those that do not qualify as Minor Design Adjustments pursuant to Sec. 32.05.12.

### **3. Action by Decision-Making Body**

- 1 Applications for minor modifications shall be treated as applications for Minor Design Adjustments. Development Services may require that an application for minor modification be treated as an application for a major modification if the Director determines that:
  - (i) The application raises a significant public controversy in which numerous parties other than the owner of the property may want to offer testimony; or
  - (ii) The applicant has requested Development Services to interpret this Code in a novel or ambiguous manner in order to obtain an approval, or has attempted to influence the decision of Development Services in an improper manner.
- 2 Applications for major modifications shall be treated as new applications for an approval of the same type being modified, unless Development Services determines that an application for modification of is not consistent with an approved preliminary plan or plat for the property, as applicable. If so, Development Services shall inform the applicant that a new application will need to be submitted.

### **4. Effect of Modification**

If approved, the modification shall then supersede the previous approval, and subsequent development on the property shall be in accord with such approved revised plan.

## **P. Lapsing and Extension of Approvals**

### **1. Lapsing Periods**

Approvals granted pursuant to this Sec. 32.05 shall lapse at one year following the date of approval if action is not taken to initiate development unless otherwise specified in the development application section or specific project approval.

### **2. Extensions of Time for Lapsing**

In each case where a lapsing period applies, the decision-making body that granted the approval may extend the lapsing date one time, for a period not to exceed one year, provided that:

- 1 A written request for extension must be filed before the date on which the approval is to lapse; and
- 2 There have been no significant changes in the zoning Code since the date of the original permit or approval that would prevent the development of the property pursuant to the permit or approval.

### **3. Effect of Lapsing**

If an approval lapses pursuant to this section, the approval shall be of no further force or effect, and the applicant shall be required to file and to obtain approval for another such approval and to pay applicable fees for such application, before development may proceed.

## **Q. Other Permits and Approvals Still necessary**

### **1. City Permits and Approvals**

The approval of any application pursuant to this Sec. 32.05 shall not relieve the applicant of the requirement to apply for and receive any other permits or approvals required from the City prior to development (such as building permits, certificates of occupancy, subdivision approval, and any similar

permits or approvals). Any such later permits and approvals shall be consistent with the terms and provisions of any approval pursuant to this Sec. 32.05.

## **2. Other Permits and Approvals**

The approval of any application pursuant to this Sec. 32.05 shall not relieve the applicant of the requirement to apply for and receive any and all other permits or approvals from the state or federal government or from other local entities with jurisdiction over the property.

## **R. Appeals**

### **1. Scope of Appeals**

An appeal may be taken to the Board of Adjustment by any person affected by any decision of the Zoning Administrator, and where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code provided, however, that specific conditions attached to approval plans may not be appealed. Appeals from decisions of the Board of Adjustment shall be to the courts.

### **2. Procedure for Filing**

The appeal shall be submitted within such time as shall be prescribed by the Board of Adjustment by general rules, or if no such time has been established by the Board, then within 30 days after finalization of the decision being questioned. The appeal shall be initiated by filing a Notice of Appeal application and stating the grounds for the appeal.

### **3. Effect of Appeal**

An appeal shall stop all proceedings related to the enforcement or implementation of the decision being questioned, unless the Zoning Administrator certifies to the Board, after the notice of the appeal has been filed, that for specific reasons stated in the certification, stopping such action would cause imminent peril to life and property, in which case the proceedings shall not be stopped other than by a restraining order that may be granted by the Board or by a court of record on application, on notice of the Zoning Administrator, and on due cause shown.

### **4. Hearing, Decision, and Records**

#### **a. Date of Hearing**

Upon receipt of a Notice of Appeal Application the appeal shall be placed on the next available Board of Adjustment agenda. Either the Zoning Administrator or applicant may request the appeal be placed on a subsequent agenda, not more than 60 days from the filing of the appeal, if necessary to prepare for a hearing.

#### **b. Timeline for Decision**

The Board shall reach its decision within 45 days of the date of the public hearing unless such time is extended by mutual consent of the applicant and the Board.

#### **c. Decision**

The Board may affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made to correct the error, and to that end shall have all the powers of the officer from whom the appeal is taken. The Board shall promptly provide its written decision to all parties to the appeal. The Zoning Administrator shall maintain records of all actions of the Board relative to appeals.

### **5. Criteria for Decision**

The Board of Adjustment shall grant or deny appeals on the basis of:

- 1 An appeal shall not be granted if the Board finds the order, requirement, decision, or determination made by the Zoning Administrator or other administrative official in question is consistent with the intent of the Zoning Code.
- 2 An appeal shall not be granted solely to provide relief from the Zoning Code.
- 3 Appeals shall not be granted if the effect would be to alter the intent of a policy made by the City Council or by any board, commission or other entity empowered by City Council to make policy decisions.
- 4 An appeal shall not be granted for matters in which the Zoning Administrator or other administrative official is granted discretion by this Code to approve or deny.
- 5 An appeal may only be made to the interpretation of requirements within this Code.

#### **6. Abandoned Appeal**

If an appeal is filed but not pursued, either withdrawn or continued at the applicant's request, for a period of 90 days, the appeal shall be considered abandoned and the decision or administrative action that was the subject of the appeal shall be considered final.

#### **S. Petition for Certiorari**

Following the processing of any appeal pursuant to Sec. 32.05.01.R, above, and the issuance of the written decision of the Board of Adjustment, or following any other decision of the Board of Adjustment under this Code, any person or persons, jointly or severally, aggrieved by any decision of the Board, or any officer, department, board, or bureau of the City, may present to a court of record a petition, duly verified, alleging that such decision is illegal, in whole or in part, and specifying the alleged grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board.

### 32.05.02 Overview of Specific Procedures

This section provides the detailed procedural steps for the specific application and permit requests authorized by this Code. In general, the procedures described in this section follow the review process described in Table 32.05-5:

**Table 32.05-5: Summary of Review Procedures**

Procedure	Review and Decision-Making Bodies				
	Comm. Dev. Dept.	Dev. Services	CPC	BOA	CC
<i>R = Review; (R) = Review if Requested by Staff or Applicant; D= Decision; H = Hearing; M= Meeting; A= Appeal</i>					
Comp. Plan/Future Land Use Map Amend.	R	R	R/M		D/H
Rezoning Amendment	(R)	R	R/M		D/H
Zoning Code Text Amendment	(R)	R	R/M		D/H
PUD Master or PUD Preliminary Plan	(R)	R	R/M		D/H
Site Development Plans	(R)	D		A	
Concurrent application			<i>Follows primary application process</i>		
Administrative					
Temporary Use					
Conditional Uses	(R)	R	R/M	D/H	
Conditional Expansion of Legal Nonconforming Use	(R)	R	R/M	D/H	
Voluntary Annexation	R	(R)	R/M		D/H
Minor Design Adjustment		D		A	
Major Design Exception	(R)	R	R/M	D/H	
Variance or Appeal		R		D/H	
Zoning Clearance Permit	(R)	D		A	
Home Occupations		D		A	
Certificates of Occupancy		D		A	
Sign Permit		D		A	

**32.05.03 Future Land Use Map and Comprehensive Plan Amendments**

**A. Purpose**

**1. Future Land Use Map Amendment**

A Future Land Use Map Amendment shall refer to any change to any element on the Future Land Use Map, as maintained by the Community Development Department. This includes but is not limited to changes to Land Use Typology Areas (LUTA), the addition or removal of land within the City’s future plan area, addition or removal of future street connections, or any other map element which may be described within the adopted Comprehensive Plan. Changes to the Future Land Use Map may be requested by property owners as part of the land development process, as well as initiated by the City as part of necessary community planning and policy development activities.

**2. Comprehensive Plan Text Amendment**

A text amendment shall refer to any modification to the Comprehensive Plan document, including text, graphics, tables or other elements of the adopted document. As a comprehensive policy document of the City of Cedar Rapids, it is not intended that the Comprehensive Plan be amended as part of a land development application. Requests to change to the Comprehensive Plan shall only be initiated by the City Council, City Planning Commission or staff.

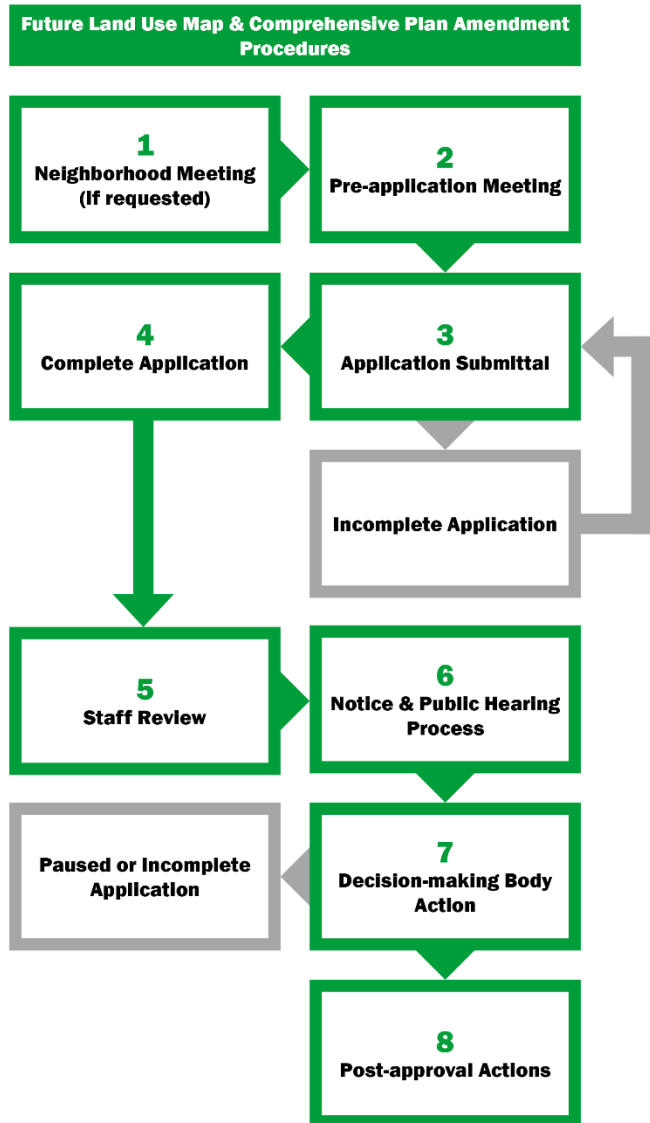


Figure 32.05-B

**B. Initiation of Amendment**

**1. Future Land Use Map**

An amendment to the Future Land Use Map may be initiated by:

- 1 The filing of an application by a property owner or their authorized representative;
- 2 A motion of City Council or the City Planning Commission; or
- 3 The Community Development Department as part of any study, plan or review in which it is determined by the Community Development Director that an amendment to the Future Land Use Map should be considered.

**2. Comprehensive Plan Text Amendment**

An amendment to the text of the Comprehensive Plan may be initiated by:

- 1 A motion of City Council or the City Planning Commission; or

- 2 By the Community Development Department as part of the annual update to the plan or any study, plan or review in which it is determined by the Community Development Director that an amendment to the Comprehensive Plan Text should be considered.

### **C. City Initiated Amendments**

When action is initiated by the City Council, City Planning Commission, or staff, certain requirements for public notice may be waived, including but not limited to the requirements for notification signs, and payment of application fee. The Community Development Director shall make a determination on the criteria listed below.

- 1 The request is a text amendment that does not impact a particular property or properties.
- 2 The amendment is based on an adopted study, plan or other process for which public outreach has been conducted.
- 3 Other factors make it impractical to provide notice by traditional means and the City has taken steps to provide notice where feasible.

The City shall have the discretion to determine which alternative forms of notice are given for amendments initiated by the City.

### **D. Minor Modifications**

Minor modifications to the Comprehensive Plan text or Future Land Use Map may be made by the Community Development Department without further approvals in the following situations:

- 1 To correct errors, typos or similar defects which may be found and do not alter the original intent of the plan or map.
- 2 To replace, add or update illustrative graphics or figures that do not alter the intent of the plan or map.

### **E. Application Submission and Processing**

Future Land Use Map and Comprehensive Plan Amendment applications shall be submitted and processed pursuant to Table 32.05-1.

### **F. Simultaneous Processing**

#### **1. Annexation**

An amendment to the Future Land Use Map may be considered prior to or simultaneously with a request to annex property into the City of Cedar Rapids.

#### **2. Rezoning**

An amendment to the Future Land Use Map may be considered prior to or simultaneously with a request to rezone. An amendment to the Future Land Use Map to a conforming LUTA shall accompany any request to rezone where the requested district does not conform with the existing LUTA. If both a rezoning and Future Land Use Map amendment are considered at the same meeting, action shall be taken first on Future Land Use Map amendment. In the event the Future Land Use Map amendment is required for a rezoning request and the Future Land Use Map amendment is denied, the rezoning application shall be considered withdrawn and no action on it shall be taken.

#### **3. Other Applications**

If a Future Land Use Map Amendment is deemed necessary for any other approval, the request may be processed simultaneously with that approval. No action other than a recommendation shall be taken on

the approval which requires a Future Land Use Map Amendment until final action on the Future Land Use Map Amendment.

#### 4. Objection to Simultaneous Processing

In certain circumstances the simultaneous processing of a Future Land Use Map Amendment with another application may be denied.

- 1 The Community Development Department may, at its discretion, determine that final action on the Future Land Use Map shall precede any hearing on a similar application if:
  - (i) There are known or likely objections to the case.
  - (ii) The requested amendment represents a substantial change in the future growth of the City and it is determined that it is in the best interest of either the City or the applicant to have final action on the Future Land Use Map Amendment prior to review of subsequent applications.
  - (iii) Any other information is made available during staff review which would support not processing the Future Land Use Map Amendment simultaneously with another application.
- 2 The City Planning Commission may elect to take action only on the Future Land Use Map Amendment and table the rezoning or other application until the City Council has taken action on the Future Land Use Map Amendment.
- 3 The City Council may take action on a Future Land Use Map amendment and remand the rezoning or other application back to a recommending body for further consideration.

### G. Review and Decision-Making Process and Criteria

#### 1. Recommendation by City Planning Commission

##### a. Timeline for Recommendation

A hearing before the City Planning Commission shall be scheduled once staff review of a project is completed. The City Planning Commission shall submit its recommendation within 30 days from the date of the initial Commission Meeting to City Council for final action, unless additional delay is agreed upon by the applicant and the Commission.

##### b. Criteria for Review

In its review, the Commission shall consider each of the criteria established in the following Subsection G.3. The Commission may recommend approval, approval with modifications or conditions, or denial of any application.

#### 2. Action by City Council

##### a. Timeline for Action

The City Council shall take final action on an application within 45 days of receiving the recommendation of the City Planning Commission unless further delay is requested by the Applicant. The City Council may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

##### b. Method of Action

The City Council shall consider a request to amend the Future Land Use Map or the Comprehensive Plan by resolution after holding a public hearing according to Table 32.05-1

##### c. Criteria for Review

Following receipt of the City Planning Commission recommendation, the City Council may approve, approve with modifications or conditions, or deny any application for an amendment.

### **3. Criteria for Recommendation and Action on Future Land Use Map Amendment or Comprehensive Plan Amendments**

#### **a. Future Land Use Map Amendment Criteria**

The City Planning Commission and City Council shall consider the following criteria in making a recommendation or determination about an application. The application shall meet all requirements of either part (i) or (ii) below.

- (i) The requested Future Land Use Map Amendment corrects a technical mistake or oversight in the map and is necessary to protect the existing character of the neighborhood or enable development that is in line with what currently exists in the neighborhood.
- (ii) The requested Future Land Use Map Amendment represents a change in City policy and shall meet all of the criteria below:
  - (A) Facilities, services and utilities necessary to serve proposed land uses are available or are planned to be available at the time development occurs.
  - (B) If a map amendment represents an increase in allowed or required density or intensity of use on the property, the property is suitable for such development.
  - (C) If a map amendment represents a decrease in the allowed or required density or intensity of use on the property, the request is supported by unique site conditions which make such development infeasible.
  - (D) The resulting land use policy change of the map amendment is either (1) consistent with the Comprehensive Plan or any plans, studies or resolution by City Council which would support a change in the future land use or (2) is found to protect existing development from nearby development at heights and densities which are out of scale with the existing development.

#### **b. Comprehensive Plan Text Amendment Criteria**

The City Planning Commission and City Council shall consider the following criteria in making a recommendation or determination about an application. The amendment may meet one or more of the criteria below:

- (i) The proposed amendment corrects errors, technical mistakes or omissions which may exist in the plan.
- (ii) The proposed amendment is supported by new information presented by studies, reports or public outreach.
- (iii) The proposed amendment is either consistent with existing goals and objectives of the plan or represents a change in policy that is supported by any studies, reports, plans, or public outreach conducted in its development.
- (iv) The proposed amendment to the plan is in line with the public interest.

### **4. Delay of Action on a Future Land Use Map or Comprehensive Plan Amendment Request**

A rezoning application may be held from further action if the City Planning Commission or City Council requests additional information. Processing of the application may be delayed by up to 60 days to permit the applicant to respond to such request. If the applicant fails to respond within that period, the application shall be treated as an inactive application pursuant to Sec. 32.05.01.L. Time of delay shall be measured from the date on which the City requested additional information.



**32.05.04 Rezoning**

**A. Purpose**

The purpose of the rezoning process is to provide a means for changing the zone district applicable to a specific area and to reflect that change on the official zoning map.

**B. Initiation of Rezoning**

A rezoning may be initiated by:

1. A motion of the City Council, City Planning Commission, or the Community Development Department, or
2. The filing of an application for such action by a property owner.

**C. City Initiated Amendments**

When action is initiated by the City Council, City Planning Commission, or staff, certain requirements for public notice may be waived including, but not limited to, the requirements for notification signs, and payment of application fee. The Community Development Director shall make a determination on the criteria listed below.

1. The amendment is based on an adopted study, plan or other process for which public outreach has been conducted.
2. Other factors make it impractical to provide notice by traditional means and the City has taken steps to provide notice where feasible.

In all cases, the City shall have the discretion to determine which alternative forms of notice are given for amendments initiated by the City.

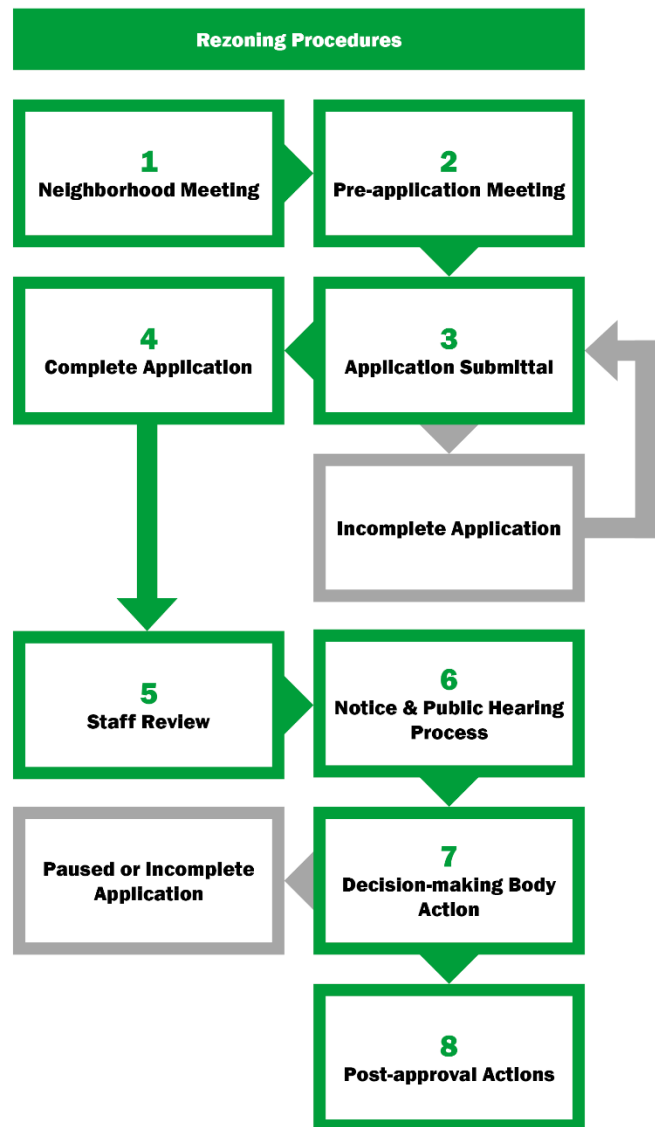


Figure 32.05-C

**D. Application Submission and Processing**

Rezoning applications shall be submitted and processed pursuant to Table 32.05-1.

**E. Review and Decision-Making Process and Criteria**

**1. Recommendation by City Planning Commission**

**a. Timeline for Recommendation**

A hearing before the City Planning Commission shall be scheduled once staff review of a project is completed. The City Planning Commission shall submit its recommendation within 30 days from the date of the initial Commission Meeting to City Council for final action, unless additional delay is agreed upon by the applicant and the Commission.

**b. Criteria for Review**

In its review, the Commission shall consider each of the criteria established in the following Subsection E.3. The Commission may recommend approval, approval with modifications or conditions, or denial of any application.

**2. Action by City Council****a. Timeline for Action**

The City Council shall take final action on an application within 45 days of receiving the recommendation of the City Planning Commission unless further delay is requested by the Applicant. The City Council may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

**b. Method of Action**

The City Council shall consider a request to rezone by ordinance after holding a public hearing according to Table 32.05-1.

**c. Criteria for Review**

Following receipt of the City Planning Commission recommendation, the City Council shall consider each of the criteria established in the following Subsection E.3. The City Council may approve, approve with modifications or conditions, or deny any application to rezone.

**3. Criteria for Recommendation and Action on Rezoning**

The City Planning Commission and City Council shall consider the following criteria in making a recommendation or determination about an application.

**a. Correction of a Technical Mistake**

A rezoning may be approved if the action is necessary to correct a technical mistake or omission in the zoning map.

**b. Consistency with Comprehensive Plan and other studies**

Whether the rezoning is consistent with the Future Land Use Map, other elements of the Comprehensive Plan, and any other adopted plans or studies.

- (i) All rezonings shall be to a district permitted by the Future Land Use Map as shown in Sec. 32.02.01.B.
- (ii) The proposed zone district should be consistent with the general intent of the Comprehensive Plan, as well as any area plans or studies adopted by City Council.

**c. Public facilities, Services and Suitability**

- (i) The property should be suitable for the development of structures and uses permitted in the proposed district.
- (ii) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- (iii) Development should ensure effective and adequate utilization of existing or planned public facilities and services.

**d. Character**

- (i) The proposed district should be compatible with the existing or planned character of the surrounding area. Compatibility can be achieved by a rezoning to:
  - (A) Districts of the same character type (Urban, Traditional, Suburban, etc). Changes between character areas should be carefully reviewed for compatibility.
  - (B) Districts of a similar use type (Residential, Mixed-Use, etc), particularly when transitioning between character areas.
  - (C) Other transitions may be appropriate depending on other review criteria and conditions which may be placed on approvals.
- (ii) The proposed rezoning should be consistent with the existing or planned character of the surrounding area.
- (iii) A variety of housing types and a mix of land uses should be provided in all neighborhoods. A change in intensity or type of use is most appropriate between rear yards, at corners, or along higher classified streets
- (iv) Whether the rezoning is consistent with the characteristics of the surrounding area, including any changing conditions.
- (v) Whether the proposed rezoning will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

**4. Delay of Action on a Rezoning Request**

A rezoning application may be held from further action for either of the following reasons:

- 1 If the City Planning Commission or City Council requests additional information, processing of the application may be delayed by up to 60 days to permit the applicant to respond to such request. If the applicant fails to respond within that period, the application shall be treated as an inactive application pursuant to Sec. 32.05.01.L. Time of delay shall be measured from the date on which the City requested additional information.
- 2 If the applicant requests a delay or the City delays the application, processing of the application may be delayed one time for a period not to exceed to 180 days. At the end of the approved delay period, the City shall notify the applicant that processing of the application must be continued or the application shall be treated as inactive. If the applicant does not consent to the continuation of application processing, then the application shall be treated as an inactive application pursuant to Sec. 32.05.01.L. Time of delay shall be measured from the date on which the applicant requests a delay.

**32.05.05 Zoning Code Text Amendment**

**A. Purpose**

The purpose of this procedure is to allow for changes or revisions to the text of this Code. The intent of the Zoning Code Text Amendment process is not to consider amendments in conjunction with individual land development applications.

**B. Application Submission and Processing**

An amendment to the text of the Zoning Code may be initiated by:

- 1 A motion of City Council, City Planning Commission or any other City Board or Commission granted the authority by the City Council to request text amendments; or
- 2 By the Community Development Department as part of any study, plan or review in which it is determined by the Community Development Director that an amendment to the Zoning Code should be considered.

**C. Review and Decision-Making Process and Criteria**

**1. Staff Review**

The Community Development Department shall prepare a staff report evaluating the proposed text amendment according to the Criteria for Recommendation and Action listed below. The report shall outline a recommendation for action.

**2. Recommendation by City Planning Commission**

**a. Timeline for Recommendation**

Upon receipt of the staff report the City Planning Commission shall review the proposed amendment within 60 days.

**b. Criteria for Review**

In its review, the Commission shall consider each of the criteria established in the following Subsection C.4. The Commission may recommend approval, approval with modifications, or denial of any application. The Commission may also refer the amendment back to staff for further study or modifications before taking action.

**3. Action by City Council**

**a. Timeline for Action**

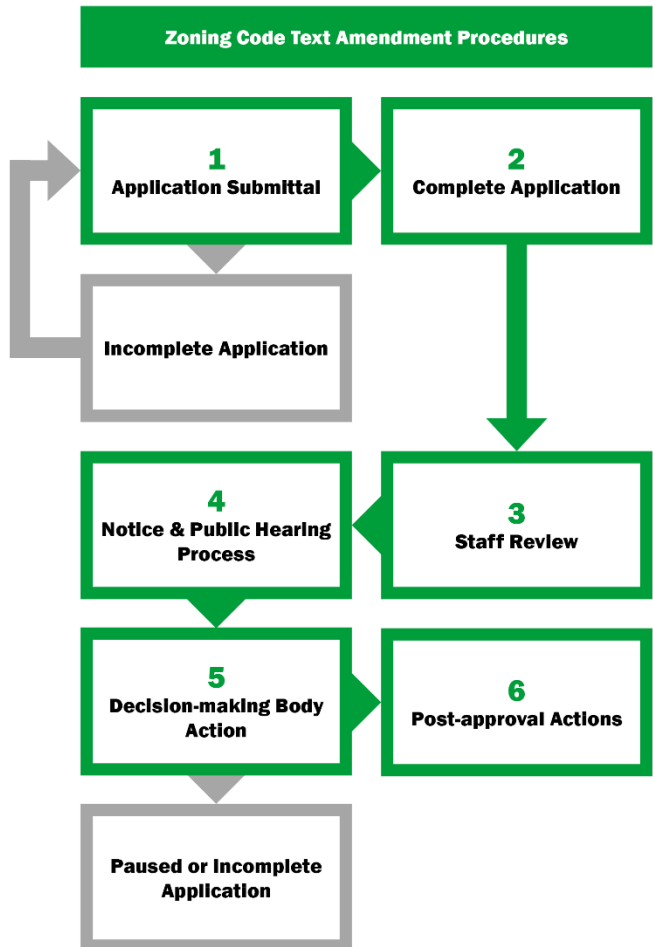


Figure 32.05-D

The City Council shall hold a public hearing on the requested amendment within 45 days of receiving the recommendation of the City Planning Commission. The City Council may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the staff report was presented to the City Planning Commission.

**b. Method of Action**

The City Council shall consider an amendment by ordinance after holding a public hearing according to Table 32.05-1.

**c. Criteria for Review**

Following receipt of the City Planning Commission recommendation, the City Council shall consider each of the criteria established in the following Subsection C.4. The City Council may approve, approve with modifications or conditions, or deny any application to rezone.

**4. Criteria for Recommendation and Action**

The City Planning Commission and City Council shall consider the following criteria in making a recommendation or determination about an application.

- 1 The amendment is required to correct a technical mistake in the existing zoning regulations.
- 2 The amendment is consistent with the goals and objectives of the Comprehensive Plan.
- 3 The amendment is supported by any available studies, reports, or plans.
- 4 The amendment can be applied to all property affected by the particular district, land use classification, or development standard being modified or created.
- 5 The amendment does not grant unique or special rights to an individual or small group of properties in a manner that could have been considered through a special zoning exception or approval of a planned unit development.

**5. Action by the City Council**

Following receipt of the City Planning Commission recommendation, the City Council may approve, approve with modifications, or deny any application for an amendment. The City Council may act without City Plan Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

## 32.05.06 Planned Unit Development

### A. Purpose

This section is intended to encourage flexible development patterns that are not specifically provided for in this Code. It is the purpose of this section:

1. To promote and permit flexibility that will encourage innovative and imaginative approaches in land development and renewal that will result in a more efficient, aesthetic, desirable, and economic use of land while maintaining density and intensity of use consistent with applicable, adopted plans, regulations, and policies;
2. To promote development that can be conveniently, efficiently, and economically served by existing local utilities and services or by their logical extension;
3. To promote design flexibility including placement of buildings, use of open space, pedestrian and vehicular circulation systems to and through the site, and off-street parking areas in a manner that will best utilize potential on-site characteristics such as, topography, geology, geography, size, and proximity;
4. To provide for the preservation of historic or natural features where they are shown to be in the public interest, including but not limited to such features as: drainage ways, flood plains, existing topography or rock outcroppings, unique areas of vegetation, historic landmarks, or structures;
5. To provide for compatibility with the area surrounding the project site;
6. To provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
7. To minimize adverse environmental impacts of development;
8. To improve the design, quality and character of new development; and
9. To provide compensating community benefits to offset any impacts of the development and in recognition of design flexibility.

### B. Eligibility Criteria

All of the following criteria must be met for a project to be eligible to apply for PUD approval.

#### 1. Urban Form Districts

PUD projects are not permitted in urban form districts.

#### 2. Minimum Lot Size

- 1 Projects located in Suburban districts shall be a minimum of 5 acres.
- 2 Project located within Traditional districts may be less than 5 acres provided the PUD combines two or more parcels of land.

#### 3. Consistency with Comprehensive Plan

The proposed development shall be consistent with the Cedar Rapids comprehensive plan.

#### 4. Economic Impact

The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Code or planned for in the comprehensive plan.

## 5. Public Benefit

A recognizable and material benefit will be realized by both the future residents and the City as a whole through the establishment of a PUD, where such benefit would otherwise be infeasible or unlikely.

## 6. Preservation of Site Features

Long-term conservation of natural, historical, architectural, or other significant features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district.

## C. Dimensional and Development Standards

The following dimensional and development standards shall apply to all PUDs.

### 1. Overlay District

A PUD shall be an overlay district and shall be applied over one or more underlying zone district(s).

### 2. Density

Residential densities established by the underlying zone district and LUTA shall be the limit for the PUD, with the exception that the densities in the S-RMF and T-RH districts may be increased.

### 3. Dimensional Standards

Unless modified as part of the approving ordinance, the dimensional standards of the underlying zone district shall be applied. Setbacks from the exterior boundary line of the PUD shall be comparable to or compatible with those of the existing development on adjacent properties.

### 4. Permitted Uses

PUD uses shall be limited to those allowed either as permitted, accessory, or special review use in the underlying zone district unless modified as part of the approving ordinance.

### 5. Development Standards

The development standards for the underlying zone district shall apply. Modifications to the development standards which apply to the underlying zone district may be made as part of the approving ordinance.

## D. Processed as Rezoning

A PUD shall be processed pursuant to Section 32.05.04, Rezoning.

**32.05.07 Site Development Plans**

**A. Purpose**

The purpose of this section is to set forth the procedures and criteria for review and approval of site development plans. Site development plans are technical documents that illustrate the proposed use(s) and layout of an area and meet the requirements of this Code. The purpose of site development plan review is to confirm that development is consistent with the requirements of this Code and with all previously approved plans applicable to the property.

**B. Applicability**

**1. Site Development Plan required:**

- 1 Any application for development in an Urban (U-xx) district;
- 2 A conditional use, conditional expansion, or variance request;
- 3 All new uses and structures in Traditional (T-xx) and Suburban (S-xx) design areas that are not part of a preliminary PUD application or preliminary subdivision plat except for construction of a single-unit or two-unit residential structure on a single lot or the construction of a two-unit structure on two adjacent lots. However, in the case of sheds, fences, or other minor accessory structures or additions to an existing house (i.e., porches, decks, additional rooms) on the same property, the site development plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, and terrain changes as more fully detailed in this Code;
- 4 All requests for temporary uses and structures;
- 5 Any proposed redevelopment that meets or exceeds 20 percent increase in gross square footage or 50 percent increase in assessed valuation, with either measurement calculated over a five-year period.
- 6 Relocation of development pads, buildings, or dwelling units for some practical reasons such as topography, road alignment or easements provided

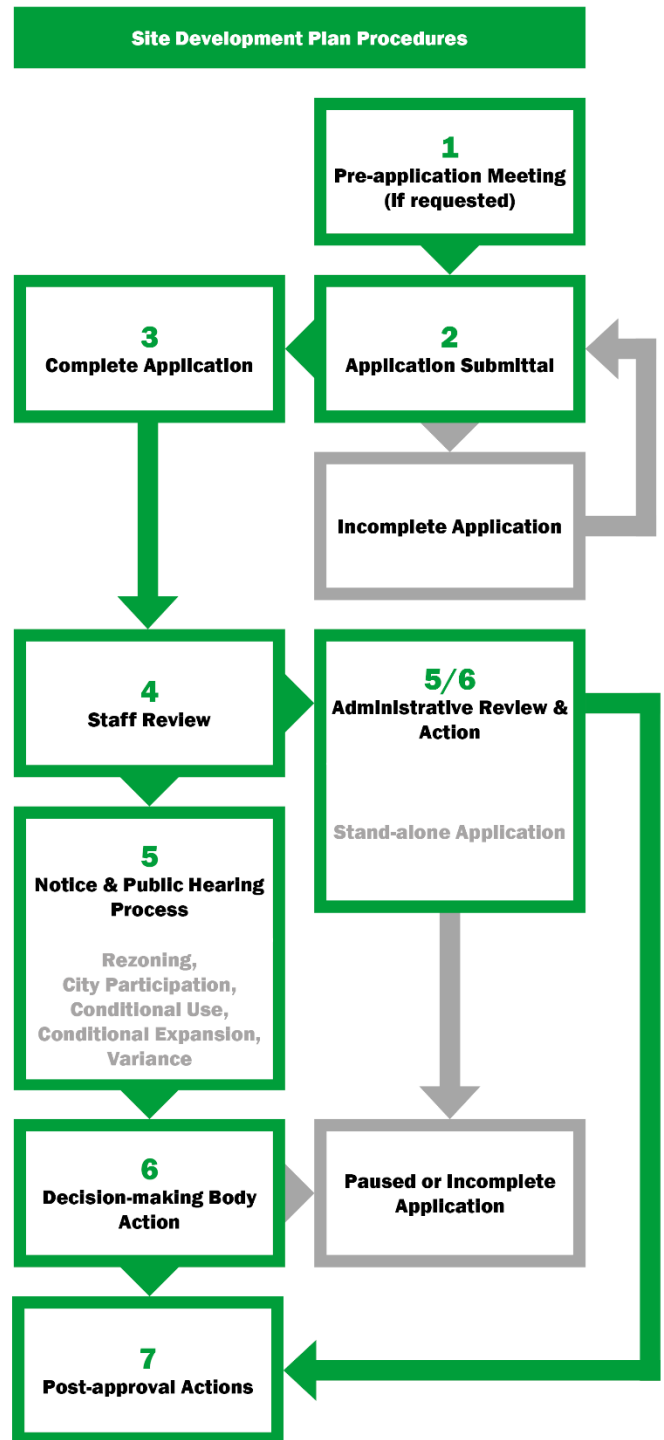


Figure 32.05-E



that the modification does not significantly alter the site design in terms of parking layouts, vehicular circulation, landscape design, and other similar components of the development plans;

- 7 An increase or decrease in a proposed setback, provided Code requirements are still met;
- 8 A modification to a recreation area or open space design, but not elimination or a significant reduction;
- 9 A change in landscape design/plant types or parking lot/site revisions.
- 10 Any change that may affect an adjoining residential neighborhood;
- 11 Any request that would significantly alter the design of the site and/or building(s); or
- 12 A request to change or delete a condition of approval established by the City Planning Commission or City Council.

## 2. Waivers to Site Development Plan Requirements

Development Services may waive any site development plan requirements stated in this Code if it determines that the request is not applicable to the type of activity or development being proposed.

## C. Application Submission and Processing

Site development plan applications shall be submitted and processed pursuant to Table 32.05-1.

## D. Review and Approval

### 1. Non-Administrative Review

Where a site development plan is required to be submitted in connection with an application for a conditional use, conditional expansion, Major Design Exception, or variance, the procedure for review and approval shall be the same as for the review and approval of the conditional use, conditional expansion, Major Design Exception or variance.

### 2. Administrative Review

An administrative site development plan is reviewed approved by the Development Services Department. Applicants are encouraged to apply for pre-application plan review prior to submittal for administrative site development plan approval.

## E. Criteria for Action on Site Development Plan

The City Council, the City Planning Commission, Board of Adjustment, or Development Services Department shall approve a proposed site development plan if it finds that:

1. The site development plan is consistent with the City's Comprehensive Plan;
2. The site development plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and
3. The site development plan conforms with all applicable requirements of this Code, or with all applicable requirements as modified by a request for a Minor Design Adjustment for meeting the requirements of Section 32.05.12.

## F. Amendment

1. Administratively-approved site development plan amendment, conforming to the standards for Minor Design Adjustment, may be approved by Development Services.

2. Non-administratively approved site development plan amendment shall be made by the original decision-making body.

**G. Site Development Plan is Plan of Improvements**

The administrative site development plan is considered an engineer certified plan of improvements, certified by a registered civil engineering licensed in the State of Iowa.

**32.05.08 Temporary Use Permit**

**A. Purpose and Applicability**

The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner that will not adversely impact the general welfare of persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit.

**B. Review and Approval**

Temporary use permit applications shall be processed through the administrative site development plan review process. In addition to the site development plan review criteria, Development Services shall also review temporary use applications for the following:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and
3. Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the City may be required prior to the initiation of the use to ensure cleanup after the use is finished.

**32.05.09 Conditional Uses**

**A. Purpose**

Conditional uses are those uses having some special impact or unique characteristic that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. They are uses that may or may not be appropriate in a particular location depending upon consideration in each case of the public need and benefit and the local impact and all within the context of the intent and purpose of this Code.

**B. Initiation of Conditional Use**

A property owner may file an application to use property for one or more of the conditional uses listed in the Table of Permitted Uses (Table 32.03-1) for the zoning district within which the property is located.

**C. Application Submission and Processing**

Conditional Use applications shall be submitted and processed pursuant to Table 32.05-1. A site development plan shall be submitted in conjunction with a conditional use application.

**D. Simultaneous Processing**

**1. Simultaneous Processing Permitted**

Other applications, such as site development plans, may be processed concurrently with an application for a Conditional Use. In such case, final action of such applications shall be withheld until final action on the conditional use request if approval of a conditional use is necessary for such action.

**2. Modifications and Conditions**

Where an application for a conditional use is approved with modifications or conditions which require the applicant to revise other applications, such as a site development plan, the applicant shall not be subjected to a fee for repetitive applications for a resubmittal necessary to comply with such modifications or conditions.

**E. Review and Decision-Making Process**

**1. Recommendation by City Planning Commission**

**a. Timeline for Recommendation**

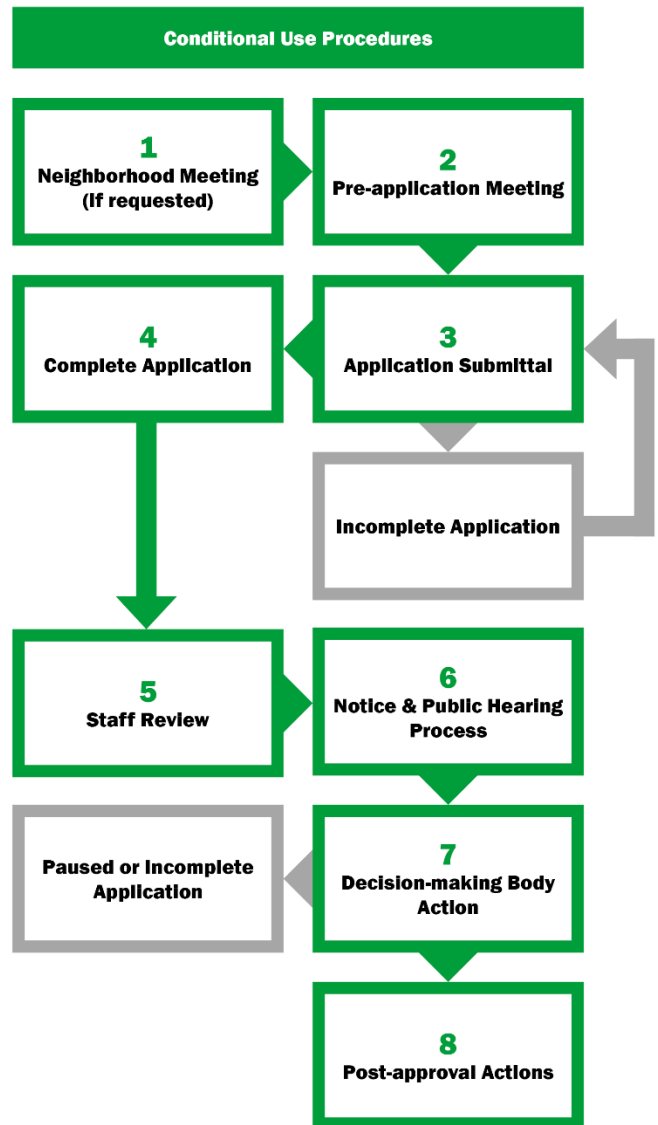


Figure 32.05-F

The City Planning Commission shall submit its recommendation within 30 days from the date of the initial Commission Meeting to the Board of Adjustment for final action, unless additional delay is agreed upon by the applicant and the Commission.

**b. Criteria for Review**

In its review, the Commission shall consider each of the criteria established in Subsection G. The Commission may recommend approval, approval with modifications or conditions, or denial of any application.

**2. Action by Board of Adjustment**

**a. Timeline for Action**

The Board of Adjustment shall take final action on an application within 45 days of receiving the recommendation of the City Planning Commission unless further delay is requested by the Applicant. The Board may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

**b. Method of Action**

The Board of Adjustment shall consider a conditional use request after holding a public hearing according to Table 32.05-1.

**c. Criteria for Review**

Following receipt of the City Planning Commission recommendation, the Board of Adjustment shall consider each of the criteria established in Subsection G. The Board of Adjustment may approve, approve with modifications or conditions, or deny any application for a Conditional Use. The Board may also table the motion to give the applicant time to make modifications to the application. In such case, the Board shall give clear direction on which aspects of the application they deem to be deficient.

**F. Authority**

1. The Board of Adjustment may approve conditional uses pursuant to the procedures and criteria in this section. Any permitted conditional use shall comply with all use-specific standards applicable to the use, as listed in Section 32.03, Use-Specific Standards, and with all applicable standards of Section 32.04, Development Standards of this Code, unless the Board approves a modification of such standards pursuant to the procedures and criteria of this section.
2. Only those uses identified as conditional uses in Table 32.03-1 may be approved pursuant to these procedures. If the Zoning Administrator determines that a desired use is not included within the definition of a use listed as a conditional use in Table 32.03-1, then the desired use may only be approved if:
  - 1 This Code is amended to add the use to the district containing the subject property, or
  - 2 The subject property is rezoned to a district where the use is listed as a permitted or conditional use.

**G. Criteria for Recommendation and Action on Conditional Use**

The City Planning Commission shall only recommend approval and the Board of Adjustment shall only approve a proposed conditional use if they find that:

1. The conditional use is permitted in the district where the property is located;
2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards;
3. The application complies with all other applicable standards of this Code;

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan;
5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:
  - 1 Whether the proposed development or use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property;
  - 2 Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.
  - 3 Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district;
  - 4 Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment; and
  - 5 Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.
6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

**32.05.10 Conditional Expansions of Legal Nonconformities**

**A. Purpose**

This section sets forth the procedures and criteria for expansion of legal non-conforming uses and structures in certain circumstances, in order to promote the economic health of the City and equitable treatment of citizens with long-standing or significant investments in existing uses.

**B. Initiation of Conditional Expansion**

A property owner may file an application for a conditional expansion of a non-conforming use.

**C. Application Submission and Processing**

Conditional Expansion applications shall be submitted and processed pursuant to Table 32.05-1. A site development plan shall be submitted in conjunction with a Conditional Expansion application.

**D. Authority**

The Board of Adjustment may approve conditional expansion of legal nonconforming uses or structures in any district pursuant to the procedures and criteria in this section. Any permitted expansion of a legal non-conforming use shall comply with all applicable standards of Section 32.04, Development Standards, and, to the maximum extent possible, with any use-specific standards applicable to the use, as listed in Sec. 32.03 Use-Specific Standards, unless the Board approves a modification of such standards pursuant to the procedures and criteria of Sec. 32.05.14, Variance.

**E. Limitation**

Expansion of any legal non-conforming use that is listed in Table 32.03-1, Table of Permitted Uses, as a commercial or industrial, wholesale, or storage use is expressly prohibited in any residential district. Expansion of any legal nonconforming industrial use that is listed in Table 32.03-1 as an industrial, wholesale, or storage use is expressly prohibited in any commercial district.

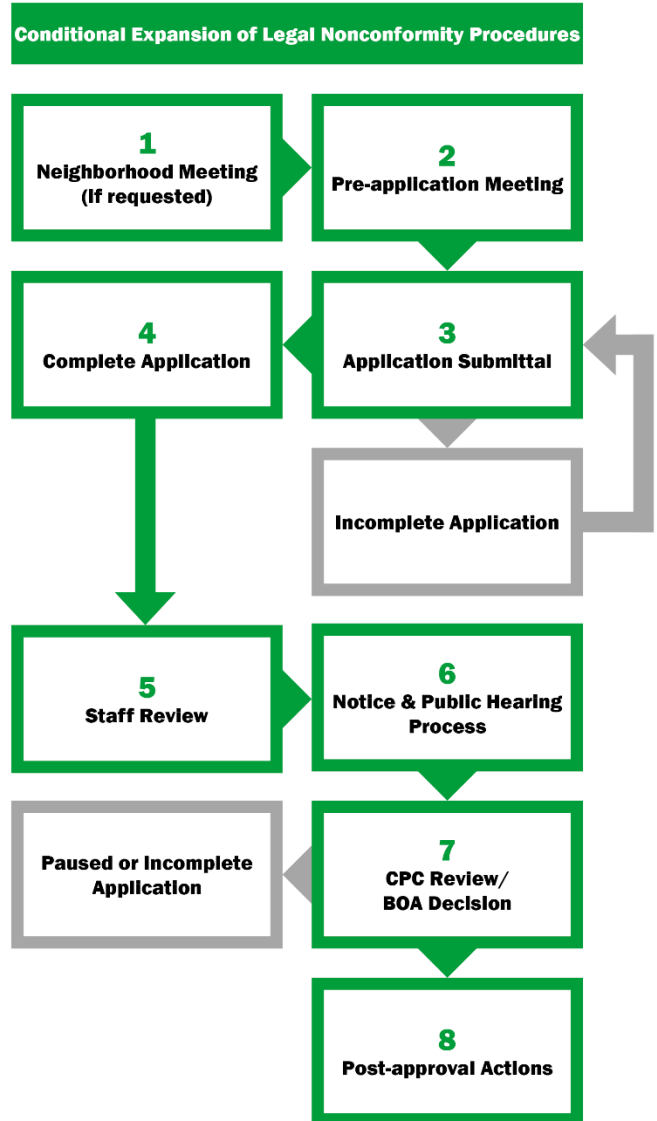


Figure 32.05-G

**F. Procedure for Application, Review, and Approval**

**1. Recommendation by City Planning Commission**

**a. Timeline for Recommendation**

The City Planning Commission shall submit its recommendation within 30 days from the date of the initial Commission Meeting to the Board of Adjustment for final action, unless additional delay is agreed upon by the applicant and the Commission.

**b. Criteria for Review**

In its review, the Commission shall consider each of the criteria established in the following Subsection G. The Commission may recommend approval, approval with modifications or conditions, or denial of any application.

**2. Action by Board of Adjustment**

**a. Timeline for Action**

The Board of Adjustment shall take final action on an application within 45 days of receiving the recommendation of the City Planning Commission unless further delay is requested by the Applicant. The Board may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

**b. Method of Action**

The Board of Adjustment shall consider a conditional expansion request after holding a public hearing according to Table 32.05-1.

**c. Criteria for Review**

Following receipt of the City Planning Commission recommendation, the Board of Adjustment shall consider each of the criteria established Subsection G. The Board of Adjustment may approve, approve with modifications or conditions, or deny any application for a Conditional Expansion. The Board may also table the motion to give the applicant time to make modifications to the application. In such case, the Board shall give clear direction on which aspects of the application they deem to be deficient.

**G. Criteria for Recommendation and Action on Conditional Expansion**

The City Planning Commission shall only recommend approval and the Board of Adjustment shall only approve a proposed conditional expansion if evidence is presented that establishes all of the following:

1. That action to make the use conforming, such as a rezoning, is not feasible for reasons which may include:
  - 1 Such action would not be supported by the Comprehensive Plan
  - 2 Such action is not in the long-term best interest of the of adjacent property, or the character of the neighborhood.
  - 3 Such action would not meet the criteria for approval.
2. That the proposed expansion or enlargement complies or can be made to comply with any use-specific standards which may be applicable to protect adjacent properties.
3. That the proposed expansion or enlargement will comply with any additional standards which may be imposed on it for the district it is located in.
4. That adequate conditions are placed on the approval to eliminate or mitigate any adverse impacts of the proposed expansion or enlargement.
5. That there is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

- 1 Whether the proposed development or use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property;
  - 2 Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.
  - 3 Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district;
  - 4 Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment; and
  - 5 Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.
6. That adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.



## 32.05.11 Minor Design Adjustment

### A. Purpose

The purpose of a Minor Design Adjustment is to provide applicants with a method to obtain an adjustment to a standard that is consistent with the prevailing character of the surrounding area.

### B. Applicability

The Minor Design Adjustment process is applicable to:

1. Provide relief where practical difficulties on a site or in approved plans can be improved through a minor modification(s) that fall within the standards of this section, and
2. Establish appropriate standards in proposed development applications for which applicants seek changes to development standards in order to better accommodate development on a specific site.

### C. Application Submission and Processing

Minor Design Adjustment applications shall be submitted and processed pursuant to Table 32.05-1.

### D. Authority to Adjust Traditional, and Suburban Development Standards

Development Services is authorized to approve Minor Design Adjustments of the following types in the Traditional (T-xx) and Suburban (S-xx) design areas:

1. Modifications of 10 percent or less of any numeric dimensional standard set out in Section 32.04, except those related to residential density or nonresidential intensity.
2. Modifications of any previously approved preliminary plan or site development plan to adjust the size of any building or structure by not more than 10 percent or to change the location of any building or structure by more than 10 feet in any direction, provided that the modification will not increase residential density or non-residential intensity beyond that in the previously approved plan.

### E. Authority to Adjust Urban Form Standards

Development Services is authorized to approve Minor Design Adjustments to the urban form districts and site and structure standards if the following criteria have been met.

1. The proposed adjustment will not result in development that is inconsistent with the intended character of the district for the block face, including the applicant's property or the block face immediately across the street(s) from the applicant's property.
2. The proposed adjustment will result in a building and site design of equal quality and visual interest to the required by the application of the original form-based controls.
3. The proposed adjustment will not result in any of the following:
  - 1 Change a minimum or maximum height requirement by more than five percent;
  - 2 Change a finished floor elevation requirement by more than five percent;
  - 3 Change a street wall height, length, or access gate requirement by more than 10 percent;
  - 4 Move a required building line further from the street;
  - 5 Move a required building line more than six inches closer to the street;

- 6 Reduce a minimum percentage of a building frontage that must be built to the required building line by more than five percent of the required length;
- 7 Move a parking setback line more than five feet closer to any street;
- 8 Increase the maximum average spacing of building entrances by more than 10 percent;
- 9 Change a minimum or maximum fenestration requirement by more than five percent; or
- 10 Change the minimum or maximum depth of a building projection by more than five percent.

#### **F. Authority to Modify in Compliance with Floodplain Management**

Development Services is authorized to approve the minimum adjustment necessary to meet the requirements of the City's Floodplain Management Ordinance (Chapter 32B), even if the adjustment exceed the maximums established in Sections 32.05.12.D and E.

#### **G. Authority to Modify for Historic or Relocated Structures**

Development Services may grant the minimum adjustment necessary to accommodate the preservation or relocation of historic structures, even if the adjustment exceeds the maximums established in Sections 32.05.12.D and E. Under this provision a structure may be deemed historic if it is contributing to a National or Local Historic District, locally landmarked, potentially eligible for a historic district as determined by an approved survey, or any other structure over 50 years of age which is deemed historic by the Historic Preservation Commission. The intent of this authority is to allow Development Services to:

1. Adjust or waive building composition standards in order to preserve existing structures or facades deemed historic,
2. Adjust building placement standards, such as setbacks, build-to lines, or other requirements by the minimum amount necessary to permit the relocation of existing structures deemed historic.

#### **H. Review and Approval Criteria**

Development Services shall review and decide applications for Minor Design Adjustment pursuant to the following criteria:

1. The requested exception is consistent with all relevant purpose and intent statements of this Code and with the general purpose and intent of the comprehensive plan;
2. The requested design exception will not have a substantial or undue adverse effect upon adjacent property, the character of the surrounding area or the public health, safety and general welfare;
3. The requested design adjustment is consistent with the character of development in the surrounding area, will not result in land uses or structures significantly larger, more intense, or more congested than the majority of development in the surrounding area;
4. Any adverse impacts resulting from the design adjustment will be mitigated to the maximum extent feasible as determined by staff; and
5. The design adjustment is of a technical nature and is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general.

## 32.05.12 Major Design Exception

### A. Purpose

Major Design Exceptions are intended to provide a procedure for the Board of Adjustment to use in considering requests for regulatory relief from certain specified zoning regulations when such relief is reasonably needed to overcome practical difficulties related to the subject property. Development which is granted a Major Design Exception shall be considered conforming to this ordinance.

### B. Initiation of Major Design Exception

A property owner may file an application for Major Design Exception.

### C. Authority to Approve Major Design Exceptions

The Board of Adjustment is authorized to approve Major Design Exceptions as defined below. Major Design Exception applications shall be submitted and processed pursuant to Table 32.05-1. A site development plan shall be submitted in conjunction with a Major Design Exception application.

#### 1. General

The intent of the Major Design Exception process is to allow for broad flexibility to remove practical barriers to development or to accommodate high quality projects which may not meet certain technical standards in this code. Because it is impractical to define a limit for all standards in all possible situations, the provisions of the Major Design Exception process are intentionally broad and approval shall be based on the Review and Approval criteria listed below. Development Services shall have the discretion to determine eligibility for a Major Design Exception based on the provisions of this Section 32.05.13 and the intent of the applicable code section(s) subject to an exception request.

- 1 No design exception shall be considered for standards for which a design exception is explicitly prohibited. Nor shall any design exception modify the definition of any term, use or standard in this code, or modify the method of calculating or determining a particular standard.
- 2 No design exception shall not be permitted if a Conditional Use, or Minor Design Adjustment may accommodate the exception.
- 3 A Major Design Exception shall not be required to modify a standard that is eligible for adjustment, exception, exemption or similar modification which is permitted by this code. For example, a Major Design Exception shall not be required when the contextual setback provisions of this code permit Development Services to modify a front yard setback.
- 4 No design exception shall have the effect of increasing the permitted residential density for a zone district beyond the maximum permitted for that zone district. Exceptions to density may be considered in certain zone districts as a Planned Unit Development.
- 5 No design exception shall be approved which permits or has the effect of permitting a primary or accessory use in Section 32.03 which is not permitted within the zone district.
- 6 The Major Design Exception shall not be used to vary, modify, or otherwise preempt a condition of approval or requirement imposed by an authorized decision-making body.

#### 2. Exceptions to Section 32.02 – Zone Districts

Major Design Exceptions not specifically permitted in Section 32.02 shall not be granted unless as follows:

- 1 Exceptions to building setbacks may be considered under one of the following criteria:

- (i) A design exception may be considered to allow for an expansion of a non-conforming structure along any existing established setback plane in any yard.
  - (ii) An exception of any required setbacks may be considered up to 50%.
- 2 Maximum structure size (footprint) may be increased up to 100% of the maximum. The intent of this provision is to accommodate significant or unique uses within a neighborhood or to allow for an expansion of an existing use in conformance with this code and without requiring a change of zone.
  - 3 Within Urban Form (U-xx) districts,
    - (i) The Required Build-To Line (RBL) location may be modified by a maximum of 5 feet. Requests to move the RBL beyond 5 feet shall be considered rezoning.
    - (ii) The minimum Required Build-To percentage may be modified up to 25% of the standard. For example, an 80% build-to percentage requirement may be modified as low as 60%. This shall not be granted to permit driveways or curb-cuts.

### 3. Exceptions to Section 32.03 – Use Specific Standards

Major Design Exceptions not specifically permitted in Section 32.03 shall not be granted unless as follows:

- 1 Exceptions to separation distances may be considered up to 25% of the required separation unless specifically prohibited.
- 2 Exceptions to any numerical standard may be considered up to 25% of that standard.
- 3 Exceptions to non-numerical Use-Specific Standards shall not be granted unless specifically authorized.

### 4. Exceptions to Section 32.04 – Development Standards

Major Design Exceptions not specifically permitted in Section 32.04 shall not be granted unless as follows:

#### a. Parking and Loading Exceptions

- (i) An exception to the required minimum Motor Vehicle Parking Spaces may be considered up to 100% of the number required.
- (ii) An exception to the maximum number of motor vehicle parking spaces may be considered up to the greater of 10 spaces or 25% of maximum number allowed. The accompanying landscaping and pervious parking space requirements shall not be subject to a design exception. For example, a site which is permitted a maximum of 100 spaces and is requesting 140 spaces may apply for a design exception to raise the maximum to 125 spaces. Mitigation measures as required by Section 32.04.02 shall be applied to the remaining 15 spaces.
- (iii) Exceptions to Parking Lot Location may be permitted as described in Section 32.04.02.J.4.
- (iv) Exceptions to other numerical standards in Section 32.04.02 not listed above may be considered up to 50%, unless specifically noted otherwise.

#### b. Mobility and Connectivity Exceptions

- (i) Exceptions to the maximum block length may be considered up to 50%.
- (ii) Exceptions may be considered that reduce the required minimum Connectivity Index Score by up to 0.25.

#### c. Sustainable Development Exceptions

Unless otherwise specified, exceptions to numerical requirements may be considered up to 50%

**d. Site and Structure Standard Exceptions**

- (i) Unless otherwise specified in Sec 32.04.05, exceptions to numerical requirements as follows:
  - (A) Separation distances: up to 25%
  - (B) Other numerical standards: up to 50%.
- (ii) Unless otherwise specified, exceptions may be considered to non-numerical standards in Sections 32.04.05.B Urban Design Standards, 32.04.05.C Traditional Design Standards, and 32.04.05.D Suburban Design Standards.

**e. Landscaping Standards**

Unless otherwise specified, exceptions to numerical requirements may be considered up to 50%

**f. Signs**

- (i) Exceptions may be considered to the maximum permitted sign area when the establishment of a new use on the parcel results in a corresponding increase in the total square feet of development of the site. For example, a 20% expansion of an existing structure for a new tenant may apply for a design exception for up to 20% of additional signage. The amount of additional sign area shall not exceed 50% of the maximum, and all signs enlarged or established as a result of this provision shall be of a type permitted in that zone district.
- (ii) Unless otherwise specified, no other exceptions to 32.04.08 Signs shall be considered.

**5. Other Exceptions**

Unless specifically authorized in the code, no other major design exception shall be considered except for exceptions to any time period for compliance

- 1 Discontinuance of the use was due to unique circumstances not of the property owner’s own making; and
- 2 Resumption of the use will not have a significant adverse impact on the essential character of the surrounding area.

**D. Review and Decision-Making Process**

**1. Recommendation by City Planning Commission**

**a. Eligibility and Waivers**

Review and recommendation by the City Planning Commission shall be required unless a waiver is granted under this section. The intent of this provision is to ensure substantive modifications with a broader impact on surrounding parcels are considered by the City Planning Commission while allowing for a streamlined review process for other applications. A City Planning Commission recommendation shall not be required for applications which meet one of the following:

- (i) Applications pertaining to single or two-unit residential development in an A-xx, S-Rxx or T-Rx district and that are limited to a single parcel;
- (ii) Applications that do not involve modification of the footprint or facade of a primary structure;
- (iii) Applications that do not modify maximum or minimum parking requirements;
- (iv) Applications that do not modify Mobility or Connectivity requirements;
- (v) Applications that do not modify screening requirements;

(vi) Time extensions

**b. Timeline for Recommendation**

The City Planning Commission shall submit its recommendation within 30 days from the date of the initial Commission Meeting to the Board of Adjustment for final action, unless additional delay is agreed upon by the applicant and the Commission.

**c. Criteria for Review**

In its review, the Commission shall consider each of the criteria established in Subsection F. The Commission may recommend approval, approval with modifications or conditions, or denial of any application.

**2. Action by Board of Adjustment**

**a. Timeline for Action**

The Board of Adjustment shall take final action on an application within 45 days of receiving the recommendation of the City Planning Commission unless further delay is requested by the Applicant. The Board may act without City Planning Commission recommendation if the recommendation is not received within 90 days from the date on which the application was determined to be complete.

**b. Method of Action**

The Board of Adjustment shall consider a conditional use request after holding a public hearing according to Table 32.05-06

**c. Criteria for Review**

Following receipt of the City Planning Commission recommendation, the Board of Adjustment shall consider each of the criteria established in Subsection F. The Board of Adjustment may approve, approve with modifications or conditions, or deny any application for a Conditional Use. The Board may also table the motion to give the applicant time to make modifications to the application. In such case, the Board shall give clear direction on which aspects of the application they deem to be deficient.

**E. Authority**

1. The Board of Adjustment may approve conditional uses pursuant to the procedures and criteria in this section. Any permitted conditional use shall comply with all use-specific standards applicable to the use, as listed in Section 32.03, Use-Specific Standards, and with all applicable standards of Section 32.04, Development Standards of this Code, unless the Board approves a modification of such standards pursuant to the procedures and criteria of this section.
2. Only those uses identified as conditional uses in Table 32.03-1 may be approved pursuant to these procedures. If the Zoning Administrator determines that a desired use is not included within the definition of a use listed as a conditional use in Table 32.03-1, then the desired use may only be approved if:
  - 1 This Code is amended to add the use to the district containing the subject property or
  - 2 The subject property is rezoned to a district where the use is listed as a permitted or conditional use.
3. Following receipt of a complete application for a Major Design Exception, the Board of Adjustment must hold a public hearing to consider the matter. In approving a Major Design Exception, the Board of Adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance or to reduce or minimize the effect of the Major Design Exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning Code.

## **F. Review and Approval Criteria**

Major Design Exceptions may be approved only when the Board of Adjustment determines that all the following general approval standards and criteria have been met:

- 1 The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.
- 2 The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.
- 3 The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.
- 4 The requested exception can be demonstrated to meet one of the following:
  - (i) The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.
  - (ii) The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.
  - (iii) The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.
- 5 The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

**32.05.13 Variance**

**A. Purpose**

This section sets forth the procedures and criteria for review and approval of applications for variances from the terms and conditions of this Code. Requests for a Minor Design Adjustments or Major Design Exception are not applications for variances, and shall be reviewed and approved pursuant to the procedures and criteria set forth for those processes.

**B. Authority**

The Board of Adjustment may approve variances pursuant to the procedures and criteria in this section. Any permitted variance shall comply with all use-specific standards applicable to the use, as listed in Section 32.03, Use-Specific Standards, and with all applicable standards of Section 32.04, Development Standards, of this Code, unless the Board approves a modification of such standards as part of the variance approval, pursuant to the procedures and criteria of this section.

**C. Application Submission and Processing**

Variance applications shall be submitted and processed pursuant to Table 32.05-1. A site development plan shall be submitted in conjunction with a variance application.

**1. Action by Board of Adjustment**

The Board of Adjustment shall select a reasonable time and place for a public hearing on the application, shall provide notice of a public hearing as required by Sec. 32.05.01.H, and shall conduct a public hearing on the application. In its review and decision, the Board shall consider each of the criteria established in the following Subsection C.2, as applicable. The Board may approve the application, approve it subject to conditions, or deny the application.

**2. General Criteria for Action on Variance**

The Board of Adjustment shall not grant a variance unless it shall make findings based upon the evidence submitted in each specific case that a special condition or conditions exist to the degree that a literal enforcement of the provisions of the Code will result in an unnecessary hardship, and that granting the variance will not be contrary to the public interest nor the spirit and intent of this Code. Such written findings shall also be made in each case in which it is determined that a literal enforcement of the provisions of this Code will not result in an unnecessary hardship. The Board of Adjustment shall deny a variance request that does not meet ALL of the following:

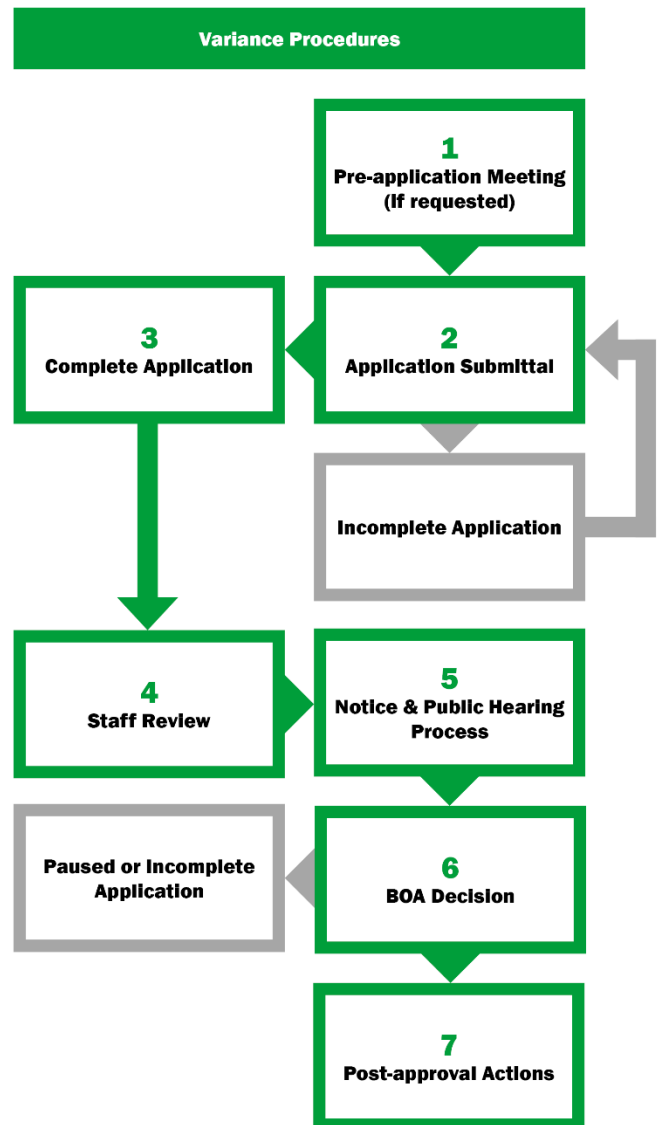


Figure 32.05-H



**a. Unique Circumstances**

The subject property is unique or exceptional as compared to other properties subject to the same provisions by reason of:

- (i) Irregularity,
- (ii) Narrowness,
- (iii) Shallowness,
- (iv) Substandard or marginal size,
- (v) Exceptional topographical features, or
- (vi) Other extraordinary conditions peculiar to and inherent in the subject property and that relate to or arise out of the property rather than the personal situation of the current owner of the property; and that amount to more than a mere inconvenience to the owner.

**b. Not Exclusively for Financial Gain**

The purpose of the variance is not based exclusively upon a desire to increase financial gain from the property. Proof that the property cannot be used for its highest or best use under the regulations applicable to it, or that it could be used more profitably if not subject to such regulations, shall not justify granting a variance.

**c. Hardship Not Self-Created**

The unique or special condition referenced in subsection a above either: (i) existed at the time of the enactment of the provisions of this Code that affect it, or (ii) was the result of government action, other than adoption of this Code, for which no compensation was paid, and has not been created by any persons presently having an interest in the property.

**d. Substantial Rights Denied**

The carrying out of the strict letter of the provisions of this Code would deprive the property owner of substantial rights commonly enjoyed by other property owners subject to the same provisions.

**e. Not Special Privilege**

The hardship affecting the property is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other property subject to the same provisions.

**f. Not Detrimental**

Granting the variance will not be detrimental to the public welfare or materially injurious to the enjoyment, use, or development of property in the vicinity; would not materially impair an adequate supply of light and air to adjacent properties; would not substantially increase congestion in the public streets, nor increase the danger of flood or fire, or endanger the public safety, nor substantially diminish or impair property values in the vicinity.

**g. No Other Remedy**

There is no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit a reasonable use of the property.

**3. Relief Less Than Requested**

The Board of Adjustment may grant a variance less than that requested when the record supports the applicant's right to some relief but not to the relief requested.

**32.05.14 Zoning Clearance Permit**

**A. Purpose**

The zoning clearance permit process is used to determine whether an application is in conformance with the provisions of this Code or as permitted by a variance or decision from an appeal.

**B. Applicability**

A zoning clearance permit is required and should be obtained prior to the:

1. Construction or alteration of any building, structure, or sign;
2. Establishment, change, or modification in the use of any building, structure, or land; or
3. Grading, excavating, or filling of land.

**C. Application Submission and Processing**

Zoning clearance permits shall be submitted and processed pursuant to Table 32.05-1.

**D. Review and Approval Criteria**

1. The Development Services Department shall review zoning clearance applications for conformance with the provisions of this Code and any site-specific approvals applicable to the property described in the application.
2. A zoning clearance may be identified by a stamp, City staff signature, electronic signature, or other official notation on approved plans, a letter to the applicant, or other certification as determined appropriate by the Development Services Director.
3. A zoning clearance permit is valid for 90 days after issuance. The expiration date may be extended once for a period not to exceed 90 days when a request is made in writing to Development Services prior to the original expiration date.

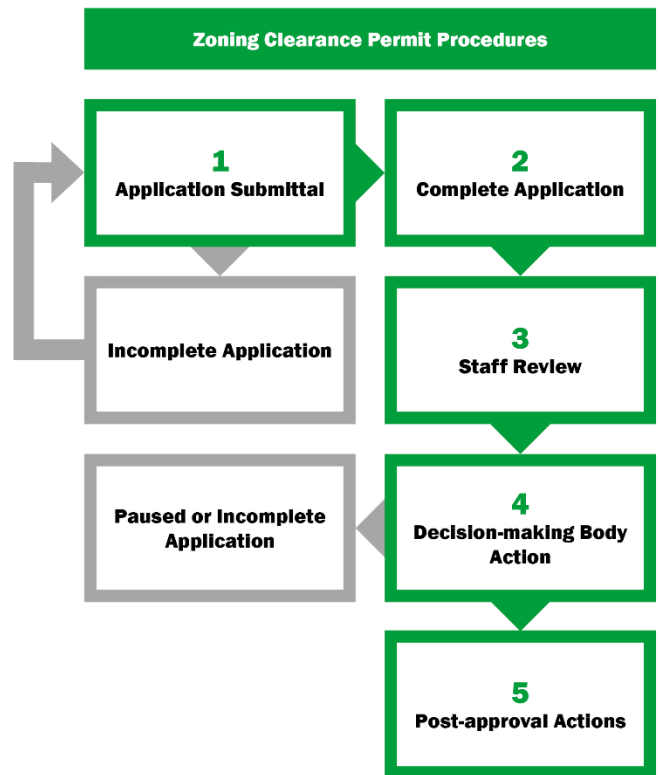


Figure 32.05-1

**32.05.15 Special Use Permit**

**A. Purpose**

A Special use Permit is an annual permit that may be required for certain uses identified in Section 32.03.

**B. Applicability**

No Special Use Permit shall be established unless and until a permit has been issued for a use that meets the requirements of Section 32.03.05

**C. Application and Submission Processing**

Application shall be made to Development Services, pursuant to Table 32.05-1, and the permit shall be approved or approved with conditions only if it complies with the requirements of Section 32.03.05.

**D. Review and Approval Criteria**

1. The Development Services Department shall review Special Use Permit applications for conformance with the provisions of this Code and any use-specific criteria applicable to the property described in the application.
2. A Special Use Permit is issued subject to compliance with this ordinance and all other chapters of the City Code. A Special Use Permit may be denied for properties or operators which are in violation of the City Code.
3. A Special Use Permit is issued to the applicant and may not be assigned, transferred, or sold. If the special use is site-specific and the applicant sells the property, the special use shall be discontinued unless the new owner obtains a new special use permit that is valid at the time of property transfer.
4. A Special Use Permit is valid for one year after issuance. Each annual renewal of a Special Use Permit shall be considered a new application in that it shall be subject to the review criteria at that time. A use made non-conforming by amendments to this code may be renewed one time only unless otherwise provided for in this code.
5. The City may establish a unique fee for each use which requires a Special Use Permit.

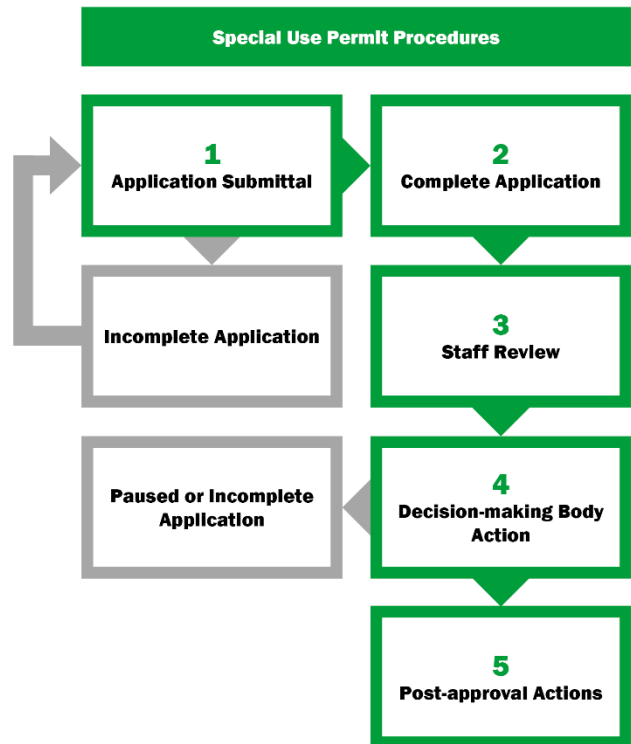


Figure 32.05-J

**32.05.16 Certificate of Occupancy**

No building, or addition to a building or structure, constructed, no addition to a previously existing building or structure, shall be occupied, and no vacant land shall be used for any purpose until a certificate of occupancy has been issued. Application shall be made to Development Services, and the procedure for approval shall be that set forth in Table 32.05-1.

**A. Application for Certificate of Occupancy**

1. Every application for a building permit shall be deemed to be an application for a certificate of occupancy.
2. Every application for a certificate of occupancy for a new use of land, where no building permit is required, shall be made directly to the zoning administrator.
3. The property owner, business owner, agent or person who benefits from the use of the property or a portion a building, structure or premises, shall apply for the certificate of occupancy prior to occupying the property or a portion a building, structure or premises. They are required to obtain all applicable permits/approvals, to include but not limited to Change of Use prior to occupying/using the property/structure.

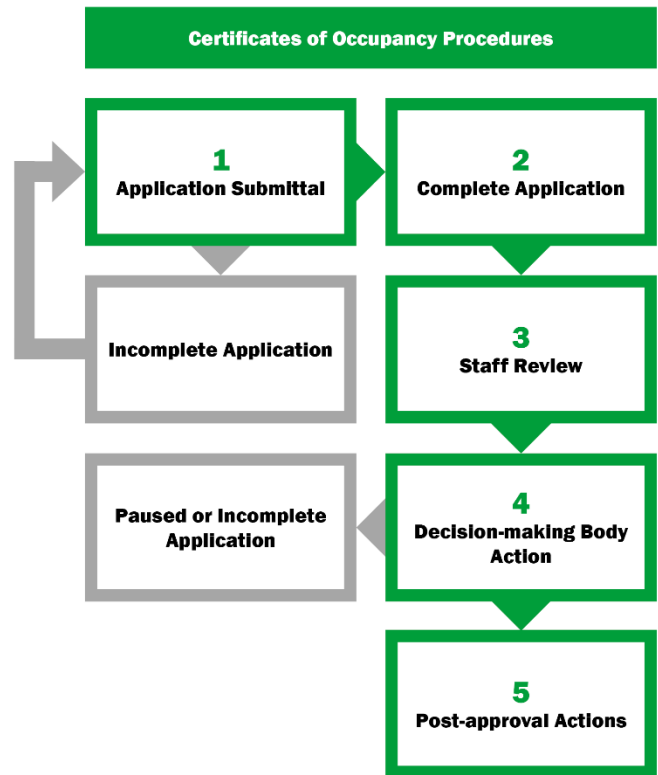


Figure 32.05-K

**B. Review**

**1. Administrative Review and Inspection**

1. No certificate of occupancy for a building, premises, or portion thereof, constructed or improved after the effective date of this Code, shall be issued until construction has been completed and the premises inspected and certified by Development Services to be in conformity with the plans and specifications upon which the building permit was based.
2. No certificate of occupancy for a building, or addition thereto, constructed after the effective date of this Code, shall be issued and no addition to a previously existing building shall be occupied until the premises have been inspected and certified by Development Services to be in compliance with all applicable standards.
3. The certificate of occupancy shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than fourteen days after Development Services is notified, in writing, that the building or premises are ready for occupancy.

**2. Review Criteria**

A Certificate of Occupancy shall only be approved if the structure or building conforms to all applicable requirements of this Code, all applicable subdivision approval requirements, all applicable building codes, and any other applicable laws and regulations of the City of Cedar Rapids.

**C. Temporary Certificate of Occupancy**

1. Development Services finds that no substantial hazard will result from occupancy of any building, or premises, or portion thereof before the same is completed,
2. Development Services may issue a temporary certificate of occupancy for the use of a portion or portions of a building, structure, or premises prior to the completion of the entire building, structure, or site improvements.
3. Prior to the issuance of the temporary certificate of occupancy, Development Services shall require that an escrow account or a bond be established in accord with the policies and procedures established by the City Council for those uncompleted portions of the construction and site improvements that prevented the certification of the premises by the zoning administrator.
4. Pending the issuance of a certificate of occupancy, a temporary certificate may be issued to be valid for a period not to exceed six months from its date of issuance and to permit partial occupancy of the premises during completion of the construction and site improvements.

**D. Deny/Withhold/Revoke Certificate of Occupancy**

The City may deny, withhold, or revoke a certificate of occupancy or temporary certificate of occupancy following written notice from Development Services. The written notice shall be given to the property owner and/or business owner, agent or person who benefits from the use of the property or a portion a building, structure or premises, stating the reasons why a certificate cannot be issued or why it has been revoked.

## Section 32.06 Nonconformities

<b>32.06.01</b>	<b>General Provisions</b>	
32.06.01	General Provisions.....	326
32.06.02	Nonconforming Structure or Building.....	327
32.06.03	Nonconforming Use .....	328
32.06.04	Nonconforming Lots .....	329
32.06.05	Termination of Certain Nonconforming Uses and Structures.....	331
32.06.06	Nonconforming Signs .....	331

### 1. Purpose

Within the districts established by this Code, or by subsequent amendments thereto, there exist buildings, structures and uses that were lawful before this Code was passed or amended, but that would be prohibited or restricted under the terms of this Code or future amendments thereto. The purpose of this section is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue.

### 2. Nonconformities Created

Uses, lots, or structures lawfully established prior to the effective date of this Code and rendered nonconforming by the provisions thereof, or by subsequent amendments thereto, may continue subject to the provisions of this Sec. 32.06. Certain legally created non-conforming Commercial and Industrial uses may only be expanded pursuant to the procedures, standards, and criteria in Sec. 32.05.10, Conditional Expansions of Legal Nonconformities.

### 3. Intent

1. To encourage development and redevelopment consistent with this Code and to provide reasonable use of nonconforming uses, lots, structures, signs, and features and encourage these nonconformities to be put to productive use.
2. To clarify the effect of nonconforming status and avoid confusion with illegal uses, lots, structures, signs, and features.
3. Recognize the interest of owners in continuing to use their property.
4. Prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

### 4. Authority for Continuance and Regulation of Nonconformities

Any nonconforming building, structure, or use that existed lawfully at the time of adoption of this Code and that remains nonconforming by the terms thereof, and any such lawful building, structure or use that shall become nonconforming upon the adoption of this Code, or any subsequent amendment thereto, may be continued subject to the regulations following in this section.

## 5. Repairs and Maintenance

Ordinary repairs and maintenance may be carried out on land, structures or buildings nonconforming as to use or bulk, provided that no alterations shall be made that would add to the size, area, or degree of nonconformity.

## 6. Discontinuance of a Nonconforming Use

If the nonconforming use of a building, structure, or premises is discontinued or vacated for a continuous period of 12 months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located. However, where it can be established that a delay in reoccupying a property has been caused by governmental and/or court action, that is clearly beyond control of the property owner, the time period to retain nonconforming status may, if approved by the Board of Adjustment, be extended to 24 months.

### 32.06.02 Nonconforming Structure or Building

#### 1. Expansion

##### 1. Mixed-Use and Non-Residential Structures

Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a mixed-use or non-residential structure or building exists, or may exist, that could not be erected under the regulations imposed by this Code by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure or building, such structure or building may be continued and enlarged or expanded, provided no such nonconforming structure or building shall be altered in any way that would increase its degree of nonconformity.

##### 2. Residential Structures

Enlargement or expansion of a nonconforming residential structure or building may be allowed under the following conditions:

- a. Nonconforming single-unit residential structures may be allowed to expand in compliance with the dimensional standards of the district in which the structure is located. The establishment of additional accessory structures or the expansion of existing accessory structures is also permitted. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.
- b. Nonconforming multi-unit structures may be allowed to expand in compliance with the dimensional standards of the district in which the structure is located as well as compliance with Section 32.04 Development Standards. The establishment of additional accessory structures or the expansion of existing accessory structures is also permitted. All yard requirements of the district in which the nonconforming structure is located shall be adhered to with the exception that vertical expansions may be allowed provided the exterior walls of the addition extend no further than the exterior walls of the ground floor of the structure.

#### 2. Structure or Building Damaged or Destroyed

1. A nonconforming building or structure on a nonconforming lot that is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 65 percent of the fair market value of the building before damage, based upon

insurance value, shall not be restored except in conformity with all of the regulations of the district in which it is located.

2. If a nonconforming building or structure is damaged less than 65 percent, it may be repaired, restored, or reconstructed and used as before the time of damage, provided that such repair, restoration or reconstruction is started within 12 months of such damage and diligently prosecuted to completion. Development Services may extend the 12-month period for one additional period of up to 12 months if concluding that delay in repair, restoration or construction were caused in part by factors beyond the control of the owner.

### **3. Correcting an Unsafe Condition**

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, building, or part of a building or structure declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **4. Nonconforming Accessory Structures and Buildings or Features**

1. A nonconforming use of land, structure, or building that is accessory to a principal nonconforming use or structure shall be discontinued when the nonconforming use of such principal use or structure is discontinued, unless such accessory use of land or structure conforms to all the regulations of the district in which it is located.
2. Any fence, wall, dense shrubs, or combinations of such items, legally established or constructed prior to the effective date of this Code and not complying with all requirements of this section as amended, shall be classified as legally nonconforming and shall not be required to be removed, moved, or altered.

## **32.06.03 Nonconforming Use**

### **1. Nonconforming Use of a Structure or Building**

Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists that would not be permitted by the regulations imposed by this Code, such use may be continued, provided:

1. Nonconforming commercial and industrial uses may expand under those conditions set forth in Sec. 32.05.10.
2. Any nonconforming use may be extended throughout any existing parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside the building.
3. If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same or of a more restricted 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.
4. Where nonconforming use status applies to a structure or building and land on the same lot or tract in combination, removal or destruction of such structure or building, or change of such structure or building to a conforming use shall eliminate the nonconforming status of the land, and thereafter the land shall be used only for a conforming use.



## 2. Nonconforming Use of Land

Where at the time of adoption of this Code or subsequent amendments, lawful use of land exists that would not be permitted by the regulations imposed by this Code, and where such use does not involve a building or structure, or in connection with which any building or structure on the parcel of land is incidental or accessory to the principal use of the land, such use may be continued, provided that:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land.
2. No such nonconforming use shall be moved in whole or in part to any adjoining property nor to any other portion of the lot or tract other than that occupied by such use at the time of adoption of this Code, or of a subsequent amendment thereto that rendered the use non-conforming.
3. No additional structure not conforming to the terms of this Code shall be erected or placed on the lot and no existing nonconforming structure shall be enlarged or expanded.
4. If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not be thereafter changed to a less restrictive use.

## 3. Nonconforming Accessory Uses

Nonconforming accessory uses shall be discontinued when the nonconforming use of such principal use or structure is discontinued, unless such accessory use of land or structure conforms to all the regulations of the district in which it is located.

### 32.06.04 Nonconforming Lots

No use or structure shall be established on a lot that does not conform to the standards established in this Code, except in accordance with this section.

#### 1. Lots Determined to be Conforming

1. The following minimum lot sizes are determined to be conforming lots and may be developed pursuant to the dimensional standards of the district in which the lot is located.
  - a. Urban (U-xx) design areas: all lots in which development can conform to the district dimensional and design requirements.
  - b. Traditional (T-xx) design areas: Lot area of at least 3,000 square feet that is in separate ownership and not continuous frontage with other lots in the same ownership.
  - c. Suburban (S-xx) design areas: Lot area of at least 5,000 square feet that is in separate ownership and not continuous frontage with other lots in the same ownership.
2. A lot that is determined to be conforming pursuant to this section is eligible for dimensional changes pursuant to Section 32.05.12, Minor Design Adjustment.

#### 2. Status of Structures on Nonconforming Lots

1. Conforming structures legally established on a nonconforming lot may be continued, enlarged, extended, reconstructed, or structurally altered in any way that is in conformance with the standards of this Code.
2. Nonconforming structures legally established on a nonconforming lot may be continued, enlarged, or redeveloped in accordance with the standards in Section 32.06.02.

### **3. Governmental Acquisition of a Portion of Lot**

Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot width, lot setbacks, and/or lot area below that is required in the applicable zone district or Sec. 32.04, Development Standards, shall not render the lot nonconforming.

### **4. Development of Unimproved Nonconforming Lots in a Residential Zoning District**

1. If a nonconforming, unimproved lot of record in a residential district was part of a subdivision or other division of land evidenced by a recorded plat or deed, or both, any use allowed as a permitted use in the zoning district pursuant to Table 32.03.02, Table of Permitted Uses, may be developed on the lot, even though the lot does not meet the minimum lot area or lot width standards established for the district, provided that the development conforms to all other requirements of this Code and applicable building and fire codes.
2. If the lot does not meet the required minimum width for lots in the zone district where it is located, then the minimum required side setback on each side shall be reduced by one foot for each 10 feet, or portion thereof, by which the lot width falls below the required minimum lot width in the district.

### **5. Adjacent Lots in Single Ownership**

Where two or more contiguous substandard recorded lots are in common ownership and are of such size as to together constitute at least one conforming "zoning lot", such lots or portions thereof shall be joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots.

### **6. Redevelopment of Improved Lots in Residential District After Casualty**

1. In an agricultural or residential zoning district, where a legally established single-unit attached or detached use is destroyed by casualty on a nonconforming lot that was part of a subdivision or division of land evidenced by plat or deed, or both, an identical replacement use may be established in a new or reconstructed structure:
  - a. Within the same or smaller footprint and volume, or
  - b. With the volume and the same footprint, but with the same footprint relocated to comply with applicable setbacks as the structure destroyed by casualty, even though the lot does not meet the minimum lot area or lot width requirements.
2. Any such new or reconstructed structure shall be required to meet all applicable building and fire codes.

### **7. Change of Nonconforming Lot**

Nonconforming lots in residential zoning districts may change as follows:

#### **1. Increases through Boundary Line Relocations**

A nonconforming lot may be increased in area, width, or both, through a boundary line relocation or replatting in accordance with the requirements of Chapter 31, Subdivisions, to make the lot less nonconforming.

#### **2. No Increases in Nonconformity**

The boundaries of a lot that is nonconforming as to area, width, or both, may be adjusted by a boundary line relocation with the boundaries of any contiguous conforming or nonconforming lot, provided the relocation does not increase the nonconformity of any lot, no new lot is created, and the lot width is not decreased to less than the minimum required for the zoning district where it is located.

### 3. Assembly of Nonconforming Lots

Two or more conforming or nonconforming lots may be assembled to create a conforming lot by a recombination in accordance with Chapter 31, Subdivisions.

#### 32.06.05 Termination of Certain Nonconforming Uses and Structures

Certain uses involving a high degree of incompatibility and relatively low amount of investment shall be terminated, or altered, as described below, following adoption of this Code.

1. Fences, walls and foliage that impair sight distance at an intersection and thereby constitute a hazard to pedestrian or vehicular traffic shall be altered to comply with applicable sight distance requirements within one calendar year from the date of official notice from Development Services.
2. Nonconforming open storage activities, such as automobile wrecking and salvage, material storage and similar uses wherein no buildings or structures are used in connection with said use, or when the buildings or structures or other physical improvements are accessory or incidental to such use, shall be terminated or made conforming within five calendar years from the date of official notice from Development Services.

#### 32.06.06 Nonconforming Signs

##### 1. General

Any legally established off-premise or on-premise sign that is made nonconforming by the standards of this Code as to location, size, height, area, or spacing, shall be allowed to continue, but shall not be altered or reconstructed unless such action is in compliance with the requirements of this Code and Sec. 32.04.08, Signs, and does not increase the degree of any nonconformity, and value of such alteration or reconstruction does not exceed 65 percent of its market value of the sign. For the purpose of this section, the term "altered or reconstructed" shall not include:

1. Changes of sign copy;
2. Routine maintenance;
3. Minor repairs;
4. Painting;
5. Landscaping around the sign; or
6. The replacement of bulbs, letters, figures, characters or posters, or other embellishments that do not increase the size of the sign or the degree of its nonconformity.

##### 2. Exceptions

Any legal, nonconforming off-premise advertising sign that suffers damage exceeding 65 percent of its market value shall not be rebuilt unless brought into compliance with the provisions of this Code.

## Section 32.07 Violations and Enforcement

32.07.01	Definition of Violations .....	332
32.07.02	Enforcement Procedures .....	333
32.07.03	Remedies and Enforcement Powers .....	334
32.07.04	Appeals of Decisions .....	336
32.07.05	Effect of Compliance .....	336

### 32.07.01 Definition of Violations

It shall be a violation of this Code to undertake any of the following activities. Each day that a violation is permitted to exist shall constitute a separate offense.

#### A. Activities Inconsistent with Code

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, land/lot, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this Code, including all required approvals.

#### B. Nonconformities Inconsistent with Code

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this Code; or continue a nonconforming use beyond the amortization period allowed by this Code.

#### C. Making Lots or Setbacks Nonconforming

Reduce or diminish the lot area, setbacks, or open space below the minimum required by this Code.

#### D. Change of Use

Change the use of any land, or any portion of a building, structure, or premises, except in accordance with the procedural and substantive standards of this Code.

#### E. Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity.

#### F. Activities Inconsistent with Conditions of Approval

Failure to comply with any terms, conditions, or limitations placed by the decision-making body upon any permit or approval.

#### G. Failure to Remove Signs

Failure to remove any sign installed, created, erected or maintained in violation of this Code.

## H. Obtaining Permits or Approvals Through Misrepresentation

Obtaining any permit or approval listed in Sec. 32.05, Review and Approval Procedures, or this section through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant.

## 32.07.02 Enforcement Procedures

### A. Complaint

Any person may file a complaint alleging a violation of this Code. Such complaint, stating the address of the property and the causes and basis of the complaint, shall be filed with Building Services.

### B. Inspection and Notification of Violation

#### 1. Inspections

To enforce the terms and provisions of this Code, Building Services shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of staff and funds; shall undertake such inspections as may be necessary to the performance of the duties hereunder; and shall receive from any person complaints alleging, with particularity, a violation of this Code and, when appropriate, shall cause such investigations and inspections as may be warranted by such complaints to be made.

#### 2. Notification, Emergency

In the case of violations of this Code that constitute an emergency as a result of safety or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this code without prior notice, but Building Services shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the violation, and to applicants for any relevant permit.

#### 3. Notification, Non-Emergency

Building Services shall, upon determination of any violation of this Code, provide a series of written notification to the person responsible for such violation. The first notice shall be the Courtesy Notice and if necessary, a Final Notice shall be issued.

##### a. Courtesy Notice

Building Services may issue courtesy notices to the property owner of record and person responsible for the violation citing the violation of this Code, stating that the City requires compliance with the Code, and requesting that the violation be remedied within the time set forth in the following Table 32.07-1.

##### b. Final Notice

Building Services may issue a final notice to the property owner of record and person responsible for the violation citing the violation of this Code, stating that the violation be remedied within the time set forth in Table 32.07-1 or the City will consider further enforcement action, and identifying the other forms of enforcement available to the City.

##### c. Contents of Notice

- (i) The notice shall indicate the nature of the violation and order the action necessary to correct it; and, specifically, it shall order the discontinuance of any illegal use of land, buildings, or structures,

order removal of illegal buildings, structures, additions, or alterations, or order discontinuance of illegal work being done; or

- (ii) Indicate any other action that to be taken, which is authorized by this code to ensure compliance with, or to prevent violation of its provisions.
- (iii) The notice shall include the process on how to appeal the violation per Sec. 32.05.01.R.

**d. Timeframes to Resolve Violations**

- (i) The following violations shall be resolved in the specified timeframes:

**Table 32.07-1: Timeframes for Resolution**

Violation	Timeframe
Violation affecting public health	Immediate
Emergency situation/public health & safety threat	Administrative discretion
Violation not involving a structure	2 weeks
Violation involving a structure, except as provided below	30 days
No permit	Stop work order
Vehicle Related	2 weeks
Illegal signs	2 weeks
RV occupancy	2 weeks
Fence height	2 weeks
Erosion control and best management practices	2 weeks
Noise standards	2 weeks
Landscaping/screening violation	2 weeks

- (ii) The timeframe to resolve violations not specifically identified in this section shall be established in the Courtesy Notice and Final Notice.

**4. Time Extension**

- a. If the recipient responds to the Courtesy Notice or Final Notice with a request for additional time to remedy the violation, Building Services may grant multiple time extensions as reasonably required to complete the remedy, but such additional time shall not exceed six months per extension.
- b. Any building or structure that is damaged, partially or totally destroyed, or reduced by fire, flood, wind, earthquake or other calamity shall be reconstructed, repaired, or altered to restore it to a code compliant condition. When a building or structure has been damaged in a manner described by this section, Building Services may grant additional time extensions, at their discretion, of longer than six months per extension, when reasonably necessary to complete such reconstruction, repairs, or alterations.

**5. Continuing Violation**

After receiving notice of the violation from the City, each day that a violation remains uncorrected after receiving notice of the violation from the City shall constitute a separate violation of this Code.

**32.07.03 Remedies and Enforcement Powers**

The City may take any or all of the actions listed in this section in response to any violation of this Code. The remedies and penalties provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

## 1. Criminal Penalties

Any person that violates, disobeys, omits, neglects, or refuses to comply with this code, or who resists the enforcement of any of the provisions of this Code may be charged criminally.

## 2. Deny/Withhold Permits

Development Services and other agencies and departments of the City of Cedar Rapids may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements until the violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

## 3. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected. Development Services will ensure that all conditions are being met by verifying progress schedule or by conducting the final inspection.

## 4. Citation for Municipal Infractions

The City of Cedar Rapids enacts and adopts the municipal infraction authority under Sec. 364.22, Iowa Code, and herewith provides that any violation of a city ordinance, city code, or any section, subsection, paragraph, subparagraph, or any other part thereof, constitutes a municipal infraction subject to all the penalties, and other relief provisions set forth in Sec. 364.22, Iowa Code.

Any person found responsible by the Linn County District Court for committing three or more violations of this Code, including any approval, conditions, permits, variances, or standard, whether by admission, by payment of the fine, by default or by judgment after hearing shall be determined to be a habitual offender. Habitual offenders may be subject to a civil penalty not to exceed one thousand dollars for each repeat offence per Sec. 364.22, Iowa Code.

- a. A violation is not a municipal infraction if the violation is a felony or misdemeanor by state law.
- b. Each officer authorized to enforce a city code or regulation shall follow the procedures set forth under Sec. 364.22, Iowa Code as the same now exists or as hereafter may be amended.
- c. Seeking civil penalties under municipal infraction procedure does not preclude the City of Cedar Rapids from seeking alternate relief from the court in the same action.
- d. The use of municipal infraction procedure does not preclude a police officer of the City of Cedar Rapids from issuing a criminal citation for a violation of this code chapter if criminal penalties are also provided for the violation.
- e. Each day a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- f. All other provisions of Sec. 364.22 of the Iowa Code as the same now exists or may hereafter be amended are adopted and applicable to the use of municipal infractions by the City of Cedar Rapids, Iowa.
- g. Municipal infractions are applicable to all violations that occur from and after the effective date of this Code.

## 5. Revoke Approvals or Permits

- a. The City may revoke any development approval, permit, or other authorization when it is determined that either:
  - (i) There is a material departure from the approved plans, specifications, or conditions of approval;
  - (ii) There is a violation of any provision of this Code;

- (iii) The development approval or permit was obtained by false representation; or
- (iv) The development approval or permit was issued in error.
- b. If the recipient responds to the letter with a written request for additional time supported by a plan of action letter that includes a site plan, progress schedule (if applicable) indicating how they are going to resolve all identified violations, and a proposed compliance date that is approved by Building Services, they may be granted additional time extensions as reasonably required to complete the remedy but such additional time extensions shall not exceed six months per extension.
- c. Written notice of revocation shall be delivered by certified mail upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after service of the revocation notice.

## 6. Stop Work Order

- a. With or without revoking permits, Building Services may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a permit or other form of authorization issued pursuant to this Code. The stop work order shall specify the Code provisions being violated.
- b. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
- c. The stop work order may be issued at the same time as a notice of the initial violation or subsequent to such notice.

## 7. Injunctive Relief

- a. The City may initiate injunction proceedings or other appropriate legal action in any court of competent jurisdiction against any person or entity who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code.
- b. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this Code is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the Code violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject Code violation.

## 8. Abatement

The City may seek a court order in the nature of mandamus, abatement, injunction or other action to abate or remove a violation or to otherwise restore the premises to the condition that existed before the violation.

## 9. Other

The City may take any other action permitted by Iowa law.

### 32.07.04 Appeals of Decisions

Any person affected by a decision of Building Services in the enforcement of this Code may appeal the decision to the Board of Adjustment according to the procedures contained in Sec. 32.05.01.R.

### 32.07.05 Effect of Compliance

Once a property has been brought in compliance, it shall remain in compliance with respect to zoning violations that have been resolved. Any new violation, including a repeat violation of an issue that has been resolved, may lead to further enforcement actions as prescribed in this Code.



**32.08.1 MEASUREMENTS AND DEFINITIONS**

A. Measurements ..... 337  
 B. Rules of Interpretation..... 341  
 C. General Terms..... 342

**A. MEASUREMENTS**

**Attic**

That part of a building that is immediately and wholly or partly within the roof framing.

**Buildable Area**

The area of a lot remaining after the minimum open space and/or yard requirements of this Code have been complied with.

**Building, Wall**

That portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.

**Cellar**

That portion of a building between floor and ceiling that is partly or entirely underground but having more than one-half its height below the average grade of the adjoining grade. For the purpose of this Code it shall not be considered a story.

**Courtyard**

An unoccupied open space, other than a yard, on the same lot with a building and that is bordered on two or more sides by the building.

**Crawl Space**

A space between the ceiling of one story and floor of the next story, which usually contains pipes, ducts, wiring, and lighting fixtures, and permits access but is too low for an individual to stand.

**Density**

A ratio of dwelling units or persons to land area.

**Distance, Separation**

Where this Code specifies a maximum or minimum distance between uses, structures, or facilities, the distance shall be measured as set forth in Sec. 32.04.05.A.3 – Measurement of Separation or Distance.

**Finished Grade**

See definition of "Grade, Finished."

**Floor Area, Gross (GFA)**

The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than six feet six inches (6'6").

**Frontage**

The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Frontage, Zoning Lot**

The length of all the property of such zoning lot fronting on a street measured between side lot lines.

**Grade**

The average elevation of the surface of the ground.

**Grade, Finished**

The final elevation of the average ground level adjoining a building at all exterior walls after development.

**Lot**

See definition of "Lot of Record" and "Zoning Lot."

**Lot Area Per Dwelling Unit**

The amount of lot area required, by the applicable provisions of this Code, for each dwelling unit located on a lot.

**Lot, Corner**

A lot abutting upon two or more streets at their intersection or junction or a lot bounded on two sides by a curving street where the angle of intersection of such street right-of-way lines, or in the case of curved right-of-way lines, the extension of tangents drawn from each of the points of intersection of the side lot lines and the street right-of-way line, intersect with each other to form an interior angle of less than 135 degrees.

**Lot Depth**

The mean horizontal distance between the front lot line and rear lot line of a lot measured within the lot boundaries.

**Lot, Double Frontage**

A lot having a pair of opposite lot lines along two more or less parallel public streets, and that is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

**Lot, Flag**

A lot not meeting minimum requirements, where the buildable area of the lot is not adjacent to a public right-of-way, and where access to the public road is by a private right-of-way or driveway.

**Lot, Interior**

A lot other than a corner or reversed corner lot.

**Lot Line**

A boundary of a lot.

**Lot Line, Front**

The boundary between the lot and the street on which it fronts.

**Lot Line, Rear**

The lot boundary opposite and most distant from the front lot line.

**Lot Line, Side**

Any lot line other than a front or rear lot line.

**Lot of Record**

A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Linn County; or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the adoption of this Code.

**Lot, Reversed Corner**

A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**Lot, Through**

See definition of "Lot, Double Frontage."

**Mezzanine**

An intermediate level between the floor and ceiling of any story and covering not more than 33 percent of the floor area of the room in which it is located.

**Occupancy Frontage**

The linear distance measured along a building at the ground floor level.

**Occupancy Frontage, Primary**

The occupancy frontage facing toward the front of the property on which the building is located. This would typically be considered the main entry.

**Occupancy Frontage, Secondary**

The occupancy frontage facing toward a side and/or rear of the property on which the building is located.

**Yard, Buffer**

A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

**Yard, Required**

A required open space on a lot between a lot line and a building or structure located on the lot, unoccupied and unobstructed from ground to sky, except as otherwise provided in this Code. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Yard, Front**

A yard extending across the full width of the lot, between (a) the front lot line or the proposed street right-of-way line of a street as identified in the City's adopted Major Street Plan, and (b) the main building or structure.

**Yard, Rear**

A yard extending across the full width of the lot between the rear lot line and the main building or structure.

**Yard, Side**

A yard between the side lot line and a principal building on a lot and extending from the front most line of a principal building to the rear most line of the building.

**Yard, Side, Non-required**

A yard adjacent to the side lot line having the same width as the required side yard and extending from the front yard to the rear yard excluding the area of the required side yard.

## **B. RULES OF INTERPRETATION**

In the interpretation of this Code the rules and definitions of this Section shall be observed and applied, except when the context clearly indicates otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
4. The word "shall" is mandatory.
5. The words "may" or "should" are permissive.
6. The words "municipal code" means the Municipal Code of the City of Cedar Rapids, Iowa.
7. The word "person" includes individuals, firms, corporations, associations, and any other similar entities.
8. The word "county" means the County of Linn, Iowa.
9. The word "city" means the City of Cedar Rapids, Iowa.
10. The words "City Council" mean the City Council of the City of Cedar Rapids, Iowa.
11. The word "state" means the State of Iowa.
12. In case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.
13. The terms "standards" and "guidelines" have different meanings, as follows. Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the word "shall" in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the City's denial of a project application. In comparison, "guidelines," if any, follow the standards and are indicated by the words "may" or "should." Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

## C. GENERAL TERMS

### 1. A Terms

#### Accessory Building, Structure or Use

A building, structure, or use that: (a) is subordinate to and serves a principal building, structure or use; (b) is located on the same zoning lot as the principal building, structure, or use served, except as otherwise expressly authorized by the provisions of this Code, and (c) contributes to the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal building, structure, or use served.

#### Accessory Commercial Service

A coffee shop, snack bar, gift shop, tea room, cafeteria, newsstand, barbershop, pharmacy or beauty shop, or similar uses operated primarily for the convenience of and for service to the patients, residents, guests or employees occupying the building containing a different primary use.

#### After-hours lighting

A reduction of standard light levels by 75% during the hours of 10:00 p.m. and 6:00 a.m. through the means of a control system or systems for outdoor general area lighting.

#### Agriculture

See Subsection 32.03.03.E.1.a. of this Code.

#### Airport

#### See Subsection 32.03.03.B.1. of this Code. Alley

A public or private right-of-way generally designed to provide a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

#### Alternative Financial Services

See Subsection 32.03.03.C.5.a. of this Code.

#### Amusement Equipment

Amusement equipment shall include jukeboxes, commercial electronic/video games, dartboards, and similar devices. Amusement equipment shall not include general electronics, such as televisions, radios, and computers.

#### Amusement, Indoor

See Subsection 32.03.03.C.9.a. of this Code.

#### Amusement, Outdoor

See Subsection 32.03.03.C.9.b. of this Code.

#### Amusement Parks

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

**Animal Shelter**

See Subsection 32.03.03.C.1.a. of this Code.

**Antenna**

See Subsection 32.03.03.B.4.d. of this Code. **Apartment**

A room or suite of rooms designed and arranged for use as a residence by a single family.

**Apartment house**

See definition of "Dwelling, Multiple Family".

**Apartment hotel**

A hotel not primarily for use by transients, but for extended stays (generally for one (1) week or longer). Apartment hotel includes executive inns.

**Appeal**

See Subsection 32.05.01.r. of this Code.

**Aquaculture**

See Subsection 32.03.03.E.1.c. of this Code.

**Arena**

See definition of "Stadium".

**Art, Sculptor, Crafts, and Composer Studio**

A place of work for an artist, artisan, or craftperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, making of craft items for sale (even if they would otherwise be categorized as manufacturing, assembly, or fabrication), vocal or instrumental music, painting, sculpture, and writing.

**Art Shops or Galleries**

Art shops and galleries include establishments for the viewing and/or sale of art works or crafts, including but not limited to painting, sculpture, graphic design, textiles and other products not intended to be used by the buyer as tools, inventory or design.

**Asphaltic Macadam**

A bituminous coated aggregate pavement structure consisting of a combination of layers of various size aggregates placed and compacted to form a dense paving surface.

**Assembly, Civic and Religious, Large**

See Subsection 32.03.03.B.7.ai. of this Code.

**Assembly, Civic and Religious, Small**

See Subsection 32.03.03.B.7.iii. of this Code.

**Assembly, Entertainment and Trade, Large**

See Subsection 32.03.03.C.2.a. of this Code.

**Assembly, Entertainment and Trade, Small**

See Subsection 32.03.03.C.2.b. of this Code.

### Assisted Living Facility

See Subsection 32.03.03.A.2.a. of this Code. **Athletic Facility**

Athletic facilities include parks with active play areas, track and field facilities, playgrounds, athletic game fields, volleyball and tennis courts, athletic fields, and other facilities designed to accommodate the play of one or more types of games or athletic activities. Athletic facilities associated with a school may be located on the school grounds or off-site.

### Auction House

A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

### Audio or Visual Material Production or Sale

An establishment in which audio, video, or visual images or recordings are made through digital, tape, film, or other media and technologies, and where these materials are edited, or reproduced, and where the resulting goods may be sold to other establishments or to the public. This use does not include a blueprinting shop or any commercial reproduction facility that uses chemicals that emit odors discernable from within those portions of the establishment or outside the establishment.

### Auditorium

A hall or seating area, generally enclosed, where an audience views a musical or theatrical performance, concert, sporting or other entertainment event.

### Automated Teller Machine

A computerized machine or device that dispenses cash or performs other banking services for an account holder. Also known as ATM, automatic teller, and automatic teller machine.

### Automobile

A four wheeled, motor driven vehicle designed and intended primarily to carry passengers but not including a bus, van, or motor home.

### Automobile Service Station

An establishment for the retail sale of products and supplies for automobile and light motor vehicles, including lubricants and minor accessory parts, and with or without retail of fuel. This use may also include minor parts installation, towing, servicing, and minor repairs of vehicles; and vehicle washing facilities and trailer rental when secondary to the above activities. Accessory uses may include convenience retail, refreshments, and ice. Major repairs and sale of vehicles are expressly excluded.

### Automobile Salvage and Wrecking

See definition of "Salvage Yard".

### Automobile Repair Garage

A facility for repair or reconditioning of any type of motorized vehicle. This definition includes storage, repair including major repairs, and servicing of motor vehicles.

### Awning



A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An awning is distinguished from a marquee in that a marquee is covered with rigid materials.

## 2. Adult Entertainment Terms

Adult entertainment establishments include: adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult massage parlors, adult theaters, adult artist-body painting studios, adult modeling studios, adult sexual encounter centers, adult cabaret and all other adult entertainment establishments. The following definitions shall govern the interpretation of the regulations of Adult Entertainment Establishments:

### Adult Artist-Body Painting Studio

An establishment or business that provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body distinguished or characterized by an emphasis on specified sexual activities or Specified Anatomical Areas (as defined in this Code).

### Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals, videos, CDs, DVDs, and/or other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined in this Code), or an establishment or section devoted to the sale or display of such material. This definition does not include a bookstore in which no more than 10 percent of the gross floor area is devoted to the sale of sexually oriented items, and that does not advertise itself as such an establishment that sells or rents such items.

### Adult Cabaret

Any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises and in which entertainment is characterized by emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this Code).

### Adult Entertainment Establishment

Any other establishment not otherwise defined in this Code, but of the same general classification as the other uses defined in this section, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of specified sexual activities or specified anatomical areas (as defined in this Code).

### Adult Massage Parlor

Any place of business in which any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or gratuity therefore, in which the massage is distinguished or characterized by an emphasis on specified sexual activities, or involving specified anatomical areas (as defined in this Code).

### Adult Mini Motion Picture Theater

An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to

"Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Code), for observation by patrons in the theater.

#### Adult Modeling Studio

An establishment or business that provides the services of modeling for the purposes of reproducing the human body by means of photography, painting, sketching, drawing or otherwise in which the activity is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined in this Code).

#### Adult Motion Picture Theater

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", (as defined in this Code) for observation by patrons in the theater.

#### Adult Sexual Encounter Center

Any business, agency, or persons who, for any form or consideration of gratuity, provide a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purposes of performing activities distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas (as defined in this code).

#### Adult Theater

A motion picture theater or stage show theater or a combination of those types of theaters used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined in this Code) for observation by patrons of the theater.

### 3. B Terms

#### Bakery, Wholesale

A facility that makes bakery and related items on-site and may sell these items directly at the facility provided that any such sales are secondary and incidental to the primary operation of producing baked goods.

#### Bar/Brewpub

See Subsection 32.03.03.C.8.a. of this Code.

#### Barber/Beauty Shop

A personal services establishment where hair is cut and other similar services are provided.

#### Basement

That portion of a building between floor and ceiling that is partly below grade and having not more than one-half its height above the average grade of the adjoining ground. For the purpose of this Code a basement shall not be considered a story unless designed or used for habitable space or business purposes.

#### Bed and Breakfast Home

See Subsection 32.03.03.C.10.a. of this Code.

#### Block

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

### Board

The Board of Adjustment of Cedar Rapids.

### Boarding

See Subsection 32.03.03.C.1.b. of this Code.

### Boarding House or Rooming House

See Subsection 32.03.03.A.2.b. of this Code.

### Bottling Works

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This use may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

### Building

Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind.

### Building, Attached

A building that is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered as attached to the principal building if connected by a roof.

### Building, Detached

A building entirely surrounded by open space.

### Building Materials or Product Sales or Storage

An establishment for the sale of household or commercial building materials or products, including without limitation wood products, plumbing fixtures and equipment, hardware, home and commercial (but not industrial) tools, pre-assembled cabinet, electrical supplies, lighting fixtures, fencing products, paint products, and cleaning products. All such materials may be stored as inventory in anticipation of sale from the establishment, provided that such storage complies with all other provisions of this Code.

### Bulk

The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another and includes:

- a. Height and area of buildings.
- b. Location of exterior walls in relation to lot lines, streets, or other buildings.
- c. Gross floor area of buildings in relation to lot area.

- d. All open spaces allocated to buildings.
- e. Amount of lot area required for each dwelling unit.

#### Bus Station/Bus Terminal

Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers.

### 4. C Terms

#### Campground

See Subsection 32.03.03.C.10.b. of this Code.

#### Candlepower

Luminous intensity of a light in a specified direction measured in candelas (cd) (e.g., an ordinary wax candle has a candlepower of one candela).

#### Canopy

See definition of "Awning."

#### Car Wash

See Subsection 32.03.03.C.11.b. of this Code.

#### Cemetery

See Subsection 32.03.03.B.2. of this Code.

#### Club

Building and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose but not primarily for profit or to render a service that is customarily carried on as a business.

#### Community Center

A facility used for recreational, social, educational, and cultural activities. This definition includes private nonprofit recreational and social facilities, recreational buildings and facilities, and community centers operated by public agencies.

#### Communication Tower

#### See Subsection 32.03.03.B.4.d. of this Code. Computer or Data Processing Service

An establishment that provides computer or other data processing services.

#### Concrete/Asphalt Manufacture

A facility that specializes in the mixing or other manufacturing related activities required for the production of concrete or asphalt.

#### Conservation Land

See Subsection 32.03.03.B.8.b. of this Code.

#### Consumer Maintenance and Repair

See Subsection 32.03.03.C.4.a. of this Code.

### Continuing Care Community

An age-restricted development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and medical care. Dwellings include, but are not limited to, attached or detached houses, apartments, condominiums, or town homes, offering private or semi-private rooms, and may be either rental or owner-occupied units. Such facilities may offer health care and a variety of other personal services. For a facility to qualify under this definition, the ages of all occupants shall be restricted to 62 years of age or older for all units, or in the alternative, at least one resident in 80 percent of the units shall be 55 years or older.

### Contractor Shop or Yard

A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes architects, engineers, surveyors' construction offices, shops, and real estate sign placement service; and showroom and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

### Convalescent Home

See definition of "Health Care Facility".

### Convenience Retail

An establishment not exceeding 5,000 GFA for retail sale of petroleum products and other supplies for motor vehicles, and/or for the retail sale of a variety of other items typically sold in grocery stores.

### Convention Hall

A building or portion of a building designed to accommodate five hundred (500) or more people in an auditorium or assembly.

### Copy/Reproduction Store

A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

### Correctional Facility

#### See Subsection 32.03.03.B.3. of this Code. Crisis Counseling Center

A primarily nonresidential facility that provides counseling, referral, emergency mediation and similar human service functions, and may include temporary emergency lodging facilities for families and individuals in immediate need.

### Cultural Institution

See Subsection 32.03.03.B.7.b. of this Code.

### Cut off angle (of a luminaire)

The angle, measured up from nadir, between the vertical axis and the first line of sight at which the light source is not visible.

### Cutoff fixture

A luminaire which has a light distribution where the candlepower does not exceed 2.5% of the lamps' rated initial lumen output at an angle of 90 degrees above nadir, and does not exceed 10% of the lamps' rated initial lumen output at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

## 5. D Terms

### Dairy Products Processing

A facility that processes and packages dairy products, including milk, eggs, cheese and other dairy related items. This use includes the shipping and receiving of cans, bottles, or other containers related to distribution of dairy products produced at the facility, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

### Day Care Center

See Subsection 32.03.03.C.3.a. of this Code.

### Day Care Home, Group

See Subsection 32.03.03.C.3.c. of this Code.

### Day Care Home, Family

See Subsection 32.03.03.C.2.d. of this Code.

### Delayed Deposit Service Use

An individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity, who for a fee accepts a check dated subsequent to the date it was written or to a check dated on the date it was written and holds said check 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, whether express or implied. For the purposes of this title, "check" means a check, draft, share draft, or other instrument for the payment of money.

### Developmentally Disabled

The disability of a person that has continued or can be expected to continue indefinitely and that is one of the following:

- A. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
- B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adoptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons.
- C. Attributable to dyslexia resulting from a disability described in either of the preceding Subparagraphs A or B.
- D. Attributable to a mental or nervous disorder.

### District

Those zoning districts defined in Section 32.02 Zone Districts of this Code.

### Dog Breeding

See Subsection 32.03.03.C.1.c. of this Code.

#### Drive-In Establishment

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only.

#### Drive-Through (Thru)

The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant, window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. This definition does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or a service station.

#### Drug Store or Pharmacy

A place where medicines are compounded or dispensed and other medical accessory merchandise is displayed or sold.

#### Dry Cleaning and Laundry Plant

A commercial establishment that includes on-site cleaning and/or dry cleaning activities.

#### Dry Cleaning and Laundry Receiving Stations

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

#### Dwelling

A building, or portion of a building, not a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, and multiple family dwellings, but not including hotels or motels, or other transient accommodations, nor institutional care facilities such as hospitals, nursing homes or orphanages.

#### Dwelling, Multiple Unit

See Subsection 32.03.03.A.1.d. of this Code.

#### Dwelling, Single Unit, Detached

See Subsection 32.03.03.A.1.a. of this Code.

#### Dwelling, Single-Unit, Attached

See Subsection 32.03.03.A.1.b. of this Code.

#### Dwelling, Two-Unit

See Subsection 32.03.03.A.1.c. of this Code.

#### Dwelling(s) in Mixed-Use Structure

See Subsection 32.03.03.A.1.e. of this Code.

#### Dwelling Unit

Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used, or intended to be used for living, sleeping, cooking, eating, and sanitation, by one family.

## **6. E Terms**

### **Easement**

Authorization by a property owner, for the specified use by another, of any designated part of his property.

### **Eating Establishment, Outdoor**

Retail establishments selling food and drink for consumption on the premises, including lunch counters and refreshment stands selling prepared foods and drinks for immediate on-site consumption, and that contains only outdoor (no indoor) eating areas. Eating establishments that contain both outdoor and indoor eating areas are classified as restaurants.

### **Efficiency Unit**

A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining alcove.

### **Electronic or Precision Instrument Manufacturing**

An establishment engaged in the design, research, assembling, and production of electronic or precision instruments for use in research, commercial, industrial, medical, engineering, educational, or home applications.

### **Emergency Residential Shelter**

See Subsection 32.03.03.A.2.c. of this Code

### **Emergency Service and Repairs**

Those actions necessary for starting and/or moving a disabled vehicle; includes only repair or replacement of fuses, battery, tires, belts, hoses, headlights; lock and key service; glass replacement; jump starts; towing; and adding fuel.

### **Employment Agency**

An agency that specializes in matching individuals' skill sets to particular jobs or finds jobs for unemployed individuals.

### **Entertainment and Recreation Establishments**

Entertainment establishments include: archery ranges (indoor or outdoor), shooting ranges or galleries, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, tennis and handball courts, health clubs and personal trainers, pinball, electronic and video games, and other similar amusement facilities.

### **Essential Public and Utility Services**

See Subsection 32.03.03.B.9.b. of this Code.

### **Establishment, Business**

A place of business carrying on operations, the ownership or management of which are separate and distinct from those of any other place of business located on the same zoning lot.



### Exhibition Hall

See definition of "Convention Hall."

### Extended Care Facility

Facilities designed to accommodate inpatients in need of lengthy recuperative periods; requires twenty-four (24) hour nursing attention; periodic administering of medication, and periodic physical therapy for patients.

### Extermination Shop

An establishment that specializes in the eradication (and its associated operations) of household pests, weeds, or common household and/or yard nuisances and associated operations.

## 7. F Terms

### Factory-Built Housing

A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of three types: Modular Homes, Mobile Homes, and Manufactured Homes.

### Factory-Built Structure

Any structure that is wholly, or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site.

### Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and outdoor display/staging areas. Facilities designed primarily for use by participants and spectators of athletic or sporting events are classified as athletic facilities.

### Fall Zone

The area on the ground within a prescribed radius from the base of a communications tower facility. The Fall Zone is the area within which there is potential hazard from falling debris (such as ice) or collapsing material.

### Family

One or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who are living together in a single dwelling and maintaining a common household. Not more than five persons not so related, living together on the premises as a common household may constitute a "family". In addition, any group of individuals required by state or federal law to be treated as the equivalent of a family for purposes of land use regulations shall be considered a "family". A "family" may include domestic servants residing with said "family".

### Family Home

#### See Subsection 32.03.03.A.2.d. of this Code. Farm Implement Store

An establishment engaged in the sale of equipment, tools, supplies, and small appliances designed for use in farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, and farm trailers, but does not include the sale of industrial equipment used in the processing of farm products at locations removed from the farm where such products are grown.

**Feed or Seed Processing or Sale**

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. Outdoor display of goods may or may not be allowed depending on the zoning district.

**Financial Institution**

See Subsection 32.03.03.C.5.a. of this Code.

**Fireworks, Retail**

See Subsection 32.03.03.C.7.b. of this Code.

**Flood Plain**

That area of land adjoining a watercourse or other body of water that has been determined to be subject to periodic coverage by flood water as shown on the most current floodplain maps prepared by the Federal Emergency Management Agency (FEMA).

**Flood Way**

The channel of a watercourse or body of water and those portions of the adjoining flood plains designated as necessary to carry and discharge the flood water flow of such watercourse or body of water as shown on the most current floodplain maps prepared by the Federal Emergency Management Agency (FEMA).

**Foot-candle**

A unit of illumination when one lumen is evenly distributed on a one square foot area.

**Forward throw**

Any downlight luminaire whose distribution pattern is Type IV (as defined by the IESNA). These luminaires have minimal backlight effect, thereby reducing light trespass.

**Fraternity/Sorority House**

See Subsection 32.03.03.A.2.e. of this Code.

**Fueling Station**

See Subsection 32.03.03.C.11.a. of this Code.

**Full cutoff fixture**

A luminaire which has a light distribution where the candlepower does not exceed 0% of the lamps' rated initial lumen output at an angle of 90 degrees above nadir, and does not exceed 10% of the lamps' rated initial lumen output at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

**Funeral Home**

See Subsection 32.03.03.C.4.d. of this Code.

**Furniture Store**

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

**8. G Terms**

**Game or Forest Preserve**

An area that preserves or protects forests associated endangered species, critical environmental features, view sheds, or other natural elements.

**Garage, Private**

An accessory building or portion of a building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is accessory or attached.

**Garage, Public**

A building or portion of a building designed or used for equipping, servicing, repairing, renting, selling or storing motor vehicles.

**Garden Supply, Tool, or Seed Store**

An establishment that specializes in the retail of nursery plants or related items, which may include: plants that have been grown on the property or imported, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**Geothermal Boreholes**

A hole drilled or bored into the earth into which piping is inserted for use a closed vertical loop geothermal system.

**Glare**

The sensation produced by luminance within the visual field that are sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

**Go-Cart Track (Indoor & Outdoor)**

An indoor or outdoor commercial amusement area with a track exclusively for the use of go-carts.

**Golf Course**

A tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

**Golf Driving Range**

A tract of land devoted as a practice range for practicing golf shots.

**Government Office**

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: employment offices, public assistance offices, motor vehicle licensing, and registration services.

**Grain Processing and Storage**

An establishment used for the processing and storage of grains (cereal, feed, etc.) and associated uses, including the receipt and shipment of grain by truck or rail.

**Grave Marker or Monuments Display and Sales**

An establishment for the fabrication, display, and sales of grave markers and/or monuments, including facilities for receiving and shipping of such markers and monuments and/or stone products to be used in the fabrication of such markers and monuments.

**Greenhouse**

See Subsection 32.03.03.E.1.d. of this Code.

**Grooming**

See Subsection 32.03.03.C.1.d. of this Code.

**Ground Source Heat Pump System**

A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops of pipe, coils or plates; a fluid that absorbs and transfers heat; a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

**Ground Source Heat Pump System, Closed Loop**

A mechanism for heat exchange that circulates a heat transfer fluid, typically food-grade anti-freeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

**Ground Source Heat Pump System, Horizontal**

A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches.

**Ground Source Heat Pump System, Open Loop**

A system that uses ground water as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

**Ground Source Heat Pump System, Vertical**

A closed loop ground system heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

**Group Home****See Subsection 32.03.03.A.2.g. of this Code. Guideline**

Written statements, explanatory material, graphic renderings and/or photographs that are advisory recommendations intended to provide property owners and the public with specific examples of techniques and materials that can be used to achieve adopted standards. A guideline is an indication of City policy or preferences; however, compliance is not mandatory, but rather compliance is encouraged to further the City's land use goals and policies.

**9. H Terms****Halfway House**

See definition of "Rehabilitation House".

**Hazardous Waste**

Waste or combination of wastes that, because of quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical, or infectious characteristics, either (1) causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (2) poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or

otherwise managed. Hazardous waste may include but is not limited to wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

#### Hazardous Waste Facility

See Subsection 32.03.03.D.5.a. of this Code.

#### Health Care Facility

Establishment for provision of care to persons who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves and may or may not require continuous nursing care services and related medical service, but do not require hospital care. This category does not include Assisted Living facilities or other residential facilities where residents receive assistance with day-to-day living activities but do not receive regular health care treatment. The facility shall be approved and licensed by the State.

#### Health Club

A non-medical service establishment intended to maintain or improve the physical condition of persons. Contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

#### Heat Transfer Fluid

A non-toxic, biodegradable, circulating fluid such as potable water, a food-grade aqueous solution of propylene glycol not to exceed 20% by weight, or a food-grade aqueous solution of potassium acetate not to exceed 20% by weight.

#### Heavy Equipment, Repair

Repair, rebuilding, and painting of agricultural, industrial, vehicular, and railroad vehicles, motors, machines, implements, and equipments.

#### Heavy Machinery and Farm Equipment Rental, Sales and Service

A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale.

#### Heliport

An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

#### Home Occupation

An activity conducted for gain entirely within a residential building, or an accessory building thereto, that is incidental and secondary to the use of such building for dwelling purposes and that does not change the essential residential character of such building.

#### Hospice

A facility that provides 24-hour nursing and supportive care and other services in a home-like setting to persons who have a medical diagnosis of terminal illness.

#### Hospital

See Subsection 32.03.03.B.6.a. of this Code.

#### Hotel/Motel

See Subsection 32.03.03.C.10.c. of this Code.

#### Hotel, Apartment

See definition of "Apartment Hotel".

#### Household

Any group of individuals living together as a common household unit, and sharing a common bond such as a family relationship or common membership in a religious or non-profit organization requiring them to live together. This use does not include a group of individuals who are living together in order to receive therapy, medical assistance, or assistance with daily activities, unless such group is required by state or federal law to be treated as a household.

### 10. I Terms

#### IESNA

The Illuminating Engineering Society of North America.

#### Illuminance

Lumens per unit area incident on a surface, measured in foot-candles (1FC = 1 lm/sf).

#### Illumination

An alternative term for illuminance, most commonly used to avoid confusion between illuminance and luminance (e.g., it can be used in a qualitative sense to designate the act of illuminating or quantitatively by stating level of illumination).

#### Industrial Services

See Subsection 32.03.03.D.2.a. of this Code.

#### Infill Development

An area of platted or unplatted land that, together with adjacent vacant land in private ownership, includes no more than ten (10) acres of land, and where the land along at least seventy-five (75) percent of the boundaries of the proposed development (ignoring intervening streets) has been developed with either public or private use.

#### Inoperable Vehicle

Any motor vehicle, recreational vehicle, boat, trailer or semitrailer that lacks a current registration, valid for that vehicle, and/or a component part that renders the vehicle unfit for legal use.

#### Institution

An establishment occupied or operated by a private or public nonprofit corporation, association, organization, or group for use or benefit of the general public.

#### Interior Decorating Shop

An establishment that specializes in the planning and execution of the layout, decoration, and furnishing of an architectural interior including upholstering and making of draperies, slipcovers, and other similar articles.

#### Intermediate Care Facility

- A. Intermediate care facility for persons with an intellectual disability means an institution or distinct part of an institution with a primary purpose to provide health or rehabilitative services to three or more individuals, who primarily have an intellectual disability or a related condition and who are not related to the administrator or owner within the third degree of consanguinity, and which meets the requirements of this chapter and federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, §1905(c)(d), as codified in 42 U.S.C. §1396d, which are contained in 42 C.F.R. pt. 483, subpt. D, §410 – 480.
- B. Intermediate care facility for persons with mental illness means an institution, place, building, or agency designed to provide accommodation, board, and nursing care for a period exceeding twenty-four consecutive hours to three or more individuals, who primarily have mental illness and who are not related to the administrator or owner within the third degree of consanguinity.

## 11. J Terms

### Junk

All old or scrap copper, brass, lead, or any other nonferrous metal; old rope, rags, batteries, paper, trash, rubber, debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware, or similar items or material.

### Junkyard

See definition of "Salvage Yard".

## 12. K Terms

### Kennel

An establishment for the keeping, sheltering, breeding, training, or selling of dogs. This use includes establishment for pet day care that do not include overnight lodging for dogs. All establishments shall comply with all applicable noise ordinances.

## 13. L Terms

### Laboratory, Research, Development, and Testing

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

### Land-leased Community

Pursuant to Iowa Statute 414.28A, "Land-leased community" means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term "land-leased community" shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

### Laundromat

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

#### Library

See Subsection 32.03.03.B.7.b. of this Code.

#### Light trespass

Light falling beyond the intended target area where it is not wanted or needed, including, by way of illustration but not necessarily limited to, across property boundaries.

#### Liquor or Tobacco Store

See Subsection 32.03.03.C.7.c. of this Code.

#### Living Quarters for Watchmen

A residential dwelling unit that may be occupied only by a security watchman or watchwoman and his or her family members and that is located on the premises where he or she is performs the services of a watchman or watchwoman and is responsible for maintaining security.

#### Loading Space, Off-Street

An unobstructed area no part of which is located in any public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers.

#### Lodge

See the definition of "Club."

#### Lodging House

See definition of "Boarding House."

#### Lot, Zoning

In this Code the term "lot" refers to a "zoning lot" unless the context shall clearly indicate that it refers instead to a "lot of record". A zoning lot is a single tract of contiguous land that, at the time of filing for a building permit or a certificate of occupancy or district boundary change, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit under single or unified ownership or control and assigned to the particular use, building, or structure for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this Code for such use, building, or structure. If there is no indication in materials submitted in connection with a development approval a building permit identifying a zoning lot containing more or less area than a lot of record, then the zoning lot shall be the lot of record where the property or activity is located.

#### Lumen (lm)

A unit of luminous flux (e.g., 1800 lumens is the approximate equivalent to a 100 watt incandescent bulb).

#### Luminaire

A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, such as reflectors, refractors, lenses, etc.

#### Luminance



The luminous intensity of a surface in a given direction per unit of projected area (e.g., candela/sf). This is not to be confused with ILLUMINANCE.

#### Luminous flux

A quantitative expression of the brilliance of a source of visible light measured in lumens.

### 14. M Terms

#### Machine Shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

#### Machinery Sales

An establishment engaged in the sale of machinery for home, commercial, or industrial use.

#### Manufactured Home

Pursuant to Iowa Statute 414.28, "manufactured home" means a factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. §5401 et. seq. and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles. A manufactured home is the same as a mobile home except a manufactured home must meet the above cited U.S. Code requirements. It also must meet the State of Iowa requirements including the nonpermanent hitch, wheels and axle as stated in this Code, and is also subject to additional local requirements that are also generally more stringent than requirements for mobile homes. This section shall not be construed as abrogating a recorded restrictive covenant. A manufactured home shall be considered as a single family detached dwelling, but a mobile home is not considered as a single family detached dwelling.

#### Manufacturing, Artisan/Craft

See Subsection 32.03.03.D.3.a. of this Code.

#### Manufacturing, General

See Subsection 32.03.03.D.3.c. of this Code.

#### Manufacturing, Intensive

See Subsection 32.03.03.D.3.d. of this Code.

#### Manufacturing, Limited

See Subsection 32.03.03.D.3.b. of this Code.

#### Marquee

Any permanent construction that projects from a wall of a building, usually above an entrance, and that does not meet the definition of an awning or canopy.

#### Maximum Extent Practicable

All possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent practicable."

### Medical, Dental, Optical, or Therapy Clinics

A building or a portion of a building containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, or other medical-related services for outpatients only, with or without shared or common spaces, equipment, or assistants.

### Medical, Dental, or Optical Laboratory

A facility for conducting medical or 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. This definition also includes labs for the manufacture of dentures and prosthesis.

### Microfilm Production or Sale

An establishment that specializes in the production and/or sale of photographically reducing images of a printed page into reel to reel (microfilm) format.

### Mining

An area where minerals are removed from the ground.

### Mixed-Use Structure

The use of a building for more than one purpose, one of which is residential dwellings.

- A. Dwelling Units Located Above Ground Floor: A use meeting the definition of a dwelling unit, and located above the ground floor of the structure (except for access stairs or elevators), but not including crisis counseling centers, family homes, group homes and rehabilitation homes.
- B. Live/Work Unit: See Subsection 32.03.03.A.1.f. of this Code.

### Mobile Home

#### See Subsection 32.03.03.A.1.g. of this Code. Mobile Home Park

A parcel or tract of land with facilities designed for occupancy by mobile homes. It shall not include any area in which any vehicles or unoccupied mobile homes are parked or stored for the purpose of inspection or sale. (See also Chapter 65 of the Cedar Rapids Municipal Code).

### Model Homes or Garage Display

A dwelling that is open to the general public for viewing within specified times on a regular basis and that was constructed for the purpose of encouraging the sale of similar homes within the same development. A model home is a type of temporary real estate sales office during the buildout of the community.

### Modular Home

Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built single family dwellings.

### Motel

See definition of "Hotel/Motel".

### Motor Vehicle

Any vehicle designed and intended to be either propelled by a motor contained by the vehicle or drawn by another motor vehicle.

**Motor Vehicle, Passenger**

Passenger motor vehicles shall include automobiles, motorcycles, vans, pickup trucks, and similar vehicles, but shall exclude buses, trucks exceeding one and one-half tons net legal carrying capacity, campers, pickup campers, motor homes, trailers, snowmobiles, and similar vehicles. Recreational vehicles shall include bus campers, camper trailers, pickup campers, travel trailers, motor homes, snow-mobiles, boats, and the like.

**Mounting Height**

The vertical distance from the face of the luminaire to the surface area intended to be lit.

**Multiple Family Dwelling**

See definition of "Dwelling, Multiple Family."

**Museum****15. See Subsection 32.03.03.B.7.b. of this Code. N Terms****Nadir**

The vertical line projecting downward to the ground from the center of the lens of a luminaire.

**Neighborhood Association Community Center**

A facility operated by a Neighborhood Association as recognized by the City and including typical administrative office activities for the Neighborhood Association as well as low intensity community services. Activities shall not include commercial or uses that create land use conflicts within a residential neighborhood.

**Newspaper Agency**

See definition of "Printing or Publishing or Newspaper Agency."

**Nonconforming, Legal (Lawful)**

A building, structure, or use lawfully erected and/or used prior to the adoption of this Code, or amendments to this Code, and that does not conform to the provisions of this Code, or amendment to this Code, for the district within which such building structure or use is located.

**Nursery**

An establishment for the planting, raising, care, and/or sale of plants and appropriate tools/accessories associated with gardening. Any retail sales of goods to the public shall be clearly secondary and incidental to wholesale sales or sales to landscaping, contractors or suppliers.

**Nursing Facility**

An institution or a distinct part of an institution housing three or more individuals not related to the administrator or owner within the third degree of consanguinity, which is primarily engaged in providing health-related care and services, including rehabilitative services, but which is not engaged primarily in providing treatment or care for mental illness or an intellectual disability, for a period exceeding twenty-four consecutive hours for individuals who, because of a mental or physical condition, require nursing care and other services in addition to room and board.

**16. O Terms****Office, Business and Professional**

See Subsection 32.03.03.C.6.a. of this Code.

#### Office, Medical

See Subsection 32.03.03.C.2.a. of this Code.

#### Orchard or Truck Farm

A farm where vegetables and/or fruit are grown and harvested. This use does not include raising or breeding livestock or the growing of grains on parcels larger than ten (10) acres.

#### Outdoor Activities

Outdoor activities include musical entertainment, festivals, kids' fairs, car washes and other fund-raising events for non-commercial organizations, provided that such activities are incidental to a principal permitted use of the property.

#### Outdoor Eating Establishment

Picnic tables, benches, counters and any similar facilities, or area, provided in conjunction with a restaurant for the serving and/or consumption of food out-of-doors, not serving alcoholic beverages and not contained within a building.

#### Owner, Property

Includes the holder of legal title or a duly authorized agent thereof.

### 17. P Terms

#### Park, Public

See Subsection 32.03.03.B.8.a of this Code.

#### Parking Lot

See Subsection 32.03.03.B.10.a. of this Code.

#### Parking Space

A surfaced area permanently reserved for the temporary storage of one automobile, or motor vehicle, and connected with a street or alley by a surfaced driveway that affords satisfactory ingress and egress for automobiles.

#### Parking Structure

See Subsection 32.03.03.B.10.b. of this Code.

#### Personal Service

See Subsection 32.03.03.C.4.b. of this Code.

.

#### Pet Shop

A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

#### Photography Studio

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This use may include the production and sale of images created by the establishment.

#### Planned Unit Development

See Subsection 32.05.06. of this Code.

#### Planning Commission

The City of Cedar Rapids Planning Commission.

#### Playground

See definition of "Park, Public."

#### Principal Use

See definition of "Use, Principal."

#### Printing or Publishing or Newspaper Agency

A commercial facility that reproduces a large quantity of copies or books and other printed material including newspapers and magazines. This use does not include the on-site manufacture of paper products, but does include the receiving of paper products and the shipping or distribution of finished newspapers.

#### Private

In reference to a building, structure, utility, facility or use, "private" means owned by someone other than a unit of government, or an agency of a government, unless the context clearly indicates that "private" is being used in the broader sense of something not available to the general populace.

#### Public

In reference to a building, structure, utility, facility, or use, "public" means owned and/or operated by a unit of government or an agency of a unit of government, unless the context clearly indicates that "public" is being used in the broader sense of something available to the general populace.

#### Public Recreation Areas and Facilities

A facility or area for recreational, cultural, or aesthetic use owned or operated by a public or quasi-public agency and available to the general public.

#### Public Safety Facility

#### See Subsection 32.03.03.B.9.a. of this Code. Public Way

Any sidewalk, street, alley, highway, or other thoroughfare established for travel by vehicles or persons and open or available for use by the general public; and may be in either public or private ownership.

## 18. Q Terms

#### Quarrying or Rock, Sand, or Gravel Production or Preparation

An area where sand, gravel, or other rocks and minerals are removed from the ground.

#### Qualifying Front Porch

A porch that is located on the side of a single family dwelling on which the front setback is measured, that has a minimum gross floor area of one hundred (100) square feet, and minimum dimensions (both length and breadth) of six (6) feet.

## 19. R Terms

### Racetrack

An outdoor facility for sanctioned competition of racing vehicles (including cars, trucks, motorcycles, and other vehicles designed for racing purposes) or for horses or dogs, on a closed circuit. In addition to a racetrack, the facility may include spectator seating (bleacher-type stands), a paddock area for support crews and maintenance, racetrack operations offices, and spectator services.

### Radio, Television, Recording or Telecommunication Studio

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

### Railroad Use

A facility connected with the operation of a railroad, including without limitation, railroad tracks, sidings, related siding and switching equipment, crossing safety arms, railroad operation offices, and accessory maintenance, switching, or storage sheds.

### Recreational Vehicle

A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, and converted trucks or buses.

### Recreational Vehicle Park

See Subsection 32.03.03.C.10.b. of this Code.

### Recycling Collection Facility

See Subsection 32.03.03.D.5.b. of this Code.

### Recycling Processing Facility

A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products.

### Refuse Hauling Facility

See Subsection 32.03.03.D.5.c. of this Code.

### Rehabilitation (Halfway) House

See Subsection 32.03.03.A.2.f. of this Code.

### Rental Establishment, General

An establishment engaged in the business of renting goods and equipment other than construction equipment or heavy machinery. This definition may also include accessory retail sales incidental to the primary rental business.

#### Rental Establishment, Heavy Equipment

An establishment engaged in the business of renting construction equipment or heavy machinery. The definition includes accessory retail sales incidental to the primary rental business.

#### Rental Services

See Subsection 32.03.03.C.4.e. of this Code.

#### Residential Care Facility

Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis or who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis if home and community-based services, other than nursing care, as defined by this chapter and departmental rule, are provided.

#### Resource Extraction and Preparation

See Subsection 32.03.03.D.1.c. of this Code.

#### Restaurant, with Alcohol

See Subsection 32.03.03.C.8.a. of this Code.

#### Restaurant, without Alcohol

See Subsection 32.03.03.C.8.b. of this Code.

#### Retail, General

See Subsection 32.03.03.C.7.a. of this Code.

#### Roadside Stand

A temporary structure and/or use, unenclosed and so designed and constructed that it can be easily moved.

#### Rooming House

See the definition of "Boarding House."

#### Row House

An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

## 20. S Terms

#### Salvage Yard

See Subsection 32.03.03.D.5.d. of this Code.

### Sanitarium

See definition of "Hospital."

### School

Any building or part of a building that is designed, constructed or used for presenting formalized courses or curriculum for educational purposes.

### School, College or University

See Subsection 32.03.03.B.5.a. of this Code.

### School, K-12

See Subsection 32.03.03.B.5.b. of this Code.

### School, Music, Dance, or Gymnastics

An institution that specializes in the instruction of music or dance as its primary educational focus and meets all applicable state requirements for a facility of its type.

### School, Vocational or Trade

See Subsection 32.03.03.B.5.c. of this Code.

### Secondhand Store or Rummage Shop

An establishment for the resale of used or donated household goods (such as clothing, books, toys, tools, furniture, and other similar items), and for incidental repair or refurbishing prior to resale. This use does not include resale of motor vehicles, industrial or commercial mechanical equipment or related parts.

### Self-Service Storage Facilities

See Subsection 32.03.03.D.4.b. of this Code.

### Senior Living: Independent Living

A housing development that may contain a variety of housing types designed for and restricted to occupancy by households having at least one member who is 55 years of age or older, living independently. Facilities and services would typically include features such as: security; lawn and building maintenance; wellness, fitness, or spa services and facilities; central meeting areas; programmed recreation or social facilities and activities; communal garden spots; AARP Universal Design or other similar characteristics. Minimal supportive services may also be offered to residents in senior apartment facilities

### Shopping Center

A group of commercial establishments generally planned, constructed and managed as a unit on a single site with common parking facilities.

### Site Development Plan

See Sec. 32.05.07. of this Code.

### Skating Rink, Outdoor

An outdoor area that contains a smooth surface layer that is designed to be covered with ice, and that is designated for the recreational or commercial/amusement use of ice skating, or that is not



designed to be covered with ice, and that is designated for the recreational or commercial/amusement use of roller skating, rollerblading, or skateboarding. This use includes a skate park or other facility with raised or curved surfaces designed to be used by patrons for aerial or acrobatic maneuvers.

#### Solar Array

See Subsection 32.03.03.D.1.a. of this Code.

#### Solid Waste

Garbage, refuse, rubbish, recyclable materials, and other similar discarded solid or semi-solid materials, including, but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste does not include hazardous or toxic materials.

#### Solid Waste Facility

See Subsection 32.03.03.D.5.e. of this Code.

#### Sorority House

See definition of "Fraternity."

#### Specified Anatomical Area

Specified Anatomical Areas shall include the following:

- A. Less than completely and opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### Specified Sexual Activity

Specified Sexual Activities shall include the following:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### Stable

##### See Subsection 32.03.03.C.1.e. of this Code. Stadium

A large open or enclosed place used for games and major events and partly or completely surrounded by tiers of seats for spectators. This definition includes arenas and auditoriums.

#### Standard

A definite rule, principle, or measure established by authority, and with which compliance is mandatory unless expressly waived or varied according to this Code.

#### Standard Light Level

Maximum light level approved for the property.

#### Storage, Outdoor

See Subsection 32.03.03.D.4.a. of this Code.

#### Story

That portion of a building, excluding a cellar, included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between the floor and the ceiling next above it. If the basement area is used for housekeeping, business, or manufacturing use—as opposed to being used for utilities, recreation, or similar accessory uses—such basement shall be considered a story. Any portion of a story exceeding twelve (12) feet in height shall be considered as an additional story for each additional twelve (12) feet or fraction of such distance.

### Street

An approved public or private thoroughfare that provides a principal means of vehicular access to abutting property and/or for vehicular passage. Sec. 32.02 provides minimum requirements for lot frontage on public streets.

### Street Line

A dividing line between a lot, parcel, or tract of land and an abutting street.

### Street, Right-of-Way

The land, property, or interest in land or property, formally established and intended for a street.

### Structure

Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground.

### Studio or Instruction Service

See Subsection 32.03.03.C.4.c. of this Code.

### Surgicenter

A facility for minor surgery done on an outpatient basis; a facility designed to serve patients who need surgical treatment exceeding the capabilities of the usual physician's office yet not of such proportions as to require hospitalization.

## 21. Sign Terms

### Billboard

See definition of "Sign, Off-Premises."

### Building Unit

A space in a building that is leased or occupied by a commercial tenant or other occupant.

### Commercial Speech

Expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

### Copy

The wording on a sign surface either in permanent or removable form.

### Customary Maintenance

All manner of maintenance, repair, or component replacement of a legally permitted or lawful sign that is done to keep the structure and its various components in good repair. This definition applies to all parts of a sign, including the supporting structure, walkways, sign face, and all other component parts, except the base and foundation. An increase in height, a change in dimension or location, replacement of the base or foundation, or the addition of lighting or digital display does not constitute customary maintenance.

#### Embellishment

Any area of an advertising design that extends at an angle from the parallel plane of view of any two-dimensional sign.

#### Marquee

Any permanent construction that projects from a wall of a building, usually above an entrance, and that does not meet the definition of an awning or canopy.

#### Sign

Any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of a graphic presentation of alphabetical or pictorial symbols or representations.

#### Sign, Animated or Flashing

A sign, other than a digital sign, with action or motion, flashing color changes, or upon which illumination is not maintained at a constant stationary intensity or color, not including wind activated elements such as flags and banners, nor a sign giving only time or temperature.

#### Sign, Awning

Any sign attached to an awning that includes trademark or copyright material. Corporate colors are not considered a sign.

#### Sign, Banner

Any sign in which the characters, letters, illustrations, or ornamentations are applied to cloth, paper, fabric, or other similar material, with or without a frame.

#### Sign, Billboard

An off-premises sign which advertises or draws attention to a business, product, event, service or activity not necessarily located on an adjacent or nearby property. Billboard signs are meant to advertise the business to passing motorists or pedestrians.

#### Sign, Bracket

A freestanding sign structure supported by posts or columns at the ends.

#### Sign, Cabinet

A sign that has a face which is enclosed, bordered, or contained within a box-like structure, frame, or other device.

#### Sign, Changeable Copy

A sign with the capability of content change by means of manual or electronic input.

#### Sign, Canopy

See definition of "Sign, Awning."

### Sign, Digital

Any sign which uses electronic digital technology as a means to convey a message. This includes LED displays, and all forms of electronic messaging. The following terms will be applicable to digital signs as the context requires:

a. Animation

The use of movement or some element thereof, to depict action or create a special effect or scene.

b. Digital Display Billboard Sign

Any billboard sign as defined in section 32.04.08 which uses electronic digital technology as a means to convey the advertising message.

c. Flashing Light

The rapid on and off between fully illuminated and not fully illuminated in a period of less than 1 second, for the purpose of drawing attention to the display.

d. Full-Motion Video

The use of full motion footage shot with a video camera or similar device that is sized to fit and be displayed by an electronic message sign or similar device.

e. Hold-Time

The time period between message content changes on a digital display

f. Luminosity

The measureable light differential between the ambient light level in an area and the light projected by a sign.

g. Scrolling Text

To cause displayed text to move up, down, or across the screen so that a line of text or graphics appears at one edge of the screen for each line that moves off the opposite edge.

h. Static Display

Any display which does not contain animation, flashing light, full-motion video, or scrolling text. Sign medium can be non-digital or digital.

### Sign, Free-standing

Any non-movable sign not affixed to a building, and including bracket signs, monument signs, polo signs, and construction signs.

### Sign, Marquee

A sign mounted on a marquee.

### Sign, Mechanical Movement

A sign having a part or parts that physically move rather than merely appearing to move or merely having changing displays, as might be found in a digital or animated illumination sign. The physical

movement may be activated electronically or from another power source, but shall not include wind-activated movement such as used for banners or flags.

#### Sign, Monument

A free-standing sign with low overall height and a decorative base.

#### Sign, Off-Premises

A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished or conducted at the property upon which the sign is located.

#### Sign, On-Premises

A sign erected, maintained, or used by a business located on the same property where the sign is located.

#### Sign, Pole

A free-standing sign with an elevated surface supported by one or more vertical poles or columns placed in the ground.

#### Sign, Portable

A sign designed to be transported, and not permanently attached to the ground, a structure, or to other signs, including but not limited to signs:

- a. With wheels or with wheels removed.
- b. With chassis or support constructed without wheels.
- c. Designed to be transported by trailer or wheels.
- d. "A" or "T" frame signs.
- e. Attached temporarily or permanently to the ground, a structure, or to other signs.
- f. Strings, pennants, and balloons.
- g. Menu and sandwich board signs.

#### Sign, Projecting

A building mounted sign with the faces of the sign projecting from and rot parallel with the building fascia.

#### Sign, Protection of Minors

In the context of the sign regulations in this Code, protection of minors shall mean prohibiting the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks and/or breasts.

#### Sign, Roof

A sign erected upon and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof

**Sign, Sandwich Board**

Any static, temporary and portable sign of A-Frame construction with two faces.

**Sign, Special Event**

A temporary sign displayed in a yard for the purpose of notifying the public of events to be held on specific dates that are conducted by non-profit entities. Said events shall be open to the general public and include, but not be limited to, scheduled elections relating to candidates or issues, fairs, festivals, special days and commemorative celebrations. See also definition of "Sign, Temporary."

**Sign, Temporary**

A sign that is intended by the owner of the sign or the person owning or controlling the property upon which the sign is placed to be displayed for a limited period of time only.

**Sign, Wall**

A sign, not including a window sign, that is attached directly to or painted on a wall and with the exposed face of the sign in a plane parallel to the building wall such that the sign extends forward of that wall by 12 inches or less.

**Sign, Window**

Any sign, including a decal, that is attached to, affixed to, etched into, leaning against, or otherwise placed within 18 in. of a street-facing window, door, or other aperture in a manner so that the sign message is visible from the outside of the building.

**Sign, Yard**

A temporary sign placed upon or supported by the ground independently of any other structure, but not including a sandwich board sign.

**Sign Illumination, Animated**

Illumination of part or all of a sign drawing attention to a sign through an internal or external light source or neon illumination that exhibits changing intensities or colors. Animated illumination includes a sign on which the only copy that changes is the electronic indication of time, temperature, stock market, or similar information. Animated illumination does not include digital displays or mechanical movement signs if the only mechanical movement in the sign relates to the movement of grids to produce programmable displays.

**Sign Illumination, Static**

Illumination drawing attention to a sign through an internal or external light source or neon illumination that does not change intensities or colors. Static illumination does not include digital displays.

**22. T Terms****Taxicab Business**

A firm that provides taxicab services within the corporate limits of the City of Cedar Rapids. The business shall not be established in a residential district, but must be operated from a property zoned to conduct such a business, as set forth in the zoning ordinance. Activities to be conducted include, but are not limited to: receiving calls and dispatching of taxicabs, transferring driver's and/or vehicles, parking and storage of vehicles, storage of lost or misplaced baggage, maintenance and storage of business records, the conducting of employee meetings and related personnel matters.

### Temporary Construction Buildings

Temporary buildings and structures, including mobile homes, that are used for office or storage purposes in conjunction with construction work only.

### Temporary Commercial Storage Container

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, and that does not contain a foundation or wheels for movement, and that is located on a lot or parcel for thirty (30) or more consecutive days in a calendar year. This use includes but is not limited to piggyback containers that can be transported by mounting on a chassis, as well as "POD"-type boxes that can be transported on a flatbed or other truck, but does not include (a) pre-fabricated sheds that are not designed for transport after erection, or (b) commercial trailers used by construction or industrial uses in the regular performance of their business (as opposed to simply for on-site storage). Containers that are located on a lot or parcel for periods of less than thirty (30) days in a calendar year for purposes of storage of goods during the relocation of a household, intuition.

### Tennis, Squash, Handball Court

An indoor or outdoor facility designed with courts specifically for the recreational use of tennis, squash, handball and/or other similar court games.

### Theater

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

### Therapy Clinic

A building or portion of a building containing the offices and associated facilities of one or more practitioners providing physical therapy, occupational therapy, speech therapy, massage therapy, kinesiotherapy, or other medical-related services for outpatients only, with or without shared or common spaces, equipment, or assistants.

### Trailer

A structure standing on wheels, designed to be towed or hauled by a private passenger motor vehicle or truck or other vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

### Transient Accommodations

The furnishing of a room, apartment, suite, or the like which is customarily occupied by a transient visitor for less than 180 days.

### Trap or Skeet Shooting Range

An establishment where patrons engage in the shooting of guns or archery devices towards movable targets, and including the areas and equipment used to launch the movable targets.

### Treatment Facility

### See Subsection 32.03.03.B.6.b. of this Code. Truck and Heavy Equipment Sales and Service

See Subsection 32.03.03.D.2.b. of this Code.

### Truck Stop/Truck Wash

See Subsection 32.03.03.D.2.c. of this Code.

## 23. U Terms

### Urban Agriculture

See Subsection 32.03.03.E.1.b. of this Code.

### Urban Chicken

Shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under Chapter 23A of the City of Cedar Rapids Municipal Code.

### Urgent Care Facility

A facility that provides emergency medical services with no provision for continuing care on an inpatient basis.

### Use

The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

### Use, Accessory

See definition of "Accessory Use."

### Use, Conditional

Uses permitted in this Code as a "Permitted by Conditional Use" within Section 32.03 or if specifically identified elsewhere in the code and when authorized according to Sec. 32.05.09 of this Code.

### Use, Permitted

Any use that complies with the applicable regulations of this Code governing Permitted Uses in the zoning district in which such use is located.

### Use, Principal

The main or primary purpose for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated.

### Utility, Major

See Subsection 32.03.03.B.11.a. of this Code.

### Utility, Minor

See Subsection 32.03.03.B.10.b. of this Code.

### Utility Office, Shop or Yard

A facility for the maintenance, operation, or administration of equipment, vehicles, or other items related to the operation of a private or public utility.

### Utility Substation

A facility used to convert electric power, natural gas, telephone signals, water from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: Electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations.



## 24. Urban Form Terms (as used in U-xx districts)

### Attic Story

Habitable space within the structure of a pitched roof and above the uppermost story that does not count against the maximum height if constructed within the prescribed standards.

### Block Corner

The intersection of required building lines, not the intersection of the rights-of-way.

### Clear Walkway

The portion of the sidewalk within a street-space that shall remain clear of obstructions and allow public passage.

### Dooryard

The space between the back of the public sidewalk and required building line, which may be paved or planted, depending on the applicable building form standard.

### Facade

The building face; the elevation(s) facing the street-space or required building line.

### Facade Composition

The arrangement and proportion of facade materials and elements (windows, doors, cornices, columns, pilasters, bays, etc.)

### Facade Modulation

Breaks down the perceived scale of large buildings, provides the appearance of a distinct facade, and creates a better pedestrian experience.

### Fenestration

Openings in the building wall, including windows and doors, allowing light and views between the building or block interior (private realm) and exterior (public realm).

### Private Open Area

An occupiable area within the buildable area and generally behind the parking setback line and (primarily) open to the sky, accessible only to occupants of the particular development.

### Required Building Line (RBL)

A line or plane indicated on the regulating plan, which extends vertically and generally parallel to the street, at which the building facade is to be placed. This is a requirement, not a permissive minimum, such as a setback. (Note that the RBL is often not the same as the property line.)

### Street-Space

All space between fronting required building lines (including streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, and quadrangles)—but not within garage entries or alleys. Also called the public realm.

### Street Wall or Garden Wall

A (masonry) wall set back not more than one foot from the required building line that assists in defining the street-space in the absence of a building.

### Tree Lawn

A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the clear walkway area.

### Visible from the Street-Space

Some requirements of the form districts apply only where the subject is “visible from the street-space.” (Note the definition of street-space above.) A building element more than 30 feet from a required building line or street-space is by definition not clearly visible from the street-space (such as elements facing a common lot line).

## 25. V Terms

### Variance

See Sec. 32.05.14 of this Code.

### Vehicle Maintenance and Repair, Major

See Subsection 32.03.03.C.11.c. of this Code.

### Vehicle Maintenance and Repair, Minor

See Subsection 32.03.03.C.11.d. of this Code.

### Vehicle Rental

See Subsection 32.03.03.C.11.e. of this Code.

### Vehicle Sales

See Subsection 32.03.03.C.11.f. of this Code.

### Veterinary Hospital

### See Subsection 32.03.03.C.1.f. of this Code. Volleyball Facility

An indoor or outdoor facility designed with courts specifically for the recreational use of volleyball games.

## 26. W Terms

### Warehouse

See Subsection 32.03.03.D.4.c. of this Code.

### Watchman's Quarters

A residential unit designed to be occupied only by a person engaged to provide security services on the property where the unit is located, and/or by that person's immediate family members, and generally containing no more than one thousand (1,000) square feet of gross floor area.

### Wind Energy Conversion Systems

See Subsection 32.03.03.D.1.b. of this Code.

**27. Y Terms**

**28. Z Terms**

**Zone or Zone District**

See definition of "District".

# Chapter 32 Appendix: Planned Unit Developments

## Approved Planned Unit Developments

- 1. Overview ..... 1
- 2. Cedar Rapids Airport Super Park Planned Unit Development..... 2
- 3. Hidden Creek/Boyson Road Planned Unit Development ..... 4
- 4. Midwest Development/Boyson Road Development Planned Unit Development ..... 5
- 5. Happel Crossroads Planned Unit Development..... 6

### 1. Overview

The following Planned Unit Development Overlay Districts (PUDs) are hereby adopted under guidelines of Section 32.05.06 of the Municipal Code. The purpose of this appendix is to list PUDs that have been created under the Zoning Ordinance as a reference and to list any conditions, exceptions or modifications to the base zone district that have been approved as part of the creation of the PUD. Each of the PUDs described in this section shall be identified as an overlay district on the Official Zoning Map.



**2. Cedar Rapids Airport Super Park Planned Unit Development**

Ordinance Approving PUD	022-17
Rezoning Case Number (Site Plan Reference)	RZNE-024479-2017
Legal Description	<p><b><u>Legal Description Tract 1</u></b>                  A TRACT OF LAND LOCATED IN SECTION 24, TOWNSHIP 82 NORTH, RANGE 8 WEST OF THE FIFTH PRINCIPAL MERIDIAN, LINN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:                  BEGINNING AT A POINT 20.00 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 24 AND 33.00 FEET EAST OF THE WEST LINE OF SAID SECTION 24; THENCE NORTH 88° 28' 54" EAST, 2636.28 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE NORTH 88° 24' 05" EAST, 2545.44 FEET; THENCE SOUTH 32° 33' 15" EAST, 85.48 FEET TO THE WEST RIGHT-OF-WAY LINE OF EDGEWOOD ROAD SW; THENCE SOUTH 02°00' 36" EAST, 2151.98 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 89° 42' 36" WEST, 5229.22 FEET; THENCE NORTH 01° 57' 33" WEST, 2109.54 FEET TO THE POINT OF BEGINNING, CONTAINING 11,320,472 SQUARE FEET OR 259.88 ACRES MORE OR LESS.</p> <p><b><u>Legal Description Tract 2</u></b>                  A TRACT OF LAND LOCATED IN SECTION 19, TOWNSHIP 82 NORTH, RANGE 7 WEST OF THE FIFTH PRINCIPAL MERIDIAN, LINN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:                  COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19, THENCE 42.52 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 01° 59' 21" EAST, 1279.63 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE SOUTH 01° 59' 49" EAST, 275.12 FEET ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 89° 41' 40" EAST, 1286.86 FEET TO THE WEST RIGHT-OF-WAY OF 18TH STREET SW; THENCE SOUTH 01° 57' 44" EAST, 514.69 FEET ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 81° 10' 45" WEST, 874.43 FEET; THENCE SOUTH 89° 42' 36" WEST, 4335.69 FEET TO THE EAST RIGHT-OF-WAY LINE OF EDGEWOOD ROAD SW; THENCE NORTH 02° 00' 36" WEST, 2156.18 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 29° 37' 07" EAST, 55.43 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 76TH AVENUE SW; THENCE NORTH 89° 51' 08" EAST, 2569.06 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE NORTH 89° 39' 57" EAST, 1320.46 FEET CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 9,388,150 SQUARE FEET OR 215.52 ACRES MORE OR LESS.</p>

	<p><b>Legal Description Tract 3</b>                  A PARCEL OF LAND LOCATED IN THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 82 NORTH, RANGE 7 WEST OF THE FIFTH PRINCIPAL MERIDIAN LYING WEST OF THE C.R. &amp; I.C. INTER RAILWAY, LINN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:                  BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF 76TH AVENUE SW AND THE WEST RIGHT-OF-WAY LINE OF THE C.R. &amp; I.C. INTER RAILWAY COMPANY, THENCE SOUTH 07° 13' 24" WEST, 624.42 FEET ALONG SAID WEST RIGHT-OF-WAY TO THE SOUTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89° 37' 21" WEST, 959.81 FEET ALONG SAID SOUTH LINE TO THE EAST RIGHT-OF-WAY LINE OF 18TH STREET SW; THENCE NORTH 01° 57' 44" WEST, 569.18 FEET ALONG SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 43° 49' 35" EAST, 69.73 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 76TH AVENUE SW; THENCE NORTH 89° 37' 23" EAST, 1009.53 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, CONTAINING 623,678 SQUARE FEET OR 14.32 ACRES MORE OR LESS.</p>
<p>Base District:</p>	<p>S-MR, Suburban Mixed Use Regional  <i>(All development shall conform to the requirements of the S-MR district unless specified below)</i></p>
<p>Exceptions and Modifications</p>	<p>Uses (Section 32.03) – Any permitted or conditional use in the I-GI or S-MR district shall be permitted within the Planned Unit Development. A use shall be permitted and not require a conditional use approval if it is permitted within either zone district.</p>

### 3. Hidden Creek/Boyson Road Planned Unit Development

Ordinance Approving PUD	030-18
Rezoning Case Number (Site Plan Reference)	RZNE-026864-2018
Legal Description	Lot 2, Century Communications First Addition in the City of Cedar Rapids, Linn County, Iowa
Base District:	S-MC, Suburban Mixed Use Community Center <i>(All development shall conform to the requirements of the S-MC district unless specified below)</i>
Exceptions and Modifications	Development Services is authorized to grant waivers to Section 32.04 by Minor Design Exception for development which conforms to the Site Plan approved by Ordinance 030-18.

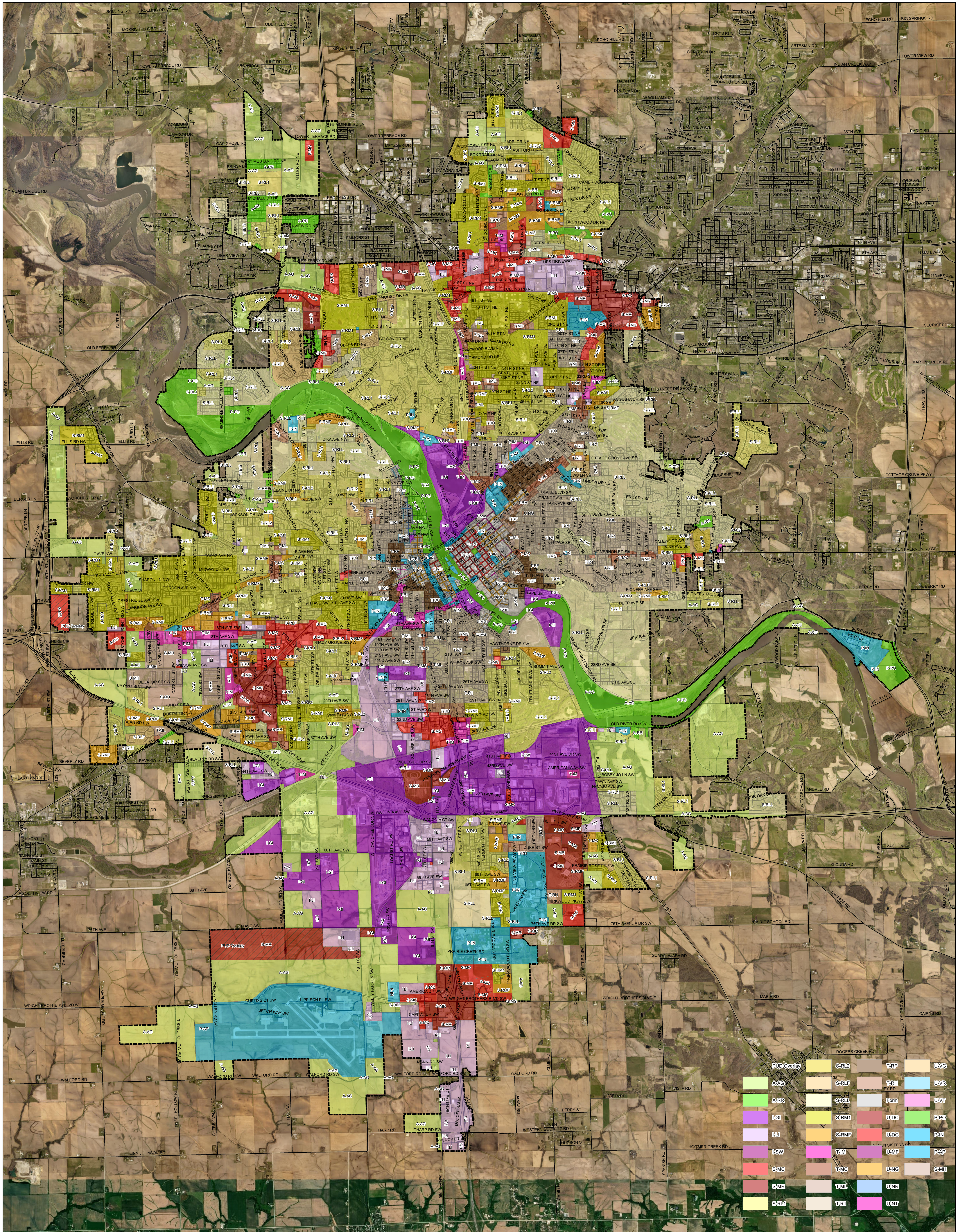
#### 4. Midwest Development/Boyson Road Development Planned Unit Development

Ordinance Approving PUD	026-18
Rezoning Case Number (Site Plan Reference)	RZNE-026379-2018
Legal Description	Lot 2, Century Communications First Addition in the City of Cedar Rapids, Linn County, Iowa
Base District:	S-MC, Suburban Mixed Use Community Center <i>(All development shall conform to the requirements of the S-MC district unless specified below)</i>
Exceptions and Modifications	Development Services is authorized to grant waivers to Section 32.04 by Minor Design Exception for development which conforms to the Site Plan.



## 5. Happel Crossroads Planned Unit Development

Ordinance Approving PUD	043-08
Rezoning Case Number (Site Plan Reference)	RZNE-027364-2018
Legal Description	<p>Parcel A, Plat of Survey No. 1185 as recorded in Book 5814, Pages 538-539 in the Office of the Linn County, Iowa Recorder</p> <p>And</p> <p>Lot 2, Braeburn First Addition to Linn County, Iowa as recorded in Book 6164, Pages 356-399 in the Office of the Linn County, Iowa Recorder</p>
Base District:	<p>S-MC, Suburban Mixed Use Community Center</p> <p><i>(All development shall conform to the requirements of the S-MC district unless specified below)</i></p>
Exceptions and Modifications	<ol style="list-style-type: none"> <li>1. In addition to uses permitted in S-MC, the following uses shall be permitted                         <ol style="list-style-type: none"> <li>a. Single unit detached dwellings</li> <li>b. Single unit attached dwellings</li> <li>c. Two unit dwellings</li> </ol> </li> <li>2. Single unit detached dwellings, single unit attached dwellings and two unit dwellings shall be permitted to develop under the standards of the S-RMF District, this includes any exceptions typically granted to single and two unit development that may otherwise not be granted in the S-MC district.</li> <li>3. All development shall occur in a manner consistent with the site plan, as determined by Development Services:                         <ol style="list-style-type: none"> <li>a. For lots abutting the north property line and the east property line north of the future extension of Underwood Ave SW, only single-unit detached dwellings shall be permitted.</li> <li>b. For lots abutting the east property line south of the future extension of Underwood Ave SW, only Residential Uses shall be permitted</li> </ol> </li> <li>4. Modifications to the site plan which move the boundaries of Areas 1-7, as shown in the site plan, by less than 150 feet may be approved by Minor Design Adjustment</li> <li>5. Modifications to the site plan which move the boundaries of Areas 1-7, as shown in the site plan, by more than 150 feet may be approved by Major Design Adjustment</li> <li>6. Modifications which create new areas or modify approved uses shall be considered an amendment to this Planned Unit Development.</li> </ol>



PUD Overlay			
	AAG		S-RL2
	A-RR		S-RLF
	I-GI		S-RL1
	I-SW		S-RM1
	S-MC		S-RMF
	S-MR		S-RL1
	S-RL1		T-R1
	T-SW		T-R2
	T-M		T-R3
	T-MC		T-R4
	T-M		T-R5
	T-M		T-R6
	T-M		T-R7
	T-M		T-R8
	T-M		T-R9
	T-M		T-R10
	T-M		T-R11
	T-M		T-R12
	T-M		T-R13
	T-M		T-R14
	T-M		T-R15
	T-M		T-R16
	T-M		T-R17
	T-M		T-R18
	T-M		T-R19
	T-M		T-R20
	T-M		T-R21
	T-M		T-R22
	T-M		T-R23
	T-M		T-R24
	T-M		T-R25
	T-M		T-R26
	T-M		T-R27
	T-M		T-R28
	T-M		T-R29
	T-M		T-R30
	T-M		T-R31
	T-M		T-R32
	T-M		T-R33
	T-M		T-R34
	T-M		T-R35
	T-M		T-R36
	T-M		T-R37
	T-M		T-R38
	T-M		T-R39
	T-M		T-R40
	T-M		T-R41
	T-M		T-R42
	T-M		T-R43
	T-M		T-R44
	T-M		T-R45
	T-M		T-R46
	T-M		T-R47
	T-M		T-R48
	T-M		T-R49
	T-M		T-R50
	T-M		T-R51
	T-M		T-R52
	T-M		T-R53
	T-M		T-R54
	T-M		T-R55
	T-M		T-R56
	T-M		T-R57
	T-M		T-R58
	T-M		T-R59
	T-M		T-R60
	T-M		T-R61
	T-M		T-R62
	T-M		T-R63
	T-M		T-R64
	T-M		T-R65
	T-M		T-R66
	T-M		T-R67
	T-M		T-R68
	T-M		T-R69
	T-M		T-R70
	T-M		T-R71
	T-M		T-R72
	T-M		T-R73
	T-M		T-R74
	T-M		T-R75
	T-M		T-R76
	T-M		T-R77
	T-M		T-R78
	T-M		T-R79
	T-M		T-R80
	T-M		T-R81
	T-M		T-R82
	T-M		T-R83
	T-M		T-R84
	T-M		T-R85
	T-M		T-R86
	T-M		T-R87
	T-M		T-R88
	T-M		T-R89
	T-M		T-R90
	T-M		T-R91
	T-M		T-R92
	T-M		T-R93
	T-M		T-R94
	T-M		T-R95
	T-M		T-R96
	T-M		T-R97
	T-M		T-R98
	T-M		T-R99
	T-M		T-R100

Source: City of Dallas, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community